

**ATTACHMENT A – REZONING AMENDMENT APPLICATION**

Application Date: \_\_\_\_\_

Applicant/Agent: T & D ENTERPRISES - TIM WEREDYK

Applicant Email Address: TWEREDYK@GMAIL.COM

Phone # 912-667-8891

Applicant Mailing Address: 1049 LOWGROUND RD

City: GUYTON State: GA Zip Code: 31312

Property Owner, if different from above: CLAYTON MORGAN

*Include Signed & Notarized Authorization of Property Owner*

Owner's Email Address (if known): \_\_\_\_\_

Phone # \_\_\_\_\_

Owner's Mailing Address: 2282 MIDLAND RD

City: GUYTON State: GA Zip Code: 31312

Property Location: LOWGROUND RD & MIDLAND RD

Proposed Road Access: LOWGROUND RD

Present Zoning of Property: AR-1 Proposed Zoning: PD-MR

Tax Map-Parcel # 03500018 Total Acres: 131.90 Acres to be Rezoned: 18.00

Lot Characteristics: UNDEVELOPED WOODLANDS WITH EXISTING POND

**WATER**

\_\_\_\_ Private Well

\_\_\_\_ Public Water System

**SEWER**

\_\_\_\_ Private Septic System

\_\_\_\_ Public Sewer System

If public, name of supplier: N/A

Justification for Rezoning Amendment: PROPOSED SURFACE MINE

List the zoning of the other property in the vicinity of the property you wish to rezone:

North AR-1 South AR-1; I-1 East AR-1; I-1 West AR-1

1. Describe the current use of the property you wish to rezone.

UNDEVELOPED WOODLANDS WITH AN EXISTING POND

---

---

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

NO

---

---

3. Describe the use that you propose to make of the land after rezoning.

PROPOSED SURFACE MINE

---

---

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

SURFACE MINES & UNDEVELOPED WOODLANDS

---

---

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

EXISTING SURFACE MINES LOCATED ON ADJACENT PROPERTIES

---

---

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

NO

---

---

Applicant Signature:



Date

11 14 23



### Surface Mine Checklist

Name of Applicant/Agent T & D ENTERPRISES (TIM WEREDYK)

Phone 912-667-8891 Email TWEREDYK@GMAIL.COM

Location of Surface Mine LOWGROUND RD & MIDLAND RD

Tax map & parcel # 03500018

Total acreage of property 131.90 Acreage to be developed 18.00

GDOT Project? YES/NO Current Zoning AR-1

Proposed Zoning Action:

-Conditional Use in AR-1 or AR-2 (1 – 10ac or GDOT project) \_\_\_\_\_

-Planned Development Mining/Reclamation (greater than 10 ac)

#### TRANSPORTATION & ROAD NETWORK

ROAD OWNERSHIP: CITY/COUNTY/GDOT TRAFFIC STUDY COMPLETED? YES/NO

WETLANDS DELINEATION COMPLETED? YES/NO

FLOOD ZONE: X

**ADDITIONAL INFORMATION:**

1. ACCESS SHALL BE OFF OF LOWGROUND RD.
2. NO TIA IS REQUIRED PER PRE-APP MEETING.
3. HOURS OF OPERATION: 8AM - 5PM (CURRENT); 7AM - 5PM (PROPOSED)
4. EXISTING PREVIOUSLY PERMITTED SURFACE MINE LOCATED ON PROPERTY.



3.17.3A Requirements for approval and final inspection.

For any excavation activity between one (1) acre and ten (10) acres that is approved as a **conditional use in AR-1 or AR-2**, and requires a state mining permit, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required.

Excavation activities shall cease within three (3) years of DNR or GDOT approval date.

Extension of excavation activities beyond three (3) years will require approval by the board of commissioners, after review by the planning board.

Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine.

Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.

For any excavation activity greater than one (1) acre that requires a state mining permit and is permitted in **PD-MR**, or is a GDOT approved borrow-source or pit for a GDOT-approved project, the bond shall be submitted to DNR, if required.

Excavation activities shall cease within five (5) years of DNR or GDOT approval date.

Extension of excavation activities beyond five (5) years shall require approval by the board of commissioners, after review by the planning board.

Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine.

Applicant shall submit a survey of the completed excavation site to Development Services. A final inspection is required. All DNR reclamation requirements shall be met.

3.17.4 Construction requirements.

1. All projects must comply with best management practices as outlined in the "Manual for Soil and Sediment Control in Georgia" as specified in O.C.G.A. § 12-7-6.
2. Side slopes of any excavated area must be constructed at a 3:1 slope (one foot in elevation change per three feet of horizontal distance) from the top of the excavation to the bottom at all times during construction and at completion of the excavation.
3. All disturbed areas will have a permanent stand of grass established at completion.
4. No digging and hauling activities shall take place except between the hours of 8:00 am and 5:00 pm Monday through Friday. A project of regional significance may be permitted alternative hours of operation, upon review and approval by the County Manager or his designee.
5. Unless a pond/excavation is to be shared by two or more parcels it shall be located at least 50 feet from the nearest property line. Excavations shall not be nearer than 100 feet to any school, church, dwelling, or highway right-of-way. This section shall serve as the buffer requirements for surface mining operations:
6. The limits of excavation of the pond shall be located at a distance from the nearest access easement or utility easements, as follows:
  - a. For pond depths of 10' or less, the limits of excavation of the pond shall be 20' from the nearest access easement or utility easement; and
  - b. For every additional 5' depth of pond, the additional distance from the nearest access easement or utility easement shall be 10'.
7. All wetland impacts must be approved by the USACE.
8. The construction` entrance and roadway shall be designed and built pursuant to GSWCC Construction Exit guidance (2016 Edition). The roadway shall extend a minimum of 50 (fifty) feet into the mine site from the paved entrance.

#### 5.15.7.9 Mining and Reclamation (PD-MR)

Characteristics and intent: It is the intent of the PD-MR district to accommodate development of commercial surface mining operations that meet the requirements of GA Rule 391-3-3 Surface Mining. The surface mine operations shall not adversely affect the ecology of the area; the use and enjoyment of surrounding properties; or the condition or safety of county roads used in connection with surface mine operations. Upon a timely conclusion of surface mine operations, the site shall be permanently reclaimed pursuant to the approved Mining Land Use Plan (MLUP), and established as a lake.

Surface mining operations shall comply with all relevant guidance from the Department of Natural Resources (DNR), including submission of the Surety Bond, Annual Status Reports, and amendments, as necessary, to the approved permit or MLUP. Maintenance of both active and inactive surface mining sites is required. Copies of all submittals shall be submitted to Development Services at the same they are submitted to DNR.

In advance of an application for a permit from DNR, the applicant shall meet with Development Services and develop a PD-MR document. The completed PD-MR document shall be submitted to Development Services, along with an application for rezoning. The application must also include a draft mining permit application and MLUP; a site plan detailing proposed buffers and berms, as needed; hours of operation; a statement granting an authorized representative of Effingham County the right of entry and travel upon affected lands; and such other information as is requested by Development Services. Following rezoning approval, the approved mining permit shall be submitted to Development Services before mining operations commence. The Annual Status Report shall be submitted each year to Development Services at the same time that it is submitted to DNR. Any approvals for permit or MLUP amendments, or changes in active status, shall be submitted to Development Services before amended mining operations proceed.

Requirements: Commercial surface mine operations are subject to section 5.12.4 Performance Standards, section 3.17.5 Surface Mine Operations—Road Maintenance Requirements, and section 74-8 Designated Truck Routes. A Traffic Impact Assessment may be required by the county engineer. Business operator shall maintain an annual occupation tax certificate, pursuant to Article II – Business and Occupation Tax, for a license to operate a surface mine. The property on which the surface mine is proposed shall have frontage on a paved road built to county or GDOT standards / designated truck route. No surface mine operators, transportation partners, customers, etc., shall damage any portion of a county road or right-of-way or cause a road to become impassable or unsafe to normal passenger traffic.





© 2023 Microsoft Corporation. © 2023 Maxar. © CNES. 2023. All rights reserved.

PROJECT NO.:	22-9999
DRAWN BY:	MDM
DESIGNED BY:	MDM
SURVEYED BY:	-
CHECKED BY:	MDM
DATE:	MARCH 2023

GRAPHIC SCALE: 1" = #####'
0'

**REZONING EXHIBIT**

**CLAYTON MORGAN SURFACE MINE**  
**MIDLAND RD & LOWGROUND RD**  
**EFFINGHAM COUNTY, GEORGIA**

Prepared for:  
**T & D ENTERPRISES**

**EMC ENGINEERING SERVICES, INC.**  
 10 Chatham Center S.  
 Suite 100  
 Savannah, GA 31405  
 Phone: (912) 232-6533  
 Fax: (912) 232-4650  
 Email: [savannah@emc-eng.com](mailto:savannah@emc-eng.com)  
 Website: [www.emc-eng.com](http://www.emc-eng.com)

ALABAMA, ALASKA, ARIZONA, CALIFORNIA, COLORADO, CONNECTICUT, FLORIDA, GEORGIA, ILLINOIS, INDIANA, IOWA, KANSAS, KENTUCKY, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MISSISSIPPI, MISSOURI, MONTANA, NEBRASKA, NEVADA, NEW YORK, NORTH CAROLINA, NORTH DAKOTA, OHIO, OKLAHOMA, PENNSYLVANIA, RHODE ISLAND, SOUTH CAROLINA, TEXAS, UTAH, VERMONT, VIRGINIA, WASHINGTON, WEST VIRGINIA, WISCONSIN, WYOMING





27 Chatham Center South Dr.  
Suite A  
Savannah, GA 31405  
Phone: (912) 232-6533  
Fax: (912) 233-4580  
www.emc-eng.com

Effingham Board of Commissioners  
804 South Laurel Street  
Springfield, GA 31329

RE: CLAYTON MORGAN SURFACE MINE  
Lowground Road & Midland Road (PIN 03500018)  
EMC Project #23-0056

To Whom It May Concern:

The purpose of this letter is to grant an authorized representative of Effingham County the Right of Entry and travel upon the affected lands for the above referenced surface mining project.

Sincerely,

A handwritten signature in blue ink, appearing to read 'M. Douglas Morgan', is written over a faint horizontal line.

M. Douglas Morgan  
Sr. Associate



# 350-18





350-18



5/1/2023

1:18,056

0 0.13 0.25 0.5 mi

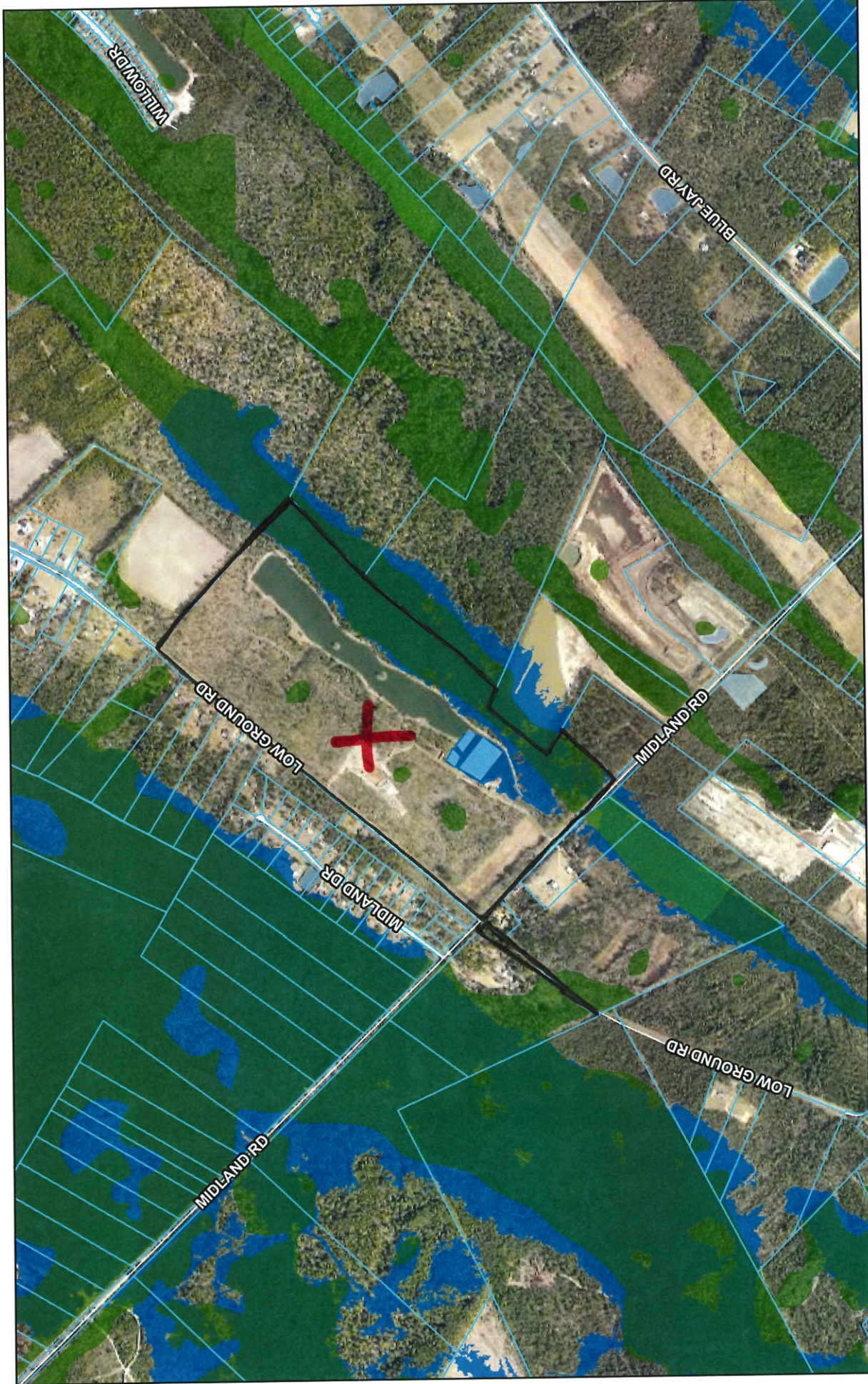
0 0.2 0.4 0.8 km

Esri, HERE, Garmin, INCREMENT P, USGS, METI/  
NASA, EPA, USDA

- Tax Parcel Labels Future Land Use - Plan Date 10/1/2019
- Tax Parcels
- Roads
- Residential
- Transportation/Utilities
- Undeveloped
- Agriculture
- Conservation/Recreation
- Efn\_fin\_cache
- Red: Band\_1
- Green: Band\_2



350-18

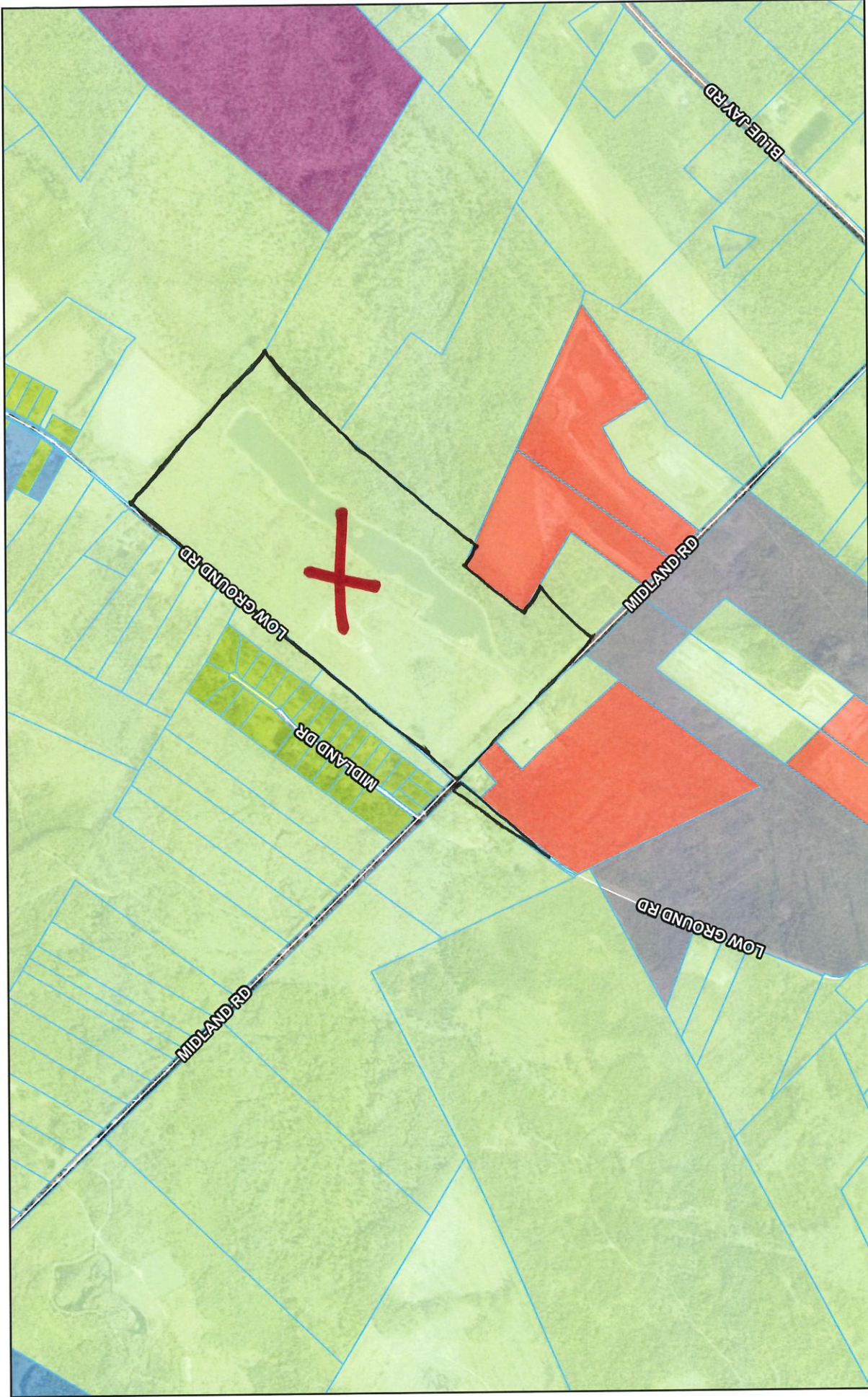


1:18,056  
0 0.13 0.25 0.4 0.5 mi  
0 0.2 0.4 0.8 km  
Effingham County BOC, Esri, HERE, Garmin, INCREMENT P, USGS, METI/  
NASA, EPA, USDA

- 5/1/2023
- Tax Parcel Labels
- Tax Parcels
- Roads
- Wetlands
  - Freshwater Emergent Wetland
  - Freshwater Forested/Shrub Wetland
- Freshwater Pond
- FEMA Flood Zone
  - A
- Riverine



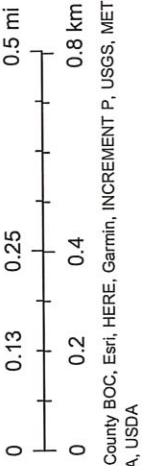
350-18



5/8/2023

- Tax Parcel Labels
- Tax Parcels
- Roads
- Effingham County Zoning
- R-1
- AR-1
- AR-2
- Other
- I-1
- PD
- Efn\_fin\_cache
- Red: Band\_1
- Green: Band\_2

1:18,056



Esri, HERE, Garmin, INCREMENT P., USGS, METI, NASA, EPA, USDA



EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL X . DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **Tim Weredyk as Agent for Clayton Morgan – (Map # 350 Parcel # 18)** from AR-1 to PD zoning.

- Yes  No? 1. Is this proposal inconsistent with the county’s master plan?
- Yes  No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes  No? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- Yes  No? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes  No? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- Yes  No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes  No? 7. Are nearby residents opposed to the proposed zoning change?
- Yes  No? 8. Do other conditions affect the property so as to support a decision against the proposal?

*JKS*



EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL \_\_\_\_\_

DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **Tim Weredyk as Agent for Clayton Morgan – (Map # 350 Parcel # 18)** from AR-1 to PD zoning.

*DB*

- Yes No ? 1. Is this proposal inconsistent with the county’s master plan?
- Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- Yes No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes No ? 7. Are nearby residents opposed to the proposed zoning change?
- Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ✓

DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **Tim Weredyk as Agent for Clayton Morgan – (Map # 350 Parcel # 18)** from AR-1 to PD zoning.

Yes  No ? 1. Is this proposal inconsistent with the county’s master plan?

Yes  No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes  No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No ? 7. Are nearby residents opposed to the proposed zoning change?

Yes  No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

AZ



EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL X DISAPPROVAL \_\_\_\_\_

Of the rezoning request by applicant **Tim Weredyk as Agent for Clayton Morgan – (Map # 350 Parcel # 18)** from AR-1 to PD zoning.

Yes  No? 1. Is this proposal inconsistent with the county’s master plan?

Yes  No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes  No? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No? 7. Are nearby residents opposed to the proposed zoning change?

Yes  No? 8. Do other conditions affect the property so as to support a decision against the proposal?

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL     *RET*     DISAPPROVAL                     

Of the rezoning request by applicant **Tim Weredyk as Agent for Clayton Morgan – (Map # 350 Parcel # 18)** from AR-1 to PD zoning.

- Yes  No ? 1. Is this proposal inconsistent with the county’s master plan?
- Yes  No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?
- Yes  No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?
- Yes  No ? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?
- Yes  No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?
- Yes  No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?
- Yes  No ? 7. Are nearby residents opposed to the proposed zoning change?
- Yes  No ? 8. Do other conditions affect the property so as to support a decision against the proposal?

*RET*