Land Use Change LU19010001
Rezone Z19010002
Staff Analysis

Commission District: 4 Bradford

Planning Commission Hearing Date: 02-07-2019 – Tabled to 3/7/2019
Board of Commissioners Hearing Date: 04/02/2019

Parcel ID: Map C2000001D00 **Acreage: 370+ acres**

Applicant:

William Marie, LLC

P.O. Box 1770
Monroe, GA 30655

Owner:

Timbervest Partners III Georgia, LLC

P.O. Box 3610
Albany, GA 31706

Property Location: GA Hwy 186 & Jones Wood Road

Current Character Area: Rural Residential

Current Zoning: A1

Request: Rezone from A1 to M2 to allow for a dirt borrow pit operation and change Land Use from Rural Residential to M2 with Conditional Use-Mining.

NAICS Code	Principal Uses	Suppl. Reg	A	A1	A2	R1	R2	R3	MHP	OI	B1	B2	B3	TC	MUBP	M1	M2
	MINING	(3)															
211, 212, 213	Mining, Oil and Gas Extraction, Quarry	Yes															C

Staff Comments/Concerns:

Site Analysis: The 370+ acre tract of land is located at GA Hwy 186 & Jones Wood Road. The surrounding properties are zoned A1 and A.

Zoning History: None

Character Area: The character area for this property is Rural Residential.

Comments and Recommendations from various Agencies:

Public Works: No comment received

Sheriffs' Department: Will only cause a minimal increase of truck traffic according to the application.

Water Authority: There is no existing WCWD water main along Hwy 186 and Jones Woods Road serving the subject property.

Fire Department: No comment received

Fire Code Specialist: No affect

Board of Education: No affect

Development Inspector: No comment received

DOT Comments: This rezoning request would require GDOT coordination.

Archaeological Information: No comment received

PC ACTION 2/7/2019:

1. **Land Use Amendment LU19010001 & Rezone Z19010002– Land Use Change from Rural Residential to M2 with Conditional Use-Mining and Rezone 370+ acres from A1 to M2 for a dirt borrow pit operation -Applicant: William Marie LLC/Owner: Timbervest Partners III Georgia LLC - Property located on GA Hwy 186 & Jones Wood Rd - Map/Parcel C2000001D00 - District 4.**

Presentation: Chairman Kemp addressed the Commission and audience stating that the Planning and Development Department received a letter from Paul Rosenthal, legal counsel for the applicant, on this request asking that the case be tabled until next month. Mr. Kemp read the letter which stated the reasons for the request, one reason being they are trying to work with the neighborhood to address their concerns, another reason is that the findings of the DRI were just received and they would like to have time to see how those issues need to be addressed, lastly there was an error in the estimated truck traffic count that needs to be corrected.

Speaking: None

Recommendation: Brad Bettis made a motion to table the case until next month with a second by Pete Myers. The motion carried unanimously.

Character Area Map Amendment

Application # LU19010001

Planning Comm. Meeting Date 2/7/2019 at 6:00PM held at **WC Board of Comm. Meeting Room**

Board of Comm. Meeting Date 3/5/2019 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Please Type or Print Legibly

Map/Parcel C2000001D00

Applicant Name/Address/Phone #

William Marie, LLC

Post Office Box 1770

Monroe, Georgia 30655

Phone # 770-267-2503

Property Owner Name/Address/Phone

Timbervest Partners III Georgia, LLC

Post Office Box 3610

Albany, Georgia 31706

(If more than one owner, attach Exhibit "A")

Phone # 770-628-0700

E-mail Address: plr@prestonmalcom.com

Location: GA Hwy 186 & Jones Wood Rd. Acreage 370+/-

Existing Character Area: Rural Residential

Proposed Character Area: Highway Corridor

Is this a Major or Minor amendment to the plan? No

Note: Major amendments to the plan DO NOT become effective until approved by RDC and DCA

Is the property located within a watershed protection overlay district? No

Proposed Development: ____Single-family ____ Multi-family ____Commercial X Industrial

Proposed Zoning: M2 with Conditional Use-Mining Number of Lots: N/A Minimum Lot Size: N/A

Public Sewer: X Provider: N/A Septic Tank: ✓

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature ATTORNEY FOR APPLICANT Date 1/3/2019 $ 200.00 Fee Paid

Rezone Application # Z19010002

Planning Comm. Meeting Date 2/7/2019 at 6:00PM held at **WC Board of Comm. Meeting Room**

Board of Comm Meeting Date 3/5/2019 at 6:00PM held at **WC Historical Court House**

You or your agent must be present at both meetings

Map/Parcel C2000001D00

Applicant Name/Address/Phone #

William Marie, LLC

Post Office Box 1770

Monroe, Georgia 30655

Phone # 770-267-2503

Property Owner Name/Address/Phone

Timbervest Partners III Georgia, LLC

Post Office Box 3610

Albany, Georgia 31706

(If more than one owner, attach Exhibit "A")

Phone # 770-628-0700

Location: GA Hwy 186 & Jones Wood Rd. Requested Zoning M2 with Conditional Use-Mining Acreage 370 +/-

Existing Use of Property: Planted Pine Timbers

Existing Structures: None.

The purpose of this rezone is to allow for a dirt borrow pit operation to be conducted on the property for a limited period of time. No blasting or rock mining of any type.

Property is serviced by:

Public Water: None Provider: N/A Well: X

Public Sewer: None Provider: N/A Septic Tank: X

The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development Ordinance.

Signature ATTORNEY FOR APPLICANT Date 1/3/2019 $900.00 Fee Paid

Public Notice sign will be placed and removed by P&D Office

Signs will not be removed until after Board of Commissioners meeting

Office Use Only:

Existing Zoning A1 Surrounding Zoning: North A1 South A1 East A1 A West A1

Comprehensive Land Use: Rural Residential ***DRI Required?*** Y V N # 2898

Commission District: 4 Watershed: N/A

I hereby withdraw the above application _____ Date _____

AUTHORIZATION
BY PROPERTY OWNER

I swear that I am the property owner of the property which is the subject matter of the attached Petition for Rezoning/Conditional Use Application, as is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant: William Marie, LLC

Address: Post Office Box 1770, Monroe, Georgia 30655

Telephone: 770-267-2503

Location of Property: GA Hwy 186 & James Wood Road

370 +/- Acres

Map/Parcel Number: C2000001D00

Current Zoning: A1 Requested Zoning: M2 with Conditional Use- Mining

Mark Falley
Property Owner Signature

Property Owner Signature

Print Name: Timbervest Partners III Georgia, LLC
C/o Domain Capital Group
1230 Peachtree St NE, Ste 3500
Address: Atlanta, GA 30309-3551

Phone #: 404-848-7558

Print Name:

Address:

Phone #:

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.

Notary Public

Dec 18, 2018
Date

AUDREY L.L. ROWE NOTARY PUBLIC FULTON COUNTY, GEORGIA My Commission Expires 05-03-2019

Article 4, Part 4, Section 160 Standard Review Questions:

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

   To the North the Subject Property is surrounded by large vacant timber tracts and large estate lots with large single-family residences and accessory structures.
   To the South the Subject Property is surrounded by the Hanson Rock Quarry facility.
   To the West the Subject Property is surrounded by large vacant timber tracts owned and controlled by the owner of the Subject Property.
   To the East the Subject Property is surround by medium to large residential tracts with single family residences and accessory structures.
   The general character of the surrounding area is very rural with heavy tree cover on most all parcels in the immediate vicinity.

2. The extent to which property values are diminished by the particular zoning restrictions;

   The existing zoning classification limits development of the Subject Property to very limited agricultural uses only. Allowing the requested rezone will allow the Subject Property to realize full economic potential while still protecting and preserving the rural timberland character of the Subject Property on a long term basis.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

   The requested rezoning of the Subject Property along with the intended use of the property for a soil borrow pit for a limited period of time will not cause any long-term negative impacts on the surrounding area. With the planned phasing of the borrow pit operation and the long-term plan to return the Subject Property to planted pine timbers, the requested rezone will essentially result in the property remaining in the same condition as it sits today, in perpetuity.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

There is little gained to the public in denying this rezone request given that the requested rezone and short-term planned borrow pit use of the Subject Property will actually insure that the property remains a stand of trees for timber harvesting in perpetuity. Once the soils have been harvested from the property the only functional use of the property will be for a timber stand.

5. The suitability of the subject property for the zoned purposes; and

The Subject Property is properly suited for its intended use both in the short term and in the long-term. The property sits on a State Highway in a very rural corner of the county. Operating a short-term soil borrow pit operation on the property in phases for a limited period of time is a reasonable use of this large timber tract. Additionally, given that the Subject Property and large parcels surrounding the Subject Property are and have been timber harvest tracts for extended periods of time, allowing this rezone request will insure that on a long-term basis the property will remain a timber tract in perpetuity.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

The property has always been an undeveloped dense timber tract. This is an appropriate long-term use of the property given the surrounding area in this rural corner of the county.

William Marie LLC

Rezone Request

Map/Parcel ID# C2/1D

370 Acres off Hwy 186/Jones Wood Road

Letter of Intent & Project Overview

William Marie, LLC, a local concern, seeks to rezone this 370.05 acre parcel located at the intersection of GA HWY 186 and Jones Wood Road from A-1 to M-2 With Conditional Use Permit for Mining. The purpose of this rezone request is to allow for a soil borrow pit operation to be conducted on the Property over the immediate short-term period with the property reverting to a planted managed stand of timber on a long-term basis.

The rezone request sounds like a request for a very intensive use on the property akin to actual mining of rock or minerals. However, this is simply not the case. The Applicant seeks to harvest good soils from the property in a borrow pit operation that can be used by road contractors and other commercial users in the north Georgia area. To remove the usable soils from the property, the zoning classification requires a Conditional Use Permit for Mining under the M2 Zoning Classification. While the removal of soils from the Property technically falls under the definition of mining in the WCLDO, the process itself really is not mining at all. The intended use of creating a soil borrow pit on the property will involve no blasting or traditional mining whatsoever.

The intended use of this property calls for a soil borrow pit to be installed on the property and over the next 10 years approximately, remove the useable subsurface soils from the property. Topsoil on the property will remain as needed as part of the process of replanting the property in pine timbers. During this process no more than 25% percent of the 370 acre parcel will be disturbed at any one time. That means that during this approximate 10 year period of harvesting the soils, at all times more than 277 acres of the total 370 acre parcel will remain vacant old growth or new growth timberland. Additionally, the project will have a 100 foot undisturbed buffer around the entirety of the property to shield the actual borrow pit operations from public view. There will be only one entrance to the project located directly across Hwy 186 from the entrance to the Hanson Aggregates complex. The applicant will make any intersection improvements needed and will make the entrance to the project off Hwy 186 screened appropriately and landscaped professionally. The project will not have a lot of foot traffic or vehicular traffic coming to the site either on a regular basis. When the borrow pit is under full swing operations it will only have 2-3 regular employees at the site and the average truck count coming to and from the site will be 10-20 trucks per day in and out.

The long-term impact of this project on the property and the surrounding area will be very minimal because when the borrow pit operations are complete in approximately 10 years, the property will be replanted in its entirety (except in the undisturbed buffers around the perimeter of the property and around the stream areas) in new growth managed pine timbers. Essentially, the property will return to exactly what it is today, a large, unoccupied stand of timber. The only difference will be the topography, in that the elevation will be lowered slightly due to the useable subsurface soils having been removed.

The entirety of the project is subject to the approval, oversight and regulation by the Georgia Department of Natural Resources/Environmental Protection Division. This extra layer of regulatory oversight by the State EPD office provides additional assurances that the operations of this borrow pit will be conducted in a safe and non-intrusive manner to surrounding properties.

The Applicant is certainly willing to place reasonable conditions and limitations on the scope of the operations of the borrow pit to address any of the reasonable concerns of the surrounding property owners and the county officials.

William Marie LLC

Rezone Request

Map/Parcel ID# C2/1D

370 Acres off Hwy 186/Jones Wood Road

Development of Regional Impact Application Supplemental Responses

Under the WCLDO, Article 8, Section 120(A)(3), the ordinance calls for a conceptual site plan to be submitted showing future building plans for all contiguous parcels under common ownership. There are 6 adjacent parcels comprising a total of 1,923.75 acres all owned by the owner of the Subject Property, Timbervest Partners III Georgia, LLC. These remaining 1,923.75 acres owned by Timbervest Partners III Georgia, LLC are currently being managed as commercial timberlands. Accordingly, there are no conceptual plans available for the adjoining parcels.

Preston & Malcom
ATTORNEYS AT LAW

RUSSELL P. PRESTON
R. MICHAEL MALCOM
PAUL L. ROSENTHAL
SALLY S. JARRATT
JESSE S. COUCH

From the desk of
Paul L. Rosenthal, Esq.

plr@prestonmalcom.com

January 3, 2019

VIA HAND DELIVERY

Hon. Kevin Little, Chairman
& District Commissioners
Walton County Board of Commissioners
303 South Hammond Drive, Suite 330
Monroe, Georgia 30655

Re: Rezone Application No.: Z-_____
Applicant: William Marie, LLC
Rezoning: A-1 to M-2 with Conditional Use-Mining

Dear Honorable Chairman and Board of Commissioners,

The Petitioner in the above referenced case has requested a rezone from A-1 to M-2 with Conditional Use- Mining for 370.05 acres located off of Georgia Highway 186 and Jones Wood Road for a Conditional Use Permit for Mining.

The purpose of this rezone request is to allow for a soil borrow pit operation to be conducted on the Property over the immediate short-term period with the property reverting to a planted managed stand of timber on a long-term basis.

Petitioner contends that the current zoning of A-1 prohibits any practical development of the property. Therefore, the Petitioner is requesting this current rezone request. If the Board of Commissioners grants the request, it will insure compatibility with the adjacent property owners and the area in general. The Petitioner is unaware of any benefit to the public health, safety, morality or welfare of the community that would be served by denying this application for the requested rezone.

110 Court Street
Post Office Box 984
Monroe, Georgia 30655
www.prestonmalcom.com
770.267.2503 • Real Estate Fax 770.267.3596 • Litigation Fax 770.267.2899

Denying this request would violate Article I, Section I, Paragraph I of the Georgia Constitution of 1983 on grounds that the denial would constitute an abuse of police power, in that the action would bear no substantial relationship to the public health, safety, morality or general welfare, hence it would constitute a deprivation of property without due process of law. In addition, the Fifth and Fourteenth Amendments of the United States Constitution would be violated by denying the rezone request.

The existing zoning of the property is unconstitutional, in that it renders the property unusable and destroys the marketability of the property, therefore constituting a taking of property without just compensation and without due process of law, in violation of the Fourteenth Amendment of the United States Constitution as well as Article I, Section I, Paragraph II of the Constitution of Georgia of 1983.

This notice is filed for the purpose of allowing the Walton County Board of Commissioners to grant the Petitioner's rezone request and be in compliance with the State and Federal Constitutions. This notice is further provided to preserve the Petitioner's rights to challenge any denial of the application as required. See Cobb Cty. Bd. of Comm'rs v. Poss, 257 Ga. 393 (1987); Dekalb Co. v. Bremby, 252 Ga. 510 (1984).

This letter is respectfully submitted in accordance with Georgia law to preserve the rights of the Petitioner and is submitted at the earliest possible time, contemporaneously with the application for rezone, to enable the Walton County Board of Commissioners to correct any zoning problems with the above referenced property and petition.

With kind regards,

I am,



Paul L. Rosenthal, Esq.

PLR/jlj
cc: William Marie, LLC

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LEGEND

P.E.	-	PERMANENT EASEMENT
C.E.	-	CONSTRUCTION EASEMENT
S.E.	-	SANITARY SEWER EASEMENT
-S-	-	SANITARY EASEMENT
R.W.	-	HEADWALL
C.B.	-	CATCH BASIN
S.P.B.	-	SITE PLAN BENCHMARK
R/W	-	RIGHT OF WAY
D.E.	-	DRAINAGE EASEMENT
U.L.	-	UNDERGROUND LINE
P.	-	PAVING
C.F.	-	CONCRETE FILL
C.M.P.	-	CORRUGATED METAL PIPE
L.L.	-	LAND LOT
L.L.L.	-	LAND LOT LINE
C.L.	-	CENTERLINE
M.H.	-	MANHOLE
⊙	-	FIRE HYDRANT
——⋈——	-	WATER VALVE
E.C.D.	-	CONCRETE MONUMENT, CAPPED
I.P.P.	-	IRON PIN FOUND
I.P.S.	-	IRON PIN SET
LMP	-	MITE MONUMENT
▲	-	BOUNDARY
▲	-	TRIANGLE
----	-	EXISTING GRADE
——6883——	-	FINISHED GRADE
CM.	-	CONSTRUCTION JOINT

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 37588 FEET AND AN ANGULAR ERROR OF 3 PER ANGLE POINT AND WAS ADJUSTED BY THE COMPASS RULE.....

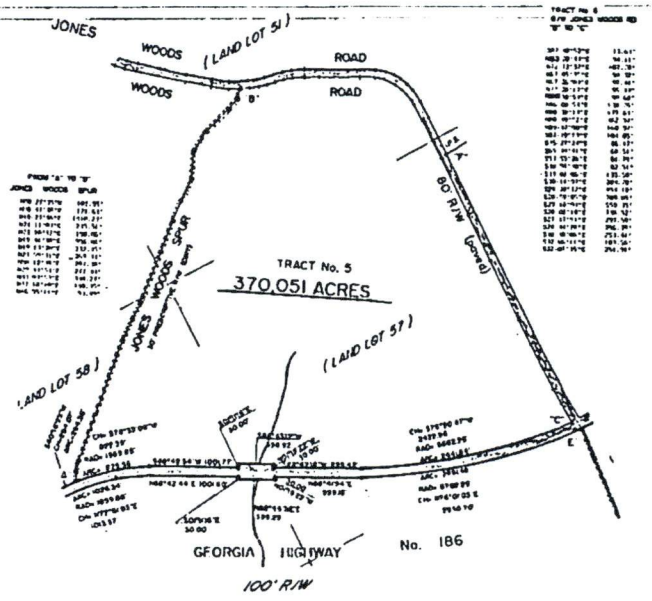
2. THE DATA SHOWN ON THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO WITHIN ONE FOOT IN COMPASS FEET.....

3. THE LINEAR MEASUREMENTS NECESSARY FOR THIS SURVEY WAS OBTAINED BY USING SET 4 TOTAL STATION.....

4. THE _____ SHOWN ON THIS PLAT _____ LAY IN A DESIGNATED F.I.A. FLOOD HAZARD ZONE.....

FILED
PLAT BOOK 14 PAGE 51
KATHY K. KEESEE
CLERK SUPERIOR COURT
WALTON COUNTY, GEORGIA

GRID NORTH



0 1000 2000 3000 4000 5000
GRAPHIC SCALE

SURVEY FOR

JONES WOODS

STATE	COUNTY	CITY	G.M.D.
GEORGIA	WALTON		RICHARDSON
2ND DISTRICT	51 57 & 58 LAND LOT	1" = 1000' SCALE	7/20/89 DATE

WALTON COUNTY, STATE OF GEORGIA
REGISTERED
WALTON COUNTY SURVEYOR
LAND SURVEYOR NO. 2157
JOHN F. BREWER

John F. Brewer & Associates
LAND SURVEYORS, LAND PLANNERS
DEVELOPMENT SUPERVISION

107 Davis Street
Monroe, GA. 30655
(404) 267-4703

SEP 06 1989, 19—
RECORDED: _____
KATHY K. KEESEE, CLERK

DATE	NO.	DESCRIPTION

RELEASE

C19253
PROJECT NO.

CONCEPT PLAN

SHEET TITLE

DESIGN | DRAWN | CHECKED

WILLIAM-MARIE,LLC
SR 186 BORROW PIT SITE

PRECISION Planning Inc.
planners • engineers • architects • surveyors
400 Pike Boulevard, Lawrenceville, Ga 30046
770.338.8000 • www.ppi.us

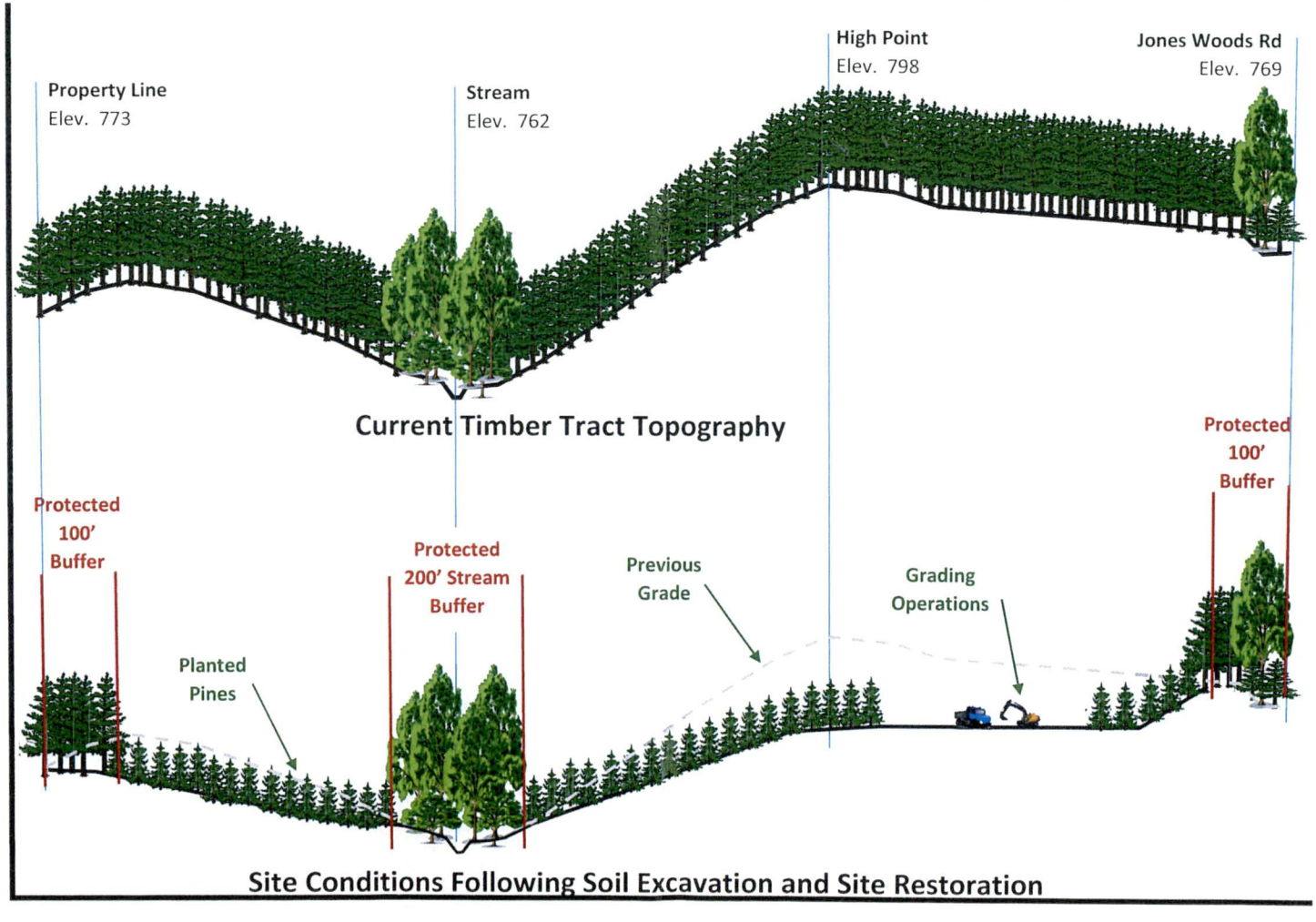
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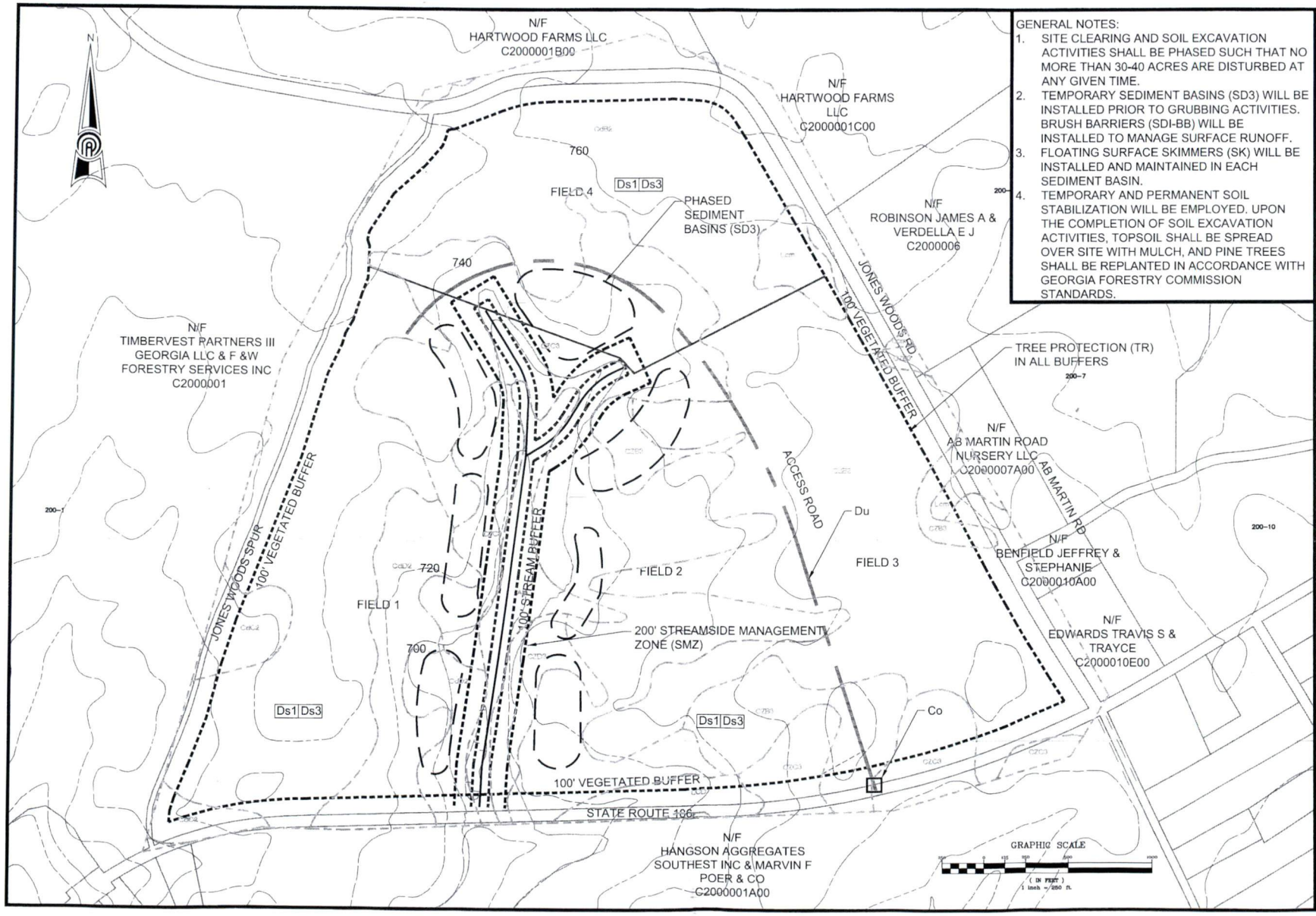
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William-Marie, LLC – State Route 186 Borrow Pit Site Profiles





GENERAL NOTES:

1. SITE CLEARING AND SOIL EXCAVATION ACTIVITIES SHALL BE PHASED SUCH THAT NO MORE THAN 30-40 ACRES ARE DISTURBED AT ANY GIVEN TIME.
2. TEMPORARY SEDIMENT BASINS (SD3) WILL BE INSTALLED PRIOR TO GRUBBING ACTIVITIES. BRUSH BARRIERS (SDI-BB) WILL BE INSTALLED TO MANAGE SURFACE RUNOFF.
3. FLOATING SURFACE SKIMMERS (SK) WILL BE INSTALLED AND MAINTAINED IN EACH SEDIMENT BASIN.
4. TEMPORARY AND PERMANENT SOIL STABILIZATION WILL BE EMPLOYED. UPON THE COMPLETION OF SOIL EXCAVATION ACTIVITIES, TOPSOIL SHALL BE SPREAD OVER SITE WITH MULCH, AND PINE TREES SHALL BE REPLANTED IN ACCORDANCE WITH GEORGIA FORESTRY COMMISSION STANDARDS.

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planners • engineers • architects • surveyors
400 Pike Boulevard, Lawrenceville, Ga 30046
770.338.8000 • www.ppi.us

PRELIMINARY EROSION CONTROL PLAN

CONCEPT PLAN

SHEET TITLE

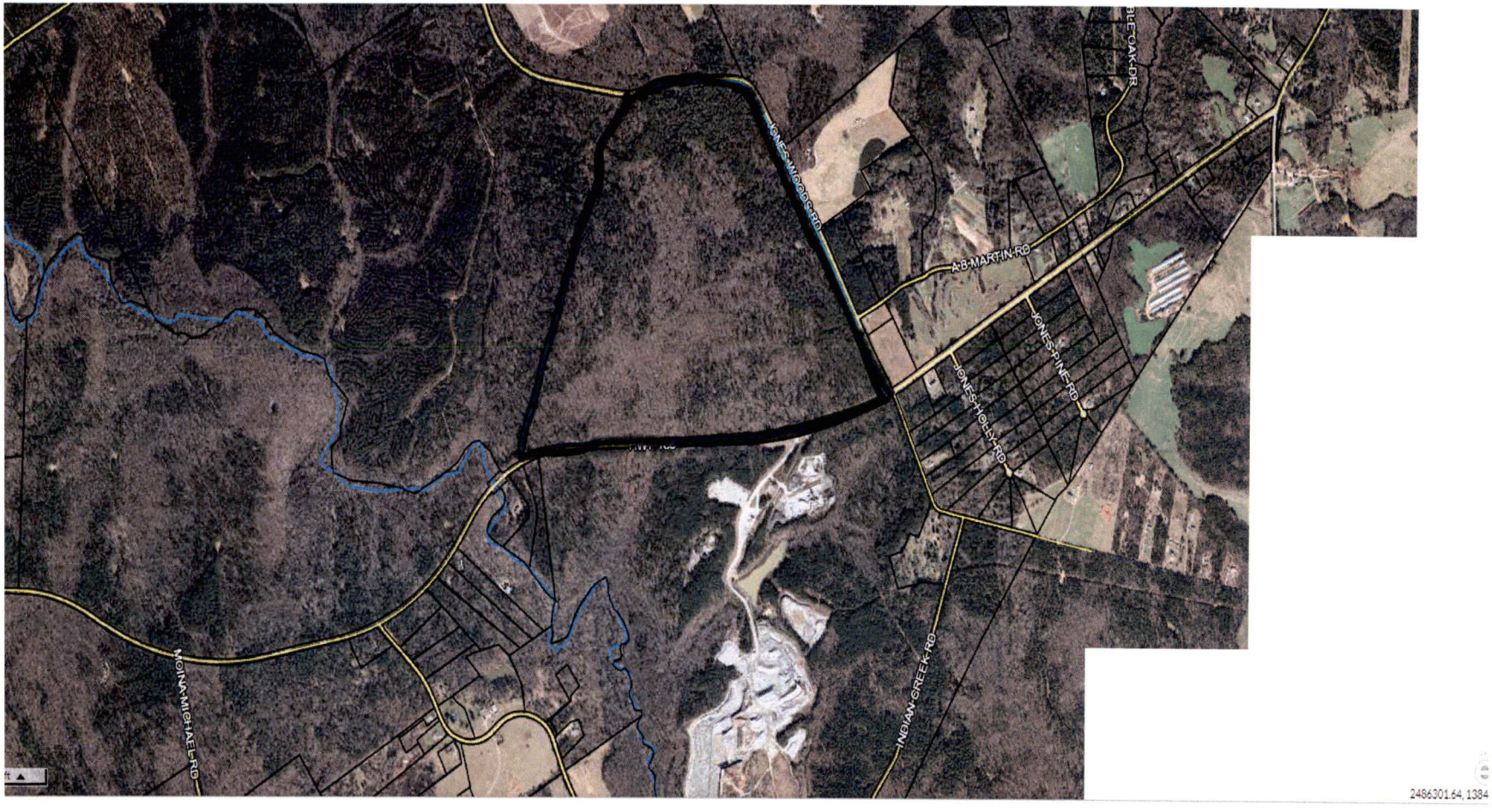
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NO.	DESCRIPTION	DATE

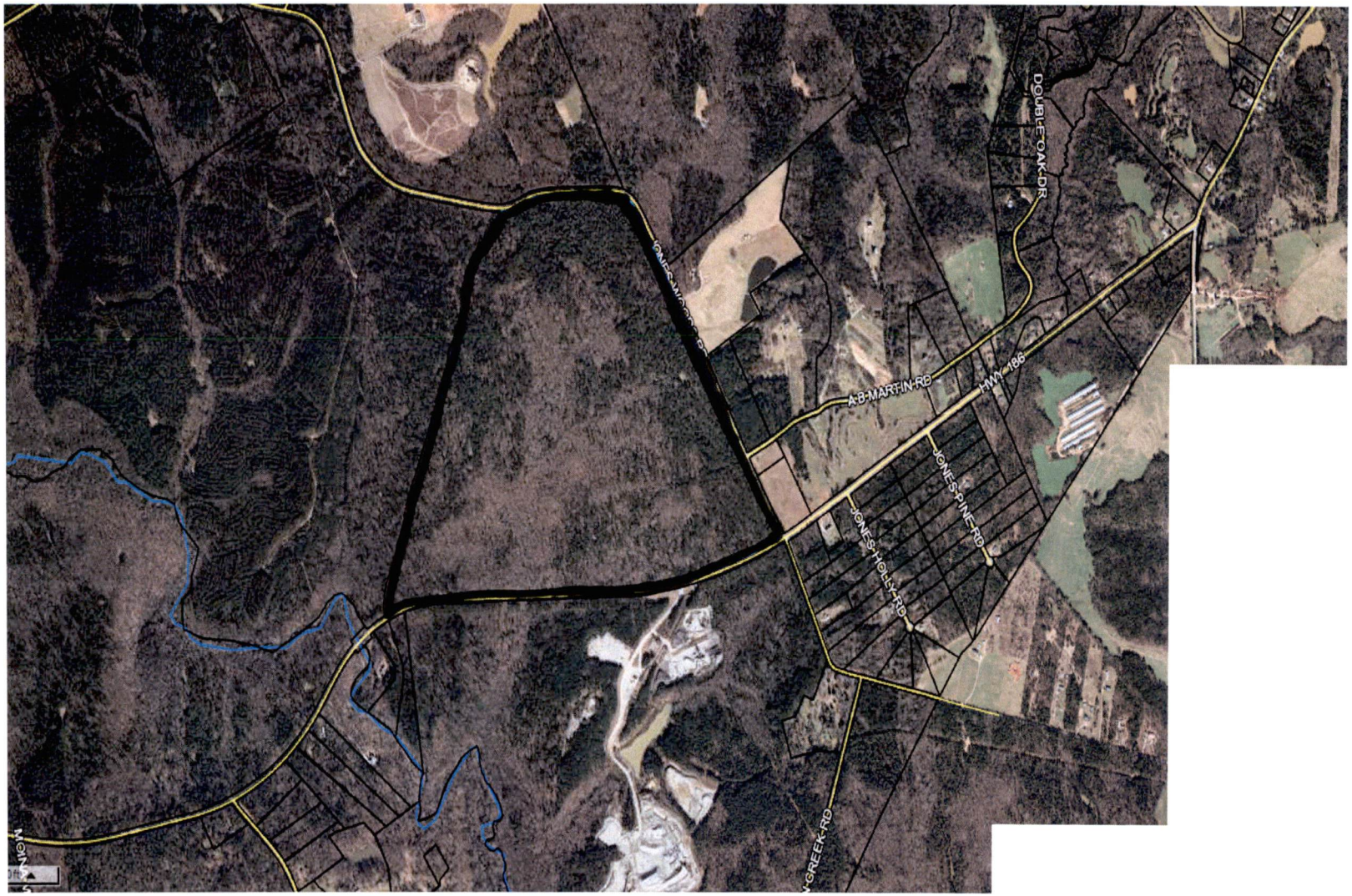
RELEASE

C18253
PPI PROJECT NO.

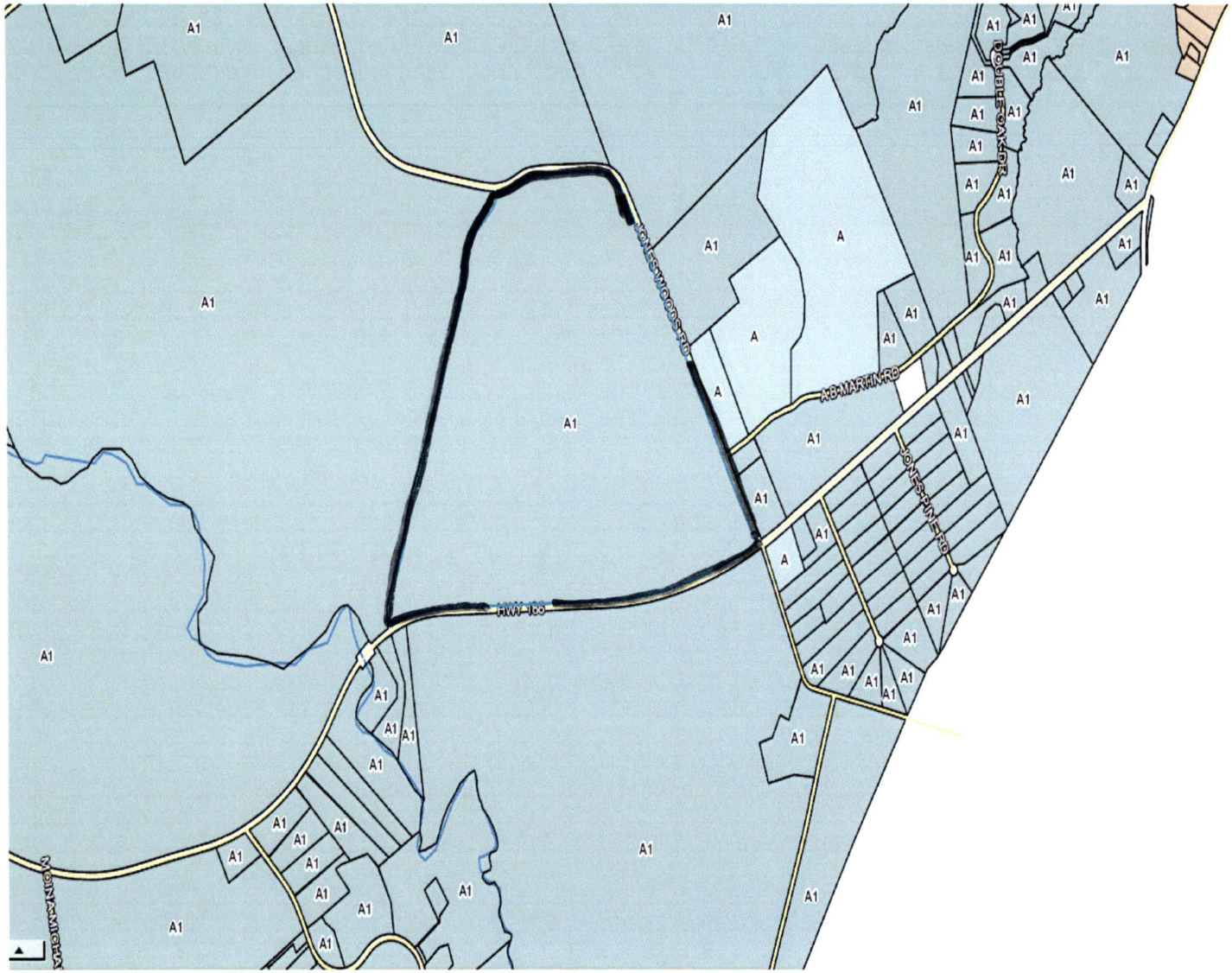
Z19010002/LU19010001 – GA Hwy 186 & Jones Wood Road



Z19010002/LU19010001 – GA Hwy 186 & Jones Wood Road



Z19010002/LU19010001 – GA Hwy 186 & Jones Wood Road



2481145.39, 13875

NEGRC
NORTHEAST GEORGIA REGIONAL COMMISSION

DEVELOPMENTS OF REGIONAL IMPACT

Final Report

NORTHEAST GEORGIA REGIONAL COMMISSION · 305 RESEARCH DRIVE, ATHENS, GEORGIA · WWW.NEGRC.ORG

The Northeast Georgia Regional Commission (NEGRC) has completed its review of the following Development of Regional Impact (DRI). This report contains the NEGRC's assessment of how the proposed project relates to the policies, programs, and projects articulated in the Regional Plan and Regional Resource Plan. Also included is an assessment of likely interjurisdictional impacts resulting from the proposed development, as well as all comments received from identified affected parties and others during the fifteen-day comment period.

The materials presented in this report are purely advisory and under no circumstances should be considered as binding or infringing upon the host jurisdiction's right to determine for itself the appropriateness of development within its boundaries.

Transmittal of this DRI report officially completes the DRI process. The submitting local government may proceed with whatever final official actions it deems appropriate regarding the proposed project, but it is encouraged to take the materials presented in the DRI report into consideration when rendering its decision.

Project I.D.:	DRI #2898
Name of Project:	William Marie Hwy 186 Soil Borrow Pit
Name of Host Jurisdiction:	**Walton County**

Background

DRI review was initiated following the submittal of a request for rezoning (current zoning is A1 with requested change to M2) to Walton County from developer, William Marie, LLC. Potentially affected parties were asked to submit their comments about the proposed development during a 15-day period, beginning on January 16th, 2019 and ending on January 31st, 2019.

Proposed Development

The proposed development would be located on one tax parcel (#C2000001D00) totaling 370 acres, located at the northwest corner of the Highway 186 – Jones Woods Road intersection, within unincorporated Walton County. The site is approximately 6.5 miles east of the City of Good Hope and 2.4 miles southwest of the Town of North High Shoals. The proposed development includes an access road, 100-foot vegetated buffer around the perimeter of the site, and a 100-foot stream buffer with a 200-foot "streamside management zone" along the center of the property. The proposed project consists of a short-term and a long-term phase. The short-term phase would last approximately ten (10) years and consist of a rotating borrow pit area approximately 30-to-40-acres in size. No more than 25% of the site would be disturbed for soil excavation at any one time. The long-term phase would be the complete reversion of the site to planted, managed timber stands, by 2029. The site is currently undeveloped.

Compatibility with Existing Plans

The site is within the "Rural Residential" Character Area on the Walton County Future Development map (dated 4/17/2017). The Walton County Comprehensive Plan 2017 states, "the aim [of the Rural Residential Character Area] is to encourage preservation of rural land and/or environmentally critical areas and

discourage incompatible uses." This project's proposed short-term use threatens onsite soil quality and local water quality; it is inconsistent with the vision for this Character Area. Furthermore, rezoning of the property to an M2 (Industrial) zoning category is incompatible with those identified for the Rural Residential Character Area and increases the likelihood that future onsite development will threaten the rural qualities envisioned for the area. Heavy truck traffic associated with the proposed project, as well as the other industrial uses associated with M2 zoning, are in conflict with the Character Area's intent "to provide a lower level of service to the area, in terms of transportation and infrastructure expansion." The proposed project conflicts with the defining narrative, compatible zoning categories, and implementation measures identified by the Walton County Comprehensive Plan.

The site is identified as "Rural" on the Northeast Georgia Regional Plan Update 2018 Regional Land Use Map (dated 6/7/2018). The short-term phase and the uses allowed by an M2 zoning are not consistent with that classification. No Regionally Important Resources are identified within one (1) mile of the proposed site.

Potential Interjurisdictional Impacts

While the applicant identified that the project is not likely to affect any of the environmental quality factors identified on the DRI Additional Form (including water supply watersheds, groundwater recharge areas, historic resources, and other environmentally sensitive resources), the submitted site plan identifies an intermittent stream, running north-south through the center of the site, with 100-year floodplain extending outward from the intermittent stream. In addition, the project is also located within the Apalachee River High Priority Watershed. The National Wetland Inventory (NWI) does not identify any wetlands onsite; 16 wetland areas are located within one (1) mile of the site. The project proposes a 100-foot stream buffer (with 200-foot "streamside management zone (SMZ)") along the intermittent stream. Also, a 100-foot vegetated buffer would be provided around the perimeter of the site to minimize the project's visibility and effects on water quality. Due to the site's proximity to the Apalachee River and the onsite stream's downstream connectivity to the Apalachee, it is essential that all state and local requirements, including permitting and monitoring, are met throughout the lifetime of the project.

The Northeast Georgia Regional Plan Update 2018 Conservation and Development Map (dated 7/19/2018) identifies 1,530 acres as "Conservation" within one (1) mile of the site. Design measures that protect the onsite stream and floodplain areas and mitigate effects on local waterways and nearby ecosystems should be used. Restrictions on the type and intensity of future uses should be incorporated into the rezoning ordinance to ensure the site is reverted to managed timber land, a natural state, or other use compatible with the Rural Residential Character Area for a defined long-term period (or in perpetuity) following the short-term project phase. At minimum, the project should be in accordance with the Georgia Stormwater Management Manual, 2016 Edition.

The applicant stated that the project would be served by a private well and septic system and that water demand and wastewater production would be negligible. No water or sewer line extensions are anticipated. No method of cleaning vehicles prior to entering public roadways was identified; water demand and management should be reassessed as methods of onsite retention of clay and other materials are considered.

The applicant stated that the project will not generate any solid waste; as discussed, there is concern regarding the water pollution that may be caused by this development. Ongoing monitoring should be implemented to ensure the site does not contaminate adjacent areas and that the site is properly filled following excavation.

A traffic analysis (dated January 8, 2019) was provided by Precision Planning, Inc, in place of a complete traffic study. The analysis estimates the project will generate 20 trucks per day (40 trips to and from the site), with an estimated 8 peak hour trips per day. The project is not expected to have a significant impact on the traffic volume along Highway 186; the structural impact analysis stated that no special loading conditions had been evaluated and that all trucks utilizing the borrow pit site must comply with GDOT Traffic Safety weight guidelines. An access road is proposed from Highway 186 into the site; no materials, dimensions, or other details were provided for the access road.

While no planned or necessary improvements were identified by the traffic analysis, the effects of clay and other materials tracked onto public roadways from the site are of significant concern. Excessive mud, clay, and other materials encumber stormwater infrastructure and affect road safety. It is unclear how these effects will be mitigated without continued monitoring, which places a strain on local code enforcement. The potential effects of increased truck traffic on the quality of the life for the nearby Town of North High Shoals and City of Good Hope are also of concern.

Due to the evolving nature of the proposed project, it is assumed that no permanent roadways are planned onsite; however, truck queueing areas (particularly for vehicles before and after operating hours) should be provided outside of public right-of-ways. All road design and construction should meet state and local requirements; curb, gutter, and road surface improvements to ensure the entry point and adjacent roadway can support heavy truck traffic should be required.

Comments from Affected Parties

The Georgia Department of Natural Resources (GA DNR), Wildlife Resources Division, submitted a review of the proposed project. This review found eight (8) Natural Heritage Database occurrences within a three-mile radius of the proposed project site, including the Apalachee River (High Priority Watershed) and multiple protected species. GA DNR's review recommends the following:

- Due to the presence state protected species within 3 miles, refer to the Aquatic Survey Determination Protocol for State Listed Species (attached).
- This project occurs within a High Priority Watershed. Refer to Appendix F of Georgia's State Wildlife Action Plan for specific information.
- Due to the undisturbed state of the site, DNR recommends completing surveys for species of concern prior to any disturbance; machinery should be kept out of all streams and vegetation should be left intact within at least 100-feet of streams to reduce inputs of sediments, assist with maintaining streambank integrity, and provide shade and habitat for aquatic species.
- The use of natural, biodegradable materials such as 'jute' or 'coir' are strongly recommended to further minimize impacts on wildlife.
- Stringent erosion control practices should be used during site planning and development.

Refer to attached report for complete list of Natural Heritage Database occurrences and recommendations.

The Gwinnett County Department of Planning and Development submitted the following comments/concerns regarding the proposed project:

- Conditions of zoning should include measures to protect groundwater from concrete manufacturing and equipment maintenance procedures onsite.
- Due to the expected 20 trucks per day leaving the site heavily loaded with soil, planned practices should be examined for possible spillage issues on the surrounding two-lane roads and that any access to the site utilize heavy duty construction.
- Provision of an additional parking area for trucks that arrive before or after operating hours.
- Performance of the sediment basins and other stormwater management system elements should be closely monitored throughout the project's 10-year timeframe due to the changing nature of the vegetative cover onsite throughout the course of the project.
- All work, at a minimum, should be in accordance with the Georgia Stormwater Management Manual 2016 Edition.

See attached for complete comments.

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION

MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

January 30, 2019

Eva Kennedy
Planner
Northeast Georgia Regional Commission
305 Research Drive
Athens, GA 30605

Subject: Known occurrences of natural communities, plants and animals of highest priority conservation status on or near William Marie Highway 186 Soil Borrow Pit, Walton County, Georgia

Dear Ms. Kennedy:

This is in response to your request of January 16, 2019. According to our records, within 3 miles of the project site for terrestrial elements (TR) and within the local HUC10 watershed for aquatic elements (AQ), there are the following Natural Heritage Database occurrences:

(-83.540705, 33.804285, WGS84)

GA *Cyprinella xaenura* (Altamaha Shiner) approx. 2.9 mi E of site Robinson Creek
GA *Cyprinella xaenura* (Altamaha Shiner) approx. 1.9 mi NE of site Apalachee River
GA *Cyprinella xaenura* (Altamaha Shiner) [HISTORIC] approx. 0.6 mi NW of site Jack's Creek
Micropterus sp. "Altamaha" (Altamaha Bass) approx. 7.8 mi SE of site Apalachee River
Moxostoma sp. 4 (Brassy Jumprock) approx. 8.5 mi SE of site Apalachee River
Tyto alba (Barn owl) approx. 2.3 mi SE of site
BATH Conservation Easement [Oconee River Land Trust] approx. 2.3 mi N of site
Apalachee River 1, Lake Oconee (0307010109) [SWAP High Priority Watershed] on site

Recommendations:

Please be aware that state protected species have been documented within three miles of the proposed project. For information about these species, including survey recommendations, please visit our webpage at http://georgiawildlife.com/conservation/species-of-concern#rare-locations. Surveys for species of conservation concern should be conducted prior to commencement of construction.

If the applicant is willing to assume presence and implement provisions to protect *state listed aquatic species* identified during this review, it may not be necessary to complete any additional

surveys for aquatic species. Please refer to the Aquatic Survey Determination Protocol For State Listed Species in determining whether surveys are recommended. Although this document was prepared for use on GDOT projects, it may be applicable to other projects, as well. For any additional questions about aquatics, please contact Paula Marcinek at Paula.Marcinek@dnr.ga.gov about state-listed fishes or Brett Albanese at Brett.Albanese@dnr.ga.gov about state-listed mussels, snails, crayfishes, or aquatic insects.

This project occurs within a high priority watershed. As part of Georgia's State Wildlife Action Plan, high priority watersheds were identified to protect the best-known populations of high priority aquatic species, important coastal habitats, and migratory corridors for anadromous species. Please refer to Appendix F of Georgia's State Wildlife Action Plan to find out more specific information about this high priority watershed (https://georgiawildlife.com/wildlifeactionplan).

Because this area remains undisturbed, we recommend completing surveys for species of concern before any construction or timber harvest begins. We are concerned about aquatic habitats that could be impacted by construction activities. To protect aquatic habitats and water quality, we recommend that all machinery be kept out of streams. We urge you to use stringent erosion control practices during construction or logging activities. Further, we strongly advocate leaving vegetation intact within 100 feet of streams, which will reduce inputs of sediments, assist with maintaining streambank integrity, and provide shade and habitat for aquatic species. We also urge you to consider preserving this site for conservation since it remains undeveloped. Please visit our website at www.georgiawildlife.com for more information on conservation opportunities in the state.

Please be aware that the type of erosion control material used during construction can impact wildlife. We strongly recommend using natural, biodegradable materials such as 'jute' or 'coir'. Mesh strands should be movable, as opposed to fixed. Use of plastic fencing frequently leads to wildlife entrapment and death.

Disclaimer:

Please keep in mind the limitations of our database. The data collected by the Nongame Conservation Section comes from a variety of sources, including museum and herbarium records, literature, and reports from individuals and organizations, as well as field surveys by our staff biologists. In most cases the information is not the result of a recent on-site survey by our staff. Many areas of Georgia have never been surveyed thoroughly. Therefore, the Nongame Conservation Section can only occasionally provide definitive information on the presence or absence of rare species on a given site. Our files are updated constantly as new information is received. **Thus, information provided by our program represents the existing data in our files at the time of the request and should not be considered a final statement on the species or area under consideration.**

If you know of populations of highest priority species that are not in our database, please fill out the appropriate data collection form and send it to our office. Forms can be obtained through our

web site (http://georgiawildlife.com/conservation/species-of-concern#rare-locations) or by contacting our office. If I can be of further assistance, please let me know.

Sincerely,

Laci Pattavina

Laci Pattavina
Environmental Review Biologist

Data Available on the Wildlife Conservation Section Website

- Georgia protected plant and animal profiles are available on our website. These accounts cover basics like descriptions and life history, as well as threats, management recommendations and conservation status. Visit http://georgiawildlife.com/conservation/species-of-concern#rare-locations.
- Rare species and natural community information can be viewed by Quarter Quad, County and HUC8 Watershed. To access this information, please visit our GA Rare Species and Natural Community Information page at: http://georgiabiodiversity.org/.
- Downloadable files of rare species and natural community data by quarter quad and county are also available. They can be downloaded from: http://georgiabiodiversity.org/natels/natural-element-locations.html

GEORGIA
DEPARTMENT OF NATURAL RESOURCES
WILDLIFE RESOURCES DIVISION

MARK WILLIAMS
COMMISSIONER

RUSTY GARRISON
DIRECTOR

GDOT Aquatic Survey Determination Decision Tree
For State Listed Species Only
April 2018 Version

Step 1: Open http://georgiabiodiversity.org to identify species of concern known from the HUC 10 watershed of interest. Once you have navigated to a HUC 10 report, you may use the "Customize" feature to filter target taxa. When customizing, ensure that "with Georgia protection status", "show federal and Georgia protection status", "show link to range map", and "show link to species profile" options are all included in your customization.

a. *If state listed species are not documented from the HUC 10 watershed, then the project may proceed without a survey or special provisions for state listed species.*
b. *If state listed species are documented from the HUC 10 watershed, GDOT is encouraged to assume presence and develop special provisions to protect the species and associated habitat(s).*
c. *If state listed species are documented from the HUC 10 watershed and GDOT does not assume presence, proceed to Step 2.*

Step 2: Review the range map of each target species. Links to species range maps are provided in the search results generated during Step 1. Range maps should be assessed at the HUC 10 level.

a. *If state listed species are documented from the HUC 10 watershed within the last 10 years and GDOT does not assume presence, proceed to Step 3.*
b. *If state listed species are documented from the HUC 10 watershed, but not within the last 10 years, complete a survey following GDOT Aquatic Survey Protocol. Develop special provisions for species and suitable habitat that are detected during the survey.*

Step 3: Review the species profile of each target species. Assess life history needs and suitability of local habitat within the project area. It is possible to eliminate some species from consideration. For example, Alabama Shad are only known Gulf Slope mainstem rivers and can be excluded from consideration in tributary streams. Isolation by impoundment or **extreme** habitat degradation are other factors that may justify removing a species from consideration. Additionally, surveys are not required for the following species, and GDOT should contact GADNR for consultation before proceeding with the project: Upland Combshell, Southern Acornshell, Atlantic Sturgeon, Shortnose Sturgeon, Robust Redhorse, Sicklefin Redhorse in Brasstown Creek, and fishes in South Chickamauga Creek downstream of Graysville Dam.

a. *If suitable habitat is not present for state listed species documented from the HUC 10 watershed, the project may proceed without a survey or special provisions for state listed species. Please contact GADNR before removing species from consideration. Justification must be clearly documented within the ecology report.*
b. *If suitable habitat is present for any state listed species documented from the HUC 10 watershed, complete a survey. Develop special provisions for species and suitable habitat that are detected during the survey.*

GADNR Contact: Please email Nongame.Review@dnr.ga.gov with subject of "Aquatic Survey"

WILDLIFE CONSERVATION SECTION
2067 U.S. HIGHWAY 278 S.E. | SOCIAL CIRCLE, GEORGIA 30025
770.761-3035 | FAX 706.557.3030 | WWW.GEORGIAWILDLIFE.COM

Gwinnett

GWINNETT COUNTY
DEPARTMENT OF PLANNING AND DEVELOPMENT
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678.518.6000
www.gwinnettcounty.com

January 25, 2019

Ms. Eva Kennedy, Planner
Northeast Georgia Regional Commission
305 Research Drive
Athens, Georgia 30605-2795

Re: DRI #2898 Development of Regional Impact: William Marie Soil Borrow Pit on Highway 186 in unincorporated Walton County

The Gwinnett County Department of Planning and Development has reviewed the Regional Review Notification (Review) prepared by the Northeast Georgia Regional Commission regarding the proposed development of a soil borrow pit in Walton County, Georgia. The site is located on the northwest quadrant of the intersection of State Route 186 (Old Good Hope Rd.) and Jones Woods Road. The Jones Woods Spur forms the western boundary of the project.

The site is near the eastern tip of Walton County where the boundaries of Oconee and Morgan counties meet. It is approximately a mile southwest of the Apalachee River. The closest Interstate, I-20, is approximately fifteen miles south. The town of North High Shoals in Oconee County is approximately two miles to the east.

A request for rezoning from A-1 (Agricultural) to M-2 (Industrial) with a Conditional Use triggered this DRI review. The site covers approximately 370 acres. It consists of one tax parcel, #C2000001D00.

No existing structures or roads are described in the submission materials for this DRI.

PROPOSED DEVELOPMENT

The proposed development includes an access road, a 100-foot vegetated buffer around the perimeter of the site, and a 100-foot stream buffer and 200-foot "streamside management zone" along a stream that runs through the center of the site. The submission materials refer to "associated infrastructure" for use during the 10-year span of the project but no details are given. The submission packet describes reversion of the site to a managed timber site after a 10-year tenure as a soil borrow pit; any needed infrastructure such as access roads or buildings are assumed to be temporary. The site is currently undeveloped.

The site plan appears to meet the buffer and setback requirements of Walton County's M-2 zoning, and the use "quarry" is allowed under conditional uses for this zoning.

COMPATIBILITY WITH EXISTING PLANS

The site is within the "Rural Residential" Character Area on the Walton County Future Development map (dated 4/17/2017).

The site is identified as "Rural" on the Northeast Georgia Regional Plan Update 2018 Regional Land Use Map (dated 6/7/2018).

No Regionally Important Resources are identified within one (1) mile of the proposed site.

NATURAL RESOURCES

The National Wetland Inventory (NWI) does not identify any wetlands onsite; sixteen (16) wetland areas are located within one (1) mile of the site. An intermittent stream runs north-south through the center of the site, accompanied by 100-year flood plain.

The submitted site plan identifies a 100-foot vegetated buffer along the project's perimeter. No details are given on the aforementioned Stream Management Zone. The most detailed information on stream protection and erosion mitigation measures is in the General Notes on the site plan provided by Precision Planning. The General Notes mention brush barriers and floating surface skimmers to be installed to accompany a series of seven Phased Sediment Basins (depicted on the site plan, just outside the Zone) as a part of the total effort to protect stream quality. It is unclear if any other plantings, berms, or other screening/landscaping will be provided within the Zone or other buffer areas.

The Northeast Georgia Regional Plan Update 2018 Conservation and Development Map (dated 7/19/2018) identifies 1,530 acres as "Conservation" areas within one (1) mile of the site.

Gwinnett County is committed to the conservation, protection, and enhancement of water quality in our streams and lakes. Conditions of zoning should include measures to protect groundwater and surface stream water.

INFRASTRUCTURE

Transportation

Construction of an access road is mentioned in the submission packet, but no details or map depictions are provided. The traffic analysis in the submission packet predicts 40 in/out truck trips a day; half of these would be heavily loaded with soil from the site. Gwinnett County recommends that planned practices be

examined for possible spillage issues on the surrounding two-lane roads, and that any access to the site utilize heavy duty construction.

Gwinnett County also recommends that an additional parking area be provided for trucks that arrive before or after operating hours.

Water Supply and Wastewater

Water use through this project is projected to be minimal. Water supply and treatment will be supplied by a well and a septic system. Gwinnett County Department of Water Resources has no additional comments on this development.

Stormwater Management

No impervious surface is depicted or described in the submission packet. Any impervious surface that may appear will be minimal and temporary due to the nature of the project. The phased sediment basins described above will serve to detain stormwater before it enters the stream onsite. Gwinnett County suggests that the performance of this system be closely monitored throughout the project's ten-year timeframe due to the changing nature of the vegetative cover on the site through the course of the project. Gwinnett County recommends that all work, at a minimum, be in accordance with the Georgia Stormwater Management Manual 2016 Edition.

Gwinnett County appreciates the opportunity to comment on this proposed development, and sincerely hopes that these comments will be given full consideration as the review process moves forward. Please feel free to contact me if you have any questions regarding Gwinnett County's position on this issue.

Sincerely,

Brian Johnson

Brian Johnson

Deputy Director, Planning & Development