
AGENDA

BOARD OF COMMISSIONERS

OF

OCONEE COUNTY, GEORGIA

Tuesday, September 3, 2019

Commission Meeting Chambers

Oconee County Courthouse

6:00 PM

- 1. Approval of Agenda**
- 2. Statements and Remarks from Citizens**
- 3. Statements and Remarks from Commissioners**
- 4. Approval of Minutes**
 - 1) August 1, 2019 - Town Hall Meeting
 - 2) August 6, 2019 - Public Hearing for the Tax Millage Levy (6:00 pm)
 - 3) August 6, 2019 - Board of Commissioner Regular Meeting (6:30 pm)
 - 4) August 27, 2019 - Public Hearing of the Tax Millage Levy (11:00 am)
 - 5) August 27, 2019 - Public Hearing of the Tax Millage Levy (5:30 pm)
 - 6) August 27, 2019 - Board of Commissioners Agenda Setting Meeting
- 5. Approval of Resolutions, Ordinances, Policies, Etc.**
 - 1) Consider Text Amendments to the [Unified Development Code, Article 9](#), Environmental Protection - Guy Herring.
 - 2) Consider Text Amendments to the [Unified Development Code, Article 10](#), Project Design and Construction Standards - Guy Herring.
 - 3) Consider Text Amendments to the [Unified Development Code, Article 11](#), Erosion Control and Stormwater Management - Guy Herring.
- 6. Hearings and Actions on Zoning Matters, Special Use Permits, Street Light Tax Districts, Etc**
 - 1) Consider [Rezone No. 7838](#) - Applicant: Rodney Jones, Owner: RWJ, Inc., Location: Intersection of Mars Hill Road and Long Road.
 - 2) Consider [Rezone No. 7851](#) - Applicant: Michael B. Thurmond, PE, Owner: Sapphire Properties, LP, Location: 1360 and 1361 Ruth Jackson Road.

Individuals with disabilities who require accommodations to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, are required to contact the ADA Coordinator at 706-769-5120 promptly to allow the County to make reasonable accommodations.

AGENDA

BOARD OF COMMISSIONERS

OF

OCONEE COUNTY, GEORGIA

Tuesday, September 3, 2019

Commission Meeting Chambers

Oconee County Courthouse

6:00 PM

- 3) Consider [Rezone No. 7852](#) - Applicant: Stedman Anglin, Owner: Mary Lou Mays Anglin, Location: 1130 Cooper Gin Road.
- 4) Consider [Rezone No. 7853](#) - Applicant: Tracie Hedges, Owners: Tracie and Thomas Hedges, Location: Moores Ford Road.

7. Personnel Matters

- 1) Consider two appointments to the [Planning Commission](#) to begin October 1, 2019 and expire September 30, 2023.
- 2) Consider five appointments to the [Recreation Advisory Committee](#) to begin October 1, 2019 and expire September 30, 2021.

8. County-wide Matters

- 1) Board of Elections Update regarding Consolidation of Precincts - Fran Leathers.

9. Consent Items

- 1) Approve Alcohol License Application for Martino's Italian Restaurant at 2061 Hog Mountain Road, Watkinsville, Owner and Registered Agent Martin Canelo - Kathy Hayes.
- 2) Approve Work Authorization with Moreland Altobelli in the amount of \$216,257.60 for Design Update of the Mars Hill Road Widening Project, Phase II.
- 3) Approve submittal of the Jack L. Lewis, Jr. Farm, 34.79 acres on Peck Circle, as the 2019 Farmland Preservation Committee recommendation for the Agricultural Conservation Easement Program-Agricultural Land Easement (ACEP-ALE).

10. Executive Session to discuss land acquisition, personnel matters and/or potential litigation (if needed)

11. Adjourn

Individuals with disabilities who require accommodations to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting, are required to contact the ADA Coordinator at 706-769-5120 promptly to allow the County to make reasonable accommodations.

A Town Hall Meeting of the Oconee County Board of Commissioners was held on Thursday, August 1, 2019 at 7:00 p.m. at the Oconee County Civic Center.

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner W. E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present:

Justin Kirouac, County Administrator
Kathy Hayes, County Clerk
Diane Baggett, Communications Officer
Jody Woodall, Public Works Director
Adam Layfield, Water Resources Engineer
Lisa Davol, Parks & Recreation Director
Wes Geddings, Finance Director

Others Present:

Richard Crowe, Georgia Department of Transportation

Call to Order: 7:04 p.m.

Purpose of the Meeting:

Chairman John Daniell welcomed citizens to the Town Hall Meeting and asked if everyone walked through the "roundabout" as they came into the Civic Center. Chairman Daniell asked that anyone wanting to speak, step to the podium and state their name directing questions to the Board. He also stated that any topic may be discussed.

Roundabout Presentation:

Public Works Director Jody Woodall shared with the audience the benefits of roundabouts versus traditional intersections. He directed the audience to the displays regarding how to drive through a roundabout. Richard Crowe from the Georgia Department of Transportation (GDOT) stated that roundabouts decrease fatal accidents by 90%, injury crashes are decreased 76% and a 30%-40% reduction in accidents involving pedestrians.

Mr. Woodall updated the audience regarding the roundabout installation at Mars Hill Road and Malcom Bridge Road. At presents, utility relocation is in progress and the plans are to complete the roundabout at the end of October.

(Video Presentation from GDOT)

Question and Answer Session

Citizen Comments/Questions:

Amrey Harden

- Asked if a cost analysis had been completed for a roundabout versus a signalized intersection? *Chairman Daniell response:* An analysis was not done for the intersection. The Virgil Langford/Mars Hill/Rocky Branch intersection construction costs are \$703,000.00 plus \$100,000.00 for the traffic light, which will be close to \$1 million, and we are spending \$1.2 million at the roundabout. It is difficult to compare due to variables in right-of-way acquisition. Roundabouts have much less long-term maintenance costs since there are no continuing electricity costs for the traffic lights.

Dan Mathews (Watkinsville City Councilman)

- Asked if the intersection improvements at Mars Hill Road and Jimmy Daniel Road will include a roundabout? *Chairman Daniell response:* No, the intersection is signalized.
- Asked if there are plans for sidewalks or bike lanes in association with the roundabout or others in the future. *Chairman Daniell response:* The Board is working with the Northeast Georgia Regional Commission and Board of Education for “Safe Routes to Schools” Program for the whole corridor. A master plan is being developed for the area of Mars Hill Road to the school where Lenru Road comes into Malcom Bridge Road. There is no funding, but will work with future developers to have the infrastructure installed.
- Asked if there are any plans for Experiment Station Road to include sidewalks. *Chairman Daniell response:* Phase II will be the same with bike lanes and sidewalks along that corridor. *Dan Mathews* asked if there will be traffic circles (roundabouts). *Chairman Daniell response:* None at this time.
- Thanked the Department of Transportation and Board of Commissioners. Mr. Mathews is concerned about communication regarding the roundabouts/Board of Education and moving the County Administration Building to a new location. Mr. Mathews stated that the County should have annexed the property six months ago to keep the County Government within the city limits of Watkinsville. *Chairman Daniell response:* The County tried to stay within the city limits. One reason for choosing the property is that it could be annexed into the City in the future. Communication has taken place with the City of Watkinsville’s administration. At the appropriate time, annexation may be requested. The County Administration Building property has been purchased, and the County will work with the Library Board to provide a building to meet the needs of both. Roundabouts have been discussed for over a year with the Board of Education. It was announced that the property has been purchased and the Library in Watkinsville will move to the location, too. *Commissioner Horton response:* The City of Watkinsville has the opportunity to create a nice entrance to Watkinsville after annexation.
- Asked if there is a SPLOST “wish list” for the future. *Chairman Daniell response:* The County will begin to work on it late in 2019 or early 2020.
- Asked who owns the Library building. *Chairman Daniell response:* The County owns the building.
- Asked when the Mars Hill Widening Project will be extended to Watkinsville. *Chairman Daniell response:* Phase II does not extend to the City Limits of Watkinsville but ends at the 441 Bypass. Phase III is inside the Watkinsville City Limits.
- Asked about having guard rails installed at Harris Shoals Park and stated that the VFW Drive and Harris Shoals Park would be prime for a roundabout. *Chairman Daniell response:* The road is a state route and DOT has specific guidelines for the guardrails.

Jeff Hood

- Asked Chairman Daniell to address the timeline of the roundabout construction regarding the start of school next week. *Chairman Daniell response:* Originally, the focus was on another intersection. Construction of a roundabout will be longer than the 60 days that school is out for the summer. The contractor, E.R. Snell, has worked around schools, and Public Works will be monitoring traffic concerns in and around the construction area. The County will send out updates on Social Media and with Operations at the Board of Education. Utilities have been a challenge as well as the Virgil Langford and Mars Hill

Road Intersection Project. *Commissioner Horton response:* Construction of the Athens-Clarke County roundabout at the end of South Milledge Avenue moved traffic faster than pre-construction.

- Asked when the traffic light would be operational at Virgil Langford, Mars Hill and Rocky Branch Roads and why was a roundabout not considered for this location. *Chairman Daniell response:* The traffic light should be operating by the end of November. The project was started in 2016, and a roundabout was not considered at that time.
- Asked why the library was being moved. *Chairman Daniell response:* The library needs room for expansion and parking in the current location is not adequate. *Commissioner Thomas response:* The Library is not the Watkinsville Library but part of the Athens Regional Library System.

Tommy Malcom

- Asked if the State will assist communities with additional funding after installing roundabouts. *Chairman Daniell response:* Grants and opportunities are available. The Board works with GDOT to acquire funding. GDOT provided \$300,000 Educational Local Maintenance Improvement Grant (LMIG) for the roundabout construction at the bus entrance on Malcom Bridge Road.
- What is our income and budget expenditures? *Chairman Daniell response:* Budget passed at \$30.5 million with 51% coming from property taxes with 61% coming from homes. Only seven other counties have a millage rate less than Oconee. The Board has been fiscally conservative. Diversification of tax base is important and creating jobs. Chamber of Commerce is working to create an Economic Development Plan. An Economic Development Task Force will be appointed at an upcoming Board Meeting. Citizens will have the opportunity to review the Economic Development Plan. *Commissioner Horton response:* People before us started building the framework for today's Economic Development, such as the 316 Corridor. All governments are trying to get the high tech jobs, but we need to be diversified.

Rick Garrett

- Asked if a buffer would be considered at the roundabout on Malcom Bridge Road. *Chairman Daniell response:* A buffer would be considered.
- Asked what is the most dangerous intersection in the county and would the Board consider safety upgrades at Clotfelter and Highway 53. Union Church Road and Highway 53 is also dangerous. *Chairman Daniell response:* These intersections are being considered. Since these are State routes, it is a very detailed process. The County is looking at intersections on Highway 53 for possible improvements and providing local funds to make an intersection safer. Regarding the most dangerous, Clotfelter at Highway 53 is a bad intersection; Highway 53 and Snows Mill has more accidents than Clotfelter. Traffic counts have been done on Cole Springs/Snows Mill/Highway 53 and welcomes public comment regarding the area. Land Use Transportation Task Force has been asked to review the County-Wide Transportation Plan (County's website) and provide comments to the Board.

Nancy Floyd

- Concerned about traffic from Butlers Crossing to Ray's Corner, because it is difficult to pull out of her driveway. *Chairman Daniell response:* The Highway 53 corridor is being reviewed and it is on the MACORTS (Madison, Athens-Clarke, Oconee Regional Transportation Study) draft plan.

Dan McGee

- Thanked the Board for seeking options regarding Broadband/Internet; would like to see the Administration Building and Library property with greenspace, amphitheater and small park; future growth innovation corridor; Rails to Trails on Highway 441; start implementing the Comprehensive Plan; the Land Application System (LAS) property is needed for park space now; Oconee's population will increase; SPLOST wish list for the next SPLOST. *Chairman Daniell response:* The Board is making generational decisions regarding the Land Application System (LAS), and property purchased for the Middle Oconee Water Treatment Plant will include passive park space. Property for Rails to Trails is not available to purchase. It is important to work within the Transportation Plan and provide safe intersections.
- Asked about competitive tech jobs stating that the County has the top school system, large universities, and other amenities that are not in other counties. *Commissioner Horton response:* The whole area does not have to be high tech jobs. *Chairman Daniell response:* The Cultural Affairs and Tourism Advisory Committee has been transitioned out and the Tourism & Visitors Bureau has taken its place.

Vickie Hammond

- Stated she was educated in Oconee County and came home to educate community. She would like to see the School Board and Commissioners work together and stated that we are all here for the same people, and people move to the County for the schools. *Chairman Daniell response:* In 2016, a study was done with the School Board regarding the undeveloped lots in the County. The Commissioners updated the sewer policy, which had a direct effect on decisions regarding development. The Board has worked with the School Superintendent regarding the use of the high schools for Parks & Recreation due to growth of both programs. We have worked together often. The lights at Malcom Bridge Middle School were installed by the School System for the County Recreation programs to use. We are trying to maintain a level of growth for the infrastructure to meet the needs and not have too much pressure on the School System. Both groups have been proactive. *Commissioner Horton response:* He served on the Board of Education during construction of Oconee's second high school. The School was a benefactor of the sewer policy litigation of the County, because large subdivisions had to decrease lots in the settlement.

Commissioner Comments**Chairman John Daniell**

- The Georgia Department of Transportation (GDOT) is moving ahead with Phase II of the Mars Hill Road Widening Project. Funding is being released, which is about a year ahead of schedule. Thank you to Jamie Boswell, GDOT Congressional District 10 Representative, and GDOT Commissioner Russell McMurray helped change the funding date on the project.
- The Board seeks engagement from citizens and employees. Citizen comments impact the goals of the Board and results in better decision making, a more productive community and also a more innovative community. In 2017, 23% of the days in January had Commissioner Meetings that were open to the public. The Board created a Strategic Plan and has followed it throughout the last three years.
- Citizens can sign up on the County's website to receive Meeting Agendas and Minutes. The County's Communications Manager updates social media and the website to push information out to the community. We are accessible to you and are open to talk with you. Citizens may also sign up for CodeRed, which is a new notification system. Goal of the Board is to have every chair filled at each Town Hall Meeting.

- The County's Volunteer Fire Department received an ISO rating of 4/4X, which determines homeowner insurance ratings and is almost unheard of for a Volunteer Fire Department. The new ladder truck is in service at Fire Station No. 8. He reminded citizens that 25% of fire calls are false alarms.
- Mars Hill Road is a State Road and has not been turned over to the County. Trees were planted as part of the Beautification Project, but the last heat wave caused the loss of more trees. The trees are guaranteed for a year and the County is watering the trees.
- The Bishop Farms Parkway Project is underway with concept plans being prepared and project bids will be accepted in the fall of this year.
- The Rocky Branch Road sewer line that was leaking has been decommissioned. The Calls Creek Wastewater Plant is operating very well.
- Decommissioning the Land Application System (LAS) will be voted on at an upcoming Board Meeting. A possible future plan for the LAS is on display at Oconee Veterans Park.
- The Senior Center has applied for a grant through the Department of Community Affairs (DCA) to expand the Senior Center. Announcement of the grant award should be during October of 2019.

Commissioner Horton

- Changes do happen in the County. Reviewing projects and ideas, there may be better ways to make changes.

Chairman Daniell thanked the citizens for attending the Town Hall Meeting and asked that they visit the roundabout displays.

Meeting Adjourned: 8:13 p.m.

Chairman

County Clerk

Date: _____

**Board of Commissioners Public Hearing
Courthouse Commission Chambers
August 6, 2019 – 6:00 p.m.
Minutes**

**PUBLIC HEARING
TAX MILLAGE LEVY**

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. “Bubber” Wilkes
Commissioner Mark Saxon

Staff Present:

Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Kathy Hayes, County Clerk
Tracye Bailey, Deputy Clerk
Wes Geddings, Finance Director
Paula Nedza, IT Director
Guy Herring, Planning & Code Enforcement Director
Gabriel Quintas, Assistant Planning & Code Enforcement Director

Call to Order: 6:00 p.m.

County Administrator Justin Kirouac reviewed the proposed 2019 millage and property rate increase as advertised in the legal organ of the County on July 25, 2019 and August 1, 2019. Mr. Geddings stated that the Oconee County was proposing adoption of a millage rate of 6.686 (unincorporated) and 7.626 (incorporated). The Property Digest reflects an increase due to an increase in assessed property values of \$133,366,603.00. The resulting Tax Digest countywide is \$2,145,653,423.00. Due to the increase in assessed property values, the proposed county millage rates are considered by state law to be tax increases of approximately 6.46% (unincorporated) and 7.93% (incorporated). The increases result in the addition of \$1.357 million to the Tax Digest. The rollback rate increase is 0.406 mills (unincorporated) and 0.560 mills (incorporated). The unincorporated proposed tax increase for a home with a fair market value of \$350,000 is approximately \$56.03 and for a homestead property with a fair market value of \$350,000, it is approximately \$77.28

Chairman Daniell reminded the public that the second Public Hearing for the tax millage rate would be at 11:00 a.m. on Tuesday, August 27, 2019 and the third Public Hearing will be held at 5:30 p.m. the same day in the Commission Chambers. The millage rate adoption will be considered at the Board’s Regular Meeting on August 27, 2019 at 6:00 p.m.

The Public Comment period was opened.

John Webb, Bent Creek Road, asked that the Board consider a reduction in the millage rate to provide financial relief to citizens on fixed incomes and show that the County has decreased expenses. He asked that the Board consider a decrease with next year's budget planning.

Amrey Harden, Briar Lakes Court, asked that the Board set a goal to decrease the millage rate and not forget about people that have been paying property tax as long as Mr. Webb. Mr. Harden asked what percentage of the digest is new property versus reappraisals. Mr. Kirouac responded there is approximately \$67 million of new property versus \$133 million of reassessed properties.

The Public Comment period was closed.

Commissioner Comments:

Chairman Daniell referred to the Tax Digest of 2008 through 2012, stating that the Board kept the millage rate the same. Due to the recession years, the County fell behind on maintenance, including roadways. Commissioner Horton stated that, when the rate was dropped to the current rate, no other County could match it. During the recession, the County was able to keep its workforce even though no new employees were hired. Unexpected expenditures, such as road preparation for the Dove Creek Elementary School, are not budgeted but must be paid.

Meeting Adjourned: 6:15 p.m.

John Daniell, Chairman

Kathy Hayes, County Clerk

Date

**Board of Commissioners Regular Meeting
Courthouse Commission Chambers
August 6, 2019 – 6:30 p.m.
Minutes**

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present:

Justin Kirouac, County Administrator
Daniel Haygood, County Attorney
Kathy Hayes, County Clerk
Guy Herring, Planning & Code Enforcement Director
Gabriel Quintas, Assistant Planning & Code Enforcement Director
Grace Tuschak, Planner

Call to Order: 6:30 p.m.

Pledge of Allegiance: Commissioner Chuck Horton led the Pledge after a moment of silence.

Approval of Agenda:

Chairman John Daniell requested an amendment to the Agenda to include "Appointment of the Economic Development Task Force" between Item Numbers Four and Five.
Motion to Approve: Mark Saxon
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed** to amend the Agenda to include "Appointment of the Economic Development Task Force."

Statements and Remarks from Citizens: None.

Statements and Remarks from Commissioners: None.

Approval of Minutes:

Motion to Approve: Bubber Wilkes
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion Passed to Approve:**
July 2, 2019 Regular Meeting Minutes
July 30, 2019 Agenda Setting Meeting Minutes

Economic Development Task Force Appointments:

Chairman John Daniell stated that the Economic Development Task Force will hold public meetings with notices, agendas and minutes posted on the website. Appointments are as follows:

- Board of Commissioner Appointees: Commissioner Mark Thomas and Commissioner Mark Saxon.
- Board of Education Appointees: Tim Burgess
- City Appointees will be included from Watkinsville, Bogart, Bishop and North High Shoals. The City of Bogart has appointed Janet Jones.
- Industrial Development Authority Appointee: Chairman Rick Waller
- Chamber of Commerce Appointee: Tammy Gilland and Brad Tucker
- Citizens at Large: Lisa Douglas and Sharon Maxey

Prior to the motion, Commissioner Horton recused himself due to a conflict of interest.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.

Action/Motion:

Motion Passed to Approve appointees to the Economic Development Task Force as presented. Commissioner Chuck Horton was recused from the motion and vote.

Property Disposition Ordinance – Second Public Hearing:

Presented by: Justin Kirouac, County Administrator

Discussion: Amendments requested include the Finance Director may declare personal County property unserviceable, may decide the most advantageous method of selling, and may approve the sale of personal property at a depreciated value of \$10,000 or less. Approval by the Board will be required with a depreciated cost of more than \$10,000.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Thomas

Second: Bubber Wilkes

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Adopt** revisions as presented for the Property Disposition Ordinance.

Public Hearing – Unified Development Code-Articles 6, 7 and 8:

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: Text Amendments were presented as shown in Department Memo dated July 26, 2019: **Article VI Edits** - Addition of uses to the off-street parking ratio table; update ADA requirements to comply with federal law; clarification of ambiguous language. **Article VII Edits** – Elimination of pole signs. **Article VIII Edits** – Elimination of outdated provisions from past ordinances; addition of prohibited species; organization of allowed plant species; increase of caliper and tree count requirements; clarification of ambiguous language. (Please see Department Memo dated July 26, 2019, regarding “Text Amendments to Articles 6, 7 and 8 of the UDC” attached and made a part of the minutes.)

Public Comment Period was opened and there was none.

Action for the Unified Development Code Article VI Text Amendments:

Motion to Adopt: Mark Saxon

Second: Mark Thomas

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VI** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Action for the Unified Development Code Article VII Text Amendments:

Motion to Adopt: Mark Thomas

Second: Chuck Horton

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VII** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Action for the Unified Development Code Article VIII Text Amendments:

Motion to Adopt: Bubber Wilkes

Second: Mark Saxon

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Adopt** the Unified Development Code **Article VIII** Text Amendments as presented with staff recommendations as shown in Department Memo dated July 26, 2019.

Appeal of Administrative Decision – Hokulia Shave Ice Athens:

Presented by: Guy Herring, Planning & Code Enforcement Director

Discussion: The Unified Development Code (UDC) does not permit a mobile food vendor to operate as an accessory use on property containing an existing principal commercial use. Mobile Food Vending is not listed in UDC Table 2.2 or 2.1 and is prohibited under Section 207.06.a and Section 207.06.b. Hokulia Shave Ice filed an Administrative Appeal asking that the Board override the Planning &

Code Enforcement decision and allow its operation at the location of 1011 Park Drive (old Dairy Queen location next to Zaxby's).

Lance and Leanne Palmer, Owners of Hokulia Shave Ice, stated that the business is seasonal, operating April through October, and has 20 teenage employees. Since the business is not prohibited in the code, then it should be allowed to operate.

Action for Administrative Appeal:

Motion to Deny: Chuck Horton
Second: Mark Saxon
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Deny the Appeal of Administrative Decision Passed.**

Request to Allow Deviation of Minimum Roof Pitch Requirement-Edward and Kay Read, Kennedy Road:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Applicants request they be allowed to construct a home with a roof pitch less than 4:12 as required by UDC Section 304.04. Staff recommends approval of the request.

Public Comment Period was opened.

Gabe Comstock, AR Collaborative, stated that the design is a small, low-profile home that will blend with the context of the property and keep costs down for the homeowner. The home will not be visible from a public street.

Public Comment Period was closed.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Passed** to allow Applicants Edward and Kay Read to construct a home with a roof pitch of less than 4:12.

Request to Allow Deviation of Minimum Roof Pitch Requirement-Milton Garland, McNutt Creek Road:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Applicant requests constructing a home with a roof pitch less than 4:12 as required by UDC Section 304.04. Staff recommends approval of the request.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Thomas
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Passed** to allow Applicant Milton Garland to construct a home with a roof pitch less than 4:12.

Rezone No. 7798: Applicant-Carter Engineering, Inc. (tabled from the July 2, 2019 Regular Board Meeting)

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Rezone No. 7798 was presented to the Board at its July 2, 2019 meeting. Request for withdrawal has been received, and staff requests denial of the withdrawal request. Staff recommends approval of the Rezone No. 7798 modification request with the following conditions:

- 1) Encroachment into the 40-foot undisturbed buffer is restricted to only Lot 1 for the purposes of an appropriate-sized detention pond, if needed, and as approved by Public Works. Any required drainage easements will be outside of the 40-foot undisturbed buffer with the exception of Lot 1 as proposed by the Applicant;
- 2) Provide a revised plat for each lot showing any required drainage easement and/or detention pond on each lot prior to the release of a Certificate of Occupancy.

(The Public Comment Period was held previously at the July 2, 2019 Regular Meeting of the Board.)

Action for Withdrawal Request:

Motion to Deny: Chuck Horton
Second: Bubber Wilkes
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Deny Withdrawal Request Passed.**

Action for Rezone No. 7798:

Motion to Approve: Mark Thomas
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Rezone No. 7798 Passed** as presented by Staff with two conditions.

**Rezone No. 7735, Variance No. 7811, Special Use No. 7791, Variance No. 7792:
Applicant – JDG Investments, LLC; Location – Highway 78 (4900 Old Monroe Highway)**

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: **Rezone No. 7735:** Planning Commission recommended approval and Staff recommends conditional approval with 10 conditions; Planning Commission recommended condition to address boarding/animal kennels; Staff recommends condition for connection to public water and sewer; total of 12 conditions.
Special Exception Variance No. 7811: Staff recommends that the requirements have been met for a Special Exception Variance and recommends a limited approval, stating that only the buffer between the event venue and commercial development be waived, but that the 50-foot buffer be retained between remaining residential property and the hotel.
Special Use No. 7791: Planning Commission recommended approval and staff recommends conditional approval with seven (7) conditions and two proposed conditions regarding amplified sound. Staff is open to three (3) conditions submitted by Applicant for consideration.
Special Exception Variance No. 7792: Staff recommends that the request meets the requirements for a Special Exception Variance with one (1) condition for approval.

Public Comment Period was opened.

Bob Smith, Smith Planning Group and owner representative, stated that the property owners would like to use the property as an event venue with a restaurant and boutique hotel located on the property. Mr. Smith discussed Rezone No. 7735 (restaurant, specialty shops and boutique hotel), Special Exception Variance No. 7811 (requesting that buffers be reduced and/or removed), Special Use No. 7791 (proposing conditions to manage amplified sound and fireworks) and Special Exception Variance No. 7792 (waive paving requirements).

Darrel Garner signed to speak in favor of the request, but declined.

Barbara Gasaway, Owner, stated that the property has been enjoyed by many people over the years due to barbeques held on the property. She believes the proposed development will allow people to continue to enjoy the beauty of the property and is the best use.

Lt. Col. Perry signed to speak against the request, but stated he is not against the development. He is an adjoining property owner and would like assistance regarding his concerns about the noise amplification with fireworks and concerts.

Kirk McClellan, signed to speak against the request and is concerned about concerts that could be held on the property. He would also like to have time constraints regarding fireworks.

Public Comment Period was closed.

Action for Rezone No. 7735:

Motion to Approve: Mark Saxon
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Passed** – Rezone No. 7735; Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; ±28.35 Acres; Zoning Change from A-1 to B-1 and B-2 for the purpose of a farm-to-table restaurant, several specialty retail shops and two-story boutique hotel with a total of 12 conditions as recommended by Staff and Planning Commission.

Action for Special Exception Variance No. 7811:

Motion to Approve: Mark Thomas
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion: **Motion to Approve Variance No. 7811 Passed:** Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; ±28.34 Acres; with one (1) condition to waive

the requirement of incompatible use buffers between AG and B-1/B-2 zoning districts and require 15-foot buffers on the northern and southern property lines.

Action for Special Use No. 7791:

Motion to Approve: Mark Thomas
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion:

Motion to Approve Special Use No. 7791 Passed: Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; Zoned-AG; ± 72.81 Acres; approval to allow existing antebellum home and portion of property to be used as an event venue with a total of ten (10) conditions, which includes seven (7) conditions proposed by Staff three (3) conditions proposed by the Applicant. Applicant Conditions are as follows: "Upon issuance of a Certificate of Occupancy for a single family residence on parcel numbers Ao2018, Ao2018e or Ao2018f, the following limitations are placed on the production of amplified sound: 1) Amplified sound outside of the main assembly structure shall be limited to the southern portion of the property between the event venue structure (existing antebellum home) and the southern property line; 2) Amplified sound will be oriented in a southerly direction; 3) Amplified sound shall cease at the following times: Sunday through Thursday at 9:00 p.m. and Friday and Saturday at 10:00 p.m."

Action for Special Exception Variance No. 7792:

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Action/Motion:

Motion to Approve Variance No. 7792 Passed: Applicant-JDG Investments, LLC; Owner-Barbara Gasaway; Location-4800 Monroe Highway; Zoned-AG; ± 72.81 Acres; with one (1) condition recommended by Staff.

Special Exception Variance No. 7804: Applicant – Tim Autrey; Location-1230 Choyce Johnson Road

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Staff recommends that the request does not meet the requirements for Special Exception Variance. Should the Board approve, Staff recommends one (1) condition.

Public Comment Period was opened.

Tim Autrey, property owner, asked that the Board allow him to leave the buildings in their current location.

Public Comment Period was closed.

Motion to Approve: Mark Saxon
Second: Mark Thomas
Voted in Favor of Motion: Mark Thomas, Bubber Wilkes, Mark Saxon
Voted Against Motion: Chuck Horton
Action/Motion:

Motion to Approve Special Exception Variance No. 7804 Passed, 3-0 Vote: Applicant-Tim Autrey; Owners-Thie, Pam and Tim Autrey; Location-1230 Choyce Johnson Road; Zoned-AG; ± 5.0 Acres; reducing the building setback from 25 feet to 8.3 feet for two accessory buildings on property with one (1) condition as recommended by Staff.

Rezone No. 7814: Applicant – ERT, Inc; Location-Talus Street

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with one (1) condition.

Public Comment Period was opened.

David Elder, ERT, Inc. asked that the Board allow the downzoning, because there is more interest in residential property than commercial property at present. No sewer will be needed as the home can have a septic system and the stormwater detention area is shallow.

Public Comment Period was closed.

Motion to Approve: Mark Saxon

Second:
Voted in Favor of Motion:
Voted Against Motion:
Action/Motion:

Bubber Wilkes
Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
None.

Motion to Approve Rezone No. 7814 Passed: Applicant-ERT, Inc.; Owner-Terreck Holdings, LLC; Location-1040 Talus Street, Bogart; Zoned-OIP to R-1; ± 1.52 Acres; allowing zoning change to R-1 to allow for construction of a single-family home with one (1) condition as recommended by Staff.

Rezone No. 7826: Applicant – Richard R. Pendergrass; Location-6351 Colham Ferry Road

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with five (5) conditions.

Public Comment Period was opened.

Richard Pendergrass, manager of Elder Farms LP, asked for the rezone to allow an additional lot in order to reduce the size and cost of the lots.

Chuck Rosenberger spoke against the rezone asking that the Board view the rezone as setting a precedent for spot zoning.

Richard Pendergrass (Rebuttal) stated that the smallest lot is 11 acres. The property is in the Conservation Use Program. Buffers are required and will keep the property similar to other properties in the area.

Public Comment Period was closed.

Motion to Approve:

Mark Thomas

Second:

Bubber Wilkes

Voted in Favor of Motion:

Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion:

None.

Action/Motion:

Motion to Approve Rezone No. 7826 Passed: Applicant-Richard R. Pendergrass; Owner-Elder Farm, LP; Location-6351 Colham Ferry Road; ± 64.31 Acres; rezone from AG to AR-3 to allow division of property into five single-family residential lots with five (5) conditions as recommended by Staff.

Rezone No. 7827: Applicant – Darrell Baker; Location – Mars Hill and Barber Creek Drive

Presented by: Gabriel Quintas, Assistant Planning & Code Enforcement Director
Recommendations: Planning Commission recommended approval and staff recommends conditional approval with five (5) conditions.

Public Comment Period was opened.

Darrell Baker, Randolph Williams Commercial Real Estate and Owner Representative, stated the staff gave a thorough presentation and his client is agreeable to the conditions.

Public Comment Period was closed.

Motion to Approve:

Chuck Horton

Second:

Bubber Wilkes

Voted in Favor of Motion:

Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion:

None.

Action/Motion:

Motion to Approve Rezone No. 7827 Passed: Applicant-Darrell Baker; Owner-D.T. Sanders; Location-1021 Barber Creek Drive; ± 2.741 Acres; rezone from AR to B-1 to allow construction of two medical/professional office buildings with five (5) conditions as recommended by Staff.

Consent Agenda

No items were removed from the Consent Agenda.

Motion: Mark Saxon

Second: Bubber Wilkes

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None

Action/Motion: **Motion Passed to Approve** Consent Agenda Items.

- 1) Approve Alcohol License Application for Newk's Eatery located at The Markets of Epps Bridge, 1850 Epps Bridge Parkway, with Charles (Dillon) Harper as the Registered Agent.
- 2) Bid Award to CMES, Inc. for the Mars Hill Road, Virgil Langford Road and Rocky Branch Road Intersection Improvement Project in an amount not to exceed \$702,447.00. Total cost of project, including traffic signal, shall be approximately \$802,000.00.

Executive Session:

There was no Executive Session.

Meeting Adjournment:

Motion to Approve: Bubber Wilkes
Second: Chuck Horton
Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion: None.
Meeting Adjourned: 8:33 p.m.

John Daniell, Chairman

Kathy Hayes, County Clerk

Date: _____

**Board of Commissioners Public Hearing
Courthouse Commission Chambers
August 27, 2019 – 11:00 a.m.
Minutes**

**PUBLIC HEARING
TAX MILLAGE LEVY**

Members Present:

Chairman John Daniell
Commissioner Chuck Horton
Commissioner William E. "Bubber" Wilkes
Commissioner Mark Saxon

Member Absent:

Commissioner Mark Thomas

Staff Present:

Justin Kirouac, County Administrator
Kathy Hayes, County Clerk
Wes Geddings, Finance Director
Diane Baggett, Communications Director

Call to Order: 11:00 a.m.

Chairman John Daniell called the meeting to order and stated that this is the second Public Hearing for the Tax Millage Levy.

Finance Director Wes Geddings reviewed the proposed 2019 millage and property rate increase as advertised in the legal organ of the County on July 25, 2019 and August 1, 2019. The Board held its first Public Hearing on August 6, 2019. Mr. Geddings stated that the Oconee County was proposing adoption of a millage rate of 6.686 (unincorporated) and 7.626 (incorporated). The Property Digest reflects an increase due to an increase in assessed property values of \$133,366,603.00. The resulting Tax Digest countywide is \$2,145,653,423.00. Due to the increase in assessed property values, the proposed county millage rates are considered by state law to be tax increases of approximately 6.46% (unincorporated) and 7.93% (incorporated). The increases result in the addition of \$1.357 million to the Tax Digest. The rollback rate increase is 0.406 mill (unincorporated) and 0.560 mill (incorporated). The unincorporated proposed tax increase for a home with a fair market value of \$350,000 is approximately \$56.03 and for an incorporated homestead property with a fair market value of \$350,000, it is approximately \$77.28.

The Public Comment period was opened.

Robert B. Ward, Jr., Tarpley Lane, asked how the increased funds will be used. Chairman Daniell responded the funds will be used for employees (health care, cost of living adjustment, step pay) and \$500,000 has been allocated for road work.

The Public Comment period was closed.

Chairman Daniell reminded the public that the third Public Hearing for the tax millage rate would be at 5:30 p.m. on Tuesday, August 27, 2019 and action regarding the millage rate adoption will be considered at the Board's Agenda Setting Meeting on the same day at 6:00 p.m.

Meeting Adjourned: 11:03 a.m.

John Daniell, Chairman

Kathy Hayes, County Clerk

Date

**Board of Commissioners Public Hearing
Courthouse Commission Chambers
August 27, 2019 – 5:30 p.m.
Minutes**

**PUBLIC HEARING
TAX MILLAGE LEVY**

Members Present:

Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. "Bubber" Wilkes
Commissioner Mark Saxon

Member Absent:

Chairman John Daniell

Staff Present:

Justin Kirouac, County Administrator
Kathy Hayes, County Clerk
Wes Geddings, Finance Director
Paula Nedza, IT Director
Diane Baggett, Communications Manager
Tracye Bailey, Deputy Clerk
Jody Woodall, Public Works Director

Call to Order: 5:30 p.m.

Vice Chairman Mark Saxon called the meeting to order.

Finance Director Wes Geddings reviewed the proposed 2019 millage and property rate increase as advertised in the legal organ of the County on July 25, 2019 and August 1, 2019. The first Public Hearing was held on August 6, 2019, and the second Public Hearing was held at 11:00 a.m. on August 27, 2019. Mr. Geddings stated that the Oconee County was proposing adoption of a millage rate of 6.686 (unincorporated) and 7.626 (incorporated). The Property Digest reflects an increase due to an increase in assessed property values of \$133,366,603.00. The resulting Tax Digest countywide is \$2,145,653,423.00. Due to the increase in assessed property values, the proposed county millage rates are considered by state law to be tax increases of approximately 6.46% (unincorporated) and 7.93% (incorporated). The increases result in the addition of \$1.357 million to the Tax Digest. The rollback rate increase is 0.406 mill (unincorporated) and 0.560 mill (incorporated). The unincorporated proposed tax increase for a home with a fair market value of \$350,000 is approximately \$56.03 and for a homestead property in the incorporated areas a fair market value of \$350,000, it is approximately \$77.28

Chairman Daniell reminded the public that action regarding the millage rate adoption will be considered at the Board's Agenda Setting Meeting at 6:00 p.m.

The Public Comment period was opened and there was none.

Meeting Adjourned: 5:32 p.m.

Mark Saxon, Vice-Chairman

Kathy Hayes, County Clerk

Date

DRAFT

Board of Commissioners Agenda Setting Meeting Courthouse Commission Chambers August 27, 2019 – 6:00 p.m. Minutes

Members Present:

Chairman John Daniell
Commissioner Mark Thomas
Commissioner Chuck Horton
Commissioner William E. "Bubber" Wilkes
Commissioner Mark Saxon

Staff Present:

Justin Kirouac, County Administrator
Mike Pruitt, Attorney
Kathy Hayes, County Clerk
Tracye Bailey, Deputy Clerk
Guy Herring, Planning & Code Enforcement Director
Jody Woodall, Public Works Director
Diane Baggett, Communications Manager
Wes Geddings, Finance Director
Paula Nedza, IT Director
Alex Newell, Internal Services Director
Shawn Wheeler, Civic Center Director

Call to Order: The meeting was called to order by Commissioner Mark Saxon at 6:00 p.m.

Pledge of Allegiance: Commissioner William Wilkes led the Pledge after a moment of silence.

Approval of Agenda:

Motion:	Chuck Horton
Second:	Bubber Wilkes
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Bubber Wilkes
Voted Against Motion:	None.
Action/Motion:	Motion Passed to Approve the August 27, 2019 Agenda.

Statements and Remarks from Citizens:

Lee Becker, Scott Terrace, thanked the Board for making committee applications available prior to the Board Meeting. He also asked that the agenda be modified with a link to the website page with the committee applications.

(Chairman John Daniell joined the meeting at 6:05 p.m.)

Statements and Remarks from Commissioners:

Chairman John Daniell reminded the audience that County Government Offices will be closed on September 2, 2019 for Labor Day Holiday.

Georgia Forestry Commission Annual Forestry Report:

Presented by: Chief Ranger Orenthal Sanders and Sherry Morris, Georgia Forestry Commission.
Discussion: Chief Ranger Sanders and Ms. Morris presented the Georgia Forestry Commission Annual Forestry Report. The report included three counties (Oconee, Walton and Morgan) covering a total of 320,990 acres.

Schedule Public Hearing for Unified Development Code Text Amendments:

Presented by: Guy Herring, Planning & Code Enforcement Director
Discussion: Mr. Herring requests that the Unified Development Code Text Amendments for Article 9-Environmental Protection; Article 10-Project Design and Construction Standards; and Article 11-Erosion Control and Stormwater Management be heard by the Board on September 3, 2019 at 6:00 p.m. Advertising requirements have been met, and the Planning Commission held a Public Hearing for the text amendments on August 19, 2019.

Public Comment Period was opened and there was none.

Motion:	Mark Thomas
Second:	Chuck Horton
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

DRAFT

Action/Motion: **Motion Passed to Schedule a Public Hearing** for the Unified Development Code Text Amendments for Articles 9, 10 and 11 on September 3, 2019 at 6:00 p.m. at the Board's Regular Meeting.

Mars Hill Road Widening Project, Phase II, Design Update:

Presented by: Jody Woodall, Public Works Director

Discussion: In order to begin Phase II of the Mars Hill Road Widening Project, design updates will need to be completed. Moreland Altobelli submitted a work authorization in the amount of \$216,257.60 to complete the work, and the Georgia Department of Transportation has scheduled January 2021 as the let date. Public Information Open House will be held with an opportunity for citizens to make comments. Funding will be through SPLOST. Chairman Daniell clarified that the work authorization is only for updating the design plans, and additional funds will be needed at a later date when the project is let for construction.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for September 3, 2019.

Alcohol License Application – Martino's Italian Restaurant:

Presented by: Kathy Hayes, County Clerk

Discussion: Martino's Italian Restaurant is a new restaurant that will be located at 2061 Hog Mountain Road (previously Bella Noche) and has made application to sell beer, wine and distilled spirits. The owner, Martin Canelo, will serve as the Registered Agent. The application is complete and recommendation is to approve the alcohol license for Martino's Italian Restaurant.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for September 3, 2019.

Oconee County Civic Center Renovations:

Presented by: Shawn Wheeler, Civic Center Director

Discussion: The Civic Center was built in the late 1990s and needs renovations to better serve the needs of Oconee's citizens. Heating, air conditioning and electrical renovations are the top priority and then various other items will be considered, such as interior painting and flooring, bathroom and kitchen upgrades, theater upgrades, parking and landscaping improvement. Plans are to schedule renovations during the summer of 2020. Funding: SPLOST.

Commissioner Discussion: Further discussion continued regarding School System contributions to the project and the Facility Reserve Study that has been completed. A future discussion will be held with the Board of Education regarding the Reserve Study and potential assistance with funding the project.

County Administrator Justin Kirouac asked that the Board confirm the project. On consensus, the Board confirmed that it would like to move forward with the project.

2019 Tax Millage Levy - County:

Presented by: Justin Kirouac, County Administrator

Discussion: All requirements are in order, including three Public Hearings that were held, to adopt the 2019 millage rate of 6.686 mills and 7.626 mills with a tax increase due to overall growth of the tax digest.

Public Comment Period was opened and there was none.

Motion to Approve: Mark Saxon

Second: Bubber Wilkes

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Approve** the 2019 net millage rate of 6.686 mills for unincorporated areas and 7.626 mills for incorporated areas.

2019 Tax Millage Levy-Schools:

Presented by: Justin Kirouac, County Administrator

Discussion: The Board of Education approved its 2019 millage rate of 16.5 mills on August 12, 2019, and Mr. Kirouac is in receipt of a letter confirming the approved rate.

Public Comment Period was opened and there was none.

Motion to Confirm: Chuck Horton

Second: Mark Thomas

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed to Confirm** the 2019 tax millage rate for county schools and operations of 16.50 mills, which was the

DRAFT

amount levied by the Board of Education at its August 12, 2019 Board meeting.

Farmland Preservation Committee – Agricultural Conservation Easement Program 2019 Farm Recommendation:

Presented by: Dr. Carole Ludwig, Chairperson

Discussion: The Farmland Preservation Committee received five applications for 2019's Farmland Protection Program. To date, over 800 acres have been protected in Oconee County. Dr. Ludwig thanked the Board for its support of the Program. The 2019 farm rankings are as follows: First, Jack Lewis; second, Marvin Green; third, Steve and Paula Nedza; fourth, Fred Hale; and fifth, House Quail Farm. County funding is no longer required by the Federal Government to protect farms. Chairman Daniell stated that the 2015 SPLOST provided \$500,000.00 for the Farmland Protection Program and the funds have been expended. The ranking information will be placed on the website.

Public Comment Period was opened and there was none.

On consensus, this item was placed on the Consent Agenda for September 3, 2019.

County Facilities Upgrades and Future Facilities:

Presented by: Justin Kirouac, County Administrator

Discussion: A Power Point presentation was given regarding future facilities and included:

- Courthouse Expansion Project of 9,000 square feet and Sally Port with funding from the 2004 SPLOST.
- Administration Building Project of 65,000 square feet on land purchased at US Highway 441 and Old 441 with funding from the 2004 SPLOST. Departments currently at the Government Annex will move to the Administration Building. The Watkinsville Library will partner with the County and move to the Library to the Administration Building, which will provide additional parking for the Library.
- Animal Services Renovation Project has been completed with funding from the 2015 SPLOST.
- Senior Center Expansion Project – Application has been made for a Community Development Block Grant (CDBG) in the amount of \$750,000.00.
- Civic Center Renovation Project is planned for the summer of 2020 with funding from the 2015 SPLOST.
- The LAS Site Project will house field staff from Water Resources, Road Department and Fleet Maintenance.
- Future Fire Stations for the Eastville area and Barnett Shoals will be funded with 2021 SPLOST. The time frame has not been determined.
- The Ward Building, Watkinsville Library Building, Elections Office, Government Annex and Road Department may be repurposed or sold.

Economic Development Task Force:

Chairman John Daniell stated the meeting dates for the Economic Development Task Force as follows: September 17, September 23 and October 7 of 2019. All meetings will be held at the Oconee Chamber at 9:00 am. Agendas and Minutes will be kept in accordance with Open Meetings and Open Records and all are welcome to attend.

Executive Session:

Adjourn into Executive Session: 6:55 p.m.

Motion: Mark Saxon

Second: Chuck Horton

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed** to Adjourn into Executive Session to discuss Personnel Matters and Potential Litigation.

No action was taken in Executive Session.

Executive Session Adjourned: 7:08 p.m.

Adjourn into Regular Session:

Motion to Approve: Mark Thomas

Second: Mark Saxon

Voted in Favor of Motion: Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon

Voted Against Motion: None.

Action/Motion: **Motion Passed** to Adjourn into Regular Session, and there was no further business.

DRAFT

Meeting Adjourned:

Meeting Adjourned:	7:10 p.m.
Motion:	Bubber Wilkes
Second:	Chuck Horton
Voted in Favor of Motion:	Mark Thomas, Chuck Horton, Bubber Wilkes, Mark Saxon
Voted Against Motion:	None.
Action/Motion:	Motion Passed to Adjourn the Meeting.

Chairman John Daniell

Kathy Hayes, County Clerk

Date: _____

Oconee County Memorandum

1291 Greensboro Hwy • P.O. Box 145 • Watkinsville, GA 30677

P: (706) 769-3910 • F: (706) 310-3506

www.oconeecounty.com

Planning and Code Enforcement Department

DATE: August 20, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Text Amendments to Articles 9, 10, and 11 of the UDC

Attached is a copy of the proposed amendments to Articles 9, Environmental Protection, Article 10, Project Design and Construction Standards, and Article 11, Erosion Control and Stormwater Management, of the Unified Development Code for consideration at the September 3, 2019, BOC meeting.

In Article 9, the following edits have been made:

- The definition for “generalized wetland map” was revised to include any updates to the map
- Outdated departmental staff titles were revised and updated

In Article 10, the following edits have been made:

- Revised major subdivision maintenance period provisions
- Revised cul-de-sac ROW width requirements
- Increased the number of residential lots allowed on a paved private drive
- Outdated departmental staff titles and diagrams were revised and updated
- Ambiguous language was clarified

In Article 11, the following edits have been made:

- Updated Division IV (Flood Damage Prevention) in accordance with the recommendations of the Georgia Department of Natural Resources
- Outdated departmental staff titles were revised and updated

The Planning Commission considered the proposed amendments at the August 19, 2019, PC meeting and recommendations from the Planning Commission are attached here. Comments from the County attorney have been incorporated into the attached text and all changes have been highlighted. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Number	Recommendation from Planning Commission	Staff Notes
1	In 1016.04.b, clarify language regarding sanitary sewer connection in subdivisions.	Objection
2	Update “Road & Bridge Inspector” to “Public Works Director” in 1018.02.f, 1018.02.g, and 1018.04.a.	No objection

Article 9. Environmental Protection

Table of Contents	page
Sec. 901. Purpose of Article 9.	9-1
Sec. 902. Definitions related to environmental protection.	9-1
DIVISION I. RIVER AND STREAM CORRIDOR PROTECTION.	9-4
Sec. 903. Protected rivers and streams; defined.	9-4
Sec. 903.01. Criteria for state protected rivers.	9-4
Sec. 903.02. Criteria for regulated streams.	9-4
Sec. 904. Protected rivers and streams; restrictions.	9-4
Sec. 904.01. State protected rivers.	9-4
Sec. 904.02. Regulated streams and other state waters.	9-5
Sec. 904.03. Recordation of restrictions.	9-5
Sec. 905. Stream buffers.	9-6
Sec. 905.01. Minimum width of stream buffer.	9-6
Sec. 905.02. Protection of stream buffers; general.	9-6
Sec. 905.03. Regulatory requirements for stream buffers.	9-6
DIVISION II. WATERSHED PROTECTION.	9-8
Sec. 906. Watershed protection areas; defined.	9-8
Sec. 907. Water supply watersheds.	9-8
Sec. 907.01. Water supply watersheds; defined.	9-8
Sec. 907.02. Conservation corridors in water supply watersheds.	9-8
<i>Figure 9.1. Conservation Corridor</i>	9-9
Sec. 907.03. Water supply watersheds; restrictions.	9-9
Sec. 907.04. Water supply watersheds; exemptions.	9-10
Sec. 908. Other watershed areas.	9-10
Sec. 908.01. Other watersheds; defined.	9-10
Sec. 908.02. Conservation corridors in other watersheds.	9-10
DIVISION III. AQUIFER RECHARGE AREA PROTECTION.	9-11
Sec. 909. Authority.	9-11
Sec. 910. Findings and objectives.	9-11
Sec. 910.01. Findings of fact.	9-11
Sec. 910.02. Objectives.	9-11
Sec. 911. Aquifer recharge area.	9-11
Sec. 911.01. Protected aquifer recharge areas; defined.	9-11
Sec. 911.02. Aquifer recharge area; established.	9-11
Sec. 912. Determination of pollution susceptibility.	9-11
Sec. 913. Aquifer protection standards.	9-12
Sec. 914. Permit and plan review requirements.	9-12
Sec. 915. Assessment relief.	9-12

DIVISION IV. WETLANDS PROTECTION.	9-13
Sec. 916. Purpose of wetlands protection.	9-13
Sec. 917. Wetlands protection; findings of fact.	9-13
Sec. 918. Wetlands protection; authority.	9-13
Sec. 919. Protected wetlands; defined.	9-13
Sec. 919.01. Wetland protection area.....	9-13
Sec. 919.02. Wetland protection area boundaries.	9-14
Sec. 920. Local development permit requirements.	9-14
Sec. 921. Restrictions on land uses.	9-14
Sec. 921.01. Allowed land uses.	9-14
Sec. 921.02. Prohibited land uses.	9-15
Sec. 922. Wetlands certification.	9-15
Sec. 923. Permits.	9-15
Sec. 924. Assessment relief.	9-15
DIVISION V. NATURAL RESOURCE CONSERVATION AREAS.	9-16
Sec. 925. Purposes of natural resource conservation.	9-16
Sec. 926. Designation of conservation areas.	9-16
Sec. 926.01. Primary conservation areas.	9-16
Table 9.2: Threatened or Endangered Species Identified in Oconee County	9-17
Sec. 926.02. Secondary conservation areas	9-17
Sec. 927. Allowed uses in natural resource conservation areas.	9-18
Sec. 927.01. Undisturbed areas.....	9-18
Sec. 927.02. Allowed uses.	9-18
Sec. 927.03. Non-permitted uses of open space include the following:	9-19
DIVISION VI. CONSERVATION AND NATURAL RESOURCES EASEMENTS.	9-20
Sec. 928. Conservation or natural resources easements; required.	9-20
Sec. 928.01. Primary conservation areas.	9-20
Sec. 928.02. Secondary conservation areas.	9-20
Sec. 928.03. Ownership of land in conservation and natural resources easements.	9-20
Sec. 929. Natural resources easements.	9-20
Sec. 929.01. Natural resources easements; creation.....	9-20
Sec. 929.02. Natural resources easements; guidelines.	9-20
Sec. 930. Conservation easements.	9-21
Sec. 930.01. Conservation easements; creation.	9-21
Sec. 930.02. Conservation easements; guidelines.....	9-21

Article 9. Environmental Protection

Sec. 901. Purpose of Article 9.

This Article sets out the minimum requirements and standards for the protection of the natural environment within the County, including restrictions on the use of land near certain rivers and streams, within water supply watersheds, within groundwater recharge areas susceptible to pollution, and in wetlands in order to:

- a. Protect the drinking water quality of the rivers, streams, reservoirs and aquifers that supply water to the residents of the jurisdiction and the State;
- b. Protect the natural habitat of animal and plant life relative to water resources; and
- c. Protect valuable water-related and other natural resources, to help control erosion and river sedimentation, for contribution to drought management, and to help absorb flood waters.

Sec. 902. Definitions related to environmental protection.

Aquifer: A layer or formation of rock beneath the Earth's surface that bears significant amounts of groundwater.

Aquifer Recharge Area: (synonymous with Groundwater Recharge Area) An area of the Earth's surface where water infiltrates the ground, thereby replenishing the groundwater supplies within an aquifer.

Aquifer Recharge Area District: All lands within unincorporated Oconee County which is indicated as "most significant groundwater recharge areas..." on the Ground-Water Pollution Susceptibility Map of Georgia.

Generalized Wetland Map: The most recently published Generalized Wetland Map shall include all portions of the National Wetlands Inventory Maps produced by the U.S. Department of the Interior that are pertinent to lands within the jurisdictional boundaries of Oconee County, GA.

Hydric Soils: Soils that form as a result of saturated soils conditions. A list of these soils is maintained by the Soil Conservation Service.

Hydrophytic Vegetation: Macrophytic plants tolerant of or dependent on saturated soil conditions.

Jurisdictional Determination: An official, written statement or map signed by the U.S. Army Corps of Engineers.

Jurisdictional Wetland: A wetland area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Perennial Stream: A stream that flows throughout the whole year. Perennial streams may be identified as shown as such on a United States Geologic Service Quad map.

Pollution Susceptibility: The relative vulnerability of an aquifer to being polluted from spills, discharges, leaks, impoundments, applications of chemicals, injections and other human activities in a groundwater recharge area.

Pollution Susceptibility Map(s): Maps prepared by the Georgia Department of Natural Resources (DNR) that show the relative susceptibility of aquifers to pollution. Pollution Susceptibility Maps categorize the land areas of the state into areas of high, medium, and low groundwater pollution potential.

Recharge Area: Any portion of the earth's surface, where water infiltrates into the ground to replenish an aquifer.

Regulated Activity: Any activity which will, or which may reasonably be expected to, result in the discharge of dredged or fill material into waters of the United States excepting

those activities exempted under provisions of this Article and exempted in Section 404 of the Federal Clean Water Act.

Regulated Stream: A natural, free-flowing watercourse that meets certain criteria as established within the Environmental Protection Article of this Code.

River: A natural, free-flowing watercourse that is typically of greater volume than a stream or creek. See also "State Protected River."

River Bank: The rising ground, bordering a river, which serves to confine the water to the natural channel during the normal course of flow.

Significant Aquifer Recharge Areas: Areas mapped by DNR in Hydrologic Atlas 18 (1989 Edition). Mapping of recharge areas is based on outcrop area, lithology (chemical nature and form of the rock), soil type, and thickness, slope, density of lithologic contacts, geologic structure, presence of "karst" topography (sinkholes, caves, and fissures associated with limestone and other carbonate rocks), and potentiometric surfaces.

Silviculture: The art of producing, reproducing and growing a forest of distinctive stands of trees.

State Protected River: A "State protected river" is any perennial river or watercourse that has an average annual flow of at least 400 cubic feet per second as determined by the State.

State Waters: Those waters of the State of Georgia as defined under the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq.*).

Stream: A natural, free-flowing watercourse with either constant or intermittent flow of moderate volume typically less than that of a river.

Stream Bank: The point where vegetation has been wrested by normal stream flow or wave action.

Stream Buffer: See "Buffer, Stream" in Article 11.

Stream, Regulated: See "Regulated Stream."

Watershed: The total area of land that is drained by a river or stream and its tributaries.

Water Supply Reservoir: A governmentally owned impoundment of water for the primary purpose of providing water to one or more governmentally owned drinking water systems. This definition specifically excludes the multipurpose reservoirs owned by the U.S. Army Corps of Engineers.

Water Supply Watershed: The portion of a watershed upstream of a governmentally owned public drinking water supply intake.

Wetland: An area that is inundated or saturated by surface water or groundwater at a frequency and distribution sufficient to support, and under normal circumstances does support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation. Wetlands generally include swamps, marshes, bogs, and similar areas.

Wetland Delineation: The establishment of wetland boundaries by a representative of the U.S. Army Corps of Engineers or an authority designated by the Corps, or a wetlands delineator certified by the U.S. Army Corps of Engineers.

Wetland Functions: The beneficial roles that wetlands serve, including: storage, conveyance, and attenuation of floodwater and storm water; protection of water quality and reduction of erosion; habitat for wildlife, including rare, threatened and endangered species; food chain support for a wide variety of wildlife and fisheries; educational, historical, and archaeological value protection; and scenic, aesthetic, and recreational amenities.

Wetland, Jurisdictional: An area that meets the definitional requirements for wetlands as determined by the U.S. Army Corps of Engineers.

Wetland Protection Area: All wetlands within the jurisdiction of Oconee County which are indicated on the Generalized Wetland Map as "wetlands providing significant wildlife habitat and/or which may be subject to extensive mitigation."

DIVISION I. RIVER AND STREAM CORRIDOR PROTECTION.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources (Chapter 391-3.16), adopted by DNR under O.C.G.A. 12-2-8, the Metropolitan River Protection Act (O.C.G.A. 12-5-440 *et seq.*), and the Georgia Erosion and Sedimentation Act of 1975, as amended (O.C.G.A. 12-7-1 *et seq.*).

Sec. 903. Protected rivers and streams; defined.

The following rivers and streams are defined as State protected rivers and regulated streams and are regulated under the provisions of this Division.

Sec. 903.01. Criteria for state protected rivers.

State protected rivers are those that have an average annual flow of at least 400 cubic feet per second. The following rivers have been identified by the Georgia Department of Natural Resources as State Protected Rivers: the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River.

Sec. 903.02. Criteria for regulated streams.

All watercourses, other than State Protected Rivers, that appear as a solid or broken line on a U.S.G.S. Quadrangle Map shall be regulated streams. Other natural watercourses may be classified as regulated streams if they possess one or more of the following characteristics, as determined by the Planning Director based on data analysis and/or field review:

- a. Evidence of significant water flow along the channel or bed of the watercourse, characterized by one or more of the following: hydraulically sorted sediments; scouring of vegetation and vegetative litter; and loosely rooted vegetation caused by the action of moving water; or
- b. Evidence of hydric soils, hydrophytic vegetation, or wetlands in or around the channel or bed of the watercourse.

Sec. 904. Protected rivers and streams; restrictions.

Sec. 904.01. State protected rivers.

A natural vegetative stream buffer is established along the banks of the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River, as follows:

- a. The stream buffer shall include all lands within 100 feet of the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River, inclusive of any islands, as measured outwardly and horizontally from the uppermost part of each riverbank. The area between the top of the banks and the edge of the river shall be included within the stream buffer.
- b. No land may be used, and no vegetation shall be disturbed, within the stream buffer by building construction, development activity, septic tanks or septic tank drain fields, the handling of hazardous wastes, or for any other purpose except for the following permitted uses:
 - (1) A land use existing prior to the adoption of this Development Code.
 - (2) A single-family dwelling provided that:
 - (a) The dwelling is located on a lot having an area of at least 5 acres, not including any area that lies between the riverbanks;
 - (b) Only 1 dwelling is located on the lot; and
 - (c) No septic tank or septic tank drain field may be located within the stream buffer.
 - (3) Timber production and harvesting, subject to the following conditions:

- (a) Forestry activity shall be consistent with best management practices established by the Georgia Forestry Commission; and
- (b) Forestry activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act, as amended.
- (4) Wildlife and fisheries management activities consistent with the purposes of Section 12-2-8 (as amended) of Article 1, Chapter 2, Title 12 of the Official Code of Georgia Annotated (O.C.G.A.).
- (5) Public road and utility crossings meeting all requirements of the Georgia Soil Erosion and Sedimentation Control Act.
- (6) Public wastewater treatment and natural water quality treatment or purification.
- (7) Recreational usage consistent either with the maintenance of a natural vegetative stream buffer or with river-dependent recreation, such as a boat ramp.
- (8) Agricultural production and management, subject to the following conditions:
 - (a) Agricultural activity shall be consistent with best management practices established by the Georgia Soil and Water Conservation Commission;
 - (b) Agricultural activity shall not impair the drinking quality of the river water as defined by the federal Clean Water Act; and
 - (c) Agricultural activity shall be consistent with all state and federal laws and all regulations promulgated by the Georgia Department of Agriculture.
- (9) Utilities, other than public water or sewerage facilities, provided that:
 - (a) The utilities shall be located as far from the riverbank as reasonably possible;
 - (b) Installation and maintenance of the utilities shall be such as to protect the integrity of the stream buffer as well as is reasonably possible; and
 - (c) Utilities shall not impair the drinking quality of the river water.
- (10) Other uses permitted by DNR under Section 404 of the Clean Water Act that are also allowed by the property's zoning classification.

c. The natural vegetative stream buffer shall be restored as quickly as possible following any land-disturbing activity within the stream buffer.

Sec. 904.02.**Regulated streams and other state waters.**

For all regulated streams and other state waters (other than the State Protected Rivers identified above), the following shall apply:

a. **Watershed protection areas.**

All regulated streams within watershed protection areas must comply with the stream buffer and setback requirements established for streams in each watershed. (See Division II of this Article.)

b. **Other streams and waters.**

For regulated streams and other state waters for which there are no stream buffer or setback restrictions otherwise established by this Article, there shall be no land disturbing activities within a 25-foot wide stream buffer extending outward from both of the stream banks, other than drainage structures and roads allowed under a development permit.

Sec. 904.03.**Recordation of restrictions.**

Restrictions shall be noted on the plats and deeds of included properties to maintain any designated natural stream buffer area, undisturbed area or construction setback required by this Article.

Sec. 905. Stream buffers.

Unless more restrictive requirements under this Code apply, all perennial streams and other state waters shall be provided with a natural vegetative stream buffer as follows:

Sec. 905.01.

Minimum width of stream buffer.

- a. The minimum stream buffer width must be provided along any State Protected River as required under Sec. 904.01;
- b. The minimum stream buffer width must be provided within a conservation corridor along any protected stream within any water supply watershed, as required under Sec. 907, or within any other watershed area as required under Sec. 908, below; and
- c. For all other perennial streams and state waters, the stream buffer is to be established for a distance of 25 feet along the banks of any such stream or other state waters, as measured from the point where vegetation has been wrested by normal stream flow or wave action, in accordance with the Soil Erosion and Sediment Control Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 905.02.

Protection of stream buffers; general.

- a. A stream buffer is to be included within a conservation or natural resources easement that meets the requirements of this Article.
- b. No land disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until all land disturbing activities on the construction site are completed. Land disturbing activities may only be allowed as follows:
 - (1) Where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment; or
 - (2) Where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8; or
 - (3) Where a drainage structure or a roadway structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented; provided, however, that stream buffers established pursuant to part 6 of article 5, chapter 5 of title 12, of the Official Code of Georgia, the *Georgia Water Quality Control Act*, shall remain in force unless a variance is granted by the EPD Director.
- c. Once the final stabilization of the site is achieved, a stream buffer may be thinned or trimmed of vegetation, consistent with the terms of any applicable conservation or natural resources easement, as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.
- d. Any person constructing a single family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a stream buffer at any time, consistent with the terms of any applicable conservation or natural resources easement, as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed.

Sec. 905.03.

Regulatory requirements for stream buffers.

- a. All stream buffer areas shall be maintained with appropriate indigenous plant species for the maintenance of groundcover and limitation of erosion. Undisturbed natural vegetation is the preferred, optimum state of a stream buffer. In the alternate, careful reestablishment of indigenous vegetation and ground cover is required.
- b. No construction, grading, clearing, grubbing, excavating, filling, or other land disturbing activity shall be permitted within the stream buffer. As an exception to this rule, the following limited uses may be established within the stream buffer provided that: land disturbance and impact in the stream buffer is minimized to the greatest extent possible;

proper soil erosion and sedimentation control is established and maintained; and the disturbed area is stabilized and appropriately revegetated as soon as possible following the completion of approved work within the stream buffer.

- (1) Sanitary sewer lines may be located along and across stream buffers if it is determined by the Planning Director that no reasonable design alternative exists.
- (2) Other utility lines may cross stream buffers, when it is determined by the utility provider and the Planning Director that no reasonable design alternative exists.
- (3) Private driveways and public roads may cross stream buffers as near as possible to 90 degrees when necessary and as approved by Oconee County in the subdivision or development review process.
- (4) Recreational amenities (such as trails, wildlife observation stands, and other low impact uses) when approved by Oconee County as an element of a development plan.
- (5) Trimming and thinning allowed under Sec. 905.02 shall be limited as follows: Cutting and clearing (with hand-held tools) of low-lying shrubs and underbrush, live trees less than 1-inch in caliper measured at a point 4.5 feet above grade, and dead trees, provided the stumps and root structure of trees are left in place to ensure minimal soil erosion potential.
- (6) Stormwater detention facilities within a natural resources easement required under Sec. 928.01, subject to all State and federal regulations having been met, as evidenced by appropriate written approvals or permits issued by such agencies, and subject to written approval and acceptance by the proposed holder of the natural resources easement. Such facilities are not allowed to be located within a conservation easement required under said Sec. 928.01.

DIVISION II. WATERSHED PROTECTION.

Sec. 906. Watershed protection areas; defined.

All land within unincorporated Oconee County is included within one or another watershed area. The watershed areas within Oconee County correspond to the topographical features that delimit the drainage basins of the respective creeks, streams and rivers within the county. Under the provisions of this Division, there are two types of watershed protection areas: water supply watersheds and all other watersheds.

Sec. 907. Water supply watersheds.

Sec. 907.01. Water supply watersheds; defined.

- a. The State of Georgia defines a "water supply watershed" as being the portion of a watershed upstream of a governmentally owned public drinking water supply intake.
 - (1) A "large water supply watershed" is one having a drainage basin of 100 square miles or greater governmentally owned public drinking water supply intake.
 - (2) A "small water supply watershed" is one having a drainage basin less than 100 square miles governmentally owned public drinking water supply intake.
- b. Large water supply watersheds.

The requirements of this Section apply to the large water supply watersheds identified by the State of Georgia associated with the Oconee River, the Middle Oconee River (north of its confluence with the North Oconee River) and the Apalachee River.

- c. Small water supply watersheds.

There are no small water supply watersheds within or affecting Oconee County. Upon the creation of a small water supply watershed in or extending into Oconee County as the result of construction of a governmentally owned public drinking water supply intake, the rules of the Georgia Department of Natural Resources adopted pursuant to State law shall apply.

Sec. 907.02. Conservation corridors in water supply watersheds.

- a. Conservation corridors; stream buffers required.

Along all watercourses within a water supply watershed, the conservation corridors shown on the Future Land Use Map shall be shown on all plans and plats and shall be protected by the following:

- (1) Within 7 miles upstream from a public water supply intake or reservoir:
 - (a) A minimum 100-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and
 - (b) A minimum setback from the stream buffer of 50 feet for all impervious surfaces, septic tanks and their drainfields.
- (2) Beyond 7 miles upstream from a public water supply intake or reservoir in a small water supply watershed:
 - (a) A minimum 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and
 - (b) A minimum setback from the stream buffer of 25 feet for all impervious surfaces, septic tanks and their drainfields.

- b. Exceptions.

No vegetation shall be removed from within the conservation corridor except as allowed under Sec. 905.02 and except as allowed for under Georgia Forestry Best Management Practices, and

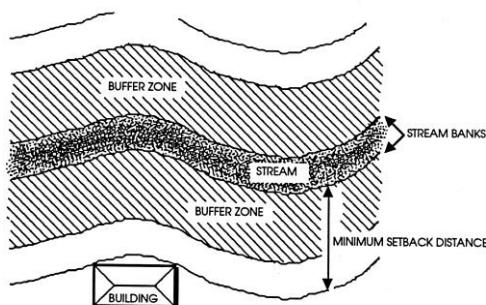
- (1) Disturbance is required to construct mulched pedestrian paths;
- (2) Road and utility crossings; and
- (3) For the installation of a dam necessary for stormwater detention.

c. Construction plans.

No construction plans for a development containing a conservation corridor will be released until copies of all necessary state and federal permits have been provided to Oconee County.

Figure 9.1. Conservation Corridor

Conservation Corridors consist of a natural undisturbed stream buffer, measured from the top of the stream bank, and an additional setback area in which impervious surfaces and septic tanks and their drainfields are not allowed.



Source: Ga. Department of Community Affairs

Sec. 907.03. Water supply watersheds; restrictions.

The following are limited within all water supply watersheds:

- a. New hazardous waste treatment or disposal facilities are prohibited.
- b. New sanitary landfills, if permitted by DNR, shall have synthetic liners and leachate collection systems.
- c. Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR
- d. Agricultural waste. The application of animal waste on land must follow guidelines established by the United States Department of Agriculture, Natural Resource Conservation Service, *And Agricultural Best Management Practices*.
- e. Landfills and Waste Disposal Utilities. Utilities that cannot be feasibly located outside the stream buffer or setback area must be located as far from the stream bank as reasonably possible; installed and maintained to protect the integrity of the stream buffer and setback area as best as reasonably possible, and must not impair the quality of the drinking water stream.
- f. Street runoff and drainage. New streets that cross perennial streams shall be designed in such a way as to avoid direct runoff from the paved surface into the streams they cross. Such design features shall be shown on the Stormwater Management Plan (see the Procedures and Permits Article of this Code).

Sec. 907.04. Water supply watersheds; exemptions.

The following uses are exempt from the restrictions of this Sec. 907 (with some limitations and conditions as noted):

- a. Development and land use legally established prior to the adoption of this Development Code.
- b. Mining activities permitted by the Department of Natural Resources under the Surface Mining Act (outside of stream buffer areas).
- c. Specific forestry and agricultural activities (outside of stream buffer areas) that are consistent with best management practices established by the Georgia Forestry Commission/Department of Agriculture and do not impair the quality of streams.

Sec. 908. Other watershed areas.

Sec. 908.01. Other watersheds; defined.

The provisions of this Section apply to all watersheds that are not defined as water supply watersheds under Sec. 907.01.

Sec. 908.02. Conservation corridors in other watersheds.

- a. Conservation corridors; stream buffers required.

The conservation corridors shown on the Future Land Use Map shall be shown on all plans and plats and shall be protected by the following:

- (1) A minimum 50-foot wide undisturbed buffer as measured outwardly and horizontally from the uppermost part of each stream bank; and
- (2) A minimum setback from the stream buffer for all impervious surfaces, septic tanks and their drainfields equal to the applicable minimum principal building setback required by the zoning district.

- b. Exceptions.

No vegetation shall be removed from within the conservation corridor except as allowed under Sec. 905.02 and except as allowed for under Georgia Forestry Best Management Practices, and

- (1) Disturbance is required to construct mulched pedestrian paths;
- (2) Road and utility crossings; and
- (3) For the installation of a dam necessary for stormwater detention.

- c. Construction plans.

No construction plans for a development containing a conservation corridor will be released until copies of all necessary state and federal permits have been provided to Oconee County.

DIVISION III. AQUIFER RECHARGE AREA PROTECTION.

Sec. 909. Authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 910. Findings and objectives.

Sec. 910.01. Findings of fact.

In order to provide for the health, safety, and welfare of the public and a healthy economic climate within Oconee County, Georgia and surrounding communities, it is essential that the quality of public drinking water be insured. For this reason, it is necessary to protect the subsurface water resources that Oconee County, Georgia and surrounding communities rely on as sources of public water.

- a. Groundwater resources are contained within aquifers, which are permeable, rock strata occupying vast subsurface regions.
- b. These aquifers are replenished by infiltration of storm water runoff in zones of the surface known as aquifer recharge areas.
- c. Aquifers are susceptible to contamination when unrestricted development occurs within significant aquifer recharge areas.
- d. It is, therefore, necessary to manage land use within aquifer recharge zones in order to ensure that pollution threats are minimized.

Sec. 910.02. Objectives.

The objectives of this Division are:

- a. Protect groundwater by prohibiting land uses that generate dangerous pollutants in recharge areas;
- b. Protect groundwater by limiting density of development; and,
- c. Protect groundwater by reducing adverse effects on groundwater from the development that occurs within the recharge area.

Sec. 911. Aquifer recharge area.

Sec. 911.01. Protected aquifer recharge areas; defined.

The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with "significant groundwater recharge areas" (identified on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*) must adopt an Aquifer Recharge Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated there under.

Sec. 911.02. Aquifer recharge area; established.

An Aquifer Recharge Area is hereby established which shall correspond to all lands within the jurisdiction of Oconee County, Georgia that are mapped as significant recharge areas by the Georgia Department of Natural Resources in *Hydrologic Atlas 18, (1989 Edition)* and are indicated as "most significant groundwater recharge areas" on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*.

Sec. 912. Determination of pollution susceptibility.

Each recharge area shall be determined to have a pollution susceptibility of high, medium, or low based on the *Ground-Water Pollution Susceptibility Map of Georgia—Hydrologic Atlas #20*. Said map is hereby adopted and made a part of this Development Code.

Sec. 913. Aquifer protection standards.

- a. Waste disposal.
 - (1) For all pollution susceptibility areas, new solid waste disposal facilities must have synthetic liners and leachate collection systems.
 - (2) No land disposal of hazardous waste shall be permitted within any Significant Aquifer Recharge Area.
 - (3) Any new facility that involves the treatment, storage or disposal of hazardous waste, if permitted by DNR and the zoning district, shall perform such operations on an impermeable surface having a spill and leak collection system.
 - (4) Any new facility that handles hazardous materials of the types listed in Section 312 of the Resource Conservation and Recovery Act of 1976 (excluding underground storage tanks) and in amounts of 10,000 pounds or more on any one day, shall perform their operations on impermeable surfaces having spill and leak collection systems as prescribed by DNR.

- b. Agricultural waste impoundment.

New agricultural waste impoundment sites shall be lined if they exceed 50 acre-feet. As a minimum, the liner shall be constructed of compacted clay having a thickness of one-foot and a vertical hydraulic conductivity of less than 5×10^{-7} cm/sec or other criteria established by the U.S. Soil Conservation Service.

- c. Chemical or petroleum storage tanks.

For all Significant Aquifer Recharge Areas, new above-ground chemical or petroleum storage tanks larger than 650 gallons must have secondary containment for 110 percent of tank volume or 110 percent of the largest tanks in a cluster of tanks. Such tanks used for agricultural purposes are exempt, provided they comply with all federal requirements.

- d. New construction on septic tanks.

Within all significant aquifer recharge areas, construction shall not proceed on a building, mobile home or manufactured home to be served by a septic tank or on-site sewage management system unless the Oconee County Health Department first approves the proposed septic system installation as meeting the requirements of Section M of the Georgia Department of Human Resources *Manual for On-Site Sewage Management Systems* relating to protection of groundwater recharge areas. Such State requirements are also found under the Rules of the Department of Natural Resources, Environmental Protection Division, Chapter 391-3-16-02.

Sec. 914.

Permit and plan review requirements.

Consideration of the effect of aquifer recharge areas on the issuance of permits, approval of rezoning requests and review of subdivision plans is found under the "Other Permits" Division of the Procedures and Permits Article of this Development Code.

Sec. 915.

Assessment relief.

Assessors and boards of assessors shall consider the requirements of these regulations in determining the fair market value of land.

DIVISION IV. WETLANDS PROTECTION.

Sec. 916. Purpose of wetlands protection.

- a. The purposes of this Division are to promote wise use of wetlands and protect wetlands, while taking into account varying ecological, economic development, recreational, and aesthetic values.
- b. Activities that may damage wetlands should be located on upland sites to the greatest degree practical as determined by a permitting process.
- c. The objective of this Division is to protect wetlands from alterations that will significantly affect or reduce their primary functions for water quality, floodplain and erosion control, ground water recharge, aesthetic nature, and wildlife areas and to comply with the requirements of state law related to wetland protection.

Sec. 917. Wetlands protection; findings of fact.

The wetlands within Oconee County, Georgia are indispensable and fragile natural resources with significant development constraints due to flooding, erosion and soils limitations. In their natural state, wetlands serve man and nature. They provide habitat areas for fish, wildlife, and vegetation; water quality maintenance and pollution control; flood control; erosion control; natural resource education; scientific study; open space; and recreational opportunities. In addition, the wise management of forested wetlands is essential to the economic well-being of many communities within the State of Georgia.

- a. Nationally, a considerable number of these important natural resources have been lost or impaired by draining, dredging, filling, excavating, building, pollution, and other acts. Piecemeal or cumulative losses will, over time, destroy additional wetlands. Damaging or destroying wetlands threatens public safety and the general welfare.
- b. The Georgia Department of Natural Resources and the Georgia Department of Community Affairs have determined that each local government with classified wetlands located in its jurisdiction must adopt a Wetlands Protection Ordinance under the requirements of House Bill 215, Georgia's 1989 Growth Strategies Legislation and the rules promulgated thereunder.
- c. It is therefore necessary for Oconee County, Georgia to ensure maximum protection for wetlands by discouraging development activities in wetlands that may adversely affect wetlands.

Sec. 918. Wetlands protection; authority.

The provisions of this Division are adopted pursuant to the Rules for Environmental Planning Criteria of the Georgia Department of Natural Resources, adopted by DNR under O.C.G.A. 12-2-8.

Sec. 919. Protected wetlands; defined.

Sec. 919.01. Wetland protection area.

This Division shall apply to all wetlands within the Wetland Protection Area as defined herein and located within the jurisdiction of Oconee County, Georgia.

- a. The Generalized Wetland Map, adopted as part of this ordinance, shows the general location of wetlands and of the Wetland Protection Area and should be consulted by persons contemplating activities in or near wetlands before engaging in a regulated activity.
- b. The Generalized Wetland Map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The Generalized Wetland Map shall be on file in the office of the Oconee County Planning Department.

Sec. 919.02. Wetland protection area boundaries.

The Generalized Wetland Map is a general reference document and wetland boundaries indicated on the map are approximations. The purpose of the Generalized Wetland Map is to alert developers/landowners if they are within proximity to a wetland, which means that there is a high likelihood of the presence of a jurisdictional wetland and a need for the developer/landowner to seek U.S. Army Corps of Engineers guidance as to whether a Section 404 Permit will be required prior to any activity. The Generalized Wetland Map does not necessarily represent the exact boundaries of jurisdictional wetlands within the jurisdiction of Oconee County and cannot serve as a substitute for a delineation of wetland boundaries by the U.S. Army Corps of Engineers, as required by Section 404 of the Clean Water Act, as amended, or by a certified wetlands delineator. Any local government action under this Development Code does not relieve the landowner from federal or state permitting requirements.

Sec. 920. Local development permit requirements.

- a. No regulated activity will be allowed within the Wetland Protection Area without written permission from Oconee County or its designee in the form of a development permit.
- b. Issuance of a development permit is contingent on full compliance with the terms of this Division and other applicable regulations.
- c. All activities that are not exempted in Sec. 921 below or by other local development ordinances, shall be prohibited without prior issuance of a development permit.
- d. If the area proposed for development is located within 50 feet of the Wetland Protection Area boundary, as determined from the Generalized Wetland Map, a U.S. Army Corps of Engineers determination shall be required. If the Corps determines that wetlands are present and that a Section 404 Permit or Letter of Permission is required, a local development permit will be issued only following issuance of the Section 404 Permit or Letter of Permission.

Sec. 921. Restrictions on land uses.

Sec. 921.01. Allowed land uses.

The following uses shall be allowed as a right within the Wetland Protection Area if otherwise permitted by the zoning district and to the extent that they are not prohibited by any other ordinance or law and provided they do not require structures, grading, fill, draining, or dredging except as provided herein.

- a. Operations conducted during normal silvicultural activities, including minor dredge and fill associated with road construction, harvesting, and reforestation practices provided they meet the performance standards and road construction best management practices required under Section 404 of the Clean Water Act.
- b. Conservation or preservation of soil, water, vegetation, fish, and other wildlife, provided they do not affect waters of Georgia or of the United States in such a way that would require an individual 404 Permit.
- c. Outdoor passive recreational activities, including fishing, bird watching, hiking, boating, horseback riding, and canoeing.
- d. Forestry practices applied in accordance with best management practices approved by the Georgia Forestry Commission.
- e. The cultivation of agricultural crops. Agricultural activities shall be subject to best management practices approved by the Georgia Department of Agriculture.
- f. The pasturing of livestock provided that riparian wetlands are protected, that soil profiles are not disturbed and that approved best management practices are followed.
- g. Education, scientific research, and nature trails.

Sec. 921.02. Prohibited land uses.

Within any protected wetlands area, the following are prohibited:

- a. Receiving areas for toxic or hazardous waste or other contaminants;
- b. Sanitary waste landfills;
- c. Hazardous or toxic waste receiving, treatment or disposal facilities; and
- d. Any other use not specifically exempted as noted above or properly approved by Oconee County and relevant State and Federal agencies.

Sec. 922. Wetlands certification.

A design professional or certified wetlands delineator shall indicate wetlands on plans required for a land disturbance permit application. The design professional that prepared the required plans accompanying the permit application shall add a statement to the grading plan sheet indicating whether or not wetlands are located on the property by checking the appropriate box on the Wetlands Certification. The Wetlands Certification shall read as shown under the specifications for grading plans in the Procedures and Permits Article of this Code.

Sec. 923. Permits.

Site plan and permit review procedures for a development permit affecting protected wetlands are found under the "Other Permits" Division of the Procedures and Permits Article of this Development Code.

Sec. 924. Assessment relief.

Assessors and boards of assessors shall consider wetland regulations in determining the fair market value of land. Any owner of an undeveloped wetland who has dedicated an easement or entered into a conservation easement with the government or a nonprofit organization to permanently control some or all regulated activities in the wetland shall have that portion of land assessed consistent with those restrictions. Such landowner shall also be exempted from special assessment on the controlled wetland to defray the cost of capital improvements such as sanitary sewers, storm sewers, and water mains.

DIVISION V. NATURAL RESOURCE CONSERVATION AREAS.

Sec. 925. Purposes of natural resource conservation.

The purposes of this Division, among others, are as follows:

- a. To recognize the current development rights of property owners established through zoning;
- b. To conserve open land, including those areas containing unique and sensitive natural features such as stream buffers, floodplains and wetlands, by setting them aside from development;
- c. To support the continued viability of agricultural activities in the county, including crop production, dairying and managed forestry;
- d. To reduce erosion and sedimentation by the retention of existing vegetation and encourage minimization of development on steep slopes;
- e. To enhance water quality of streams and waterways, and to protect valuable groundwater resources; and
- f. To provide notification to property owners of natural resources that must be protected on their property.

Sec. 926. Designation of conservation areas.

Sec. 926.01. Primary conservation areas.

Primary Conservation Areas are defined as follows:

- a. Floodways within the 100-year floodplain.

These areas are designated on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan, whichever comes first.

- b. Flood hazard areas.

All areas within the 100-year floodplain but lying outside any floodway, wetland or other designated Primary Conservation Area fall under this category. The boundaries of the 100-year floodplain are designated as the "flood hazard area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan.

- c. Required stream buffers.

Natural vegetative stream buffers along the banks of all perennial streams and other state waters, as required by this Article (except for activities that are exempt from the soil erosion and sedimentation control provisions of Article 11).

- d. Wetlands.

Protected wetlands are defined under Sec. 918.

- e. Wildlife habitats of threatened or endangered species.

The following have been identified by the Federal and/or the State governments as threatened or endangered species in Oconee County:

Table 9.2: Threatened or Endangered Species Identified in Oconee County		
Common Name	Biological Name	Habitat
Animals		
Bald eagle	<i>Haliaeetus leucocephalus</i>	Inland waterways and estuarine areas in Georgia
Red-cockaded woodpecker	<i>Picoides borealis</i>	Nest in mature pine with low understory vegetation (<1.5m); forage in pine and pine hardwood stands >30 years of age, preferably >10" dbh
Altamaha shiner	<i>Notropis xanthurus</i>	Brownwater streams
Plants		
None		

Source: U.S. Fish and Wildlife Service.

f. Natural buffer areas around wetlands and habitats of endangered species.

Additional lands in their natural state provided around designated wetlands and critical wildlife habitats as protective vegetated buffers are recognized as Primary Conservation Areas. A naturally-vegetated wetland buffer must extend at least 25 feet from the wetland, and a natural buffer around a protected wildlife habitat must be at least 100 feet deep, except for a necessary road crossing, utility crossing or other reasonable encroachments approved by the United States Army Corps of Engineers, the Georgia Environmental Protection Division and Oconee County Board of Commissioners.

Sec. 926.02.

Secondary conservation areas

Secondary Conservation Areas are areas that are encouraged (but not required) to be protected in any major subdivision or site development. These include:

- Soils with exposed bedrock or rock outcroppings greater than 40,000 sf.
Areas with exposed bedrock or rock outcroppings must be identified through observation on each site. Areas comprising 40,000 contiguous square feet or less are not considered Secondary Conservation Areas.
- Mature timber stands or significant trees.
Forests and timberlands that have developed mature stands of trees qualify for conservation consideration. Individual trees that are specimen trees or otherwise have significance through their size, age, species or historic value may be designated as a Secondary Conservation area to the extent of the tree's dripline.
- Registered historic or archeological assets.
Sites or areas registered with the State or the National Register of Historic Places qualify under this category since preservation is desirable but not mandated by law. Information regarding all such sites is available from the Georgia Office of Historic Preservation.
- Village greens, parkways.
These areas create neighborhood assets by providing open space and passive recreation close to the homes in a subdivision. A village green is an open space area surrounded by streets and/or building lots on at least three sides, and intended for common neighborhood use. A parkway is a narrow strip of open space surrounded by streets on all sides, intended as a landscaped element or passive recreation area for the neighborhood.
- Passive recreational areas.

Common areas solely designated and improved for passive recreational activities, such as picnicking, walking, relaxation and repose, may be treated as Secondary Conservation Areas. Active recreation areas, including but not limited to golf courses, swimming pools, sports fields and courts, and community buildings and grounds are not considered conservation uses or conservation areas.

f. Flood fringe areas.

All areas within the flood fringe area but lying outside any wetland or other designated Primary Conservation Area fall under this category. The boundaries of the area are designated as the "flood fringe area" on maps prepared by the Federal Emergency Management Agency (FEMA), and must be confirmed as to their specific location on a Preliminary Plat or Site Development Plan.

Sec. 927.

Allowed uses in natural resource conservation areas.

The following requirements apply only to land set aside under conservation or natural resources easements in fulfillment of the provisions of this Article.

Sec. 927.01.

Undisturbed areas.

Certain areas identified as Primary Conservation Areas shall remain in their natural, undisturbed state. Such undisturbed areas include floodways, stream buffers, critical wildlife habitats and habitat buffers, wetlands and wetland buffers.

Sec. 927.02.

Allowed uses.

The following uses are allowed in natural resource conservation areas to the extent that they are compatible with the protection and preservation of areas required by law but not otherwise required to remain undisturbed, and provided they are allowed uses under the site's zoning classification.

- a. Conservation of natural, archeological or historical resources;
- b. Meadows, woodlands, wetlands, wildlife corridors, game preserves, or similar conservation-oriented areas;
- c. Walking or bicycle trails;
- d. Parks, community gardens, playing fields or recreation facilities primarily for the use of the subdivision residents and their guests;
- e. Landscaped storm water detention areas and community water and sewage disposal systems located on soils particularly suited to such uses;
- f. Easements for drainage, access, and sewer or water lines, or other public purposes;
- g. Underground utility rights-of-way; and
- h. Other conservation-oriented uses if approved by the Board of Commissioners.
- i. Agricultural and horticultural uses, including raising crops, pasturelands and dairy operations, along with associated buildings (including residences) that are specifically needed to support an active, viable agricultural or horticultural operation. Specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce highly offensive odors.
- j. Pastureland for horses used solely for recreational purposes. Equestrian facility buildings and grounds shall be permitted but may not be located in any Primary Conservation Area.
- k. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry, and best management practices endorsed by the Georgia Forestry Commission.
- l. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles, rifle ranges, golf courses, sports fields and courts, community recreation buildings and grounds, swimming pools, and other active recreation uses.

- m. Stormwater detention facilities within a natural resources easement required under Sec. 928.01, subject to all State and federal regulations having been met, as evidenced by appropriate written approvals or permits issued by such agencies, and subject to written approval and acceptance by the proposed holder of the natural resources easement. Such facilities are not allowed to be located within a conservation easement required under said Sec. 928.01.
- n. The establishment by the developer or its designees and/or successors in interest of a Jurisdictional Wetlands conservation credit mitigation bank, threatened or endangered species conservation credit mitigation bank, or other conservation credit mitigation bank approved by and established in accordance with the rules and regulations of the United States Army Corp of Engineers or other applicable state or federal governing entity.

Sec. 927.03.

Non-permitted uses of open space include the following:

- a. Roads and non-permeable paved surfaces except necessary road crossings or as approved otherwise by Oconee County;
- b. Above-ground utility rights-of-way except necessary utility crossings or as approved otherwise by Oconee County; and
- c. Other uses inconsistent with the purposes of this Development Code.

DIVISION VI. CONSERVATION AND NATURAL RESOURCES EASEMENTS.

Sec. 928. Conservation or natural resources easements; required.

Sec. 928.01. Primary conservation areas.

All stream buffers required by this Article, all protected wetlands, and all other primary conservation areas that are required to be protected by the provisions of this Development Code, shall be permanently protected from further subdivision, development, and unauthorized use as follows:

- a. By a natural resources easement in a traditional subdivision, multi-family or nonresidential development; or
- b. By a conservation easement in a conservation subdivision or a master planned development.

Sec. 928.02. Secondary conservation areas.

Lands in secondary conservation areas that are designated by the developer for protection shall be included within a natural resources or conservation easement.

Sec. 928.03. Ownership of land in conservation and natural resources easements.

Land within conservation and natural resources easements may be included within the lots in a subdivision, or owned by a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.

Sec. 929. Natural resources easements.

Sec. 929.01. Natural resources easements; creation.

The natural resources easement, when required, shall be shown on the final subdivision plat and recorded with the Clerk of the Superior Court at the same time as the final plat.

- a. When included within the lots in a subdivision, the natural resources easement shall be granted at no cost to a homeowners' association or other entity that meets the provisions for a Property Owners' Association in the Subdivisions and Planned Developments Article of this Development Code.
- b. When the land to be included in the easement is owned by the homeowners' association, the easement shall be created and granted as a conservation easement under the provisions of Sec. 930.
- c. The natural resources easement shall grant a third-party right of enforcement to the Oconee County Board of Commissioners to enforce, at its discretion, any of the terms of the natural resources easement.

Sec. 929.02. Natural resources easements; guidelines.

The following guidelines must be incorporated into any natural resources easement in a form acceptable to the County Attorney:

- a. The easement specifically and clearly identifies the boundaries of the property subject to the easement through reference to the easement area shown on the final subdivision plat;
- b. The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
- c. The easement provides for the right of the holder of the easement to inspect the property to assure observance of restrictions and also provides for enforcement procedures;

- d. The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of the County.

Sec. 930. Conservation easements.**Sec. 930.01.****Conservation easements; creation.**

The conservation easement, when required, shall be created subject to the provisions of O.C.G.A § 44-10-1, *et seq.*, which is known as the "Georgia Uniform Conservation Easement Act."

- a. The conservation easement shall be approved by the Board of Commissioners and shall be granted at no cost to a charitable corporation, charitable association or charitable trust that qualifies as a "holder" under the Georgia Uniform Conservation Easement Act.
- b. Such "holder" shall be approved by the Board of Commissioners on the basis of their past experience as a "holder" of conservation easements and their lack of an ownership or corporate relationship with the owner or developer of the project.
- c. The conservation easement shall grant a third-party right of enforcement to the Oconee County Board of Commissioners to enforce, at its discretion, any of the terms of the conservation easement.
- d. The conservation easement may not be granted to the owner of the property to which the easement will apply, including a homeowners' association holding natural resource conservation areas as common open space in a conservation subdivision or master planned development.
- e. An undivided property ownership interest in the common open space shall be granted to each property in a conservation subdivision or master planned development in accordance with the Open Space Ownership and Management Section of the Subdivisions and Planned Developments Article of this development Code.

Sec. 930.02.**Conservation easements; guidelines.**

The following guidelines are required to be incorporated into any conservation easement in a form acceptable to the County Attorney:

- a. The easement recognizes and describes in a statement of purpose the special qualities of the property subject to the easement. Conditions within the tract subject to the conservation easement may be shown by map and/or photograph;
- b. The easement clearly identifies the owner of the property subject to the easement, the holder of the easement, and co-signer, and the responsibilities of the property owner, easement holder, and co-signer;
- c. The easement specifically and clearly identifies the boundaries of the property subject to the easement, either by metes and bounds legal description, survey plat or reference to the easement area shown on the final subdivision plat;
- d. The easement contains restrictions as to what the owner may do with the property and specifically delineates what may not be done with the property. Limitations shall be consistent with the type of area protected and the applicable requirements of this Code to such areas, and may include but shall not be confined to prohibitions against subdivision, earthmoving, dumping, signs, utility lines, construction, changes to existing structures, and uses made of the property;
- e. The easement provides for the right of the easement holder to inspect the property to assure observance of restrictions and also provides for enforcement procedures;
- f. The easement provides for the maintenance of the open space; and
- g. The easement contains provisions governing its amendment, including provisions that the easement shall not be altered or terminated except with the express written permission of all entities having either a property right or enforcement right in the easement.

Oconee County Memorandum

1291 Greensboro Hwy • P.O. Box 145 • Watkinsville, GA 30677

P: (706) 769-3910 • F: (706) 310-3506

www.oconeecounty.com

Planning and Code Enforcement Department

DATE: August 20, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Text Amendments to Articles 9, 10, and 11 of the UDC

Attached is a copy of the proposed amendments to Articles 9, Environmental Protection, Article 10, Project Design and Construction Standards, and Article 11, Erosion Control and Stormwater Management, of the Unified Development Code for consideration at the September 3, 2019, BOC meeting.

In Article 9, the following edits have been made:

- The definition for “generalized wetland map” was revised to include any updates to the map
- Outdated departmental staff titles were revised and updated

In Article 10, the following edits have been made:

- Revised major subdivision maintenance period provisions
- Revised cul-de-sac ROW width requirements
- Increased the number of residential lots allowed on a paved private drive
- Outdated departmental staff titles and diagrams were revised and updated
- Ambiguous language was clarified

In Article 11, the following edits have been made:

- Updated Division IV (Flood Damage Prevention) in accordance with the recommendations of the Georgia Department of Natural Resources
- Outdated departmental staff titles were revised and updated

The Planning Commission considered the proposed amendments at the August 19, 2019, PC meeting and recommendations from the Planning Commission are attached here. Comments from the County attorney have been incorporated into the attached text and all changes have been highlighted. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Number	Recommendation from Planning Commission	Staff Notes
1	In 1016.04.b, clarify language regarding sanitary sewer connection in subdivisions.	Objection
2	Update “Road & Bridge Inspector” to “Public Works Director” in 1018.02.f, 1018.02.g, and 1018.04.a.	No objection

Article 10. Project Design and Construction Standards

Table of Contents	page
Sec. 1001. Purpose of Article 10.	10-1
Sec. 1002. Standards incorporated by reference.	10-1
Sec. 1002.01. Standard design specifications.	10-1
Sec. 1002.02. Traffic signs and street striping.	10-1
Sec. 1002.03. Georgia DOT standard specifications.	10-1
Sec. 1002.04. AASHTO design standards.	10-1
Sec. 1002.05. Vehicle trip generation.	10-1
DIVISION I. PROJECT DESIGN.	10-2
Sec. 1003. General design standards.	10-2
Sec. 1003.01. Established as minimum standards.	10-2
Sec. 1003.02. Suitability of the land.	10-2
Sec. 1003.03. Conformance to the comprehensive plan and other regulations.	10-2
Sec. 1003.04. Paved road access.	10-3
Sec. 1003.05. Name of subdivision or development project.	10-3
Sec. 1003.06. Street names.	10-3
Sec. 1003.07. Street addresses.	10-3
Sec. 1003.08. Blocks.	10-4
Sec. 1003.09. Lots.	10-4
Sec. 1003.10. Areas reserved for future development.	10-5
Sec. 1003.11. Plats straddling political boundaries.	10-6
Sec. 1003.12. Design standards for planned developments.	10-6
Sec. 1004. Required improvements.	10-6
Sec. 1004.01. Streets.	10-6
Sec. 1004.02. Required improvements in minor subdivisions.	10-6
Sec. 1004.03. Required improvements in major subdivisions, multi-family, and nonresidential developments.	10-7
Sec. 1004.04. Continuing maintenance period.	10-7
Sec. 1005. Survey monuments.	10-8
Sec. 1005.01. Survey monuments required.	10-8
Sec. 1005.02. Exterior development boundaries.	10-8
Sec. 1005.03. Lot and street corners.	10-8
Sec. 1005.04. Floodplain elevations.	10-8
Sec. 1006. Easements.	10-8
Sec. 1006.01. Utility easements.	10-8
Sec. 1006.02. Pedestrian easements.	10-9
Sec. 1006.03. Drainage easements.	10-9
Sec. 1006.04. Conservation and natural resource easements.	10-9
Sec. 1006.05. Overlapping easements.	10-9
Sec. 1007. Protection of public rights-of-way and easements.	10-9
Sec. 1007.01. Removal and relocation of utility facilities.	10-9
Sec. 1007.02. Replacement right-of-way for relocated utility.	10-10
Sec. 1007.03. Payment of expenses of removal and relocation of utility facilities.	10-10
Sec. 1007.04. Promulgation of regulations by County.	10-10

Sec. 1008. Streets	10-11
Sec. 1008.01. Access	10-11
Sec. 1008.02. Relation to present and future street system	10-11
Sec. 1008.03. Street classifications	10-12
Sec. 1008.04. Design standards for streets	10-13
<i>Table 10.1: Street Design Standards</i>	<i>10-14</i>
<i>Table 10.2: Minimum Sight Distance</i>	<i>10-15</i>
Sec. 1008.05. Street improvements	10-17
<i>Table 10.3: Standards for Graded Aggregate</i>	<i>10-20</i>
<i>Table 10.4: Minimum Base and Pavement Thickness</i>	<i>10-20</i>
Sec. 1008.06. Private streets	10-21
Sec. 1009. Street signs, traffic signs and striping	10-23
Sec. 1009.01. Street name signs	10-23
Sec. 1009.02. Traffic signs	10-24
Sec. 1009.03. Striping requirements	10-24
Sec. 1009.04. Decorative signs and posts	10-24
Sec. 1010. Street lights	10-24
Sec. 1011. Private bridges and dams on roadways	10-25
Sec. 1011.01. Definitions related to bridges and dams	10-25
Sec. 1011.02. Specifications for private dams on roadways	10-25
Sec. 1011.03. Specifications for private bridges on roadways	10-26
Sec. 1011.04. Specifications for final plats containing private bridges and dams	10-27
Sec. 1011.05. Ownership and maintenance of private bridges and roadways over private dams	10-28
Sec. 1011.06. Damages caused by use of private bridges and private dams	10-28
Sec. 1011.07. Exemptions	10-28
Sec. 1012. Driveways and development entrances	10-28
Sec. 1012.01. Driveway permit	10-28
Sec. 1012.02. Driveway design standards	10-29
Sec. 1012.03. Installation and construction standards for driveways	10-30
Sec. 1012.04. Inspection of work	10-30
Sec. 1012.05. Responsibility for maintenance	10-30
Sec. 1012.06. Driveway access to a State road	10-31
Sec. 1012.07. Private access drives	10-31
Sec. 1012.08. Access easements	10-32
Sec. 1013. Deceleration lanes and turn lanes	10-32
Sec. 1013.01. Deceleration and turning lanes; where required	10-32
Sec. 1013.02. Residential subdivision entrances	10-32
Sec. 1013.03. Commercial/industrial subdivision entrances	10-32
Sec. 1013.04. Driveways for multi-family and nonresidential development projects	10-32
Sec. 1013.05. Deceleration and turn lane construction standards	10-33
Sec. 1013.06. Median breaks	10-33
Sec. 1014. Sidewalks	10-33
Sec. 1014.01. Sidewalks; requirements	10-33
Sec. 1014.02. Sidewalks; where required	10-34
Sec. 1015. Storm drainage	10-34
Sec. 1016. Utilities	10-34
Sec. 1016.01. Utilities required	10-34

Sec. 1016.02. Water supply.....	10-34
Sec. 1016.03. Fire hydrants.....	10-34
Sec. 1016.04. Sanitary sewage disposal.....	10-35
Sec. 1017. Location of utilities and street cuts.....	10-35
Sec. 1017.01. Location of utilities in streets.....	10-35
Sec. 1017.02. Pavement cuts.	10-38
DIVISION II. PROJECT CONSTRUCTION.....	10-40
Sec. 1018. Overview—project construction.....	10-40
Sec. 1018.01. Responsibility during construction.....	10-40
Sec. 1018.02. Development phase inspections.....	10-40
Sec. 1018.03. As-built data.	10-41
Sec. 1018.04. Final development inspection.	10-41
Sec. 1019. Site clearing and grading.....	10-42
Sec. 1019.01. Initiation of clearing and grading activities.	10-42
Sec. 1019.02. Slopes.	10-42
Sec. 1020. Excavating and trenching.	10-42
Sec. 1020.01. Definitions related to excavating and trenching.	10-42
Sec. 1020.02. Unauthorized excavating and trenching prohibited.	10-43
Sec. 1020.03. Adoption of OSHA safety and health regulations.	10-43
Sec. 1020.04. Excavation and trenching certificate required.	10-43
Sec. 1020.05. Permit required.	10-43
Sec. 1020.06. Enforcement of excavating and trenching requirements.	10-43
Sec. 1020.07. Inspection by Oconee County.	10-44
Sec. 1020.08. Violations.....	10-44
Sec. 1021. Installation of streets and utilities.....	10-44
Sec. 1021.01. Permit for utility installation.	10-44
Sec. 1021.02. Additional design & construction considerations.	10-46
Sec. 1021.03. Installation of utilities; general.	10-46
Sec. 1021.04. Slopes and shoulder improvements.....	10-46
Sec. 1021.05. Construction methods; roadways.	10-46
Sec. 1022. Building construction.....	10-50
Sec. 1022.01. Building permit required.	10-50
Sec. 1022.02. Building site development.	10-50
Sec. 1022.03. Certificate of occupancy required.	10-50

BLANK PAGE

Article 10. Project Design and Construction Standards

Sec. 1001. Purpose of Article 10.

This Article sets out the minimum requirements and standards for construction of subdivisions and other land development projects, including general principals of design and layout and requirements for such public facilities as streets and utilities.

Sec. 1002. Standards incorporated by reference.

Sec. 1002.01. Standard design specifications.

The **Construction Standards and Specifications of Oconee County**, also referred to in this Code as "Standard Design Specifications" and "Technical Guidance Documents" as maintained by the Public Works Department and as may be amended from time to time by said department, are incorporated into this Code as though set forth within the body of this Code. In the case of a conflict between the Standard Design Specifications and the text of this Code, the text of this Code shall control.

Sec. 1002.02. Traffic signs and street striping.

The installation of all traffic control signs and street striping shall be governed by the standards contained in the **Manual on Uniform Traffic Control Devices**, latest edition, published by the Federal Highway Administration of the U.S. Department of Transportation, and the **Non-Interstate Signage and Marking Design Guidelines** published by the Georgia Department of Transportation.

Sec. 1002.03. Georgia DOT standard specifications.

Unless otherwise specially set forth in this Code or the Standard Design Specifications, all of the materials, methods of construction, and workmanship for the work covered in reference to street construction and storm drainage construction shall conform to the latest standard specifications of the Georgia Department of Transportation.

Sec. 1002.04. AASHTO design standards.

Design criteria and standards not specifically set forth herein or in the latest standard specifications of the Georgia Department of Transportation shall conform to the latest edition of the **AASHTO Policy on Geometric Design of Highways and Streets**.

Sec. 1002.05. Vehicle trip generation.

Calculations regarding the generation of vehicular trips for a particular land use or development project shall use the data contained in the publication **Trip Generation** published by the Institute of Transportation Engineers, latest edition, unless vehicular trip data more specific to Oconee County or the particular use of interest is available.

DIVISION I. PROJECT DESIGN.

Sec. 1003. General design standards.

Sec. 1003.01. Established as minimum standards.

- a. All applicable design and improvement standards set forth in this Article shall be included on all subdivision plats, development site plans and engineered plans required by this Development Code. All such design and improvement standards shall be considered minimum standards.
- b. Whenever there is a discrepancy between minimum standards or dimensions noted herein and those contained in other official regulations or resolution, the most restrictive shall apply.

Sec. 1003.02. Suitability of the land.

- a. Land with a slope of 35% or more, land within an area of special flood hazard (the 100-year flood plain), and land otherwise determined by the Public Works Director to be physically unsuitable for subdivision or development because of flooding, poor drainage, topographic, geologic or other such features that may endanger health, life or property, aggravate erosion, increase flood hazard, or necessitate excessive expenditures of public funds for supply and maintenance of services shall not be approved for subdivision or development uses involving dedicated public facilities unless adequate methods are formulated by the developer for solving the problems. Such land shall be set aside for such uses as shall not involve such a danger.
- b. Lot remnants (lots below minimum area or width left over after subdividing tracts of land) shall be prohibited. Such remnant areas shall be added to adjacent lots, rather than remain as unusable parcels.

Sec. 1003.03. Conformance to the comprehensive plan and other regulations.

Approval of proposed subdivisions and development projects shall be considered in the context of conformity with the Comprehensive Plan, this Development Code, and other development policies in effect at the time of submission for review.

- a. All highways, streets, capital improvement projects, infrastructure improvements and other features of the Comprehensive Plan shall be considered and incorporated into the subdivision design and constructed at the developer's expense.
- b. Where State and/or Federal roads or rights-of-way controlled by State and Federal agencies are affected, the review and approval of the Georgia Department of Transportation may be required by Oconee County.
- c. Dedications and reservations.
 - (1) All transportation facilities such as highways, major thoroughfares and other streets shall be platted by the developer in the location and to the dimension indicated on the *Comprehensive Plan* or other adopted plans of the County, whichever is the most recently adopted or amended.
 - (2) Public facilities other than transportation facilities, such as school sites, park sites, library sites, fire station sites, sites for public utilities or for other public use or open space, shall be shown as dedicated or as reserved on the preliminary and final plats under the following circumstances:
 - (a) When any of said public facilities are shown in the *Comprehensive Plan* and located in whole or in part in a proposed subdivision or development; or
 - (b) When any of said public facilities have not been anticipated by the *Comprehensive Plan*, but are considered essential to or extremely important to the development of the county or to that neighborhood or portion of the county within which the subdivision or development project lies, by the Board of Commissioners.

(3) Time limitation on reservations.

If the developer reserves land for any public facility other than transportation facilities and it is not acquired by gift, purchase, condemnation or otherwise nor optioned by the appropriate public agency within 5 years from the date of recording of the subdivision or by the time Certificates of Occupancy have been issued for 75% of the dwelling units in the development, whichever occurs first, the subdivider may claim the original reservation, or portion thereof, and cause it to be subdivided or developed in a manner suitable to the owner subject to the provisions of this Development Code and any conditions of zoning approval.

(4) Waiver of dedication or reservation requirement.

The Board of Commissioners may waive the platting and reservation requirements of this Sec. 1003.03.c whenever the public body responsible for land acquisition executes a written release stating that such a planned feature is not being acquired.

(5) Refusal of dedication offer.

Whenever the plat proposes the dedication of land to public use and the Public Works Director finds that such land is not required or suitable for public use, the Public Works Director may either refuse to approve said plat or it may require the rearrangement of lots to include such land. The Director's opinion may be appealed to the Board of Commissioners.

Sec. 1003.04. Paved road access.

No minor or major subdivision (as defined by this Development Code), and no nonresidential or multi-family project, shall be approved for construction or development unless the street providing access to the subdivision or development site entrance contains a roadway paved to a width of at least 20 feet with hot mix asphalt paving, such that the subdivision or development site shall have continuous paved road access to the County road system.

Sec. 1003.05. Name of subdivision or development project.

The name of each subdivision or development project must have the approval of the designated County authority. The name shall not duplicate nor closely approximate the name of an existing subdivision or development project in Oconee County or any of its cities. Evidence of the approval of the name of the subdivision or development project is required at the time of submittal of the preliminary plat or preliminary site plan, respectively.

Sec. 1003.06. Street names.

- a. The proposed names of streets or ways shown on all preliminary plats and site plans shall be submitted to the designated County authority for approval. Evidence of the approval of the street names is required at the time of submittal of the preliminary plat or preliminary site plan, as applicable.
- b. If such name is not a duplication of or so nearly the same as to cause confusion with the name of an existing street or way located in the county, if such is appropriate for a street name, such name shall be approved.
- c. No existing street names in Oconee County, Georgia shall be duplicated, irrespective of the use of a suffix such as: street, avenue, boulevard, road, pike, drive, way, place, court or other derivatives. Names shall be selected so as not to be confused with other streets and shall be subject to prior county approval.
- d. Proposed streets obviously in alignment with existing streets or with proposed streets whose names have been approved by the County shall bear the names of the existing or proposed named streets.

Sec. 1003.07. Street addresses.

When a building or structure is erected on any land covered by this Development Code, the number assigned shall conform to the existing house numbering system under the *Systematic*

Addressing and Building Numbering Standards as approved by the Planning Director, and as most recently amended.

Sec. 1003.08. **Blocks.**

a. Residential blocks.

- (1) Length: Unless otherwise approved by the Public Works Director under unusual circumstances, block lengths shall not exceed 1,200 feet nor be less than 400 feet in length.
- (2) In blocks greater than 1,000 feet in length, the Public Works Director may require one or more public easements of not less than 10 feet in width to extend entirely across the block for pedestrian crosswalks, fire protection or utilities.
- (3) Width: Residential blocks shall be wide enough to allow two rows of lots, except where reverse frontage lots on major thoroughfares are provided, or when prevented by topographic conditions or size of the property, or for lots along the periphery of the subdivision, or where abutting upon limited access highways or railroads, or where other situations make this requirement impractical, in which case the Public Works Director may approve a single row of lots.

b. Nonresidential blocks.

Blocks for other than residential use shall be of such length and width as may be suitable for the prospective use, including adequate provision for off-street parking and service.

Sec. 1003.09. **Lots.**

The size of lots shall conform to the minimum area, width, frontage and other requirements of this Development Code, and the minimum setback or building lines shall conform to the minimum requirements of this Development Code.

a. Vehicular access to lots.

- (1) All lots approved under this Development Code shall front on a public or private street or on a private access drive as hereunder controlled and from which vehicular access may be obtained.
- (2) Each lot shall have usable vehicular access from its own lot frontage onto a public or private street, or a private access drive as provided for in Sec. 1012.07 of this Development Code.
- (3) All lots within a major subdivision shall only have vehicular access to a street within the development, or from a private access drive located within the development as provided in Sec. 1012.07 of this development code. In no case, shall lots within a major subdivision have vehicular access to an existing street located outside the development.

b. Minimum lot dimensions and areas.

- (1) Every residential lot shall conform to the minimum dimension and area requirements in the Lot and Building Standards Article of this Development Code, provided that every lot not served by a public sewer or community sanitary sewage system and/or public water shall meet the dimension and area requirements of the Health Department and as specified herein.
- (2) The shape and orientation of every lot shall be subject to approval of the Planning Director for the type of development and use contemplated based on slopes, drainage, soil types, exposure and other such relevant considerations.

c. Adequate building sites.

- (1) Building setback lines shall conform to front, rear, and side yard building setback requirements of the Lot and Building Standards Article of this Development Code.

(2) Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation.

d. Arrangement.

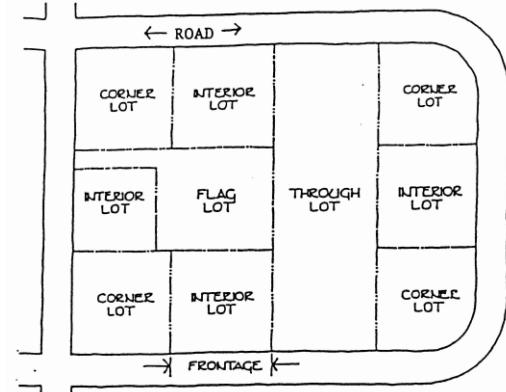
Insofar as practical, side lot lines shall be perpendicular or radial to street lines, including cul-de-sacs.

e. Through (double frontage) lots.

Double frontage lots, unless approved by the Public Works Director, shall be prohibited except where essential to provide separation of residential development from traffic arteries (arterial or collector streets) or to overcome specific disadvantage associated with topography, orientation, and property size.

(1) A planting screen reservation of at least 10 feet in width, or equivalent natural landscape buffer, may be required along the property line of lots abutting such a traffic artery or other incompatible use.

(2) The planting screen reservation shall form and constitute a No Access Easement, unless otherwise approved by Oconee County.



f. Corner lots.

Corner lots shall have extra width to permit appropriate building setback from and orientation to both streets. In no case shall this be less than the minimum front yard setback for the zoning district on both street fronts.

Each lot shall contain a site large enough for a normal building that will meet all building setback requirements as set forth in this Development Code and not be subject to flood or periodic inundation

g. Reserve Strips.

Reserve strips, which control access to streets, alleys, and public grounds, shall not be permitted unless their control is placed in the hands of the county. This control shall be clearly noted on the subdivision construction plans, preliminary and final plats.

h. Lots abutting lakes.

The subdividing of land adjacent to or surrounding an existing or proposed lake, shall be such that lots abutting the lake shall be drawn to the centerline of the lake. Such requirements may be waived upon submittal to the Board of Commissioners of an acceptable method for the maintenance of the lake and any recreational operations to be provided thereon. The minimum required area of each lot shall exclude those areas within the high water level of the lake.

Sec. 1003.10. Areas reserved for future development.

If any portion of a tract is reserved for future subdivision development, the minimum lot width and frontage of the reserved area may be reduced to the width required for a future street to serve such area.

a. Such a reserved area must be labeled "Reserved for Future Development" on the final subdivision plat, and the portion of the lot where a street will be built must be labeled "Future Street."

- b. Such a reserved area will not be eligible for issuance of a building permit unless the lot meets all requirements of this Development Code, including minimum lot width and frontage requirements of the applicable zoning district.

Sec. 1003.11. **Plats straddling political boundaries.**

Whenever access to a subdivision is required across land in another governmental jurisdiction, the Planning Director may request assurance from the County Attorney, and/or the other jurisdiction that access is legally established, and that the access road is adequately improved. In general, lot lines shall be laid out so as to not cross jurisdictional boundary lines.

Sec. 1003.12. **Design standards for planned developments.**

- a. The project design standards and requirements of this Article may be modified in the case of a master planned development (MPD) or planned unit development (PUD) which, in the judgment of the Board of Commissioners provides adequate public spaces and improvements for the circulation, recreation, light, air and service needs of the tract when fully developed and populated, provided zoning density standards for the entire tract are not exceeded, and which also provides such covenants or other legal procedures as will assure conformity to and achievement of the plan.
- b. Plans for such developments shall be submitted to and approved by the Board of Commissioners as a Master Plan for a PUD or a Concept Plan for an MPD, as required by this Development Code. No building permits shall be issued until such approval has been given.

Sec. 1004. Required improvements.

Sec. 1004.01. Streets.

Except for minor subdivisions otherwise exempt from the construction of streets, the following street improvements shall be installed and provided by the subdivider and shall be indicated and conveyed or transferred and title shall vest in the County upon acceptance unless otherwise indicated on the plat.

- a. Storm sewer piping, drainage structures, curbs and gutter, ditches, related easements and appurtenances, as needed to provide proper drainage and grading of the streets.
- b. Street paving.
- c. Street name signs of the quality and design used and approved by the County.
- d. All traffic control signs, devices, and striping as specified by the County.

Sec. 1004.02. Required improvements in minor subdivisions.

By definition, a minor subdivision does not involve the construction of major public improvements, such as new streets or stormwater detention. However, the following improvements are required in order to adequately serve the lots and protect the safe operation of the existing road:

- a. Right-of-way shall be dedicated along the property's frontage from the centerline of the existing road equal to $\frac{1}{2}$ of the minimum requirement for the classification of the road, as established in Sec. 1008.04.
- b. The potential location of a driveway connection serving each lot and meeting the requirements of these development regulations shall be indicated on the final subdivision plat.
- c. The stormwater carrying capacity of the road, whether in an existing ditch or gutter, shall not be compromised. If the stormwater characteristics of the existing road are inadequate to accommodate the new lots, the Public Works Director may require improvement of the roadway ditch and associated drainage structures as appropriate.
- d. Survey monument markers of all lot corners shall be provided in accordance with the requirements of Sec. 1005.

- e. Dedication of easements as required by this Development Code.

Sec. 1004.03. **Required improvements in major subdivisions, multi-family, and nonresidential developments.**

The following improvements shall be provided by the developer or at the developer's expense in every major subdivision or individual multi-family or nonresidential development in accordance with the requirements and standards contained in this Article.

- a. Survey monumentation in accordance with Sec. 1005.
- b. Streets providing access to such a development and to all lots in such a subdivision, including the extension of streets required to provide access to adjoining properties, in accordance with Sec. 1008.
- (1) Streets contained wholly within such a subdivision shall be improved to the full standards contained in this Article. For existing streets that adjoin such a development, right-of-way shall be dedicated as a project improvement meeting the minimum standards of Sec. 1008.04 and as further necessary for deceleration and turn lanes required under Sec. 1013, measured from the centerline of the street along the development's frontage.
- (2) Curb and gutter where required along all roadways, or drainage swale where allowed.
- c. Street name signs, stop bars, striping and traffic control signs as approved by the County shall be installed by the developer in accordance with Sec. 1009.
- d. Street lights in accordance with Sec. 1010.
- e. Driveway access to each lot, shall be installed by the developer in accordance with Sec. 1012.
- f. Project access improvements (deceleration, turn lanes, etc.) as deemed necessary by the Public Works Director under the provisions of Sec. 1013.
- g. Sidewalks, if required under Sec. 1014.
- h. Storm water drainage and detention facilities in accordance with Sec. 1015.
- i. Public or private water supply as required under Sec. 1016.02.
- j. Fire hydrants as required under Sec. 1016.03.
- k. Public or private sanitary waste disposal and/or reuse water system as required under Sec. 1016.04.
- l. Dedication of easements as required by this Development Code.
- m. If any portion of the subdivision contains a primary conservation area as defined in the Environmental Protection Article of this Code, a natural resource easement or conservation easement, as applicable, is to be provided in accordance with the requirements of the Environmental Protection Article.

Sec. 1004.04. **Continuing maintenance period.**

- a. Continuing maintenance period established.

A subdivider or developer shall maintain and keep in good repair all improvements required under Sec. 1004 and constructed by him from the date of completion and acceptance of the work by the County for a period of 1 year for water, sanitary sewer and reuse water system improvements, and for a period of 2 years for streets, drainage and all other improvements. In the event that the development has not completed at least 90 percent build out by the end of the original guarantee period, the guarantee shall be renewed in 18-month intervals until 90 percent build out is achieved.

- b. Maintenance and performance surety.

Prior to approval of a final subdivision plat or issuance of a certificate of occupancy, maintenance surety for all public improvements required under Sec. 1004 shall be provided by the subdivider or developer, and performance surety shall be provided for all required improvements not yet completed. For details see the Procedures and Permits Article of this Development Code regarding final subdivision plats.

Sec. 1005. Survey monuments.

Sec. 1005.01. Survey monuments required.

Documentation of monuments established by land survey are required for all subdivisions and developments as described more fully in this Sec. 1005. Such documentation must be consistent with requirements for both the Georgia Maps and Plats Act (O.C.G.A. 15-6-67) and for final subdivision plats under the Procedures and Permits Article of this Development Code.

- a. Monuments shall be indicated on all plats intended to be recorded with the Clerk of the Superior Court.
- b. All such monuments shall be properly set in the ground and shall be approved by a Registered Land Surveyor prior to the time of final plat approval.
- c. Removal of monuments and resetting by anyone other than a Registered Land Surveyor is prohibited.

Sec. 1005.02. Exterior development boundaries.

- a. A minimum of 2 GPS/GIS monuments shall be installed for each subdivision with five or more lots.
- b. GPS/GIS monuments shall provide latitude, longitude, and elevation referenced to mean sea level.
- c. GPS/GIS monuments shall be 4" x 4" concrete with brass cap installed one (1) foot above the surrounding ground elevation.

Sec. 1005.03. Lot and street corners.

- a. Permanent reference monuments shall be placed at property corners and other points such as points of curvature and tangent points.
- b. All monuments shall be marked with a solid iron rod or an iron pipe not less than one-half 2 inch in diameter, at least two 2 feet long, driven flush with the ground.

Sec. 1005.04. Floodplain elevations.

On developments containing floodplains, flood elevation references shall be set and referenced. Base flood elevations shall be shown on final subdivision plats in accordance with FEMA regulations.

Sec. 1006. Easements.

Easements shall be required in connection with subdivisions or developments for the following purposes, among others:

Sec. 1006.01. Utility easements.

Whenever it is necessary or desirable to locate a public utility line outside of the street right-of-way, the line shall be located in an easement dedicated to the County (or other appropriate public entity) for such purpose.

- a. Utility easements for electric and telephone service lines, sewage lines, water lines, or other such utilities located along rear lot lines or side lot lines or passing through a lot shall be at least 20 feet wide and generally platted 10 feet on each lot when sharing a common line.
- b. No structure shall be built on such easement.

- c. Utility easements for private utilities shall be avoided except in cases where no other satisfactory arrangements can be provided for the installation of private utilities.

Sec. 1006.02. **Pedestrian easements.**

Pedestrian easements not less than 10 feet wide, may be required where deemed essential to provide circulation, or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

Sec. 1006.03. **Drainage easements.**

- a. Drainage easements for improved ditches, pipe construction, and detention facilities shall be cleared, opened, and stabilized with erosion control measures at the time of development to control surface water runoff.
- b. Drainage easements shall be provided where a development is traversed by or contains a natural or manmade water course, impoundment, detention pond, floodplain, natural stream or channel. It shall conform substantially to the limits of such natural drainage feature, but shall be not less than 20 feet in width.
- c. Vehicular access to every stormwater detention facility shall be provided directly from an abutting street, or by access easement between the facility and the nearest street. Such access easement shall be cleared of any trees and shrubs, shall be unpaved and no less than 20 feet wide, and shall have a maximum grade of 12%.
- d. Drainage easements outside of the street right-of-way shall be clearly defined on the final subdivision plat. The property owner will be required to keep the easement free of obstruction in such a way as to assure the maximum designed flow at all times. The property owner shall not alter any drainage improvements without the prior written approval from the County.
- e. Drainage easements for storm drain pipes and improved ditches shall adhere to the provisions of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1006.04. **Conservation and natural resource easements.**

Conservation and natural resource easements, as may be required by this Development Code, shall be clearly defined on the plat and deed of the individual property owner, and must conform to the requirements set out for such easements in the Environmental Protection Article of this Code.

Sec. 1006.05. **Overlapping easements.**

Easements for water, sanitary sewers and drainage purposes may be combined, with the approval of the Public Works Director, but must provide at least 7½ feet of pipe separation.

Sec. 1007. Protection of public rights-of-way and easements.

Sec. 1007.01. **Removal and relocation of utility facilities.**

This Section relates to the authority of the County to order removal and relocation of utility facilities; giving notice to utility; and procedure by County upon failure of utility to remove facility.

- a. Any utility using or occupying any part of a public road which the County has undertaken to improve or intends to improve shall remove and relocate its facility when, in the reasonable opinion of the County, the facility constitutes an obstruction or interference with the use or safe operation of such road by the traveling public or when, in the reasonable opinion of the County, the facility will interfere with such contemplated construction or maintenance.
- b. Whenever the County reasonably determines it necessary to have a utility facility removed and relocated, the County shall give the utility at least 60 days written notice directing the removal and relocation of such utility obstruction. If the utility does not thereafter begin removal within a reasonable time sufficient to allow for engineering

and other procedures reasonably necessary to the removal "and relocation of the utility facility, the County may give the utility a final notice directing that such removal shall commence not later than 10 days from receipt of such final notice. If such utility does not, within 10 days from receipt of such final notice, begin to remove or relocate the facility or, having so begun removal or relocation, thereafter fails to complete the removal or relocation within a reasonable time, the County may remove or relocate the same with its own employees or by employing or contracting for the necessary engineering, labor, tools, equipment, supervision or other necessary services or materials and whatever else is necessary to accomplish the removal or relocation; and the expenses of such removal or relocation may be paid and collected as provided in Sec. 1007.03.

Sec. 1007.02. Replacement right-of-way for relocated utility.

This Section relates to the authority of the County to obtain replacement right-of-way for a relocated utility.

- a. Whenever a public road improvement necessitates the acquisition by the County of a utility's privately owned rights-of-way and the relocation of such utility's facilities, the County may, with written consent of the utility, provide a replacement right-of-way.
- b. Whenever a public road improvement requires the relocation of a utility occupying public road rights-of-way, the County may, at the written request of such utility, provide to the utility a right-of-way which is not on public road right-of-way. In this event, the utility shall reimburse the County for the acquisition costs.
- c. Title to property acquired for utility relocations under Sec. 1007.02.a and Sec. 1007.02.b, and as authorized by Sec. 1007.01, may be transferred to such utility as authorized in Sec. 1007.03. However, the procedures for sale of property as set forth in Sec. 1007.04 shall not be applicable to the transfer of property acquired for utility relocation. Any such property transfer to the utility shall be conveyed by the execution of a quitclaim deed by the Board of Commissioners of Oconee County.

Sec. 1007.03. Payment of expenses of removal and relocation of utility facilities.

The expenses incurred by the County as a result of utility removal and relocation pursuant to Sec. 1007.01.b, including the cost of acquiring new land or interest therein pursuant to Sec. 1007.02.b, shall be paid out of the available appropriations of the County for the construction or maintenance of public roads. A statement of such expenses shall be submitted to the utility, which shall make payment to the County. In the event the utility does not make payment or arrange to make payment to the County within 60 days after the receipt of said statement, the County shall certify the amount for collection to the County Attorney. Nothing in this article shall be construed so as to deprive any utility, relocated from a location in which it owned a property interest, of compensation for such property interest.

Sec. 1007.04. Promulgation of regulations by County.

- a. The State of Georgia, Department of Transportation—Utility Accommodation Policy and Standard; 1988 Edition, is hereby adopted as the rules and regulations of Oconee County with the following exceptions:
 - (1) Section 3.2 (a) Where to apply is deleted and adopted in lieu thereof is the following "Applications for utility encroachment permits shall be made at Watkinsville, Oconee County, Georgia at the Public Works Director."
 - (2) Section 3.2 (b) Authority to Approve is deleted and adopted in lieu thereof is the following "The Public Works Director shall have full authority to approve requests for utility encroachment permits."
 - (3) Section 3.9 (c) Notice to Other Utilities is deleted and adopted in lieu thereof is the following: Applicants shall comply with "Blasting or Excavations Near Underground Gas Pipe and Utility Facilities" Chapter of Georgia Code Ann. (O.C.G.A. § 25-9-1 *et seq.*).
 - (4) Appendix A, B, and C are deleted.

(5) The Rules and Regulations adopted hereby are those used by the State of Georgia. Wherever in the course of using or interpreting such rules and regulations, reference is made to the State of Georgia, the Department of Transportation or other state department, officer or employee, same shall be interpreted to refer to the analogous county department, officer or employee, i.e., a reference to the State of Georgia shall be interpreted to mean Oconee County, a reference to the Department of Transportation shall be read to mean the Public Works Director or a reference to a state road shall be generally read to mean county road.

Sec. 1008. *Streets.*

This Code requires that all streets, whether public streets or private streets (other than private access drives meeting the requirements of Sec. 1012.07), be built to minimum standards of material and construction. Several materials and types of construction shall be used, as set forth herein.

Sec. 1008.01. *Access.*

- a. A publicly approved paved street meeting the requirements of this Article shall serve every development and every lot within a subdivision. (See also Sec. 1003.04 regarding paved road access to a subdivision or development project.) Private streets must meet all public street standards unless modification is approved by the Board of Commissioners as part of a Master Plan for a PUD or a Concept Plan for an MPD pursuant to Sec. 1003.12.
- b. A building permit shall not be issued on any property that does not front on or have approved access to a publicly dedicated street or an approved private street, in accordance with the minimum lot frontage and access easement provisions of this Development Code.
- c. When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged and designed so as to allow for the opening of future streets and to provide access to those areas not presently served by streets.
- d. No subdivision or development shall be designed in a way that would completely eliminate street access to adjoining parcels of land.
- e. Reserve strips which control access to streets, alleys and public grounds shall be prohibited unless their control is placed in the hands of the County under ownership, dedication, or easement conditions approved by the County Attorney and the Public Works Director.
- f. Subdivision streets that intersect an arterial or major collector road shall do so at intervals of not less than 500 feet, or as required by the Georgia Department of Transportation, whichever is greater. On all other roads, at least 250 feet must separate street intersections on the same side of the road, measured centerline to centerline. Compliance with sight distance requirements of this Development Code may require greater distances between street intersections.

Sec. 1008.02. *Relation to present and future street system.*

The design and layout of all streets shall conform to the general highway map of Oconee County or portions or elements thereof for streets, highways, and pedestrian ways. In addition:

- a. The street system in the proposed subdivision shall relate to the existing street system in the area adjoining the subdivision. Horizontal and vertical alignments and other design elements shall substantially conform to these regulations, AASHTO Policy on Geometric Design of Highways and Streets, and Georgia DOT design standards. Where conflict among these standards exists, the Public Works Director shall determine which standard shall comply.
- b. Design of streets where railroads, parkways, grade separations, or freeways are involved shall be subject to conditions imposed by the Public Works Director as may be required by the circumstances in each case.

- c. Whenever a proposed subdivision or development project abuts a road which is included in the state system of primary highways, an access road extending the full length of the subdivision or development project along such highway and providing limited access thereto may be required at a distance suitable for the use of the land between such access road and highway.
- d. Where a subdivision abuts or contains an existing or proposed arterial street, the Public Works Director shall require an access road as provided under Sec. 1008.02.c, or a single tier of through (double-frontage) lots as provided under Sec. 1003.09.e, or such other treatment as will provide protection for abutting properties, reduction in the number of intersections with the arterial street, and separation of local and through traffic.
- e. Subdivisions shall be laid out so as to discourage through traffic on local streets. However, the provision for the extension and continuation of arterial and collector streets into and from adjoining areas is required. Each street or way which is the continuation of or approximately the continuation of an existing street or way shall be shown on the preliminary plat and final plat and shall be given the same name as such existing street or way.
- f. Existing streets that adjoin a development or subdivision boundary shall be deemed a part of the development or subdivision. The proposed street system within a subdivision shall have the right-of-way of existing streets extended no less than the required minimum width. Subdivisions that adjoin only one side of an existing street shall dedicate one-half of the additional right-of-way needed to meet the minimum width requirement for the street as a project improvement. If any part of the subdivision includes both sides of an existing street, all of the required additional right-of-way shall be dedicated.
- g. All right-of-way required for off-site improvements related directly to the subdivision or development project, such as acceleration or deceleration lanes, shall be acquired by the developer at no expense to Oconee County.
- h. Where, in the opinion of the Public Works Director, it is necessary to provide for interparcel access to adjoining property, proposed streets shall be extended by dedication of right-of-way to the boundary of such property and existing streets through the development.
 - (1) Where an existing street on the adjoining property terminates at the boundary of the development or subdivision, the street shall be extended into the development or subdivision.
 - (2) Where no street exists on the adjoining property, a temporary turnaround shall be provided at the boundary of the development or subdivision at an appropriate location. See Sec. 1008.04.f(3) for standards.

Sec. 1008.03. **Street classifications.**

For the purposes of this Development Code all of the streets, roads and highways in Oconee County are classified as local streets, minor collector and major collector streets, and arterials. The classification of each street in Oconee County is maintained on maps or records in the Public Works Department.

- a. Designation.
 - (1) Streets shall be classified into a street hierarchy system as shown in Sec. 1008.04.a. Street design standards shall be based on road function and projected average daily traffic (ADT), calculated with trip generation rates published in the most recent edition of *Trip Generation Manual* by the Institute of Transportation Engineers.
 - (2) For residential lots, this will generally be equal to 10 to 12 trips per day per single family lot and 16 to 18 trips per day per two family lot.
 - (3) Trip generation rates from other sources may be used if the applicant demonstrates that these better reflect local conditions at the sole discretion of Oconee County.

Street classes and their corresponding ADT thresholds are: found in Sec. 1008.04.a.

(4) Each street shall be classified and designed to that classification for its entire length. The applicant shall demonstrate that the distribution of traffic to the proposed street system shall not exceed the ADT thresholds for any of the proposed street classifications.

b. Private Streets.

- (1) If and when a development plan indicates the construction of streets and utilities on private property, the owner shall indicate planned means for the maintenance of such streets and utilities.
- (2) The construction specifications for such streets shall be the same as for public streets or the equivalent equal as approved by the Public Works Director and access shall be provided over such streets to an existing public street having a right-of-way of not less than sixty (60) feet.
- (3) In addition, the owner shall state, through an agreement prepared or approved by the local government's attorney, that the local government and Governing Body shall be relieved of any responsibility for the maintenance of said improvements.
- (4) Such agreements shall conform to the Georgia Condominium Act if applicable, and shall receive such approval prior to the final review by the County.

c. Traffic Impact Studies.

To assure that the provisions of the required streets in new land developments help prevent and reduce traffic congestion and hazards and to ensure the health, safety, and welfare of the traveling public, the County may require the developer to provide traffic impact studies when the projected traffic from the development exceeds 500 ADT.

- (1) The county will require a traffic impact study when the projected traffic from the development equals or exceeds 1,000 ADT combined for all entrances.
- (2) The traffic projection shall be based on the developer's most intense use as allowed by the zoning on the property.
- (3) The requirement and scope of the traffic impact study will be based on the nature of the development, existing background traffic volumes and patterns, and future development along the adjoining corridors. The intent of the impact study is to identify the impacts to capacity, level of service, and safety to existing corridors and the actions required to mitigate these impacts.
- (4) The determination of the requirement for traffic impact studies shall be made by the County Engineer with consideration to the above criteria. The Design Professional of Record shall determine the scope of the impact study and obtain concurrence of the Public Works Director.
- (5) The traffic impact study and proposed mitigation measures will be provided and considered as part of the approval process for the preliminary plat.

Sec. 1008.04. **Design standards for streets.**

- a. Street rights-of-way and pavement width shall conform to the minimum street design standards as shown on Table 10.1: Street Design Standards.

Table 10.1: Street Design Standards				
	Arterial ¹	Major Collector	Minor Collector	Local Street
Average Daily Trips (ADT)	10,000 or more	2,501 to 9,999	251 to 2,500	250 or less
Minimum Right-of-Way, in Feet	100	64/80 ⁴	60	60
Minimum Pavement Width, in Feet ²	48	24/30	20	20
Maximum Grade	6%	10%	10%	12%
Minimum Stopping Sight Distance, in Feet	495	360	200	155
Design Speed, in MPH ⁵	55	45	30	25
Minimum Centerline Radius, in Feet ⁶	2000	1100	375	250
Minimum Length of Tangent Between Reverse Curves, in Feet	300	200	100	100
Pavement Radius at Intersections, in Feet	30	30	30	30
Minimum Finished Grade	1%	1%	1%	1%

¹ Geometric design standards of the Georgia Department of Transportation shall represent minimum requirements for arterial street design and construction. All other street classifications shall adhere to current AASHTO standards; relating to design speed, stopping sight distance, vertical and horizontal controls.

² Pavement width does not include curb and gutter.

³ See Sec. 1012.07 for "private access drives."

⁴ Varies 64' to 80' based on requirements for roadway section and approval of the Public Works Director.

⁵ In some instances, the Public Works Director may grant a change from the designated Design Speed, based on traffic volumes, road configuration, and the number of proposed entrances or outlets. In all instances, the posted speed limit shall accurately reflect design criteria, based on current AASHTO standards.

⁶ Based on minimum middle ordinate of 14 feet for 10-foot lanes and 15 feet for 12-foot lanes. May be adjusted with review of supporting data and approval by Public Works Director.

b. Street grades.

- (1) A street grade exceeding 10 percent for minor collector streets and 12 percent for local streets will be approved only when conclusive evidence shows that a lesser grade is impractical and would not cause detrimental land disturbance, erosion and distraction of vegetative cover, or storm water hydraulic complications. In any case, any deviation from these standards shall still be in compliance with current AASHTO standards as determined by the Public Works Director.
- (2) All street grades shall be no less than one percent.
- (3) Grades approaching intersections shall not exceed five (5) percent for a distance of not less than 40 feet, measured from the nearest right-of-way line at the point of intersection unless otherwise approved by the Public Works Director. Slope lines shall be extended beyond the 8 feet minimum to achieve the proper corner/intersection sight distance.

c. Curved Streets.

- (1) Under no circumstance is a curved street to be reverse super elevated. All streets (unless super elevated) shall have a 1/4-inch per foot center crown above gutter elevation. Crown slopes shall be transitioned over a distance of 50 feet from any intersection, to provide a proper tie-in at the mainline edge of pavement.
- (2) See Sec. 1008.04.a for geometric requirements.

d. Street intersections.

- (1) As far as is practical, all proposed streets shall be continuous and made to connect with existing streets without offset. In all cases of offsets, centerline jogs of less than 125 feet shall not be permitted.
- (2) All street intersections and junctions shall be at right angles, unless otherwise approved for good cause by the Public Works Director, but in no case shall they be less than 80 degrees.
- (3) In addition, at all street intersections and junctions, there shall be a minimum stopping sight and corner sight distance in accordance with AASHTO Policy on Geometric Design. The profile shall be flattened at intersections to provide an area of not over 5 percent grade extending at least 40 feet each way from the intersection. In no case shall the stopping sight or corner sight distance be less than indicated herein.
- (4) Islands within roadways at intersections shall be subject to individual approval by the Public Works Director. In no case shall anything extend more than 3 feet above the pavement within the right-of-way of the street.
- (5) Curb lines at street intersections shall have a radius of curvature of not less than 30 feet. Where the angle of street intersection is less than 90 degrees, a longer radius may be required.
- (6) Intersecting street right-of-way lines shall parallel the back of curb of the roadway.

e. Minimum sight distance.

- (1) In all Zoning Districts, no fence, wall, structure, shrubbery or other obstruction to vision between the heights of 3 feet and 15 feet, except utility poles, light or street sign standards or tree trunks, shall be permitted within 20 feet of the intersection of the right-of-way lines of streets, roads, highways or railroads.
- (2) Lines of sight shall be provided along street roadways (i.e., "midblock") and at street intersections in accordance with this Subsection. The sight line shall be clear along its entire minimum length and unimpaired by intervening changes in street grade, horizontal alignment or obstructions. Examples of obstructions are vegetation, ground cover, signs, existing topography, etc.
- (3) Midblock visibility requirements.

The following shall be met at any point along the entire length of a street in between intersections:

- (a) Minimum vertical and horizontal midblock visibility requirements are shown on Table 10.2.
- (b) Midblock visibility distances shall be measured along the centerline of the roadway between two points 4 feet above pavement level.

Table 10.2: Minimum Sight Distance

	Midblock Visibility		At Intersections	
	Vertical	Horizontal	Urban	Rural
Major Arterial Street*	500 feet	500 feet	650 feet	800 feet
Minor Arterial Street*	500 feet	500 feet	600 feet	700 feet
Collector Street*	300 feet	300 feet	400 feet	550 feet
Local Street	200 feet	200 feet	350 feet	350 feet

*Per Georgia DOT for State and U.S. numbered highways.

- (4) Visibility requirements at street intersections.
 - (a) At an intersection where traffic is to be controlled by stop signs on the minor road, said minor road shall be designed to intersect the major road in accordance with the standards imposed by the Georgia DOT, where applicable; and where not applicable the minor road shall intersect at such location as will provide minimum sight distance in either direction along the major road as required in Table 10.2.
 - (b) For the purpose of these intersection visibility requirements, land zoned A-1 or any one of the AR zoning districts shall be considered rural, and roads located therein shall be classified as rural. All other roads shall be classified as urban.
 - (c) Visibility distances at intersections shall be measured from a point on the centerline of the entering street 14.4 feet back from the nearest edge of the roadway in the abutting street, and extending in both directions along the abutting street. Minimum sight distances are to be measured from the driver's eyes, which are assumed to be 3.5 feet in height above the pavement surface, to an object 2 feet high on the pavement in the center of every on-coming travel lane.
- (5) Exceptions.
 - (a) Where it is deemed by the Public Works Director that the application of a minimum sight distance requirement would render a property undevelopable, the Public Works Director may require the installation of appropriate warning signs and flashing lights, a traffic signal, or other hazard reducing approach.
 - (b) Any modification to the required sight distances stated herein made by the Public Works Director for cause shall conform to the standards and requirements contained in AASHTO policy.

f. Dead-end streets (cul-de-sacs).

- (1) Cul-de-sac or permanent dead end streets shall be terminated by a turnaround. They shall be separated from the exterior boundary or topographic boundary of the subdivision by the depth of one lot or 80 feet, whichever is less.
- (2) Cul-de-sac streets shall not exceed 1000 feet in length unless otherwise approved by the Public Works Director. They shall terminate in a circular right-of-way with a minimum diameter of 140 feet and a paved diameter of 94 feet. This shall be measured to the edge of pavement in un-curbed cul-de-sacs and to the back of curb in curb and gutter cul-de-sacs.
- (3) A dead-end street other than a cul-de-sac shall not be allowed except as a temporary stage of construction of a street that will be extended in a later stage of construction. Such non-permanent dead end streets may exceed 1000 feet in length, but shall terminate in a turnaround with a minimum right-of-way of 90 feet in diameter. Said turnaround shall be provided with provisions for adequate grading, drainage and 6-inch thick gravel surface, and so indicated on the preliminary plat, final plat, and construction plans.

g. Alleys and service drives.

- (1) Alleys in residential subdivisions shall not be permitted, unless the alleys are intended to provide rear-access to garages on each lot and have a minimum roadway width of 20 feet of pavement, exclusive of curbs and gutters.
- (2) Alleys with a minimum width of 20 feet of pavement, exclusive of curbs and gutters, may be required by the Planning Director where necessary to provide access to the rear of two or more lots designated for multi-family, business, or industrial use.

(3) Dead end alleys are prohibited unless the dead-end alley is provided with a turn-around having a roadway radius of at least 40 feet, a "T-head" turn-around, or other solution acceptable to the Public Works Director.

h. Half streets prohibited.

Half streets along development boundaries are prohibited. Whenever a street is planned adjacent to the proposed development or subdivision tract boundary, the entire street right-of-way shall be platted within the proposed development or subdivision.

i. Split Level Streets.

A street that is constructed so as to have lanes in each direction at a different vertical level within the same right-of-way shall provide a pavement width of at least 14 feet in each direction and a vegetated median between the lanes having a slope of not greater than four to one. Split level streets will be allowed when:

- (1) Topographic conditions are such that alternatives to the typical street construction would be more desirable.
- (2) The shape and size of the parcel could be more efficiently developed.

In either case, approval must be obtained from the Public Works Director for the specific design.

Sec. 1008.05. Street improvements.

a. Construction standards.

All materials, construction, and definitions shall conform to the current Georgia Department of Transportation "Standard Specifications for the Construction of Roads and Bridges", latest Edition, and any Amendments thereto, unless otherwise stated herein.

b. Curbs and gutters.

- (1) Vertical or rollback six-inch concrete curbs and gutters with a minimum overall width of 24 inches shall be constructed on all residential, commercial and industrial streets not in the AG, AR-3, and AR zoning classifications. In the AG, AR-3, and AR zoning classifications, concrete curbs and gutters are required in subdivisions where more than one-half of the total number of lots are one acre or less, or where the average street frontage per lot is less than 100 feet, or where at least one-half of the total number of lots in such subdivision have widths of less than 100 feet.
- (2) Concrete curbs and gutters are required in the cul-de-sac portion of a street to channel water to the stormwater conveyance structure. Stormwater conveyance structures may include, but are not limited to, culverts, storm drainage pipes, catch basins, drop inlets, junction boxes and headwalls, and shall be provided for the protection of public rights-of-way and private properties adjoining project sites and/or public rights-of-way.

c. New local residential streets (without curb and gutter).

- (1) Grassed shoulders and waterways (ditches) are required.

(a) The aggregate road base shall be extended one foot beyond the edge of pavement, (pavement is twenty feet wide) and the shoulders and ditch sections shall be constructed in accordance with Oconee County's typical cross section for unpaved roadways.

(b) In no instance shall the shoulder be less than 7 feet. Shoulders shall be graded to no more than $\frac{1}{2}$ inch per foot.

- (2) Unstable topography.

Certain tracts of land, because of topographic features or unfavorable or highly erodible soil conditions, should not be developed with grassed shoulders and waterways.

- (a) When a developer proposes to develop without curb and gutter, data and information showing that conditions are suitable for establishing permanently stabilized grassed shoulders and waterways shall be presented, together with any provisions necessary to correct any unfavorable conditions.
- (b) An unfavorable condition is generally defined when the velocity of the storm water in the channel exceeds 3.0 feet per second or erosive soils are present.
- (c) When the County does permit development using grassed shoulders and waterways, additional provisions may be required where slopes and soil conditions are unfavorable.
- (d) These requirements may include hydro-seeding of shoulders and waterways with specific grass mixtures, grass, sod, planting and erosion mats, rip-rap, concrete ditches, ditch checks, grade stabilization structures where the finished grade exceeds 5%, etc., to ensure permanent stabilization of the shoulders and waterways and to minimize erosion and future maintenance.

d. Shoulder requirements.

The street right-of-way shall be graded at least 8 feet, measured from the back of the curb (curb & gutter sections) or 7 feet measured from the edge of the pavement (uncurbed sections) on both sides of the street to provide space for installation of utilities, to prevent the encroachment of driveways into the street surface, and to provide walkways off the paved vehicular surface, and provide proper sight distances in curved roadway sections.

e. Grassed medians.

Vertical or rollback six-inch concrete curb and gutter shall be required for a grassed median on all streets. Such medians shall be designed to slope towards the outside curb of a street or contain an adequate drainage system within the median.

f. Backfill, finish grading & grassing.

Shoulders shall be sloped and backfilled as necessary following paving and curb and gutter installation as required by the Public Works Director. All curbs and gutters shall be back-filled according to the designs in these Regulations. All eroded areas shall be reconstructed to the original final grade. Re-grass shall be required for bare spots, areas of insufficient stand and reconstructed areas.

g. Sub-surface drainage systems.

Sub-surface drainage installations may be required by the Public Works Director to provide a stable sub-surface and base for fills and base course construction over wet weather springs, soft spots, swamps and other unsuitable soils. The Public Works Director shall require the owner to have a soil analysis and drainage design performed by the Design Professional of Record if such conditions are encountered.

h. Cuts, fills, and subgrade.

Cuts, fills, and subgrades shall be subject to the approval of the Public Works Director. The Public Works Director may vary the required slope. The Public Works Director shall specify any improvements necessary to protect community assets and to reduce the potential undue deterioration of street improvements. The developer will be guided by the following general requirements:

- (1) Slope maximums shall be at a ratio of 3 feet horizontal distance to 1 foot rise (3:1). No slope line shall extend closer than 8 feet to back of curb or 15 feet to edge of pavement on uncurbed sections. Minimum slope shall be ½-inch per running foot.
- (2) All slopes shall be adequately planted with approved vegetation. A suitable mulch of straw, hay, etc. shall be used.
- (3) The developer shall be responsible for any erosion that might occur until the expiration of the maintenance period.

- (4) Compaction shall be 95 percent by Standard Proctor Density Test. Subgrade compaction will be field tested through the use of a "Roll Test", as specified herein.
- (5) All organic and other unsuitable materials located within the proposed roadbed and 2 feet on either side of the back of curb or edge of pavement shall be removed prior to subgrade preparation.
- (6) Backfill behind curbs shall be free of organic material (roots, trunks, etc.), stone, broken concrete, etc. Topsoil and other similar unsuitable soil types removed from the roadbed may be utilized for shoulder construction, but not for fill construction, beyond 8 feet on either side of the back of curb or edge of pavement. The use of topsoil within 8 feet of the back of curb or edge of pavement shall be limited to a maximum depth of 6 inches.
- (7) Cut and fills shall be extended beyond the right-of-way as required, but a slope easement must be provided for maintenance purposes. Trees outside of the graded right-of-way with driplines extended into the right-of-way shall be removed at the direction of the Public Works Director, or Planning Director. Such tree removal shall be required on a case-by-case basis due to public safety concerns, potential interference with public infrastructure, or the survivability of the tree.
- (8) Sub-base stabilization may be required by the Public Works Director specified herein if necessary to allow safe access of construction vehicles and equipment.
- (9) Shaping and backfilling of shoulders, ditches and slopes shall be accomplished to final grade lines following the installation of underground utilities by the owner. Care shall be taken to fill and compact settled or eroded areas.
- (10) Grassing of all cleared portions of the shoulders and slopes shall be accomplished immediately following the achievement of final grade lines. If limitations require the application of temporary vegetative cover, the owner shall make contractual provisions for regrassing with permanent cover. Requirements for grass species, mixture, fertilizer and application methods in each individual subdivision shall be in accordance with the Georgia Soil and Water Conservation Commission standards for critical areas. Bermuda grass shall be required during the season from May through September and as permanent grass species.
- (11) Conduits for utility crossings shall be installed before subgrade inspection. Said conduits shall be indicated on the construction plans. No bores will be allowed for utility distribution/transmission systems after subgrade inspections or paving operations without prior approval of the Public Works Department.
 - i. Street base.
 - (1) Base course; description.

The base course shall consist of graded aggregate of a minimum compacted thickness placed on a stabilized subgrade in accordance with these specifications and in conformity with the lines, grade and typical cross-section as shown on the drawings approved by the County. Tolerance is +/-0.10 foot. Base course depth requirements vary based on estimated traffic volumes and street classification. See Sec. 1008.04.a.
 - (2) Base course materials.
 - (a) All materials shall be secured from Georgia Department of Transportation approved sources.
 - (b) All aggregate material shall meet the GDOT requirements as contained in Section 800 for Group I or II; and Class A or B.
 - (c) Graded Aggregate shall consist of hard, durable particles of fragments of stone, and stone mortar, and shall be graded as follows:

Table 10.3: Standards for Graded Aggregate	
Sieve Size Designation	Percent by Weight Passing Square Mesh
2 inches	100%
1 1/2 inches	95% - 100%
3/4 inches	60% - 100%
No. 10	30% - 45%
Material Passing No. 10 Sieve	
Percent	
Passing No. 10 Sieve	100%
Passing No. 60 Sieve	15% - 70%
Passing No. 200 Sieve	3% - 25%
Siltless Clay	9% - 25%

j. Required base and pavement thicknesses.

(1) The following Table 10.4 shall be used to determine the minimum thickness for each layer of the pavement structure based on the classification of the roadway. Please refer to Sec. 1008.04.a for roadway classification criteria and associated traffic volumes. The pavement structure for development entrances shall be based on the classification of the adjacent mainline roadway.

Table 10.4: Minimum Base and Pavement Thickness					
	Industrial / Business ¹	Arterial	Major Collector	Minor Collector	Local Street
Graded Aggregate Base Course	10 inches	10 inches	8 inches	8 inches	6 inches
Asphalt Binder Course	9 inches	6 inches	4 inches	2 1/2 inches	2 inches
Surface	1 1/2 inches	1 1/2 inches	1 1/2 inches	1 1/2 inches	1 1/2 inches

NOTE: The use of RAP mix designs are not permitted on initial construction of roadways. Binder course may use RAP with prior approval of the Public Works Director.

¹ The Industrial / Business Uses classification shall apply to all industrial parks, commercial developments, and all other public roadways which are planned to support business and industry typically classified under the Industrial and Business Zoning Districts. Private facilities are not included in this classification.

(2) Alternative pavement structures may be considered by the County for approval for Arterial and higher classification streets, or streets with unusual or poor subgrade conditions. Unusual or poor subgrade conditions shall be defined as soil structures with a modulus of subgrade reaction of less than or equal to 100 psi/in or a soil structure that is not stable after conventional compaction techniques. Said structures shall be designed by a registered professional engineer, licensed in the state, in accordance with AASHTO and GDOT design policies and procedures. Design data and calculations shall be provided with any alternative design. The design professional shall consult with the Public Works Department for the appropriate design methodology and factors that are to be used in the design process.

k. Roll testing.

Both the subgrade and base course will be load tested when required by the Road & Bridge Inspector with a minimum 18 ton hauling capacity tandem dump truck, fully loaded or an equivalent. The test shall cover the material thoroughly to assure a maximum tolerance of a ½-inch settling and the absence of any cracking or pumping, prior to all paving. This test shall be witnessed by the Public Works Director or his or her designee.

Sec. 1008.06. Private streets.

All lots that do not meet the requirements of Sec. 1012.07 must be located on a street or road. Private streets are available for use in the case of developments that wish to utilize entry gates, mixed forms of property ownership, new urbanist design standards or other non-traditional public road design requirements. These private streets will be owned and maintained by a mandatory Homeowners Association and not by Oconee County. Neither private nor public streets are necessary in a development that does not have separate lots, but only units, such as an apartment or condominium development. Internal driveways and parking lot aisles shall meet the requirements of the Parking and Loading Requirements Article of this development Code.

a. Allowed Locations.

Private Streets may only be constructed in the following zoning districts: AR-3, AR, R-1, R-2, and R-3, and in Master Planned Developments.

b. Private streets (other than private access drives), if approved by the County, shall meet all minimum geometric design requirements per International Fire Codes and all AASHTO design standards for that road's posted speed (unless modified in a PUD or master planned development under the provisions of Sec. 1003.12), but in no case shall the design speed be less than 15 miles per hour.

c. Private streets (other than private access drives), if approved by the County, shall meet all construction requirements and standards that apply to public streets.

d. Private streets shall be located within a separate parcel of land, no less than 60 feet wide, that is owned by the Homeowners Association for the development. The width shall include the private street, any drainage structures, sidewalks, or utilities, and must provide the same minimum width required for right-of-way for a similar public street.

e. Private streets may not be located in an easement over multiple lots.

f. The private street shall be located within an easement coincident with the parcel required under Sec. 1008.06.d. The easement must be recorded with each lot's deed and grant the right of vehicular access to every other lot served by the street, as well as the right to place public and private utilities therein.

g. Road maintenance.

(1) The county will not maintain roadways, signs or drainage improvements on private streets. All developments utilizing private streets are required to have mandatory Homeowners Association. The HOA shall comply with all provisions of the Subdivisions and Planned Developments Article of this Development Code.

- (2) As part of the mandatory Homeowners Association, covenants are required for any lots on a private street. Provisions for maintenance shall be included in the Homeowners Association covenants. The covenants shall set out the distribution of expenses, remedies for non-compliance with the terms of the agreement, right of use easements and other considerations. The covenants shall include the following items:
 - (a) The covenants shall establish minimum annual assessments in an amount adequate to defray costs of ordinary maintenance and procedures for approval of additional needed assessments.
 - (b) The covenants shall include a periodic maintenance schedule.
 - (c) The covenants for maintenance shall be enforceable by any property owner served by the road or by the Homeowners Association established by the covenants.
 - (d) The covenants shall establish a formula for assessing maintenance and repair costs equitably to property owners served by the private road.
 - (e) The covenants shall run with the land.
 - (f) The covenants shall not be dissolved or be modified in any way so as to conflict with these regulations.
 - (g) Maintenance shall include, but not be limited to, road surfacing, shoulders, signs, storm drainage facilities and vegetation control.
 - (h) A notice that no public funds of Oconee County are to be used to build, repair or maintain the Private Road.

h. Owners release.

- (1) At the time of purchasing property that is served by a private street, upon any sale or resale of a property, the purchaser shall acknowledge by execution of a release that the street is private and not maintained by the County, and that maintenance of the street is the responsibility of the Homeowner's Association. The release is to be prepared using a form acceptable to the County Attorney and shall be recorded with the Clerk of the Superior Court along with any warranty deeds.
- (2) The final subdivision plat shall provide notification that all properties served by the private street are perpetually subject to the provisions of this Development Code regarding the owner's release upon any sale or resale of the property.
- (3) Failure to execute such a release shall not relieve the purchaser of maintenance responsibility for the private street.

i. Lot dimensional requirements.

For a property served by a private street:

- (1) The building setback, lot width and other dimensional requirements of the zoning district in which the property is located shall be measured from the private street parcel.
- (2) Land located within the private street parcel shall not be included in the area of the lot for the purpose of meeting the minimum lot area required by the zoning district in which the property is located.
- (3) The developer shall grant an exclusive and irrevocable access and utility easement to the County that is located coincident with the private street parcel.
- (4) The County may require additional easements for any utilities not located on the private street. All easements shall meet the minimum sizes required by the County.

j. Other standards.

- (1) Where private streets intersect public streets, private streets shall meet the requirements of public streets including intersection offset requirements, deceleration and acceleration lanes, intersection gradients, and other applicable design and construction requirements of this Development Code.
- (2) The HOA shall provide all maintenance activities and related actions to ensure compliance with Oconee County's NPDES permit for stormwater discharges.
- (3) A private street subdivision shall meet all other requirements and standards that apply to public subdivisions, such as storm water runoff and detention requirements, the provision of utilities, sidewalks, and traffic and street name signs.
- (4) Private streets shall be denoted as such on the street name signs for each such street. Proposed streets, which are extensions of, or in alignment with, existing or other proposed streets shall have the same name. Street names shall not duplicate or be phonetically similar to existing street names. The County requires a different standard for a public street name sign indicating that the street is "private" or "not maintained by the County."
- (5) The developer is to obtain the street signs from the County and install them to County specifications at the developer's expense.
- (6) Any gate placed across a private street that limits access to a subdivision or development shall provide for unimpeded access by emergency vehicles, governmental vehicles on official business, and delivery services including the U.S. Postal Service. Such gate shall be of breakaway or other construction acceptable to Oconee County. Accessibility to such gated communities shall comply with all standards and requirements of the County Fire Chief for access activation, including the following:
 - (a) Programmable key pad with an emergency override code as assigned by the Fire Chief;
 - (b) Once the override code is used to open the gate, the gate will remain open until emergency personnel release the gate for normal use;
 - (c) Automatic opening of the gates in the event of power failure; and
 - (d) Reassignment of an emergency override code without the approval of the Fire Chief is not allowed.

k. Final Plat Requirements.

- (1) Developments containing private streets shall meet all requirements of the Procedures and Permits Article of this Development Code relating to final plats, except that bonds or deposits shall not be submitted in lieu of the design professional=s certified report for the private streets. A copy of the design professional=s certified report shall be maintained with the Homeowner=s Association Board of Directors.
- (2) All private streets shall be designated as such on the final plat.
- (3) A notice in at least 12 point bold font shall be placed on the final plat that reads:

The streets designated as "private streets" on this plat are owned and maintained by the Homeowner's Association of this development and are not owned or maintained by Oconee County. No public funds of Oconee County are to be used to build, repair or maintain these private streets. The owner, purchaser, lender, heirs, assigns or other parties taking title to or otherwise procuring an interest in any portion of this property are hereby notified of this fact.

Sec. 1009. Street signs, traffic signs and striping.

Sec. 1009.01. **Street name signs.**

- a. Sign installation shall be accomplished by the owner, per Georgia DOT standards and the FHWA *Manual on Uniform Traffic Control Devices and County Standards*. Signs,

striping, and traffic control devices shall be installed prior to final plat approval or issuance of the Certificate of Occupancy (for site developments). Upon paving of a road in an uncompleted subdivision, the developer shall barricade or install proper signage and striping at the intersection with existing county roads. All county roads shall be signed at each intersection, so as to identify all county roads in each approach to the intersection. Warning signs shall be installed on existing county roads in advance of any new intersection created with existing county roads from the development.

- b. Street name signs and traffic control signs of approved design shall be installed at all street intersections by the developer or owner of the subdivision, at his expense. These signs shall be placed at the intersections upon completion of street paving. The signs to be installed shall be ordered through the Oconee County Road Department. The installation of all signage, striping, and traffic control devices shall be completed before Final Plat Approval.
- c. All streets shall be designated by name on a metal street sign post, with such metal post having nameplates of metal set one above the other with a clearance of 7 feet. The post shall be so located as to be visible for both pedestrian and vehicular traffic. At cross-street intersections, 2 sign posts shall be located diagonally across the intersection from each other. Only one street sign post shall be required at T-street intersections. All signs shall conform to the guidelines contained in the *Manual on Uniform Traffic Control Devices*. The developer shall be responsible for all costs associated with the installation of street signs. Plans shall show all street signs, speed limit signs, traffic control signs and devices and pavement markings.

Sec. 1009.02. **Traffic signs.**

- a. Traffic control signs shall conform to the *FHWA Manual on Uniform Traffic Control Devices*, latest edition.
- b. The developer shall install these traffic control signs at his expense. All traffic control signs shall be installed and approved by the Public Works department prior to final plat approval or issuance of a building permit.

Sec. 1009.03. **Striping requirements.**

- a. Striping requirements shall be determined by the Public Works Director in accordance with applicable Georgia DOT, FHWA and County standards. Costs associated with striping shall be the responsibility of the developer.
- b. Striping shall be accomplished with striping materials meeting Georgia DOT and County standards and conform to the *Manual on Uniform Traffic Control Devices*.

Sec. 1009.04. **Decorative signs and posts.**

- a. Any traffic sign or post not conforming to County standards hardware will be considered as decorative.
- b. Any decorative sign or post system to be used must be approved by the Public Works Director prior to construction plan approval.

Sec. 1010. **Street lights.**

- a. Street lights shall be provided in any subdivision or development project in accordance with the provisions regarding Special Tax Districts in the Procedures and Permits Article of this Development Code.
- b. The installation of all street lighting fixtures within County right-of-way must be approved by the Public Works Director prior to such installation.

Sec. 1011. Private bridges and dams on roadways.

Sec. 1011.01. Definitions related to bridges and dams.

Bridge: A structure having a clear span of more than twenty feet designed to convey vehicles and/or pedestrians over a water course, railroad, public or private right-of-way, or any depression.

Dam: A structure or wall constructed for the purpose of stopping water, whether constructed as an earthen embankment, reinforced concrete, or other material.

Private Bridge: A bridge owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

Private Dam: A dam owned by an individual or individuals in common which is closed to public use and in no way the responsibility of Oconee County for maintenance, over which a roadway passes.

Ramp: (1) A sloping roadway or passage used to join two different levels of streets, structures or buildings; (2) Driveways leading to parking aisles.

Speed Bump: A raised section of a paved surface or roadway designed to slow down and deter speeding traffic.

Sec. 1011.02. Specifications for private dams on roadways.

The following shall not apply to a private dam behind which no permanent pool of water is maintained under normal operations, subject to the approval of this exemption by the Public Works Director on a case-by-case basis. For such facilities, see the requirements for stormwater detention facilities in the Erosion Control and Stormwater Management Article of this Development Code.

a. Design.

All dam design is to be certified with the proper seal by a Professional Engineer currently registered in the State of Georgia, and identified by the engineer as Category I or Category II.

b. Structural.

The design of any dam over 5 feet in height on a roadway shall be certified by a Structural Engineer currently registered in the State of Georgia, and the structural design shall be based on soil tests certified by a Geotechnical Engineer currently registered as a Professional Engineer in the State of Georgia.

c. Other criteria.

Dams on roadways shall conform to the following: any engineer responsible for the design of a dam for a lake is expected to be knowledgeable of the criteria contained in the Georgia Safe Dams Act, Georgia Department of Natural Resources "Rules for Dam Safety" publication, and the U.S.D.A. Soil Conservation Service's Technical Release No. 60 "Earth Dams and Reservoirs." All design is to be in accordance with the applicable requirements contained in each of the above referenced publications.

d. Construction supervision and inspection.

Private dams on roadways shall be constructed according to the engineer's certified plans, and inspected by the engineer or a qualified representative of the design engineer.

e. Access.

All developments must have access to a paved county road which has been dedicated to the public, and connecting with the county road system independently of a roadway over a private dam.

f. Ingress/egress.

No roadway over a private dam shall be allowed to serve as the sole means of ingress and/or egress to a subdivision, or part thereof.

g. Public use.

No portion of a road proposed for dedication to the County shall be designed or accepted which utilizes a roadway over dam as a necessary portion of said public road right-of-way.

h. Vehicle use and signs.

All private dam surfaces designed for use by automobile traffic shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the dam, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the dam. All signs shall be at least a dimension of 24 x 36 inches. The sign shall read: "private way, not maintained by county," or similar wording approved by the Board of Commissioners.

i. Vehicle use and weight restriction signs.

All private dam surfaces which are accessed by automobiles shall be tested and certified by a structural engineer currently registered in the State of Georgia for a maximum permitted weight restriction or tonnage limit. The dam shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the dam, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the dam. All signs shall be at least a dimension of 24 x 36 inches: the sign shall conform to Georgia Department of Transportation specifications for weight limit signs.

j. Vehicle use and approaches to private dams.

The use of a private dam which is proposed for use by automobiles shall be designed with a cul-de-sac, constructed to all existing Oconee County subdivision regulations, at the end of the dam which connects with the county road system. There shall be a grade change between the proposed cul-de-sac and private drive utilizing a private dam. A ramp or speed bump shall be constructed at an 8% slope which separates the public right-of-way from the private bridge or dam.

k. Traffic safety.

All roadways over private dams shall utilize appropriate safety features such as guardrails to prevent persons or vehicles accidentally running off the dam.

l. Road names.

All public roadways on either side of private dams shall have different road names. In other words, the road name on one end of a private dam shall be different from the road name on the other side of the private dam.

Sec. 1011.03. Specifications for private bridges on roadways.

a. Design.

Private bridge design is to be certified by a professional engineer currently registered in the State of Georgia.

b. Structural.

The design of any private bridge with a clear span of more than twenty feet shall be certified by a structural engineer currently registered in the State of Georgia, and the structural design shall be based on soil tests certified by a geotechnical engineer currently registered as a professional engineer in the State of Georgia.

c. Construction supervision and inspection.

Private bridges shall be constructed according to the engineer's certified plans, and inspected by the engineer or a qualified representative of the design engineer.

d. Access.

All developments must have access to a paved county road which has been dedicated to the public, and connecting with the county road system independently of traffic over a private bridge.

e. Ingress/egress.

No roadway over a private bridge shall be allowed to serve as the sole means of ingress and/or egress to a subdivision, or part thereof.

f. Public use.

No portion of a road proposed for dedication to the county shall be designed or accepted which utilizes a private bridge as a necessary portion of said road right-of-way.

g. Vehicle use and signs.

All private bridge surfaces which are accessed by automobiles shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the bridge, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the bridge. All signs shall be at least a dimension of 24 x 36 inches. The sign shall read: "private way, not maintained by county," or similar wording approved by the Board of Commissioners.

h. Vehicle use and weight restriction signs.

All private bridge surfaces which are accessed by automobiles shall be tested and certified by a structural engineer currently registered in the State of Georgia for a maximum permitted weight restriction or tonnage limit. The bridge shall be properly posted with a reflective standard metal traffic control sign available from a sign vendor authorized by Oconee County. Two signs shall be posted at both ends of the bridge, on each side of the road surface. The signs shall be placed no more than 10 feet in front of the bridge. All signs shall be at least a dimension of 24 x 36 inches. The sign shall conform with Georgia Department of Transportation specifications for weight limit signs.

i. Vehicle use and approaches to private bridges.

The use of a private bridge which is proposed for use by automobiles shall be designed with a cul-de-sac, constructed to all existing Oconee County regulations, at the end of the bridge which connects with the county road system. There shall be a grade change between the proposed cul-de-sac and private drive utilizing a private bridge. A ramp or speed bump shall be constructed at an 8% slope which separates the public right-of-way from the private bridge or dam.

j. Traffic safety.

All private bridges shall utilize appropriate safety features such as guard-rails to prevent persons or vehicles accidentally running off the bridge.

k. Road names.

All public roadways on either side of private bridges shall have different road names. In other words, the road name on one end of a private bridge shall be different from the road name on the other side of the private bridge.

Sec. 1011.04. Specifications for final plats containing private bridges and dams.

a. Constructive notice required.

All final plats for subdivisions which contain private bridges or roadways over private dams must clearly delineate a legal notice in writing on the plat which states: "PRIVATE BRIDGE IS NOT COUNTY MAINTAINED."

b. Disclaimer required.

All final plats for subdivisions which contain private bridges or dams must have the following statement in writing on the plat which states:

"OCONEE COUNTY IS NOT RESPONSIBLE FOR MAINTENANCE OF THE PRIVATE BRIDGE OR PRIVATE DAM AND THE OWNER SHALL HOLD THE COUNTY HARMLESS AND INDEMNIFY IT AGAINST ANY LOSS OR CLAIM RESULTING FROM USE OF THE PRIVATE BRIDGE OR PRIVATE DAM."

Sec. 1011.05. **Ownership and maintenance of private bridges and roadways over private dams.**

a. Form of ownership.

Any private bridge or roadway over a private dam utilized by more than one individual shall be owned and maintained through a legal entity such as a tenancy in common or a non-profit association of homeowners (homeowners' association) organized pursuant to a declaration of restrictions or protective covenants for a subdivision.

b. Documentation of ownership.

This documentation and disclosure shall be provided at time of Final Plat approval.

Sec. 1011.06. **Damages caused by use of private bridges and private dams.**

a. Insurance coverage.

Any private bridge or roadway over a private dam utilized by more than one individual shall be covered by a liability insurance policy for the bridge or dam owners to address any compensation recoverable by a person who has sustained an injury, either to his or her person or property, through the act or default of the owners of said private bridge or dam. Documentation of the appropriate policy shall be provided at time of Final Plat approval. Said coverage will be maintained and reviewed annually.

b. Limits of coverage.

Any private bridge or roadway over a private dam utilized by more than one individual shall be covered by a liability insurance policy for the bridge owners with a minimum of \$1,000,000.00 in a reputable insurance company licensed to do business in the State of Georgia.

Sec. 1011.07. **Exemptions.**

This Sec. 1011 shall apply to any private bridge or private dam on a roadway except for the following:

- a. Private bridges or dams used solely in conjunction with agricultural practices involving the establishment, cultivation, or harvesting of products of the field or orchard; the preparation and planting of pasture land; forestry land management practices, including harvesting; farm ponds; dairy operations; livestock and poultry management practices; and the construction of farm buildings.
- b. A private bridge or dam on a roadway reasonably expected to serve no more than one single-family residence.
- c. Surface mining, as the same is defined in O.C.G.A. 12-4-72 and granite quarrying and land clearing for such quarrying.
- d. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Department of Transportation, or any road construction or maintenance project, or both, undertaken by the County.
- e. A private dam exempted from the provisions of Sec. 1011.02 by the Public Works Director.

Sec. 1012. **Driveways and development entrances.**

Sec. 1012.01. **Driveway permit.**

a. Driveway permit; required.

Before installing any driveway or means of ingress and egress to any property abutting a County road or County maintained road, the owner of the subject property or the person

installing said driveway acting as owner's designee shall make application to the Planning Department for and receive a permit authorizing said installation. If existing curb and gutter is to be removed to facilitate the driveway, then a permit authorizing said removal shall also be required.

b. Driveway permit; provisions.

- (1) The permit shall specify the location of the driveway, the width of same, the size and material for the culvert to be used and other matters required for adequate drainage of the driveway in accordance with accepted engineering and road management practices.
- (2) In issuing the permit Oconee County may impose any reasonable conditions that the circumstances may warrant. Conditions include but are not necessarily limited to drive location, elevation, pipe size, surface treatment, drainage easements, and other requirements to facilitate safe maintenance and operation of county roads.
- (3) The driveway permit is to be strictly construed and no work other than that specifically authorized by said permit may be performed in County rights-of-way.
- (4) A driveway permit must be renewed if the work described is not completed within one year from the date permit is issued.

Sec. 1012.02. **Driveway design standards.**

Driveways connecting to a street must comply with the following standards:

a. Driveway widths.

Driveway widths at the right-of-way line cannot exceed a pavement width of 16 feet for a single-family or two-family dwelling (unless the face of a two-car garage accessed by the driveway is less than 30 feet from the right-of-way line), or 40 feet for all other uses or instances, exclusive of required curbs and gutters.

b. Slope.

The slope of ingress and egress driveways for multi-family and nonresidential uses at their connection to the adjoining street shall not exceed that allowed by County specifications for landings at residential street intersections. For single-family and two-family uses, driveways shall have a slope of not more than 17 percent for a distance of 10 feet measured along the driveway centerline from the intersection of the centerline of the driveway and the edge of pavement or back of curb.

c. Driveway separations.

- (1) The distance from a driveway to the intersection of two streets shall not be less than 20 feet for a single-family or two-family dwelling and not less than 50 feet for all other uses.
- (2) Separation distances must be measured along the street right-of-way line from the back of the driveway curb.

d. The number of driveways that access a property from any one street, road or highway shall be limited as follows:

- (1) Along all County arterial roads, no more than 1 point of vehicular access from a property shall be permitted for each 300 feet of lot frontage. For such lots having less than 300 feet of frontage, one point of access shall be allowed. The number and location of access points along a State or U.S. numbered highway may be further restricted by the Georgia Department of Transportation.
- (2) Along all other County streets or roads, except for circular driveways for single-family detached houses on local streets and minor collectors (provided sight distances can be met), the following shall apply: no more than 1 point of vehicular access from a property to each abutting public road shall be permitted for each 200 feet of lot frontage; provided however, that lots with less than 200 feet of frontage

shall have no more than one point of access to any one public street. The Public Works Director shall determine whether the points of access may be unrestricted or must be designed for right-in, right-out traffic flow.

(3) Relief.

Reduction of the driveway separation requirements of paragraphs (1) or (2) of this Sec. 1012.02.d may be considered as a special exception variance. See the Appeals Article of this Development Code for procedures.

e. Vision clearance.

With the exception of sign posts and other structures less than 8 inches in diameter, structures and landscaping shall not exceed 3 feet in height within a triangle measuring 20 feet along the edge of a driveway and 20 feet along the street right-of-way line. A larger vision clearance area, depending on street classification, may be required under the Project Design and Construction Standards Article of this Development Code.

Sec. 1012.03. Installation and construction standards for driveways.

- a. When required, a minimum pipe size of 15 inches and minimum 20-foot length of pipe must be used for all driveway construction. A minimum pipe size of 18 inches must be used for all cross drains under public roads.
- b. Pipe for driveways shall be either 16 gauge-corrugated steel or aluminum in accordance with county standards. Reinforced concrete may be used as well. Smooth-lined HDPE pipes are also permitted within County right of way. Driveways requiring curb and gutter removal shall be installed in accordance with instructions and diagrams issued by Public Works at the time of the application for permit.
- c. Portions of driveways located within the right-of-way of a public street or within a private street easement shall not consist of specialty or decorative type construction such as stamped concrete or brick pavers.

Sec. 1012.04. Inspection of work.

Driveway construction and material shall be the responsibility of the owner/applicant for the permit. All work shall be in conformity with the permit as granted and shall be subject to inspection by authorized representative(s) of the Board of Commissioners. No use of said drive or issuance of permits for uses of the property served thereby shall be permitted until such compliance is met.

Sec. 1012.05. Responsibility for maintenance.

- a. No provision of this Section shall be construed as a responsibility of the County to provide future maintenance of the driveway and/or drainage structures installed.
- b. By application and issuance of the permit, owner and successors agree to bear all responsibility and cost for repair and maintenance of the driveway and associated drainage structures.
- c. If the owner or successors fails to maintain the driveway and/or associated drainage structures to the extent that the Board of Commissioners or an authorized representative of the Board of Commissioners determines that the driveway and/or associated drainage structures has a detrimental impact on the safe operation and maintenance of County roads, notice shall be given to the owner.
 - (1) Owner shall perform the necessary action(s) to correct the detrimental impacts at the sole expense of the owner.
 - (2) Failure of owner to perform the necessary work within the time prescribed in the notice shall be cause for the County to perform the work. Expenses incurred by the County to perform the work shall be the responsibility of the owner.

Sec. 1012.06. Driveway access to a State road.

For all business and industrial developments fronting on a State highway, no building permit shall be issued until the approval of the Georgia Department of Transportation has been obtained by the applicant on entrances and exits, curb radii, drainage and other matters that are the appropriate concern of the Department.

Sec. 1012.07. Private access drives.

Each subdivision development shall contain no more than one private access drive.

- a. A private access drive which meets all of the following standards may serve a maximum of 5 lots within the OIP, OBP, B-1, B-2 and I districts. Within all other zoning districts, a private access drive, which meets all of the following standards, may serve a maximum of 5 lots:
 - (1) The minimum overall easement width shall be 40 feet; greater width may be required to accommodate necessary utilities. The minimum continuous paved surface shall be 16 feet in width and paved with 2 inches of asphalt surface on a 4-inch crusher run stone base applied on a properly prepared sub-grade. Stabilized shoulders shall be provided and shall be 3 feet wide on both sides, (compacted and grassed or graveled or paved).
 - (2) Maximum centerline slope of 17% and cross sloped or crowned for drainage.
 - (3) Maximum centerline length of 2,000 feet as measured from the intersection with the public right-of-way line to the end of the cul-de-sac. In the case of looped drives, which extend continuously from public right-of-way line to public right-of-way line, this two thousand foot maximum length may be waived, provided that public health, safety and welfare considerations are adequately addressed.
 - (4) A paved turning area shall be provided at the termination of cul-de-sac drives with a minimum outside radius of 47 feet plus 3-foot wide stabilized shoulders, contained within the easement boundaries.
 - (5) In subdivisions which are subject to the provisions of the Oconee County Water System Ordinance, the lot(s) served by a private access drive shall also be served by water lines and fire hydrants in accordance with the County's adopted Water and Wastewater Standards. Such water lines, if installed along the alignment of the private access drive, shall include, as an appurtenance thereto, a perpetual maintenance easement of sufficient dimensions as required by the County's adopted Water and Wastewater Standards to provide for the maintenance of said water lines. Similar easement(s) shall be provided for sewer service and/or other utilities as applicable.
 - (6) Private access drives shall be clearly marked as such on all subdivision plats and shall comply with the signage provisions of these Regulations and shall comply with the provisions of applicable County Ordinances.
 - (7) Private access drives which do not meet each and all of the above standards shall serve no more than 2 lots and shall comply with the provisions of applicable County Ordinances.
- b. Each lot, the access to which is dependent upon a private access drive, shall have, at a minimum, as an appurtenance thereto, a perpetual easement for ingress and egress over that portion of the private access drive lying adjacent to such lot and connecting it with a public street.
- c. Private access drives shall be exempt from the improvements required by Sec. 1004.01 of this Article, except as otherwise provided in this Section.
- d. The ownership and maintenance responsibility of the private access drive by private party(s) must clearly be established on all subdivision plats and recorded in all maintenance agreements.

Sec. 1012.08. **Access easements.**

Vehicular access may be provided from a public street via easement in any one or more of the following circumstances:

- a. The property existed in whole as a legal lot of record prior to the adoption of this Development Code, but does not meet the minimum frontage requirement for the applicable zoning district. The property must be served by an exclusive access easement that shall be limited to the provision of access to only one principal use or structure on one lot.
- b. The access easement serves one single-family residence on a lot which is otherwise a buildable lot of record, and which is sharing a common driveway with one other single-family residence, both of which meet the minimum size, frontage, lot width and other requirements of this Code.
- c. The access easement was lawfully established as such prior to the adoption of this Development Code.
- d. The access easement coincides with a private street approved by the County. The ownership and maintenance responsibility by private party(s) must be clearly established on the final plat of the development.
- e. The access easement serves a buildable lot of record which meets the minimum frontage requirements of this Development Code, but from which access cannot be achieved.

Sec. 1013. **Deceleration lanes and turn lanes.**

Sec. 1013.01. **Deceleration and turning lanes; where required.**

Subdivision entrances from minor collector streets with an ADT equal to or greater than 500 vehicles per day and higher classifications shall include a deceleration lane.

Sec. 1013.02. **Residential subdivision entrances.**

Entrance streets to all major residential subdivisions connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day, shall construct a deceleration lane at each entrance to the subdivision. See Sec. 1013.05, below.

Sec. 1013.03. **Commercial/industrial subdivision entrances.**

- a. A deceleration lane shall be installed at all entrance roads into a commercial or industrial subdivision connecting to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Sec. 1013.05, below.
- b. The Public Works Director may require a traffic study to determine if the project's size warrants a center turn lane, longer deceleration lane, an acceleration lane or other improvements. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Sec. 1013.04. **Driveways for multi-family and nonresidential development projects.**

- a. Multi-family and nonresidential development projects shall install a deceleration lane at each driveway entrance connected to a minor collector, major collector or arterial street with an ADT equal to or greater than 500 vehicles per day. See Sec. 1013.05, below. For such a project located on a corner lot, a continuous 12-foot wide travel lane shall be provided in lieu of a deceleration lane along each intersecting street from which access is allowed, for the length of the property's frontage (but not exceeding 200 feet plus a 50-foot taper).
- b. Nonresidential development projects on corner lots that have frontage on interior residential subdivision streets shall have access only from the main street unless the non-residential project and the residential subdivision are integral parts of a Master Plan for a PUD or a Concept Plan for an MPD approved by the Board of Commissioners.

- c. Multi-family and nonresidential development projects projected to generate an ADT less than 500 vehicles per day and having an entrance on a minor collector, major collector or arterial street shall install offset radii and 50 foot tapers.
- d. The Public Works Director may require a traffic study to determine if a center turn lane, a longer deceleration lane, an acceleration lane or other improvements will be necessary. If the traffic study determines that the traffic generated by the project warrants it, the Public Works Director will require the additional improvements or other mitigating measures.

Sec. 1013.05. **Deceleration and turn lane construction standards.**

- a. A minimum 100 foot long (150 feet where possible) deceleration lane with 50 foot taper and a minimum 25 foot taper on the acceleration side.
- b. The length of the deceleration lane, (and acceleration side taper), shall be measured from the radius return point.
- c. The width of the lane shall be no less than 24 feet from the centerline of existing two lane road to outside edge of new asphalt (26 feet to back of new curb).
- d. Curb and gutter along all deceleration lanes and tapers are required, unless otherwise waived or modified by the Public Works Director due to site, drainage or continuity considerations.
- e. Associated drainage improvements as deemed necessary by the construction of the deceleration or turn lane shall be required.
- f. Other project access improvements may be required by the Public Works Director in addition to or in lieu of a required deceleration lane in order to ensure adequate site access, pedestrian access, convenience and safety to the motoring public, based on a traffic study prepared by a professional engineer.
- g. The developer will pay the cost of any catch basins that must be constructed along an existing County road as a result of the deceleration lane.
- h. Utilities and drain pipes shall be relocated at the developer's expense outside of the deceleration lane.

Sec. 1013.06. **Median breaks.**

If the street has an existing or proposed median, and the developer is approved by the County or Georgia DOT, as applicable, to construct a median break to serve the development, a left turn lane leading to the median break shall be provided by the developer meeting the design standards of the County. Other improvements may be identified by the Public Works Director that are needed to ensure safe and efficient operation of traffic.

Sec. 1014. Sidewalks.

Sec. 1014.01. **Sidewalks; requirements**

If the installation of sidewalks within public right-of-way is desired or required, sidewalks shall be shown on the construction plans for the development. Sidewalks shall be installed on both sides of the street on an individual lot basis at the time of construction of the individual home, apartment building, commercial, or other use. The developer shall install all handicap ramps and transitions as required by the County for Americans with Disabilities Act compliance at the time of development construction. The Planning Director shall inspect the location and construction of the sidewalk, and shall not issue a Certificate of Occupancy until the required sidewalk is properly installed.

- a. Sidewalks shall be 4 inches thick, with a minimum width of 5 feet on major collector streets and higher classifications and 4 feet on all other streets.
- b. A grass planting strip with a minimum width of 3 feet shall be provided between the back of curb and the sidewalk, with a 10 foot wide planting strip required for major collector and arterial streets.

- c. All sidewalks shall be sloped at the rate of $\frac{1}{4}$ inch per foot toward the street, unless otherwise approved.

Sec. 1014.02. Sidewalks; where required.

Sidewalks shall be provided for developments in the following zoning districts:

- (1) In all commercial zones.
- (2) In all non-conservation subdivisions in all zones except in the AG, AR-3, and AR districts, unless approved otherwise by the Board of Commissioners.
- (3) In all conservation subdivisions in all zones, except that sidewalks do not have to be built along the frontage of all green space lots as long as pedestrian access is provided for to get from the residential lots to the green space lots.

Sec. 1015. Storm drainage.

See the Erosion Control and Stormwater Management Article of this Development Code for design requirements relating to storm drainage.

Sec. 1016. Utilities.

Sec. 1016.01. Utilities required.

Except for minor subdivisions otherwise exempt from the construction of utilities, the improvements listed below are required. Where installed upon property within the county at the time of construction, all such improvements shall be dedicated and conveyed or transferred to and the title shall vest in the county unless otherwise indicated on the recorded plat of subdivision. Nothing contained in this Section is in any way intended to affect matter of litigation pending between the county and/or their agencies at the time of enactment of this Development Code before courts of competent jurisdiction relating to the ownership of improvements required by this Section.

- a. Developer shall provide sanitary sewer or septic capacity, fire protection lines and necessary flows for the project as required by applicable codes. Said capacity shall be demonstrated to the satisfaction of the Utilities department in accordance with established codes prior to issuance of land disturbance and building permits.
- b. Developer shall be responsible for providing and paying for necessary water and sewer extensions including the addition of necessary capacity required to serve the development.

Sec. 1016.02. Water supply.

- a. Water supply and/or distribution system in accordance with the latest edition of Oconee County Water and Wastewater Standards or other such documents as adopted by the Board of Commissioners.
- b. All potable water systems shall be subject to applicable to the current "Rules for Safe Drinking Water: Chapter 391-3-5, Revised June 1989, Georgia Environmental Protection Division" and applicable county regulations, policies and construction standards
- c. Public water service shall be provided to every lot in every subdivision and to every development for both domestic use and fire protection if public water is available or under bid or contract to be available within 1,000 feet of the subdivision or development.

Sec. 1016.03. Fire hydrants.

- a. Fire hydrants are required in all subdivisions and development projects served by a public water system.
- b. Fire hydrant spacing shall be in accordance with the water system specifications of Oconee County. Placement of fire hydrants is subject to approval by the Oconee County Fire Department and Water Resources Department.

- c. Fire hydrants as specified by the Oconee County Fire Department shall be located every 500 feet or at every intersection, whichever is closer.

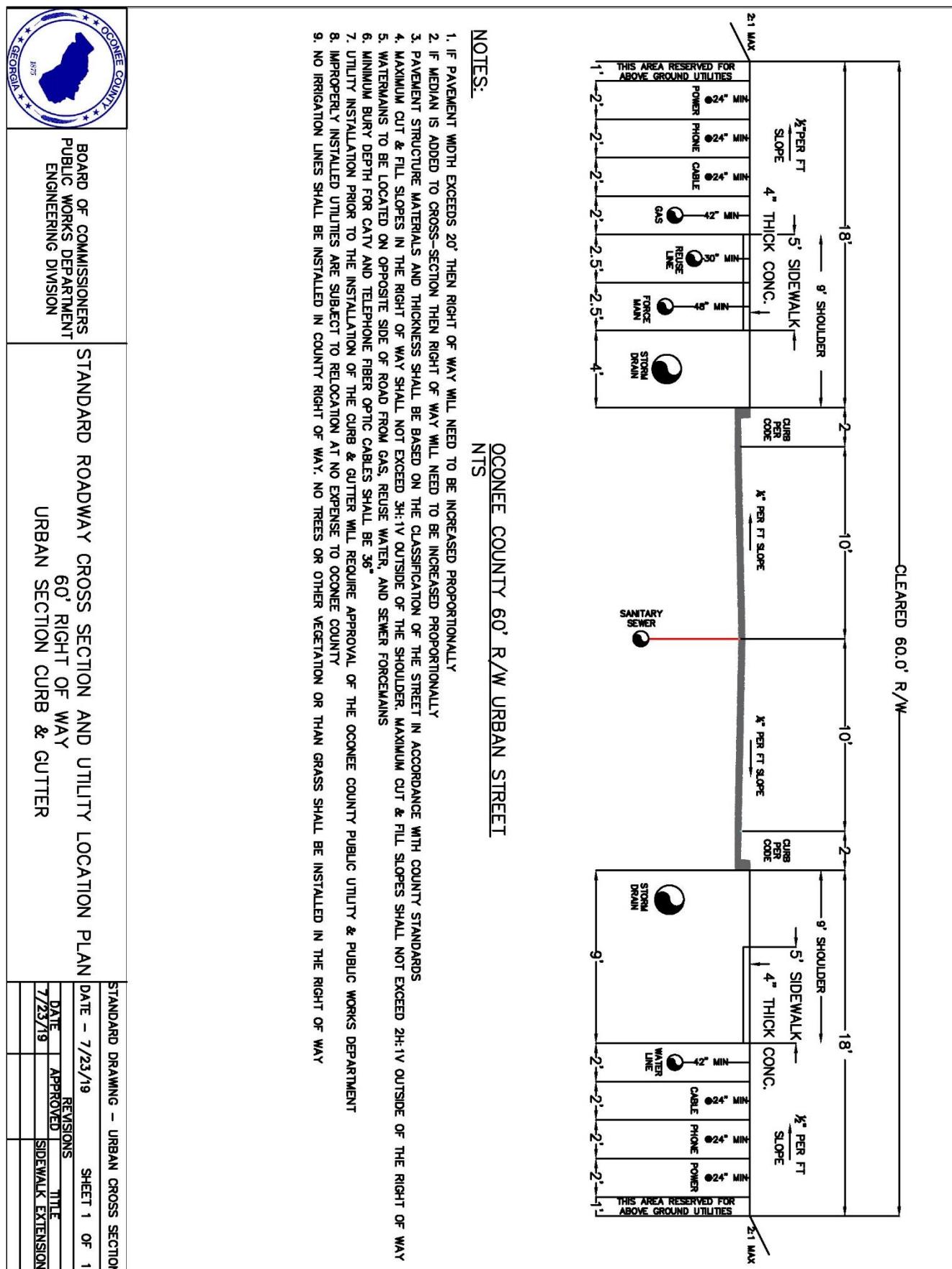
Sec. 1016.04. Sanitary sewage disposal.

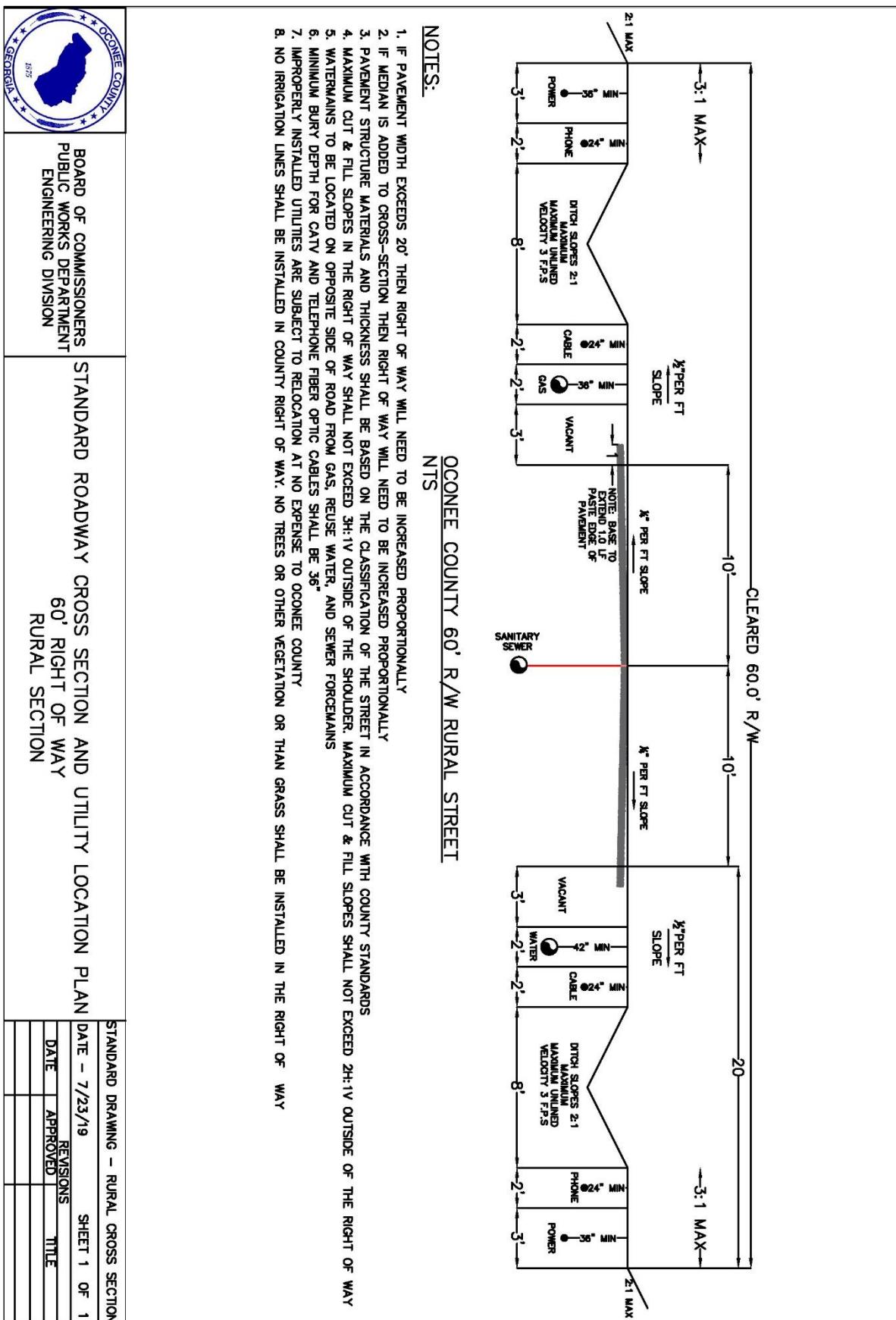
- a. Sanitary sewer system with service connection to the property line for each parcel and lot; except in cases where septic tanks are approved.
- b. When a public sewer line and adequate treatment capacity is available within 1,500 feet of said subdivision by gravity flow, the subdivision system shall be connect to said public sewer system, provided however that residential subdivision lots may be served by adequate on-site sewerage management systems under the regulations of the County Health Department until such time as public system is required under the Oconee County Sewer Use Ordinance.
- c. When a public reuse water line is available within 1,500 feet of said subdivision, the subdivision shall install a gray-water reuse system and shall connect to said public reuse line.
- d. The provisions of this paragraph are further subject to any sewer use priority policies adopted by the Board of Commissioners from time to time.
- e. When in the written opinion of the Oconee County Health Department public sanitary sewers and treatment capacity are available within reasonable access of the subdivision or development project, the developer shall provide sanitary sewer services to each lot within the bounds of the subdivision or development project. All sewer service lines shall be installed by the subdivider.

Sec. 1017. Location of utilities and street cuts.

Sec. 1017.01. Location of utilities in streets.

- a. Utility lines shall be located in accordance with the street cross sections contained herein, or at such other locations as may be approved by Oconee County. Any underground utilities shall be installed with the surface having the same compaction as that of the paved way and marked on the plat to indicate the location of the underground utilities.





- b. The subdivider shall install sewer mains, sewer laterals, water mains and services extended to the property line of each lot, in accordance with accepted engineering practices, the approved subdivision construction plans, and the Oconee County Water and Wastewater Standards.
- c. In cases where public water and sewer services are not available, the minimum lot sizes shall conform to those set forth in this development code.
- d. Design criteria for storm drain facilities shall conform to accepted engineering practices and guidance documents. Pipe materials shall conform with all criteria set forth in the "Guidelines for Storm Sewer Piping" Section of the Erosion Control and Stormwater Management Article of this Development Code.
- e. Site lighting shall be oriented to the interior of the site so as not to impose glare or objectionable light levels on the neighboring residential property.
- f. Water mains for both domestic use and fire protection shall be properly connected with the public water system, or with an alternate water supply approved by the county and Georgia EPD. The lines shall be constructed in such a manner as to adequately serve all lots shown on the subdivision plat. The lines shall be installed in conformance with the Oconee County Water and Wastewater Standards. The County will require network distribution analysis of the water distribution system for any development that the peak hour water demand is equal to or exceeds 50 gpm.
- g. Above-ground utilities.

All fire hydrants, utility poles, street lights, transformer boxes and pedestals, and other public or private utility structures placed above ground within a public street right-of-way or private street easement must be at least 6 feet back from the back of the street curb (or edge of pavement).

- h. Underground Utilities.

- (1) All electric, telephone, cable TV and other wires shall be placed underground in any major subdivision, and in any multi-family or nonresidential development.
- (2) Utilities placed underground within a public street right-of-way or private street easement shall be located as shown on the Utility Location Cross-Sections in this development Code, above. Where no public or private street exists or is proposed (such as in a shopping center), utilities shall be placed in accordance with the development plans as approved by Oconee County.
- (3) The right-of-way is to be cleared and rough graded the full width prior to any utility installation.
- (4) Underground utilities including sewer services, all water lines and any cable conduits under the pavement shall be placed in the ground before the base material is in place, or the pipes shall be bored if installed after street construction.
- (5) All trenches shall be thoroughly compacted in six-inch layers with mechanical compacting equipment.
- (6) The facilities for underground utilities such as sewer, water, and gas, including sewer and water laterals to each lot line when laid in streets, shall be in place prior to surfacing of streets. All facilities for utilities shall be placed in easements provided for that purpose in the subdivision.
- (7) Any disturbance or construction in the completed (seeded and/or sodded) right-of-way by a public utility such as power, gas, phone and cable must be repaired or replaced with the specified materials as called for in the initial improvements.

Sec. 1017.02. **Pavement cuts.**

- a. If utility services are installed after the streets have been paved (i.e., under existing streets), such utility services shall be installed by boring under the street. Note that

this applies only to services and not the distribution system in the development. See Sec. 1008.05.h(11).

- b. When it is necessary for a subdivider or any utility company to break existing base or pavement for the installation of services, or any other purpose, the subdivider or utility company shall be financially responsible for the repair of the pavement. The pavement shall be repaired with a patch in accordance with standards developed by the Public Works Director, and in accordance with all other specifications required herein for construction of streets.
 - (1) No existing County road can be open cut unless unusual circumstances warrant it. All utility construction plans within County right-of-way shall be reviewed and approved by the Public Works Director.
 - (2) If a pavement cut is approved, all trenches shall be backfilled and compacted the same day the trench is opened. Trenches under the paving shall be returned to 95 percent compaction. The backfill in all such ditches will be thoroughly compacted in 6-inch lifts, the subgrade shall be brought to the lines, grades, and typical roadway section required by County specifications. See also Sec. 1020 regarding excavating and trenching requirements.

DIVISION II. PROJECT CONSTRUCTION.

Sec. 1018. Overview—project construction.

All improvements shall conform to standard specifications as set forth in this code and in the applicable regulations of the county, and/or other state and federal regulations. In case of conflict, the more stringent standards shall apply.

Sec. 1018.01. Responsibility during construction.

- a. The developer and his/her Design Professional of Record have full responsibility for quality control and inspection during construction to ensure substantial conformance with the approved construction plans, County standards, County regulations, and generally accepted construction practices. County personnel are only providing construction observation to intermittently check the adequacy of the developer's quality control and inspection.
- b. Any construction issues requiring an interpretation and/or change in the plans, standards, and/or regulations are to be resolved by the Design Professional of Record and presented to the Public Works Director for written concurrence or approval. Any design changes must be revised on the construction plans and issued as a change to the approved construction plans.
- c. Failure of the developer to provide adequate quality control and inspection which results in a substantial nonconformance with the plans, standards, regulations or generally accepted construction practice or endanger the public health, safety, and welfare shall be cause for the Public Works Director or Planning Director to issue a Stop Work Order for any or all portion(s) of the construction in accordance with County procedures and ordinances. The order will remain in effect until the developer or his/her Design Professional of Record can demonstrate to the County that adequate quality control and inspection will be provided to address and correct the nonconformance and minimize the potential for further non-conformance issues or endangerment issues.
- d. Each day of continued construction on the scope of work covered by the Stop Work Order under this Development Code shall be considered a separate violation.
- e. The developer controls the means, sequence, and methods of construction. Accordingly, the developer has full responsibility for safety on the project site and compliance with all federal, state, and local regulations pertaining to safety and environmental requirements.
- f. Preconstruction activity.

Following the issuance of any permit authorizing clearing and grading of a site, areas required to be undisturbed, such as natural landscape buffers or stream buffers, must be designated by survey stakes, flags, ribbon, or other appropriate markings and shall be inspected and approved by the Planning Department Inspector prior to the commencement of any clearing or grading activities.

- g. Grading.
 - (1) Grading shall be done in accordance with the lines and grades drawn on the approved grading plan.
 - (2) Required erosion and sedimentation control measures and stormwater drainage facilities are to be installed in accordance with the approved plans as development progresses.

Sec. 1018.02. Development phase inspections.

Requests for inspections shall be made by the owner or contractor to the Planning, Public Works, or Water Resources Department in accordance with the listing of inspection responsibilities established by Oconee County. Such requests shall be made at least 24 hours prior to when the inspection is needed. Inspections shall be made and passed prior to continuation of

further activity or proceeding into new phases. Inspections are required of each of the following phases, as applicable to the actual work to be performed under the development permit:

- a. Prior to clearing or clearing and grubbing of the property or any portion included under the development permit, inspection of erosion and sedimentation control measures and protective devices for undisturbed areas. Inspection of erosion and sedimentation control measures will be conducted on a continuing basis.
- b. Upon completion of street grading, inspection and approval shall be required prior to trenching or continuation with subgrade preparation.
- c. Upon installation of storm drainage pipe, detention, or other storm water facilities.
- d. Street curbing and gutter (if provided). Inspection shall be requested after the forms or string line have been set. Street width and vertical and horizontal alignment may be spot-checked.
- e. Sub-grade of streets. The sub-grade may be roll tested in accordance with Sec. 1008.05.k.
- f. Street base. The base may be string-lined for depth and crown. The street base will be tested for depth and compaction in accordance with Sec. 1021.05.e, and may be roll-tested in accordance with Sec. 1008.05.k, at the discretion of the Road & Bridge Inspector.
- g. Paving. A Road & Bridge Inspector may be on site during the paving process to check consistency, depth, and workmanship, as applicable. For asphalt paving, the temperature of the material will be monitored, the asphalt will be tested for depth and compaction in accordance with Sec. 1021.05.e, and may be roll-tested in accordance with Sec. 1008.05.k, at the discretion of the Road & Bridge Inspector.

Sec. 1018.03. As-built data.

- a. Upon completion of the development activity as authorized by the development permit and prior to final development inspection of public and private improvements, the owner shall submit to the Public Works Director and the Water Resources Director, as appropriate, for review and approval a complete set of record drawings showing "as-built" conditions prepared by the design professional of record who prepared the original plans, or a professional land surveyor, engineer or landscape architect licensed in the State of Georgia. These drawings shall show the location of:
 - (1) Street centerlines and rights-of-way lines.
 - (2) Drainage system pipes, manholes and channels, including finished elevations.
 - (3) Storm water detention facilities including finished elevations.
 - (4) Sanitary sewer system (if any) including finished elevations.
 - (5) Water system and reuse water system (if any) including finished elevations.
- b. The as-built data shall be certified and sealed by the design professional of record or other professional preparer, subject to the tolerances of accuracy indicated in the certification.
- c. Refer to Sec. 1231, digital submission requirements: as-built data and final plats, for additional "as-built" requirements.

Sec. 1018.04. Final development inspection.

- a. Following submission and review of the as-built data, the Road & Bridge Inspector shall conduct a final development inspection of the project.
- b. The owner shall be responsible for correcting any deficiencies identified in the final development inspection prior to approval of a final subdivision plat.

Sec. 1019. Site clearing and grading.

Grading and land disturbance operations shall not begin until approval of the preliminary plat or site plan (as applicable), subdivision construction plans and soil erosion and sediment control plans and until a pre-construction conference has been conducted with County officials, the developer, developer=s consultant, contractors and subcontractors.

Sec. 1019.01. Initiation of clearing and grading activities.

- a. Clearing and grading shall not proceed until issuance of an approved development permit authorizing such activities. No development permit authorizing clearing or grading shall be issued prior to review and approval by the County of construction plans as applicable to the property. See the Procedures and Permits Article of this Development Code for details.
- b. Grading shall be done in accordance with the lines and grades drawn on the approved grading plan. Protective devices for undisturbed areas, if any are required, must be installed, inspected and approved in accordance with the approved construction plans prior to the initiation of clearing and grading activities.
- c. Erosion and sedimentation control measures.

Required erosion and sedimentation control measures must be installed, inspected and approved in accordance with the approved soil erosion and sedimentation control plan prior to any major development activity, and shall be maintained or supplemented as development progresses.

- d. Stormwater drainage facilities.

Required stormwater drainage facilities are to be installed in accordance with the approved stormwater management plan as development progresses.

Sec. 1019.02. Slopes.

- a. Cut or fill slopes in the public right-of-way and/or slope easements shall not exceed three (3) horizontal units to one (1) vertical unit, unless otherwise approved by the Public Works Director based on topographic conditions. This is the maximum allowable slope and should not be considered the norm. If grading plans indicate cut or fill slopes outside of the right-of-way then the construction plans and final plat shall indicate slope easements for the required grading.
- b. No cut or fill slopes or existing unadjusted slope shall encroach closer than 8 feet from the curb back in curbed sections or 15 feet to the edge of pavement for uncurbed sections on any street right-of-way within the subdivision. A cut or fill slope between lots should be confined to the lower lot whenever possible so as to avoid erosion from the higher lot to the lower lot.
- c. All fill slopes created for the purpose of street or home construction shall have a compaction of not less than 95 percent as determined by the established engineering practices.
- d. All slopes created or existing within the subdivision or as a result of the subdivision development shall be planted or otherwise protected from erosion and failure.

Sec. 1020. Excavating and trenching.

Sec. 1020.01. Definitions related to excavating and trenching.

The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Excavation: (1) The mechanical removal of earth material. (2) Any manmade cavity or depression in the earth's surface, including its sides, wall, or faces, formed by earth removal and producing unsupported earth conditions by reasons of the excavation. If installed

forms or similar structures reduce the depth-to-width relationship, an excavation may become a trench.

Excavation and Trenching Certificate: The certificate issued upon satisfactory completion of a mandatory training/educational program regarding excavation and trenching safety practices, such program to be provided by or approved by the Oconee County Fire Department.

Excavation and Trenching Certificate Holder: The holder of the "excavation and trenching certificate" identified above.

OSHA: The U.S. Department of Labor, Occupational Safety and Health Administration, or successor agency.

Trench: A narrow excavation made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench is not greater than 15 feet.

Sec. 1020.02. Unauthorized excavating and trenching prohibited.

No individual, partnership, corporation, or other entity of any kind whatsoever shall engage in any excavation or trenching except in compliance with the provisions of this Section and in compliance with any applicable laws of the State of Georgia or of the United States or the Occupational Safety and Health Administration (OSHA), or any other state or federal governmental entity or department rules and regulations applicable to excavating and trenching.

Sec. 1020.03. Adoption of OSHA safety and health regulations.

All safety and health regulations adopted by OSHA with regard to excavating and trenching operations, particularly part 1926, Subpart P—Excavations, Trenching, and Shoring Section 1926.650, 1926.651, 1926.652, 1926.653 of the Code of Federal Regulations, as the same now exist or may be hereafter amended, are adopted as a part of this Development Code as if quoted verbatim herein.

Sec. 1020.04. Excavation and trenching certificate required.

Oconee County will honor excavation and trenching certificates issued by other agencies if such agencies can satisfactorily show proof that their training/educational program meets or exceeds the Oconee County program regarding excavation and trenching safety practices.

Sec. 1020.05. Permit required.

- a. No excavating or trenching shall be performed until a permit for same has been obtained from the appropriate County department (see the Procedures and Permits Article of this Development Code). All applicants shall be required to acknowledge receipt and understanding of safety requirements before a permit will be issued. All such permits shall be conspicuously posted upon the job site.
- b. No permit shall be issued unless an authorized agent of the applicant holds an excavation and trenching certificate.

Sec. 1020.06. Enforcement of excavating and trenching requirements.

- a. The Public Works Director or his or her designated representative shall have the authority to cause any trenching or excavation work in progress to be halted upon a finding that these certificate requirements are not being met on the particular job site. The said County Official may issue a verbal warning or a written citation in his discretion or he may recommend to the Board of Commissioners a revocation of the permits of responsible persons.
- b. No excavation and trenching certificate shall be suspended or revoked, except for due cause, and after a hearing before the Board of Commissioners upon written notice to the holder of such certificate of the time, place and purpose of such a hearing and a statement of the charge upon which such hearing shall be held. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the Board of Commissioners may deem appropriate. Due cause for revocation shall consist of the violating of any laws or ordinances regulating excavating or trenching. At

any such hearing, the excavation and trenching certificate holder shall be entitled to be represented by an attorney and to cross examine any witnesses who may appear and to present evidence in his own behalf.

- c. No excavating or trenching permit shall be suspended or revoked except for due cause and after hearing before the Board of Commissioners after notice to the permit holder of the date, time and place of hearing, along with a statement of the charges upon which the hearing is to be had. The violation of any laws or ordinances regulating excavating or trenching as set forth hereinabove shall constitute due cause for suspending or revoking such permit. Three days notice shall be deemed reasonable, but shorter or longer periods of notice shall be authorized as the Board of Commissioners may deem appropriate. At such hearing, the permit holder shall be entitled to be represented by an attorney, to cross-examine all witnesses who may appear against him, and to present evidence in his own behalf.

Sec. 1020.07. **Inspection by Oconee County.**

The Public Works Director or his or her designated representative shall periodically inspect trench/excavation sites. Such inspectors shall, among other things, verify the presence of the required permits, the existence of required excavation and trenching certificates and compliance with OSHA safety standards hereinabove adopted.

Sec. 1020.08. **Violations.**

In addition to the provisions of the Administration and Enforcement Article of this Development Code, the following shall apply to violations under this Section:

- a. Violations of this Section may result in revocation or suspension of any excavation and trenching certificate issued hereunder as set out above.
- b. Violations of this Section may result in revocation or suspension of excavating/trenching permits issued hereunder as set above.
- c. When oral notice is not deemed sufficient a written notice of violation may be issued for any deficiency. Upon receipt of such notice, the deficiency shall be corrected immediately.
- d. Excavation and trenching work upon any job site shall be required to cease immediately upon discovery that there is trench activity by any person not an excavation and trenching certificate holder, when there is a refusal or failure to correct deficiencies immediately or when such work is being done without a permit.
- e. If deficiencies identified in a notice or violation are not timely corrected, the building permit, land disturbance permit or any other permit issued by Oconee County may be suspended or revoked for due cause upon the conditions herein identified for revocation of authorization.
- f. Flagrant or repeated violations shall be reported by Oconee County to OSHA for action by that agency.

Sec. 1021. **Installation of streets and utilities.**

Sec. 1021.01. **Permit for utility installation.**

This Section governs the installation of telephone lines, gas lines, water lines, sanitary sewer lines, gray-water reuse lines, electrical lines, fuel lines, steam lines, T.V. cables, open storm drainage, storm sewers and other utilities within county maintained road or street rights-of-way.

- a. Application for permit; when required.
 - (1) New facilities or extensions of existing facilities within county maintained road or street rights-of-way shall require a written application and a permit issued by the appropriate County department.

(2) Service lines and maintenance and repair of existing facilities shall not require a permit unless a pavement cut is required, but all other requirements of this Development Code shall apply to said activities, where applicable.

(3) Emergency cuts without a permit may be made when required. Such cuts shall be followed by a written application or report to the Utilities Coordinator within 2 working days thereafter. Repairs to the pavement and disturbed soil and all other applicable requirements of this Development Code shall apply to such emergency cuts.

b. Application for permit; requirements.

Application for permit for Utility Facility Installation shall be made to the Oconee County Utilities Coordinator.

(1) In the case of water lines and sanitary sewer lines, the applicant must submit 4 copies of a plan showing the proposed installation to the Utilities Coordinator. Said plans shall be approved or denied, or additional information shall be requested, within 30 days or said plans shall be deemed to have been approved.

(2) A request for breaking of pavement must be described in detail in the application. (See also Sec. 1017.02.)

(3) In those cases where a Georgia Department of Transportation application and permit is required, a copy of the Department of Transportation application and permit along with the expected date of work commencement shall be provided to the Oconee County Utilities Coordinator and said copy shall satisfy the application and permit requirements herein.

c. Installation and construction requirements.

(1) The installation of said facility as authorized shall be subject to the inspection, direction and control of the Public Works Director or Water Resources Department (as appropriate) who shall be notified before work is commenced. Such notification shall include the date and time of the commencement of the construction and/or installation and location of same.

(2) The work shall be performed in a workmanlike manner and all installations shall be done by the utility owner in such a way as to leave free flows in drainage ditches, pipes, culverts or other surface water drainage facilities of the roadway or its connections. No part of any installation shall be attached to any portion of a bridge, culvert or other structure of the roadway without special authorization of the Public Works Director after detailed information is furnished as may be required.

(3) Where breaking of pavement has been approved, a six-inch concrete slab will be poured over the backfilled trench and will rest on undisturbed soil. If the pavement is asphalt, the surface of the 6-inch, concrete slab will be 1½ inches below the surface of the abutting pavement. The 1½-inch section will be paved with Type E, F, or H plant asphalt. The finished surface will be smooth and flush with abutting pavement.

(4) Underground piping and wiring will be installed and located in accordance with Sec. 1017. Where underground piping parallels the roadway the excavated ditch edge nearest the pavement will be at least 8 feet from the pavement edge, unless otherwise authorized herein.

(5) The facility trench shall be backfilled carefully after the facility has been installed, in accordance with the standard practice for installing culverts and minor structures. In crossing roadways the backfill will be made in 6-inch layers and each layer firmly compacted. Where roadway grass is disturbed, satisfactory replacement will be accomplished including adequate seeding of new grass.

(6) The full and entire expense and cost of the facility installation and maintenance shall be borne by the utility owner and the utility owner shall make necessary arrangements for traffic over said point during such work as may be directed by the Public Works Director. The utility owner shall place the necessary barricades, warning signs, signals, lights and, if necessary, watchmen for the protection of the traveling public,

and further agrees by the acceptance of the permit to keep and hold Oconee County harmless from any and all damages caused by negligence on the part of the utility owner, its agents, servants, officers or employees, or contractors, engaged in doing said work, or any injuries or damages suffered by anyone as a result thereof.

d. Future relocations at utility expense.

In case the Board of Commissioners should in the future decide to widen and/or relocate the existing road, the Oconee County Commissioners reserve the right to require the utility owner to take up and relay such sections of the facility within the right-of-way as may be necessary to take up and relay from an engineering standpoint due to such widening and/or relocating; the taking up and relaying to be at the expense of the utility owner. This work shall be completed within 60 working days after notification by the Board of Commissioners or within such other time as may be approved in writing by the Public Works Director or designated representative of the Board of Commissioners.

Sec. 1021.02. **Additional design & construction considerations.**

More stringent design and construction standards may be required by the Public Works Director where streets cross 100 year flood plain(s), serve as the only means of public ingress and egress to one or more lots, cross flowing streams, cross poor soils or encounter other similar conditions.

a. General.

All streets, roads, and alleys shall be constructed to provide the necessary paving, roadway, drainage, and safety requirements as provided herein and by other specifications of the Oconee County.

b. Clearing and grubbing.

- (1) All streets, roads and alleys shall be graded to their full width so that pavement, shoulders and sidewalks, where required or proposed for future installation, can be constructed on a uniform plane. The right-of-way shall be cleared of all trees. Additional trees shall be removed outside of the right-of-way if the area under the dripline of the tree in the right-of-way is disturbed, as directed by the Public Works Director or Planning Director.
- (2) Clearing, grading or other land disturbing activities associated with subdivision construction shall not commence until the preliminary plat, engineered construction plans and soil erosion/sediment control plans have all been approved by Oconee County. This shall not be construed to prohibit necessary logging or survey operations prior to approval of such plans.

c. Storm drainage.

See the Erosion Control and Stormwater Management Article of this Development Code for requirements relating to storm drainage.

Sec. 1021.03. **Installation of utilities; general.**

All utility crossings, service lines, conduit, or other related appurtenances shall be installed within the limits of the roadbed plus 2 feet of each side of the pavement surface, prior to the placement and compaction of the graded aggregate base course. Utilities should be installed following the installation of curb and gutter, unless the curb line is accurately staked at 50 foot intervals to insure proper utility locations as specified in Sec. 1017. The developer shall coordinate the location of all utilities and provide a copy of all as-built and proposed locations at final plat.

Sec. 1021.04. **Slopes and shoulder improvements**

Slopes and shoulder improvements shall conform to the requirements of Sec. 1008.05.h.

Sec. 1021.05. **Construction methods; roadways.**

a. Roadway grading and embankments.

- (1) All streets and roads shall be graded to their full width by the sub-divider so that pavements and sidewalks, where required or proposed for future installation, can be constructed on a level plane as shown in the cross-sections on the approved plans.
- (2) The entire area within the typical grading section shall be cleared and grubbed of all trees, bushes, stumps and debris. Such debris shall be disposed of in a lawful manner, and shall not be buried in the right-of-way or within the project limits.
- (3) Road fill of suitable material free of organic matter shall be placed in uniform eight-inch layers compacted to at least 95 percent of maximum density throughout as specified for construction and testing in the Georgia DOT standards for embankments. Embankment compaction test shall be taken at an interval not exceeding 2500 cubic yards. All storm drainage and other underground utilities installed under the roadbed and the backfill in all ditches shall be compacted to at least 95 percent maximum density. Compaction testing of backfill for said structures shall be taken at a minimum interval not less than 1 between any 2 structures. Compaction test results shall be reported to the county immediately after results are obtained.
- (4) Cut and fill slope ratios shall start at the edge of the right-of-way and shall not exceed 3:1 in the right-of-way and 2:1 outside of the right-of-way. In lieu of a cut or fill slope, a retaining wall may be utilized where necessary with the approval of the county.
- (5) Cut or fill slopes shall be uniform for each section of cut or fill. The depth of cut or fill shall be constructed to the maximum cut or fill occurring in any one section. When a cut made in rock requires blasting, the slope may be changed to an alternative slope grade upon written approval of the county.
- (6) If paving is to be delayed, provisions shall be made to drain low points in the roadway. If curbing has not been installed, a break in the berm section may be provided. If curbing is in place, 4-inch pipe sections shall be used to provide drainage under the curb to side slopes.
- (7) All work must be approved by the County prior to preparation of the subgrade. It is the design professional's duty to inspect that road grading specifications has been met. The developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway grading. The developer shall also provide to the County certification to the County by a professional land surveyor or engineer licensed in the state that grading has been completed to the lines and grades to a tolerance of +/- 6 inches. The developer will also provide staking of the roadway centerline in conjunction with said certification for verification by the Road & Bridges Inspector. Upon presentment and approval of such documentation by the County, road construction may continue.

b. Preparation of subgrade.

- (1) All boulders, organic material, soft clay, spongy material and any other objectionable material shall be removed and replaced with approved material. The subgrade shall be properly shaped, rolled and uniformly compacted to conform with the lines, grades and typical cross-sections as shown on the drawings approved by the County.
- (2) The subgrade shall be scarified to a depth of 8 inches, and compacted to 95% maximum dry density and within +/- 3 percent of the optimum moisture content. Subgrade compaction shall be determined by field testing at intervals not to exceed 1500 feet. Compaction testing shall be accomplished in accordance with the standardized testing protocols of GDOT. Written test results shall be provided to the County immediately after results are obtained.

(3) It is the design professional's duty to inspect that subgrade preparation specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway subgrade preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.

c. Preparation of aggregate base course.

- (1) All base course material shall be deposited and spread by means of spreader boxes, or approved mechanical equipment, or from moving vehicles equipped to distribute the material in a uniform layer.
- (2) Immediately following the spreading of the coarse aggregate, all material placed shall be compacted to the full width by rolling with a smooth wheel power roller of adequate size and weight to achieve compaction.
- (3) Any irregularities, areas of segregation, or depressions that develop under such rolling shall be corrected by loosening the material at these places and adding or removing material until the surface is smooth and uniform. The application of water, applied uniformly over the base course, may be required to achieve adequate compaction. Shaping and rolling shall be performed alternately as required to maintain a uniform compacted base until a surface or treatment has been applied to the base. Along curbs, headers and walls and at all places not accessible to the roller, the base course material shall be tamped thoroughly with mechanical tampers or approved hand tampers.
- (4) Graded aggregate base shall meet the requirements of Georgia DOT Specifications for graded aggregate. Graded aggregate base compaction test shall be taken at an interval not exceeding 1 per 1500 linear feet. No graded aggregated base shall be placed on muddy or frozen subgrade. The moisture content of the graded aggregate base shall be uniformly distributed and shall be adequate to allow compaction to the specified density. After the material placed has been shaped to line, grade and cross section, it shall be rolled until the course has been uniformly compacted to at least 100 percent of the maximum dry density when Group 2 aggregate is used, or to at least 98 percent of maximum dry density when Group 1 aggregate is used. The theoretical maximum dry density shall be established using the appropriate test methods of the Georgia DOT Sampling, Testing and Inspection Manual. Moisture content shall be within +/- 3 percent of the optimum content. Compaction test results shall be reported to the County immediately after results are obtained.
- (5) After the base course has been installed and inspected, and before any surface is applied, all residential streets shall be primed with suitable asphaltic materials as per Georgia DOT Specification 412 unless asphalt paving commences within two weeks from acceptance of the certification from the period March 1 to December 1 or within 24 hours during the period December 1 to March 1.
- (6) It is the design professional's duty to inspect that graded aggregate base course preparation specifications have been met. The Developer will provide to the County a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway graded aggregate base course preparation. Upon presentation and approval of such documentation by the County, roadway construction may continue.

d. Asphaltic concrete construction.

- (1) Paving material shall consist of a conventional Bituminous Plant Mix. The use of "Superpave" mix design will be permitted. Recycled asphalt products (RAP) will not be permitted for initial construction of roadways. RAP may be used in the binder course but only with prior approval of the Public Works Department.

- (2) Material, equipment, seasonal and weather limitations, preparation of road surface, material application and construction methods shall be the same as set out in the Georgia Department of Transportation's Standard Specifications for Road and Bridges, latest edition, and any amendments thereto.
- (3) Mix design(s) shall be provided to the County for approval at least a minimum of 2 weeks prior to paving operations.
- (4) If paving will not be completed within 2 weeks after the base course is completed during the period March 1 to December 1, then, the base will need to be primed in accordance with GDOT Standards with the roadway being barricaded thereafter. The above will be required within 24 hours during the period of December 1 – March 1.
- (5) One asphaltic concrete extraction test per type mix shall be taken per subdivision. Extraction test results shall be reported to the county immediately after results are obtained.
- (6) Asphaltic concrete compaction test for each type mix shall be taken at an interval not exceeding 1 per 1000 linear feet per 1 lane of roadway. All asphalt courses shall be compacted to no less than 95.5 percent of the target density. Compaction ranges of 95.4 percent to 93.4 percent will require a specific and separate 3 year maintenance bond in the amount of 20 percent of the paving costs for the street affected. Compaction less than 93.4 percent will be cause for rejection and rework of the street section affected. The maximum Pavement Mean Air Voids will not exceed 7.8 percent in any instance. Compaction testing shall be accomplished in accordance with the appropriate standardized protocols for the GDOT Sampling, Testing, and Inspection Manual. Compaction test results shall be reported to the county immediately after results are obtained.
- (7) Where a binder course is provided on streets, a tack coat shall be applied to all prepared road surfaces as provided in Georgia DOT Specifications.
- (8) On streets where a binder course is provided, the final layer of asphalt shall be placed no later than 1 year after the binder course is laid or when 80 percent of the project is built-out whichever comes first.
- (9) The Public Works Director shall require that all work meet or exceed the above requirements.
- (10) It is the design professional's duty to inspect that the roadway asphaltic concrete construction specifications have been met. The Developer will provide to the county a statement of inspection completed by a registered professional engineer, licensed by the state, that all construction requirements have been met for roadway asphaltic concrete construction. Upon presentation and approval of such documentation by the county, roadway construction will be considered as complete for the purpose of final plat.

e. Base, asphalt and compaction testing.

- (1) Depth testing.

The County reserves the right to require depth checks on base materials and asphalt cores shall be taken at random locations at five hundred foot intervals along each road at the discretion of the Public Works Director or Road & Bridge Inspector. Any area found deficient shall be brought up to the required thickness prior to placing any additional layer of material. All asphalt core holes shall be filled with hot mix asphalt of similar grade prior to final acceptance.

- (2) Additional testing requirements/coordination.

All testing shall be scheduled with the Road & Bridge Inspector, or his/her duly appointed representative no less than 24 hours in advance. Compaction testing shall not be performed until the surface/material is to the lines and grades shown on the plans. Once an embankment, subgrade, or base course has been certified

then that material shall not be disturbed or additional testing will be required. All areas or sections of the subgrade and base course, which do not pass compaction testing, shall be corrected. Once the Developer makes all necessary corrections, it shall be his/her responsibility to schedule any and all subsequent test. The Road & Bridge Inspector may require that in addition to the compaction testing required, a roll test be performed in accordance with Sec. 1008.05.k. All certifications provided shall contain all test data and results to support certification.

f. Seasonal limits.

No roadway construction material shall be deposited or shaped when the subgrade is frozen at any depth or thawing at any depth or during unfavorable weather conditions including rain of any intensity. Paving material installation shall be subject to temperature and weather conditions as contained in Georgia DOT construction standards. The time period from December 1 to March 1 will require special construction procedures unique to the individual sites and weather conditions. The Contractor/Developer shall consult with the Public Works Department during a supplemental Pre-Construction Conference prior to beginning or continuing any roadway construction work during this period. It shall be the responsibility of the Developer to schedule this conference.

Sec. 1022. Building construction.

Sec. 1022.01. Building permit required.

- a. No construction activity of any kind including grading, installation of improvements, and building shall begin on any subdivision lot or site development project without the prior approval and issuance of a building permit by the Planning Department.
- b. The Code Enforcement Department shall not issue any permit for the erection of any building or structure to be located in any subdivision, a plat whereof is required to be recorded pursuant to the provisions of this Development Code, until such plat shall have been admitted to record as provided for in this Code.

Sec. 1022.02. Building site development.

Development and building construction on an individual subdivision lot (such as a single-family detached home) or development project site (such as a nonresidential building or multi-family project) shall be in accordance with the Grading and Draining of Individual Building Sites Section of the Erosion Control and Stormwater Management Article of this Development Code.

Sec. 1022.03. Certificate of occupancy required.

- a. No dwelling within the county may be occupied for dwelling purposes until all required utility installations, including the water supply and sanitary sewer systems, have been completed to the satisfaction of the County Health Office and the Planning Department.
- b. No principal building of any kind, and no accessory building requiring issuance of a building permit, shall be occupied or used for any purpose until a Certificate of Occupancy has been issued, as authorized by the Fire Marshal (if required) and the Planning Director.

Oconee County Memorandum

1291 Greensboro Hwy • P.O. Box 145 • Watkinsville, GA 30677

P: (706) 769-3910 • F: (706) 310-3506

www.oconeecounty.com

Planning and Code Enforcement Department

DATE: August 20, 2019

TO: Oconee County Board of Commissioners

CC: Kathy Hayes
Gabriel Quintas
Deanna Ruark

FROM: Guy Herring, Director of Planning & Code Enforcement

RE: Text Amendments to Articles 9, 10, and 11 of the UDC

Attached is a copy of the proposed amendments to Articles 9, Environmental Protection, Article 10, Project Design and Construction Standards, and Article 11, Erosion Control and Stormwater Management, of the Unified Development Code for consideration at the September 3, 2019, BOC meeting.

In Article 9, the following edits have been made:

- The definition for “generalized wetland map” was revised to include any updates to the map
- Outdated departmental staff titles were revised and updated

In Article 10, the following edits have been made:

- Revised major subdivision maintenance period provisions
- Revised cul-de-sac ROW width requirements
- Increased the number of residential lots allowed on a paved private drive
- Outdated departmental staff titles and diagrams were revised and updated
- Ambiguous language was clarified

In Article 11, the following edits have been made:

- Updated Division IV (Flood Damage Prevention) in accordance with the recommendations of the Georgia Department of Natural Resources
- Outdated departmental staff titles were revised and updated

The Planning Commission considered the proposed amendments at the August 19, 2019, PC meeting and recommendations from the Planning Commission are attached here. Comments from the County attorney have been incorporated into the attached text and all changes have been highlighted. Please feel free to contact me should you have any questions or if you would like to discuss the proposed amendments.

Number	Recommendation from Planning Commission	Staff Notes
1	In 1016.04.b, clarify language regarding sanitary sewer connection in subdivisions.	Objection
2	Update “Road & Bridge Inspector” to “Public Works Director” in 1018.02.f, 1018.02.g, and 1018.04.a.	No objection

Article 11. Erosion Control and Stormwater Management

Table of Contents	page
Sec. 1101. Purpose of Article 11.	11-1
Sec. 1102. Standards incorporated by reference.	11-1
Sec. 1102.01. Stormwater management.	11-1
Sec. 1102.02. Owner responsibilities.	11-1
DIVISION I. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.	11-1
Sec. 1103. Purpose and intent.	11-1
Sec. 1104. Definitions related to erosion, sedimentation and pollution control.	11-1
Sec. 1105. Exemptions.	11-5
Sec. 1106. Minimum requirements for erosion, sedimentation and pollution control using best management practices.	11-6
Sec. 1106.01. General Provisions.	11-6
Sec. 1107. Application/permit process.	11-10
Sec. 1107.01. General.	11-10
Sec. 1107.02. Application requirements.	11-10
Sec. 1107.03. Plan requirements.	11-11
Sec. 1107.04. Permits.	11-11
Sec. 1108. Inspection and enforcement.	11-12
Sec. 1109. Penalties and incentives.	11-13
Sec. 1109.01. Failure to obtain a permit for land-disturbing activity.	11-13
Sec. 1109.02. Stop-work orders.	11-13
Sec. 1109.03. Bond forfeiture.	11-13
Sec. 1109.04. Monetary penalties.	11-14
Sec. 1110. Education and certification.	11-14
DIVISION II. STORM DRAINAGE & STORMWATER MANAGEMENT.	11-15
Sec. 1111. Purpose and intent.	11-15
Sec. 1112. Definitions related to storm drainage and stormwater management.	11-16
Sec. 1113. Applicability.	11-19
Sec. 1114. Illicit non-stormwater discharges and illegal connection.	11-20
Sec. 1114.01. Prohibitions.	11-20
Sec. 1114.02. Industrial or construction activity discharges.	11-21
Sec. 1114.03. Access and inspection of properties and facilities.	11-21
Sec. 1114.04. Notification of spills and accidental discharges.	11-22
Sec. 1115. Maintenance of existing stormwater facilities.	11-22
Sec. 1115.01. Responsibility for maintenance.	11-22
Sec. 1115.02. Maintenance requirement.	11-22
Sec. 1115.03. Easements.	11-23
Sec. 1115.04. Access and inspection of properties and facilities.	11-23
Sec. 1116. Stormwater management in the urbanized area.	11-23
Sec. 1116.01. General.	11-23

Sec. 1116.02. Stormwater application and permit.	11-23
Sec. 1116.03. Standards for stormwater management.	11-23
<i>Table 11.1: Drainage Ditch Easement Widths</i>	11-24
Sec. 1116.04. Stormwater collection and transport system design considerations.	11-25
Sec. 1116.05. Natural drainage.	11-25
Sec. 1116.06. Drainage system construction.	11-26
Sec. 1116.07. Materials and installation.	11-26
<i>Table 11.2: Selection Guidelines for Storm Sewer Piping</i>	11-27
Sec. 1116.08. Field changes.	11-28
Sec. 1116.09. Endwalls.	11-28
Sec. 1116.10. Catch basins and storm sewer structures.	11-28
Sec. 1116.11. Timing of installation.	11-29
Sec. 1116.12. Maintenance responsibilities.	11-29
Sec. 1116.13. Stormwater discharge management.	11-29
Sec. 1117. Stormwater management in the non-urbanized area.	11-32
Sec. 1117.01. General.	11-32
Sec. 1117.02. Stormwater application and permit.	11-32
Sec. 1117.03. Standards for stormwater management.	11-32
<i>Table 11.3: Drainage Ditch Easement Widths</i>	11-33
Sec. 1117.04. Storm drainage design considerations.	11-34
Sec. 1117.05. Natural drainage.	11-34
Sec. 1117.06. Drainage system construction.	11-35
Sec. 1117.07. Materials and installation.	11-35
<i>Table 11.4: Selection Guidelines for Storm Sewer Piping</i>	11-36
Sec. 1117.08. Field changes.	11-37
Sec. 1117.09. Endwalls.	11-37
Sec. 1117.10. Catch basins and storm sewer structures.	11-37
Sec. 1117.11. Timing of installation.	11-38
Sec. 1117.12. Maintenance responsibilities.	11-38
Sec. 1117.13. Stormwater discharge management.	11-38
Sec. 1118. Violations, enforcement and penalties.	11-40
Sec. 1118.01. Violations.	11-40
Sec. 1118.02. Notice of violation.	11-40
Sec. 1118.03. Costs of abatement of the violation.	11-40
Sec. 1118.04. Civil penalties.	11-41
Sec. 1118.05. Remedies not exclusive.	11-41
DIVISION III. GRADING AND DRAINING OF INDIVIDUAL BUILDING SITES.....	11-42
Sec. 1119. Authority and responsibility.	11-42
Sec. 1120. Definitions relating to grading and draining of individual building sites.	11-42
Sec. 1121. Objective.	11-42
Sec. 1122. Finished grading.	11-43
Sec. 1123. Walks, steps and driveways.	11-44
Sec. 1124. Access to buildings and non-dwelling facilities.	11-45
Sec. 1125. Ground water.	11-45
Sec. 1126. Drainage and flood hazard exposure.	11-45

Sec. 1127. Special conditions.....	11-45
DIVISION IV. FLOOD DAMAGE PREVENTION.....11-46	
Sec. 1128. Purpose and Intent.....	11-46
Sec. 1128.01. Findings of fact.....	11-46
Sec. 1128.02. Statement of purpose.....	11-46
Sec. 1128.03. Objectives.	11-46
Sec. 1129. Definitions related to flood damage prevention.....	11-46
Sec. 1130. Basis for establishing areas of special flood hazard.....	11-50
Sec. 1130.01. Official sources of data.	11-50
Sec. 1130.02. Warning and disclaimer of liability.....	11-50
Sec. 1131. Requirement for development permit.....	11-50
Sec. 1132. Administration.....	11-50
Sec. 1132.01. Planning Director; designated as administrator.....	11-50
Sec. 1132.02. Planning Director; duties and responsibilities.....	11-50
Sec. 1133. Provisions for flood hazard reduction.....	11-51
Sec. 1133.01. General standards.....	11-51
Sec. 1133.02. Specific standards.....	11-52
Sec. 1133.03. Building standards for streams without established base flood elevation and/or floodways (A zones).....	11-54
Sec. 1133.04. Standards for areas of shallow flooding (AO zones).	11-54
Sec. 1133.05. Standards for subdivisions.	11-55
Sec. 1133.06. Standards for critical facilities.....	11-55
Sec. 1134. Variance procedures.....	11-55

BLANK PAGE

Article 11. Erosion Control and Stormwater Management

Sec. 1101. Purpose of Article 11.

This Article contains the requirements that relate to the impact of rainfall events on the natural and manmade environment, including the erosion and siltation effects of site grading and land disturbance activities, the control of stormwater flows and the potential damaging effects of flooding.

Sec. 1102. Standards incorporated by reference.

Sec. 1102.01. **Stormwater management.**

The design, construction, operation and maintenance of the stormwater system, including stormwater detention facilities and all conveyances whether piped or open, shall conform to the provisions of the **Georgia Stormwater Management Manual**, published August 2001 and as may be amended by local addenda of Oconee County from time to time, or as periodically updated or expanded based on improvements in science, engineering, monitoring or local maintenance experience.

Sec. 1102.02. **Owner responsibilities.**

Any property where erosion problems are resulting in sedimentation or where sediment leaves the property is in violation of this Development Code, regardless of whether construction activity is occurring or whether a permit has been issued.

- a. Proper notice shall be considered a notice of the violation mailed via certified mail to the property owner's address on record with the Oconee County Tax Assessor's office on the date of the violation.
- b. Once proper notice has been issued, the property owner shall have five days to correct this violation.

DIVISION I. SOIL EROSION, SEDIMENTATION AND POLLUTION CONTROL.

Sec. 1103. Purpose and intent.

The purpose of this Section is to control erosion and sedimentation by requiring proper provisions for storm water runoff and the protection of soil surfaces during and after any land disturbing activity so as to promote the safety, public health and general welfare of the people of the county.

Sec. 1104. Definitions related to erosion, sedimentation and pollution control.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Best Management Practices (BMP's)—Erosion and Sedimentation Control: These include sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the Manual for Erosion and Sediment Control in Georgia published by the Commission as of January 1 of the year in which the land-disturbing activity was permitted.

Buffer: The area of land immediately adjacent to the banks of state waters in its natural state of vegetation, which facilitates the protection of water quality and aquatic habitat.

Board: The Board of Natural Resources.

Certified Personnel: A person who has successfully completed the appropriate certification course approved by the Georgia Soil and Water Conservation Commission (GSWCC).

Commission: The Georgia Soil and Water Conservation Commission (GSWCC).

CPESC: Certified Professional in Erosion and Sediment Control with current certification by EnviroCert, Inc., which is also referred to as CPESC or CPESC, Inc.

Cut: A portion of land surface or area from which earth has been removed or will be removed by excavation; the depth below original ground surface to the excavated surface. Also known as "excavation."

Department: The Georgia Department of Natural Resources (DNR).

Design Professional: A Professional licensed by the State of Georgia in the field of: engineering, architecture, landscape architecture, forestry, geology, or land surveying; or a person that is a Certified Professional in Erosion and Sediment Control (CPESC) with a current certification by EnviroCert, Inc. Design Professionals shall practice in a manner that complies with applicable Georgia law governing professional licensure.

Development Permit: The authorization necessary to initiate and conduct a land-disturbing activity and to carry out the planned development of land and structures.

Director: The Director of the Environmental Protection Division or an authorized representative.

District: The Oconee River Soil and Water Conservation District.

Division: The Environmental Protection Division (EPD) of the Department of Natural Resources.

Drainage Structure: A device composed of a virtually nonerodible material such as concrete, steel, plastic or other such material that conveys water from one place to another by intercepting the flow and carrying it to a release point for storm-water management, drainage control or flood control purposes.

EPD: The Environmental Protection Division of the Georgia Department of Natural Resources.

EPD Director: The Director of the Environmental Protection Division of the Georgia Department of Natural Resources.

Erosion: The process by which land surface is worn away by the action of wind, water, ice, or gravity.

Erosion, Sedimentation and Pollution Control Plan: A plan required by the Erosion and Sedimentation Act, O.C.G.A. chapter 12-7, that includes, as a minimum protections at least as stringent as the State General Permit, best management practices, and requirements in Sec. 1106 of this Code.

Fill: A portion of land surface to which soil or other solid material has been added; the depth above the original ground surface or an excavation.

Final Stabilization: All soil disturbing activities at the site have been completed, and that for unpaved areas and areas not covered by permanent structures and areas located outside the waste disposal limits of a landfill cell that has been certified by EPD for waste disposal, 100% of the soil surface is uniformly covered in permanent vegetation with a density of 70% or greater, or landscaped according to the Plan (uniformly covered with landscaping materials in planned landscape areas), or equivalent permanent stabilization measures as defined in the Manual (excluding a crop of annual vegetation and seeding of target crop perennials appropriate for the region). Final Stabilization applies to each phase of construction.

Finished Grade: The final elevation and contour of the ground after cutting or filling and conforming to the proposed design.

Grading: Altering the shape of ground surfaces to a predetermined condition; this includes stripping, cutting, filling, stockpiling and shaping, or any combination thereof, and shall include the land in its cut or filled condition.

Ground Elevation: The original elevation of the ground surface prior to cutting or filling.

Land-Disturbing Activity: Any activity that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands within the state, including, but not limited to, clearing, dredging, grading, excavating, transporting and filling of land but not including those practices that are exempt under the Soil Erosion and Sedimentation Control provisions of this Development Code.

Larger Common Plan of Development or Sale: A contiguous area where multiple, separate and distinct construction activities are or may be occurring at different times on different schedules under one plan of development or sale. For purposes of this paragraph, "plan" means an announcement; piece of documentation such as a sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, or computer design; or physical demarcation such as boundary signs, lot stakes, or surveyor markings, indicating that construction activities may occur on a specific plot.

Local Issuing Authority: The governing authority of any county or municipality which is certified pursuant to subsection (a) O.C.G.A. 12-7-8.

Metropolitan River Protection Act (MRPA): A state law referenced as O.C.G.A. 12-5-440 *et seq.*, which addresses environmental and developmental matters in certain metropolitan river corridors and their drainage basins.

Natural Ground Surface: The ground surface in its original state before any grading, excavation or filling.

Nephelometric Turbidity Units (NTU): Numerical units of measure based upon photometric analytical techniques for measuring the light scattered by finely divided particles of a substance in suspension. This technique is used to estimate the extent of turbidity in water in which colloidally dispersed particles are present.

NOI: A Notice of Intent form provided by EPD for coverage under the State General Permit.

NOT: A Notice of Termination form provided by EPD to terminate coverage under the State General Permit.

One-Hundred-Year Flood Plain: A land area subject to a 1 percent or greater statistical occurrence probability of flooding in any given year.

Operator: The party or parties that have: 1) operational control of construction project plans and specifications, including the ability to make modifications to those plans and specifications; or 2) day-to-day operational control of those activities that are necessary to ensure compliance with an erosion, sedimentation and pollution control plan for the site or other permit conditions, such as a person authorized to direct workers at a site to carry out activities required by the erosion, sedimentation and pollution control plan or to comply with other permit conditions.

Outfall: The location where storm water in a discernible, confined and discrete conveyance, leaves a facility or site or, if there is a receiving water on site, becomes a point source discharging into that receiving water.

Permit: the authorization necessary to conduct a land-disturbing activity under the provisions of this ordinance.

Person: Any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, state agency, municipality or other political subdivision of the State, any interstate body or other legal entity.

Phase or Phased: Sub-parts or segments of construction projects where the sub-part or segment is constructed and stabilized prior to completing construction activities on the entire construction site.

Project: 1) The entire proposed development project regardless of the size of the area of land to be disturbed. 2) For stormwater management, see "Land Development Project."

Properly Designed: Designed in accordance with the design requirements and specification contained in the Manual for Erosion and Sediment Control in Georgia (Manual) published

by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted and amendments to the Manual as approved by the Commission up until the date of NOI submittal.

Qualified Personnel: Any person who meets or exceeds the education and training requirements of O.C.G.A. 12-7-19.

Roadway Drainage Structure: A device such as a bridge, culvert or ditch, composed of a virtually non-erodible material such as concrete, steel, plastic or other such material that conveys water under a roadway by intercepting the flow on one side of a traveled way consisting of one or more defined lanes, with or without shoulder areas, and carrying water to a release point on the other side.

Sediment: Solid material, both organic and inorganic, that is in suspension, is being transported or has been moved from its site of origin by wind, water, ice or gravity as a product of erosion.

Sedimentation: The process by which eroded material is transported and deposited by the action of water, wind, ice, or gravity.

Soil & Water Commission: The State Soil and Water Conservation Commission.

Soil and Water Conservation District Approved Plan: An erosion, sedimentation and pollution control plan approved in writing by the Oconee River Soil and Water Conservation District.

Soil & Water District: The Oconee River Soil and Water Conservation District.

Stabilization: The process of establishing an enduring soil cover of vegetation by the installation of temporary or permanent structures for the purpose of reducing to a minimum the erosion process and the resultant transport of sediment by wind, water, ice or gravity.

State General Permit: The National Pollution Discharge Elimination System general permit or permits for storm-water runoff from construction activities as is now in effect or as may be amended or reissued in the future pursuant to the State's authority to implement the same through federal delegation under the Federal Water Pollution Control Act, as amended, 33 U.S.C. Section 1251, et seq., and subsection (f) of O.C.G.A. 12-5-30.

State Waters: Any and all rivers, streams, creeks, branches, lakes, reservoirs, ponds, drainage systems, springs, wells, and other bodies of subsurface water, natural or artificial, lying within or forming a part of the boundaries of Georgia which are not entirely confined and retained completely upon the property of a single individual, partnership, or corporation.

Stream Buffer: See "Buffer, Stream."

Structural Erosion and Sedimentation Control Measures: Practices for the stabilization of erodible or sediment-producing areas by utilizing the mechanical properties of matter for the purpose of either changing the surface of the land or storing, regulating or disposing of runoff to prevent excessive sediment loss. Examples of structural erosion and sedimentation control practices are riprap, sediment basins, dikes, level spreaders, waterways or outlets, diversions, grade stabilization structures, and sediment traps, etc. Such practices can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Trout Streams: All streams or portions of streams within the watershed as designated by the Wildlife Resources Division of the Georgia Department of Natural Resources under the provisions of O.C.G.A. 12-5-20 et. seq., in the rules and regulations for Water Quality Control, Chapter 391-3-6 at www.epd.georgia.gov. Streams designated as primary trout waters are defined as supporting a self-sustaining population of rainbow, brown or brook trout. Streams designated as secondary trout waters are those in which there is no evidence of natural trout reproduction, but are capable of supporting trout throughout the year. First order trout waters are streams into which no other streams flow except springs.

Vegetative Erosion and Sedimentation Control Measures: Measures for the stabilization of erodible or sediment-producing areas by covering the soil with:

1. Permanent seeding, sprigging or planting, producing long-term vegetative cover; or
2. Temporary seeding, producing short-term vegetative cover; or
3. Sodding, covering areas with a turf of perennial sod-forming grass.

Such measures can be found in the publication *Manual for Erosion and Sediment Control in Georgia*.

Watercourse: Any natural or artificial watercourse, stream, river, creek, channel, ditch, canal, conduit, culvert, drain, waterway, gully, ravine, or wash in which water flows either continuously or intermittently and which has a definite channel, bed and banks, and including any area adjacent thereto subject to inundation by reason of overflow or flood-water.

Wetlands: Those areas that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

Sec. 1105. Exemptions.

This Section shall apply to any land-disturbing activity undertaken by any person on any land except for the following:

- a. Surface mining, as same is defined in O.C.G.A. 12-4-72, "The Georgia Surface Mining Act of 1968";
- b. Granite quarrying and land clearing for such quarrying;
- c. Such minor land-disturbing activities as home gardens and individual home landscaping, repairs, maintenance work, fences and other related activities, which result in minor soil erosion;
- d. The construction of single-family residences, when such construction disturbs less than one acre and is not a part of a larger common development plan or sale with a planned disturbance of equal to or greater than one acre and not otherwise exempted under this section; provided however, that construction of any such residence shall conform to the minimum requirements as set forth in O.C.G.A 12-7-6 and this paragraph. For single-family residence construction covered by the provisions of this paragraph, there shall be a buffer zone between the residence and any state waters classified as trout streams pursuant to Article 2 of Chapter 5 of the Georgia Water Quality Control Act. In any such buffer zone, no land-disturbing activity shall occur between the residence and the point where vegetation has been wrested by normal stream flow or wave action from the banks of the trout waters. For primary trout waters, the buffer zone shall be at least 50 horizontal feet, and no variance to a smaller buffer shall be granted. For secondary trout waters, the buffer zone shall be at least 50 horizontal feet, but the EPD Director may grant variances to no less than 25 feet. Regardless of whether a trout stream is primary or secondary, for first order trout waters, which are streams into which no other streams flow except for springs, the buffer shall be at least 25 horizontal feet, and no variance to a smaller buffer shall be granted. The minimum requirements of subsection (b) of Code section 12-7-6 and the buffer zones provided by this paragraph shall be enforced by the issuing authority;
- e. Agricultural operations as defined in O.C.G.A. 1-3-3, "Definitions," to include those raising, harvesting, or storing of products of the field or orchard; feeding, breeding or managing livestock or poultry; producing or storing feed for use in the production of livestock, including but not limited to cattle, calves, swine, hogs, goats, sheep, and rabbits or for use in the production of poultry, including but not limited to chickens, hens and turkeys; producing plants, trees, fowl, or animals; the production of aqua culture, horticultural, dairy, livestock, poultry, eggs and apian product; farm buildings and farm ponds;

- f. Forestry land management practices, including harvesting; provided, however, that when such exempt forestry practices cause or result in land disturbing or other activities otherwise prohibited in a stream buffer, as established in paragraphs (15) and (16) of Sec. 1106.01.b, no other land disturbing activities, except for normal forest management practices, shall be allowed on the entire property upon which the forestry practices were conducted for a period of three years after completion of such forestry practices;
- g. Any project carried out under the technical supervision of the Natural Resources Conservation Service of the United States Department of Agriculture;
- h. Any project involving less than one acre of disturbed area; provided, however, that this exemption shall not apply to any land-disturbing activity within a larger common plan of development or sale with a planned disturbance of equal to or greater than one acre or within 200 feet of the bank of any state waters. For purposes of this paragraph, "State Waters" excludes channels and drainageways which have water in them only during and immediately after rainfall events and intermittent streams which do not have water in them year-round; provided, however, that any person responsible for a project which involves less than one acre, which involves land-disturbing activity and which is within 200 feet of any such excluded channel or drainageway, must prevent sediment from moving beyond the boundaries of the property on which such project is located and provided, further, that nothing contained herein shall prevent the regulation of any such project that is not specifically exempted by any Subsection of this Sec. 1105;
- i. Construction or maintenance projects, or both, undertaken or financed in whole or in part, or both, by the Georgia Department of Transportation, the Georgia Highway Authority or the State Tollway Authority; or any road construction or maintenance project, or both, undertaken by any county or municipality; provided, however, that construction or maintenance projects of Department of Transportation or State Tollway Authority which disturb one or more contiguous acres of land shall be subject to provisions of O.C.G.A. 12-7-7.1; except where the Department of Transportation or the Georgia Road Authority or State Tollway Authority is a secondary permittee for a project located within a larger common development plan or sale under the state general permit, in which case a copy of the notice of intent under the state general permit shall be submitted to Oconee County and Oconee County will enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders;
- j. Any land-disturbing activities conducted by any electric membership corporation or municipal electrical system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power; except where an electric membership corporation or municipal electric system or any public utility under the regulatory jurisdiction of the Public Service Commission, any utility under the regulatory jurisdiction of the Federal Energy Regulatory Commission, any cable television system as defined in O.C.G.A. 36-18-1, or any agency or instrumentality of the United States engaged in the generation, transmission or distribution of power is a secondary permittee for a project located in a larger common plan of development or sale under the state general permit, in which case Oconee County will enforce compliance with the minimum requirements set forth in O.C.G.A. 12-7-6 as if a permit had been issued and violations shall be subject to the same penalties as violations by permit holders; and
- k. Any public water system reservoir.

Sec. 1106. Minimum requirements for erosion, sedimentation and pollution control using best management practices.

Sec. 1106.01. General Provisions.

Excessive soil erosion and resulting sedimentation can take place during land-disturbing activities if requirements of the ordinance and the NPDES General Permit are not met. Therefore,

plans for those land-disturbing activities which are not exempted by this ordinance shall contain provisions for application of soil erosion, sedimentation and pollution control measures and practices. The provisions shall be incorporated into the erosion, sedimentation and pollution control plans. Soil erosion, sedimentation and pollution control measures and practices shall conform to the minimum requirements of this Section. The application of measures shall apply to all features of the site, including street and utility installations, drainage facilities and other temporary and permanent improvements. Measures shall be installed to prevent or control erosion, sedimentation and pollution during all stages of any land-disturbing activity in accordance with requirements of this ordinance and the NPDES General Permit.

a. Minimum requirements; best management practices.

- (1) Best management practices, as set forth in Sec. 1106.01.a and Sec. 1106.01.b shall be required for all land-disturbing activities. Proper design, installation, and maintenance of best management practices shall constitute a complete defense to any action by Oconee County or to any other allegation of noncompliance with this subsection or any substantially similar terms contained in a development permit for the discharge of stormwater issued pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act. As used in this subsection, the terms "proper design" and "properly designed" mean designed in accordance with the hydraulic design specifications contained in the applicable *Manual for Erosion and Sediment Control in Georgia* specified in O.C.G.A. 12-7-6 subsection (b).
- (2) A discharge of stormwater runoff from disturbed areas where best management practices have not been properly designed, installed and maintained shall constitute a separate violation of any land-disturbing permit issued by Oconee County or of any state general permit for construction activities issued by EPD pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such discharge results in the turbidity of receiving waters being increased by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout streams. The turbidity of the receiving waters shall be measured in accordance with guidelines issued by the EPD Director. This paragraph shall not apply to any land disturbance associated with the construction of single family homes which are not part of a larger common plan of development or sale unless the planned disturbance for such construction is equal to or greater than five acres.
- (3) Failure to properly design, install or maintain best management practices shall constitute a violation of any development permit issued by Oconee County or of any state general permit issued by EPD pursuant to O.C.G.A. 12-5-30(f), the Georgia Water Quality Control Act, for each day on which such failure occurs.
- (4) The EPD Director may require, in accordance with regulations adopted by the Board of Natural Resources, reasonable and prudent monitoring of the turbidity level of receiving waters into which discharges from land-disturbing activities occur.
- (5) The LIA may set more stringent buffer requirements than stated in Sec. 1106.01.b(15) & (16) in this Code, in light of O.C.G.A. 12-7-6 (c).

b. Minimum requirements for erosion, sedimentation and pollution and sedimentation control; specific.

The rules and regulations, ordinances adopted pursuant to O.C.G.A. 12-7-1 et. seq. for the purpose of governing land-disturbing activities shall require, as a minimum, protections at least as stringent as the State General Permit, and best management practices, including sound conservation and engineering practices to prevent and minimize erosion and resultant sedimentation, which are consistent with, and no less stringent than, those practices contained in the *Manual for Erosion and Sediment Control in Georgia* published by the Georgia Soil and Water Conservation Commission as of January 1 of the year in which the land-disturbing activity was permitted, as well as the following:

- (1) Stripping of vegetation, re-grading and other development activities shall be conducted in a manner so as to minimize erosion.

- (2) Cut-fill operations must be kept to a minimum.
- (3) Development plans must conform to topography and soil type so as to create the lowest practical erosion potential.
- (4) Whenever feasible, natural vegetation shall be retained, protected and supplemented.
- (5) The disturbed area and the duration of exposure to erosive elements shall be kept to a practicable minimum.
- (6) Disturbed soil shall be stabilized as quickly as practical.
- (7) Temporary vegetation or mulching shall be employed to protect exposed critical areas during development.
- (8) Permanent vegetation and structural erosion control measures shall be installed as soon as practical.
- (9) To the extent necessary, sediment in run-off water must be trapped by the use of debris basins, sediment basins, silt traps or similar measures until the disturbed area is stabilized. As used in this paragraph, a disturbed area is stabilized when it is brought to a condition of continuous compliance with the requirements of O.C.G.A. 12-7-1 *et. seq.*
- (10) Adequate provisions must be provided to minimize damage from surface water to the cut face of excavations or the sloping surface of fills.
- (11) Cuts and fills may not endanger adjoining property.
- (12) Fills may not encroach upon natural watercourses or constructed channels in a manner so as to adversely affect other property owners.
- (13) Grading equipment must cross-flowing streams by means of bridges or culverts except when such methods are not feasible and provided, in any case, that such crossings are kept to a minimum.
- (14) Land-disturbing activity plans for erosion, sedimentation and pollution control shall include provisions for treatment or control of any source of sediments and adequate sedimentation control facilities to retain sediments on-site or preclude sedimentation of adjacent waters by more than 25 nephelometric turbidity units for waters supporting warm water fisheries or by more than 10 nephelometric turbidity units for waters classified as trout streams.
- (15) Except as provided in Sec. 1106.01.b paragraphs 15 and 16, and the Environmental Protection Article of this Code relating to stream buffers and conservation corridors, there is established a 25 foot stream buffer along the banks of all state waters, as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action except where the EPD Director determines to allow a variance that is at least as protective of natural resources and the environment, where otherwise allowed by the EPD Director pursuant to O.C.G.A. 12-2-8, or where a drainage structure or a roadway drainage structure must be constructed, provided that adequate erosion control measures are incorporated in the project plans and specifications, and are implemented; or along any ephemeral stream. As used in this provision, the term "ephemeral stream" means a stream: that under normal circumstances has water flowing only during and for a short duration after precipitation events; that has the channel located above the ground water table year round; for which ground water is not a source of water flow. Unless exempted as along an ephemeral stream, the buffers of at least 25 feet established pursuant to part 6 of Article 5, Chapter 5 of Title 12, the Georgia Water Quality Control Act, shall remain in force unless a variance is granted by the Director as provided in this paragraph. The following requirements shall apply to any such buffer:
 - (a) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed state of vegetation until

all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(b) The stream buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

i. Stream crossings for water lines; or

ii. Stream crossings for sewer lines.

(16) There is established a 50 foot stream buffer as measured horizontally from the point where vegetation has been wrested by normal stream flow or wave action, along the banks of any state waters classified as "trout streams" pursuant to Article 2 of Chapter 5 of Title 12, the "Georgia Water Quality Control Act", except where a roadway drainage structure must be constructed; provided, however, that small springs and streams classified as trout streams which discharge an average annual flow of 25 gallons per minute or less shall have a 25 foot buffer or they may be piped, at the discretion of the landowner, pursuant to the terms of a rule providing for a general variance promulgated by the Board, so long as any such pipe stops short of the downstream landowner's property and the landowner complies with the buffer requirement for any adjacent trout streams. The Director may grant a variance from such buffer to allow land-disturbing activity, provided that adequate erosion control measures are incorporated in the project plans and specifications and are implemented. The following requirements shall apply to such buffer:

(a) No land-disturbing activities shall be conducted within a stream buffer and a stream buffer shall remain in its natural, undisturbed, state of vegetation until all land-disturbing activities on the construction site are completed. Once the final stabilization of the site is achieved, a buffer may be thinned or trimmed of vegetation as long as a protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; provided, however, that any person constructing a single-family residence, when such residence is constructed by or under contract with the owner for his or her own occupancy, may thin or trim vegetation in a buffer at any time as long as protective vegetative cover remains to protect water quality and aquatic habitat and a natural canopy is left in sufficient quantity to keep shade on the stream bed; and

(b) The stream buffer shall not apply to the following land-disturbing activities, provided that they occur at an angle, as measured from the point of crossing, within 25 degrees of perpendicular to the stream; cause a width of disturbance of not more than 50 feet within the buffer; and adequate erosion control measures are incorporated into the project plans and specifications and are implemented:

i. Stream crossings for water lines; or

ii. Stream crossings for sewer lines.

- c. Nothing contained in O.C.G.A. 12-7-1 et. seq. shall prevent any Local Issuing Authority from adopting rules and regulations, ordinances, or resolutions which contain stream buffer requirements that exceed the minimum requirements in Sec. 1106.01.a and Sec. 1106.01.b of this Code.
- d. The fact that land-disturbing activity for which a permit has been issued results in injury to the property of another shall neither constitute proof of nor create a presumption of a violation of the standards provided for in this ordinance or the terms of the permit.

Sec. 1107. Application/permit process.

Sec. 1107.01.

General.

The property owner, developer and designated planners and engineers shall design and review before submittal the general development plans. The Local Issuing Authority shall review the tract to be developed and the area surrounding it. They shall consult this Development Code and other ordinances that regulate the development of land within the jurisdictional boundaries of the Local Issuing Authority. However, the operator is the only party who may obtain a permit.

Sec. 1107.02.

Application requirements.

- a. No person shall conduct any land-disturbing activity within the jurisdictional boundaries of the Oconee County Board of Commissioners without first obtaining a permit from the Planning Department to perform such activity and providing a copy of Notice of Intent submitted to EPD if applicable.
- b. The application for a permit shall be submitted to the Planning Department and must include the applicant's erosion, sedimentation and pollution control plan with supporting data, as necessary. Said plans shall include, as a minimum, the data specified in Sec. 1107.03 of this Article. Soil erosion, sedimentation and pollution control plans shall conform to the provisions of Sec. 1106.01.a and Sec. 1106.01.b of this Article. Applications for a permit will not be accepted unless accompanied by 3 three copies of the applicant's soil erosion, sedimentation and pollution control plans. All applications shall contain a certification stating that the plan preparer or the designee thereof visited the site prior to creation of the plan or that such a visit was not required in accordance with EPD Rule 391-3-7-10.
- c. A fee, in the amount of \$250 up to 50 lots, \$350 from 51 up to 100 lots, \$400 from 101 to 150 lots and \$500 from 151 lots and up shall be charged for each acre or fraction thereof in the project area.
- d. In addition to the local permitting fees, fees will also be assessed pursuant to paragraph (5) subsection (a) of O.C.G.A. 12-5-23, provided that such fees shall not exceed \$80.00 per acre of land-disturbing activity, and these fees shall be calculated and paid by the primary permittee as defined in the state general permit for each acre of land-disturbing activity included in the planned development or each phase of development. All applicable fees shall be paid prior to issuance of the land disturbance permit. In a jurisdiction that is certified pursuant to subsection (a) of O.C.G.A. 12-7-8 half of such fees levied shall be submitted to the division; except that any and all fees due from an entity which is required to give notice pursuant to paragraph (9) or (10) of O.C.G.A. 12-7-17 shall be submitted in full to the division, regardless of the existence of a local issuing authority in the jurisdiction.
- e. Immediately upon receipt of an application and plan for a permit, the Local Issuing Authority shall refer the application and plan to the Soil & Water District for its review and approval or disapproval concerning the adequacy of the erosion, sedimentation and pollution control plan. A Soil & Water District shall approve or disapprove a plan within 35 days of receipt. Failure of a Soil & Water District to act within 35 days shall be considered an approval of the pending plan. The results of the Soil & Water District review shall be forwarded to the Local Issuing Authority. No permit will be issued unless the plan has been approved by the Soil & Water District, and any variances required by Sec. 1106.01.b

paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, have been met. Such review will not be required if the Local Issuing Authority and the Soil & Water District have entered into an agreement which allows the Local Issuing Authority to conduct such review and approval of the plan without referring the application and plan to the Soil & Water District.

- f. If a permit applicant has had two or more violations of previous permits, this ordinance section, or the Erosion and Sedimentation Act, as amended, within three years prior to the date of filing of the application under consideration, the Local Issuing Authority may deny the permit application.
- g. The Local Issuing Authority may require the permit applicant to post a bond in the form of government security, cash, irrevocable letter of credit, or any combination thereof up to, but not exceeding, \$3,000.00 per acre or fraction thereof of the proposed land-disturbing activity, prior to issuing the permit. If the applicant does not comply with this Development Code or with the conditions of the permit after issuance, the Local Issuing Authority may call, the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance. These provisions shall not apply unless there is in effect an ordinance or statute specifically providing for hearing and judicial review of any determination or order of the Local Issuing Authority with respect to alleged permit violations.

Sec. 1107.03. Plan requirements.

- a. Plans must be prepared to meet the minimum requirements as contained in Sec. 1106.01.a and Sec. 1106.01.b of this Article. Conformance with the minimum requirements may be attained through the use of design criteria in the current issue of the Manual for Erosion and Sediment Control in Georgia, published by the State Soil and Water Conservation Commission as a guide; or through the use of more stringent, alternate design criteria which conform to sound conservation and engineering practices. The Manual for Erosion and Sediment Control in Georgia is hereby incorporated by reference into this ordinance. The plan for the land-disturbing activity shall consider the interrelationship of the soil types, geological and hydrological characteristics, topography, watershed, vegetation, proposed permanent structures including roadways, constructed waterways, sediment control and storm water management facilities, local ordinances and State laws.
- b. Data required for erosion, sedimentation and pollution control plan shall include all the information required from the appropriate Erosion, Sedimentation and Pollution Control Plan Review Checklist established by the Commission as of January 1 of the year in which the land disturbing activity was permitted.

Sec. 1107.04. Permits.

- a. Permits shall be issued or denied as soon as practicable but in any event not later than 45 days after receipt by the Local Issuing Authority of a completed application, providing variances and bonding are obtained, where necessary and all applicable fees have been paid prior to permit issuance. The permit shall include conditions under which the activity may be undertaken.
- b. No permit shall be issued by the Local Issuing Authority unless the erosion, sedimentation and pollution control plan has been approved by the Soil & Water District and the Local Issuing Authority has affirmatively determined that the plan is in compliance with this ordinance, any variances required by Sec. 1106.01.b paragraphs 15 and 16 are obtained, and bonding requirements, if necessary, as per Sec. 1107.02.g, are met. If the permit is denied, the reason for denial shall be furnished to the applicant.
- c. Any land-disturbing activities by a local issuing authority shall be subject to the same requirements of this ordinance, and any other ordinances relating to land development, as are applied to private persons and the division shall enforce such requirements upon the local issuing authority.

- d. If the tract is to be developed in phases, then a separate permit shall be required for each phase.
- e. The permit may be suspended, revoked, or modified by the Local Issuing Authority, as to all or any portion of the land affected by the plan, upon finding that the holder or his successor in the title is not in compliance with the approved erosion and sedimentation control plan or that the holder or his successor in title is in violation of this Development Code. A holder of a permit shall notify any successor in title to him as to all or any portion of the land affected by the approved plan of the conditions contained in the permit.
- f. The LIA may reject a permit application if the applicant has had two or more violations of previous permits or the Erosion and Sedimentation Act permit requirements within three years prior to the date of the application, in light of O.C.G.A. 12-7-7 (f) (1).

Sec. 1108.

Inspection and enforcement.

- a. The Planning Department will periodically inspect the sites of land-disturbing activities for which permits have been issued to determine if the activities are being conducted in accordance with the plan and if the measures required in the plan are effective in controlling erosion and sedimentation. Also, the Local Issuing Authority shall regulate primary, secondary, and tertiary permittees as such terms are defined in the state general permit. Primary permittees shall be responsible for installation and maintenance of best management practices where the primary permittee is conducting land-disturbing activities. Secondary permittees shall be responsible for installation and maintenance of best management practices where the secondary permittee is conducting land-disturbing activities. Tertiary permittees shall be responsible for installation and maintenance of best management practices where the tertiary permittee is conducting land-disturbing activities. If, through inspection, it is deemed that a person engaged in land-disturbing activities as defined herein has failed to comply with the approved plan, with permit conditions, or with the provisions of this ordinance, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance.
- b. The Planning Department shall have the power to conduct such investigations as it may reasonably deem necessary to carry out duties as prescribed in this ordinance, and for this purpose to enter at reasonable times upon any property, public or private, for the purpose of investigation and inspecting the sites of land-disturbing activities.
- c. No person shall refuse entry or access to any authorized representative or agent of the Local Issuing Authority, the Soil & Water Commission, the Soil & Water District, or Division who requests entry for the purposes of inspection, and who presents appropriate credentials, nor shall any person obstruct, hamper or interfere with any such representative while in the process of carrying out his official duties.
- d. The Soil & Water Districts or the Soil & Water Commission or both shall periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to O.C.G.A. 12-7-8 (a). The Soil & Water Districts or the Soil & Water Commission or both may provide technical assistance to any county or municipality for the purpose of improving the effectiveness of the county's or municipality's erosion and sedimentation control program. The Soil & Water Districts or the Soil & Water Commission shall notify the Division and request investigation by the Division if any deficient or ineffective local program is found.
- e. The Board, on or before December 31, 2003, shall promulgate rules and regulations setting forth the requirements and standards for certification and the procedures for decertification of a local issuing authority. The Division may periodically review the actions of counties and municipalities which have been certified as Local Issuing Authorities pursuant to Code Section 12-7-8 (a). Such review may include, but shall not be limited to, review of the administration and enforcement of a governing authority's ordinance and review of conformance with an agreement, if any, between the Soil & Water District and

the governing authority. If such review indicates that the governing authority of any county or municipality certified pursuant to O.C.G.A. 12-7-8 (a) has not administered or enforced its ordinances or has not conducted the program in accordance with any agreement entered into pursuant to O.C.G.A. 12-7-7 (e), the Division shall notify the governing authority of the county or municipality in writing. The governing authority of any county or municipality so notified shall have 30 days within which to take the necessary corrective action to retain certification as a Local Issuing Authority. If the county or municipality does not take necessary corrective action within 30 days after notification by the division, the division may revoke the certification of the county or municipality as a Local Issuing Authority.

Sec. 1109. Penalties and incentives.

Sec. 1109.01. Failure to obtain a permit for land-disturbing activity.

If any person commences any land-disturbing activity requiring a land-disturbing permit as prescribed in this ordinance without first obtaining said permit, the person shall be subject to revocation of his business license, work permit or other authorization for the conduct of a business and associated work activities within the jurisdictional boundaries of the Local Issuing Authority.

Sec. 1109.02. Stop-work orders.

- a. For the first and second violations of the provisions of this ordinance, the Director or the Local Issuing Authority shall issue a written warning to the violator. The violator shall have five days to correct the violation. If the violation is not corrected within five days, the Director or the Local Issuing Authority shall issue a stop-work order requiring that land-disturbing activities be stopped until necessary corrective action or mitigation has occurred; provided, however, that, if the violation presents an imminent threat to public health or waters of the state or if the land-disturbing activities are conducted without obtaining the necessary permit, the Director or the Local Issuing Authority shall issue an immediate stop-work order in lieu of a warning;
- b. For a third and each subsequent violation, the Director or the Local Issuing Authority shall issue an immediate stop-work order; and;
- c. All stop-work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred;
- d. When a violation in the form of taking action without a permit, failure to maintain a stream buffer, or significant amounts of sediment, as determined by the local issuing authority or by the Director or his or her Designee, have been or are being discharged into state waters and where best management practices have not been properly designed, installed, and maintained, a stop work order shall be issued by the local issuing authority or by the director or his or her designee. All such stop work orders shall be effective immediately upon issuance and shall be in effect until the necessary corrective action or mitigation has occurred. Such stop work orders shall apply to all land-disturbing activity on the site with the exception of the installation and maintenance of temporary or permanent erosion and sediment controls.

Sec. 1109.03. Bond forfeiture.

If, through inspection, it is determined that a person engaged in land-disturbing activities has failed to comply with the approved plan, a written notice to comply shall be served upon that person. The notice shall set forth the measures necessary to achieve compliance with the plan and shall state the time within which such measures must be completed. If the person engaged in the land-disturbing activity fails to comply within the time specified, he shall be deemed in violation of this ordinance and, in addition to other penalties, shall be deemed to have forfeited his performance bond, if required to post one under the provisions of Sec. 1107.02.g. The Local Issuing Authority may call the bond or any part thereof to be forfeited and may use the proceeds to hire a contractor to stabilize the site of the land-disturbing activity and bring it into compliance.

Sec. 1109.04. **Monetary penalties.**

Any person who violates any provisions of this ordinance, or any permit condition or limitation established pursuant to this ordinance, or who negligently or intentionally fails or refuses to comply with any final or emergency order of the Director issued as provided in this ordinance shall be liable for a civil penalty not to exceed \$2,500.00 per day. For the purpose of enforcing the provisions of this ordinance, notwithstanding any provisions in any City charter to the contrary, municipal courts shall be authorized to impose penalty not to exceed \$2,500.00 for each violation. Notwithstanding any limitation of law as to penalties which can be assessed for violations of county ordinances, any magistrate court or any other court of competent jurisdiction trying cases brought as violations of this ordinance under county ordinances approved under this ordinance shall be authorized to impose penalties for such violations not to exceed \$2,500.00 for each violation. Each day during which violation or failure or refusal to comply continues shall be a separate violation.

Sec. 1110. **Education and certification.**

- a. After December 31, 2006, all persons involved in land development design, review, permitting, construction, monitoring, or inspection or any land-disturbing activity shall meet the education and training certification requirements, dependent on their level of involvement with the process, as developed by the State Soil and Water Conservation Commission in consultation with the EPD and the Stakeholder Advisory Board created pursuant to O.C.G.A. 12-7-20.
- b. For each site on which land-disturbing activity occurs, each entity or person acting as either a primary, secondary, or tertiary permittee, as defined in the state general permit, shall have as a minimum one person who is in responsible charge of erosion and sedimentation control activities on behalf of said entity or person and meets the applicable education or training certification requirements developed by the Commission present on site whenever land-disturbing activities are conducted on that site. A project site shall herein be defined as any land-disturbance site or multiple sites within a larger common plan of development or sale permitted by an owner or operator for compliance with the state general permit.
- c. Persons or entities involved in projects not requiring a state general permit but otherwise requiring certified personnel on site may contract with certified persons to meet the requirements of this ordinance.
- d. If a state general permittee who has operational control of land-disturbing activities for a site has met the certification requirements of paragraph (1) of subsection (b) of O.C.G.A. 12-7-19, then any person or entity involved in land-disturbing activity at that site and operating in a subcontractor capacity for such permittee shall meet those educational requirements specified in paragraph (4) of subsection (b) of O.C.G.A 12-7-19 and shall not be required to meet any educational requirements that exceed those specified in said paragraph.

DIVISION II. STORM DRAINAGE & STORMWATER MANAGEMENT.

Sec. 1111. Purpose and intent.

The purpose of this Division is to protect, maintain, and enhance the public health, safety, environment, and general welfare of the citizens of Oconee County, Georgia by: the regulation of non-stormwater discharges to the storm drainage system to the maximum extent practicable as required by federal and state law; establishing minimum requirements and procedures to control the adverse effects of increased post-development stormwater runoff and nonpoint source pollution associated with new development and redevelopment; and establishing inspection and maintenance requirements for existing privately owned detention facilities in the area of the County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit. It has been determined that proper management of stormwater runoff will minimize damage to public and private property and infrastructure, safeguard the public health, safety, environment and general welfare of the public, and protect water and aquatic resources. The objectives of this Division are:

- a. Regulate the contribution of pollutants to the Oconee County separate storm sewer system by stormwater discharges by any user;
- b. Prohibit illicit connections and discharges to the Oconee County separate storm sewer system;
- c. Require that drainage easements are maintained in a proper manner;
- d. Establish design and application criteria for the construction and use of structural stormwater control facilities that can be used to meet the minimum post-development stormwater management standards;
- e. Establish legal authority to carry out all inspection procedures necessary to ensure compliance with this Division.
- f. Establish provisions for the long-term responsibility for and maintenance of structural stormwater control facilities and nonstructural stormwater management practices to ensure that they continue to function as designed, are maintained, and pose no threat to public safety.
- g. In addition, for the area of the County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit and areas identified in Sec. 1113.d:
 - (1) Establish decision-making processes surrounding land development activities that protect the integrity of the watershed and preserve the health of water resources;
 - (2) Require that new development and redevelopment maintain the pre-development hydrologic response in their post-development state as nearly as practicable in order to reduce flooding, stream bank erosion, nonpoint source pollution and increases in stream temperature, and maintain the integrity of stream channels and aquatic habitats;
 - (3) Establish minimum post-development stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality; and,
 - (4) Encourage the use of nonstructural stormwater management and stormwater better site design practices, such as the preservation of greenspace and other conservation
- h. To promote the natural beauty and aesthetic qualities of Oconee County.

Sec. 1112. Definitions related to storm drainage and stormwater management.

For the purposes of this Division, the following shall mean:

Beneficial Owner(s): All property owners in a subdivision that derive benefit from a stormwater management facility, detention facility, retention facility, or drainage easement may be considered owners of that facility or easement.

Best Management Practices (BMPs)—Stormwater Management: Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Channel: A natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

Clean Water Act: The federal Water Pollution Control Act (33 U.S.C § 1251 et seq.), and any subsequent amendments thereto.

Construction Activity: Activities subject to the Georgia Erosion and Sedimentation Control Act or NPDES Construction Permits. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

Detention: The temporary storage of stormwater runoff in a stormwater management facility for the purpose of controlling the peak discharge.

Detention Facility: A basin or structure used for the temporary storage of stormwater runoff for the purpose of controlling the peak discharge and which is designed to completely drain after a specified period of time.

Developer: A person who undertakes land development activities.

Drainage Easement: An easement appurtenant or attached to a tract or parcel of land allowing the owner of adjacent tracts or other persons to discharge stormwater runoff onto the tract or parcel of land subject to the drainage easement.

Georgia D.O.T. Standards/Specifications: *State of Georgia Standard Specifications – Construction of Transportation Systems*, latest edition.

Georgia Stormwater Management Manual, Volume 2: Technical Handbook, produced as a result of a collaborative effort between the Atlanta Regional Commission (ARC), the Georgia Department of Natural Resources-Environmental Protection Division (EPD), and 35 cities and counties from across Georgia that provides guidance on the techniques and measures that can be implemented to meet a set of stormwater management minimum standards for new development and redevelopment, as amended from time to time.

Greenspace: Permanently protected areas of the site that are preserved in a natural state. See also under "Open Space."

Hazardous Materials: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Hotspot: A land use or activity on a site that produces higher concentrations of trace materials, hydrocarbons or other pollutants than are normally found in urban stormwater runoff. Examples of hotspots include, but are not limited to: gas stations, vehicle service and maintenance areas, salvage yards, material storage sites, garbage transfer facilities, and commercial parking lots with high-intensity use.

Illegal Connection: An illegal connection is defined as either of the following:

1. Any pipe, open channel, drain or conveyance, whether on the surface or subsurface, which allows an illicit discharge to enter the storm drain system including but not limited to any conveyances which allow any non-stormwater discharge including sewage, process wastewater, and wash water, regardless of whether said drain or connection has been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any pipe, open channel, drain or conveyance connected to the Oconee County separate storm sewer system that has not been documented in plans, maps or equivalent records and approved by an authorized enforcement agency.

Illicit Discharge: Any direct or indirect non-stormwater discharge to the Oconee County storm drain system, except as exempted in the Storm Drainage and Stormwater Management Division of the Erosion Control and Stormwater Management Article of this Development Code.

Impervious Cover: A surface composed of any material that significantly impedes or prevents the natural infiltration of water into soil. Impervious surfaces include, but are not limited to, rooftops, buildings, streets and roads, disturbed and compacted soil, and any concrete or asphalt surface.

Industrial Activity: Activities subject to NPDES Industrial Permits as defined in 40CFR, Section 122.26 (b) (14).

Inspection and Maintenance Agreement: A written agreement providing for the long-term inspection and maintenance of stormwater management facilities and practices on a site or with respect to a land development project, which when properly recorded in the deed records, constitutes a restriction on the title to a site or other land involved in a land development project.

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

Land Development Activities: Those actions or activities that comprise, facilitate, or result in land development.

Land Development Project: A discrete land development undertaking.

National Pollutant Discharge Elimination System (NPDES) Stormwater Discharge Permit: A permit issued by Georgia EPD under authority delegated pursuant to 33 USC § 1342 (b) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

New Development: A land development activity on a previously undeveloped site.

Nonpoint Source Pollution: A form of water pollution that does not originate from a discrete point such as a sewage treatment plant or industrial discharge, but involves the transport of pollutants such as a sediment, fertilizers, pesticides, heavy metals, oil, grease, bacteria, organic materials and other contaminants from land to surface water and groundwater via mechanisms such as precipitation, stormwater runoff, and leaching. Nonpoint source pollution is a by-product of land use practices such as agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

Non-Stormwater Discharge: Any discharge to the storm drain system that is not composed entirely of stormwater.

Nonstructural Stormwater Management Practice or Nonstructural Practice: Any natural or planted vegetation or any other nonstructural component of the stormwater management plan that provides for or enhances stormwater quantity and/or quality control or other stormwater management benefits, and includes, but is not limited to, riparian buffers, open and greenspace areas, overland flow filtration areas, natural depressions, and vegetated channels.

Non-Urbanized Area: The area of unincorporated Oconee County not regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Oconee County Separate Storm Sewer System: Any facility, owned or maintained by the county, designed or used for collecting and/or conveying stormwater, including but not limited to roads with drainage systems, Oconee County streets, curbs, gutters, inlets, catch basins, piped storm drains, pumping facilities, retention and detention basins, natural and man-made or altered drainage channels, reservoirs, and other drainage structures.

Pollutant: Anything that causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; petroleum hydrocarbons; automotive fluids; cooking grease; detergents (biodegradable or otherwise); degreasers; cleaning chemicals; non-hazardous liquid and solid wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; liquid and solid wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; concrete and cement; and noxious or offensive matter of any kind.

Pollution: Contamination or other alteration of any water's physical, chemical, or biological properties by addition of any constituent including but not limited to a change in temperature, taste, color, turbidity, or odor of such waters, or the discharge of any liquid, gaseous, solid, radioactive, or other substance into any such waters as will or is likely to create a nuisance or render such waters harmful, detrimental, or injurious to the public health, safety, welfare, or environment, or to domestic, commercial, industrial, agricultural, recreational, or other legitimate beneficial uses, or to livestock, wild animals, birds, fish or other aquatic life.

Post-development: The time period, or the conditions that may reasonably be expected or anticipated to exist, after completion of the land development activity on a site as the context may require.

Pre-development: The time period, or the conditions that exist, on a site prior to the commencement of a land development project and at the time that plans for the land development of a site are approved by Oconee County. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first element of construction and/or phase being approved or permitted shall establish pre-development conditions.

Premises: Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

Redevelopment: A land development project on a previously developed site, but excludes ordinary maintenance activities, remodeling of existing buildings, resurfacing of paved areas, and exterior changes or improvements which do not materially increase or concentrate stormwater runoff, or cause additional nonpoint source pollution.

Retention Facility: A basin or structure designed to contain a permanent pool of water with sufficient freeboard to provide for temporary storage and water quality treatment of stormwater runoff.

Site: The parcel of land being developed, or the portion thereof on which the land development project is located.

Stormwater: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Stormwater Better Site Design: Nonstructural site design approaches and techniques that can reduce a site's impact on the watershed and can provide for nonstructural stormwater management. Stormwater better site design includes conserving and protecting natural areas and greenspace, reducing impervious cover and using natural features for stormwater management.

Stormwater Discharge: The flow rate of surface water resulting from precipitation.

Stormwater Management: The collection, conveyance, storage, treatment and disposal of stormwater runoff in a manner intended to prevent increased flood damage, stream bank channel erosion, habitat degradation and water quality degradation, and to enhance and promote the public health, safety and general welfare.

Stormwater Management Facility: Any infrastructure that controls or conveys stormwater runoff.

Stormwater Management Measure: Any stormwater management facility, structure, or non-structural stormwater management practice.

Stormwater Management Plan: A document describing how existing runoff characteristics will be affected by a land development project and containing measures for complying with the provisions of this Division.

Stormwater Management System: The entire set of structural and nonstructural stormwater management facilities and practices that are used to capture, convey, and control the quantity and quality of the stormwater runoff from a site.

Stormwater Management Retrofit: A stormwater management practice designed for a currently developed site that previously had either no stormwater management practice in place or a practice inadequate to meet the stormwater management requirements of the site.

Stormwater Runoff: The quantity of surface water resulting from precipitation.

Structural Stormwater Control: A structural stormwater management facility or device that controls stormwater runoff and changes the characteristics of that runoff including, but not limited to, the quantity and quality, the period of release, the velocity of flow, or the rate of discharge of such runoff.

Urbanized Area: The area of unincorporated Oconee County regulated under the National Pollutant Discharge Elimination System (NPDES) Stormwater Phase II Permit.

Wastewater: Any water or other liquid discharged from a facility, that has been used, as for washing, flushing, or in a manufacturing process, and so contains waste products.

Sec. 1113. *Applicability.*

- a. Sec. 1114 of this Division shall be applicable to all unincorporated portions of the County.
- b. Sec. 1115 of this Division shall be applicable to owners of all stormwater structures or facilities existing at the date of this Division, regardless of their previous practices, in the area of the County, and for the activities, regulated under the NPDES Stormwater Phase II Permit.
- c. Stormwater management in the urbanized area:
 - (1) Sec. 1116 of this Division shall be applicable to all land development in the area of the County regulated under the NPDES Stormwater Phase II Permit, including, but not limited to, site plan development applications, subdivision development applications, and grading permit applications, unless exempted pursuant to Sec. 1113.c(2) below. These standards apply to any new development or redevelopment site that meets one or more of the following criteria:
 - (a) New development that involves the creation of 5,000 square feet or more of impervious cover, or that involves other land development activities that result in the disturbance of land of one acre or more;
 - (b) Redevelopment that includes the creation, addition or replacement of 5,000 square feet or more of impervious cover, or that involves other land development activity that results in the disturbance of land of one acre or more;
 - (c) Any new development or redevelopment, regardless of size, that is defined by the County to be a hotspot land use; or,

- (d) Land development activities that are smaller than the minimum applicability criteria set forth in Sec. 1113.c(1)(a) and Sec. 1113.c(1)(b) above if such activities are part of a larger common plan of development, even though multiple, separate and distinct land development activities may take place at different times on different schedules.
- (2) The following activities are exempt from Sec. 1116 of this Division:
 - (a) Individual single-family or duplex residential lots that are not part of a subdivision or phased development project;
 - (b) Additions or modifications to existing single-family or duplex residential structures;
 - (c) Agricultural or silvicultural land management activities within areas zoned for these activities; and,
 - (d) Repairs to any stormwater management facility or maintenance practice deemed necessary by the Public Works Director.
- d. Stormwater management in the non-urbanized area.

Sec. 1116 of this Division shall apply to areas not within the area of the County regulated under the NPDES Stormwater Phase II Permit in the following circumstances: any residential development containing lot sizes of three (3) acres or less and having 5 or more lots, all non-residential development, any development with size, configuration, and/or density that would lend itself to be considered an urbanized area, or if the site is designated a hotspot for stormwater pollution by the Oconee County Public Works Department. Sec. 1117 of this Division shall apply only to those areas not governed by Sec. 1116.

Sec. 1114. Illicit non-stormwater discharges and illegal connection.

Sec. 1114.01. Prohibitions.

- a. Prohibition of illicit discharges.

No person shall throw, drain, or otherwise discharge, cause or allow others under their control to throw, drain, or otherwise discharge into the Oconee County separate storm sewer system or watercourses any materials, including but not limited to any pollutants or waters containing any pollutants, other than stormwater.

The commencement, conduct or continuance of any illicit discharge to the storm drain system is prohibited except as described as follows:

- (1) Water line flushing performed by a government agency, other potable water sources, landscape irrigation or lawn watering, diverted stream flows, rising ground water, ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains (not including active groundwater dewatering systems), crawl space pumps, air conditioning condensation, springs, natural riparian habitat or wetland flows, and any other water source not containing pollutants;
- (2) Discharges or flows from fire fighting, and other discharges specified in writing by the Oconee County Board of Commissioners as being necessary to protect public health and safety;
- (3) Dye testing is an allowable discharge, but requires a verbal notification to the Oconee County Planning Department prior to the time of the test;
- (4) Any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Federal Environmental Protection Agency, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for an discharge to the Oconee County separate storm sewer system.

- b. Control of construction site debris and wastes.

All owners, applicants, contractors and developers shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste on construction sites and shall keep streets, gutters, ditches, and storm drains clear of all sediment and debris from the site.

c. **Prohibition of illegal connections.**

The construction, connection, use, maintenance or continued existence of any illegal connection to the Oconee County separate storm sewer system is prohibited.

- (1) This prohibition expressly includes, without limitation, illegal connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
- (2) A person violates this Division if the person connects a line conveying sewage to the Oconee County separate storm sewer system, or allows such a connection to continue.
- (3) Improper connections in violation of this Division must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the County.
- (4) Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the County requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be completed, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified. Results of these investigations are to be documented and provided to the Oconee County Public Works Department.

Sec. 1114.02. Industrial or construction activity discharges.

Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the Oconee County Public Works Department prior to allowing discharges to the Oconee County separate storm sewer system.

Sec. 1114.03. Access and inspection of properties and facilities.

The County, or its agent, shall be permitted to enter and inspect properties and facilities subject to regulation under this Division as often as may be necessary to determine compliance.

- a. If a property or facility has security measures in force that require proper identification and clearance before entry into its premises, the owner or operator shall make the necessary arrangement to allow access to the County, or its agent.
- b. The owner or operator shall allow the County, or its agent, ready access to all parts of the premises for the purposes of inspection, sampling, photography, videotaping, examination and copying of any records that are required under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by state and federal law.
- c. The County, or its agent, shall have the right to set up on any property or facility such devices as are necessary in the opinion of the County to conduct monitoring and/or sampling of the facility's stormwater discharge.
- d. The County may require the owner or operator to install monitoring equipment and perform monitoring as necessary, and make the monitoring data available to the County. This sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the owner or operator at his/her own expense. All devices used to measure flow and quality shall be calibrated to ensure their accuracy.

- e. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected and/or sampled shall be promptly removed by the owner or operator at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- f. If the County, or its agent, has been refused access to any part of the premises from which stormwater is discharged, and the County is able to demonstrate probable cause to believe that there may be a violation of this Division, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this Division or any order issued hereunder, or to protect the overall public health, safety, environment and welfare of the community, then the County may seek issuance of a search warrant from any court of competent jurisdiction.
- g. In the event a discharge constitutes an immediate danger to public health or public safety, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The County is authorized to seek costs of the abatement as outlined in "Costs of Abatement of the Violation" section below.

Sec. 1114.04. **Notification of spills and accidental discharges.**

- a. Notwithstanding other requirements of law, as soon as any person responsible for a facility, activity or operation, or responsible for emergency response for a facility, activity or operation has information of any known or suspected release of pollutants or non-stormwater discharges from that facility, activity, or operation which are resulting or may result in illicit discharges or pollutants discharging into stormwater, the Oconee County separate storm sewer system, State Waters, or Waters of the U.S., said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release so as to minimize the effects of the discharge.
- b. In the event of such a release of hazardous materials, said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.
- c. In the event of a release of non-hazardous materials, said person shall notify the Oconee County Public Works Department in person or by phone no later than the next business day, including the nature, quantity and time of occurrence of the discharge. Notifications in person or by phone shall be confirmed by written notice, via certified mail return receipt requested addressed to the Oconee County Public Works Department within 3 business days of the initial notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

Sec. 1115. **Maintenance of existing stormwater facilities.**

Sec. 1115.01. **Responsibility for maintenance.**

The owners of private stormwater management facilities, detention facilities, and/or retention facilities shall be responsible for maintenance of those facilities. The owners shall be required to:

- a. Maintain the proper operational characteristics of the facility; and,
- b. Maintain the facility free of obstruction, silt or debris.

Sec. 1115.02. **Maintenance requirement.**

- a. When the County determines that deficiencies exist in a private stormwater management system, the County shall notify the owner and the beneficial owners in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.
- b. If the owners fail to correct the deficiencies within the specified time frame, the County, or its agent, may enter the property and make, at the owners' expense, the necessary repairs or corrections to the system.

- c. In the event deficiencies constitute an immediate danger to public health or public safety, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater system at the owners' expense.

Sec. 1115.03. **Easements.**

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction, including, but not limited to: structures; landscaping; fences; yard waste such as grass clippings, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system. All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch, or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1115.04. **Access and inspection of properties and facilities.**

- a. The owners of property containing private stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws.
- b. Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.

Sec. 1116. **Stormwater management in the urbanized area.**

Sec. 1116.01. **General.**

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

- a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.
- b. Erosion control planting and/or structural controls.

Sec. 1116.02. **Stormwater application and permit.**

- a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1116.03 below.
- b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.
- c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1116.03. **Standards for stormwater management.**

- a. All development and/or construction within urbanized area of Oconee County shall meet requirements of the *Georgia Stormwater Management Manual, Vol. 2*, unless otherwise specified in this Division.
- b. Any required retention and/or detention area shall not be developed. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County.

Appropriate vegetation shall be planted in all retention and/or detention areas. Any required retention and/or detention areas shall be incorporated into the common areas of the residential development or incorporated into individual lots. The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection.

- c. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:
 - (1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or
 - (2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.
- d. Drainage easement requirements.
 - (1) The minimum easement width for an open ditch where a pipe is feeding into the ditch will be determined as follows:

Table 11.1: Drainage Ditch Easement Widths

Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

- (2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11. above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.
- (3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.
- e. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

- (1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements
- (2) The 100-year water surface elevation must maintain a minimum of 3 vertical feet of freeboard from the lowest roadway elevation traversing the embankment.
- (3) The roadway embankment must be protected from seepage, erosion, and undermining from any impoundment of water. Examples of protection measures may include but are not limited to anti-seep collars, special engineered embankment construction, and embankment armoring. At a minimum, embankment armoring protection measures shall be incorporated beginning at the highest water surface

elevation calculated at 4.0 hours after the beginning of the storm event for all analyzed return frequencies including the 100 year event. The embankment armoring shall extend to the bottom of the impoundment facility. The Public Works Director may require additional protection measures based on maintenance needs or critical infrastructure protection needs.

Sec. 1116.04. Stormwater collection and transport system design considerations.

An adequate system based upon at least a 25-year storm event shall be provided for the proper drainage of all surface water originating in or affecting the subdivision.

- a. Stormwater inlets shall be designed and located so as not to exceed a maximum gutter spread width of half the travel size based on flow data calculations for the 10-year storm event.
- b. The drainage system shall conform to any county storm drainage master plan that may be adopted and shall include necessary curbing, pipes, culverts, headwalls, drop inlets, bridges, swale ditches or any other type of drainage facility needed to control the flow of water in, around or through the subdivision.
- c. Pipe size will be determined by utilizing the Rational Method or the Soil Conservation Service Method (TR-55) to compute peak runoff. A 25-year storm event will be used to determine all pipe sizes. Hydraulic grade line shall not exceed 90% of the diameter of the pipe. All cross drains and culverts under roadways shall be sized based on a 50-year storm event. All proposed piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.
- d. Manning's equation shall be used to evaluate hydraulic capacity and velocity of flow within the storm drainage system. Required storm pipes shall be designed to maintain a water flow velocity greater than or equal to 3 feet per second. The hydraulic analysis of culverts shall be based on Federal Highway Administration engineering practice and take into account the inlet geometry, slope, size, roughness, and approach or tailwater conditions. Stormwater inlets shall be designed in accordance with Federal Highway Administration engineering practice and constructed in compliance with Georgia D.O.T. construction standards and shall be Georgia D.O.T. Standard 1033, 1034, and 1019. Drainage calculation and design data are required for all stormwater conveyance systems and structures. All drainage structures shall be constructed of reinforced precast concrete, four 4 diameter or larger. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All manholes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel. All structures shall have paved inverts.
- e. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.
- f. Energy dissipation devices, such as splash pads, rip rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices and this Division.
- g. All drainage ditches that are between building lots shall be piped to the rear property line. This shall be done at the expense of the developer.
- h. Any routed stormwater shall attain sheet flow by the property line.
- i. Discharge structures that are within close proximity to adjoining properties or the public right-of-way shall be screened from view.

Sec. 1116.05. Natural drainage.

- a. Natural drainage channels, ditches, swales and drainage patterns existing within a subdivision shall be retained and improved by the subdivider unless otherwise approved by the Public Works Director.

- b. Off-site drainage shall be adequately transported through the proposed development.

Sec. 1116.06. **Drainage system construction.**

All pipe sizes shall be approved by the Public Works Director to meet the drainage conditions of the watershed and area of the potential runoff, per current design standards and requirements.

- a. The minimum cross drain diameter shall be 18 inches.
- b. Minimum cover shall be 24 inches.
- c. In all instances, depth requirements shall meet or exceed manufacturer's guidelines.

Sec. 1116.07. **Materials and installation.**

a. Pipes.

- (1) Pipe material shall be determined based on type of installation, as set forth in Table 11.2: Selection Guidelines for Storm Sewer Piping. All pipes shall be new and unused.
- (2) The gauge or class of pipe used shall be determined by acceptable methods using H-20 highway loading, and shall meet Georgia D.O.T. Specifications. The Public Works Director, or his/her duly appointed representative, shall inspect the pipe before installation to assure that it is free of cracks or damage. All damaged, used, or "second" quality pipe shall be refused and immediately removed from the job site.

b. Joints and installation.

- (1) Reinforced concrete pipe joints must be properly constructed to prevent exfiltration.
- (2) The use of O-rings or sealants may be required, depending on pipe design.
- (3) All storm sewer piping shall be constructed in a linear approach with no vertical or horizontal variance from the approved design.
- (4) High density polyethylene (HDPE) and corrugated metal pipe (CMP) shall be joined by manufacturer's recommended pipe banding materials. All trench lines shall be thoroughly compacted prior to pipe installation. HDPE pipe will require special bedding and installation in strict accordance with manufacturer's specifications and as directed by the Public Works Director.

Table 11.2: Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert Per GDOT Standards
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corrugated HDPE Smooth Lined	
Longitudinal Grade Less Than 10%	Yes	Yes	Yes	Yes	Yes (1)	---
Longitudinal Grade Over 10%	No	Yes	Yes	Yes	Yes (1)	---
Cross Drain Less Than 250 ADT	Yes	Yes	Yes	Yes	Yes (1)	---
Cross Drain Greater Than 250 ADT	Yes	No	No	No	No	---
Cross Drain Flowing Stream Application	Yes	(3)	No	Yes	Yes (1) (4)	---
Cross Drain 25 Yr Flow > 200 CFS or Fill Depth > 18 ft	(2)	No	No	No	No	Yes
Conditional Uses: (1) Corrugated high density polyethylene pipe smooth lined type "S" must be manufactured and installed in strict compliance with the manufacturer's recommendation. Special backfill and bedding are required per the direction of the Public Works Director. Prior approval of the Public Works Director is required. (2) Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances based on the Public Works Director's assessment of existing conditions and future maintenance requirements. (3) The addition of a type "A" full bituminous coating with paved invert is required for this application. (AASHTO M-190) (4) Requires approval of Public Works Director based on assessment of existing conditions and future maintenance requirements.						

- c. Only reinforced concrete pipe shall be used within street right-of-way on arterial roads. Reinforced concrete pipe shall be used on all cross drains crossing under the roadway for major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of-way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating or corrugated aluminum alloy pipe (AASHTO M-196).
- d. Unless otherwise specifically set forth in this code, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater drainage construction shall conform to the latest standard specific specifications of the Georgia Department of Transportation.
- e. Pipe installation shall conform to Georgia D.O.T. Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall

provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as of as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

- f. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current) or as directed by the Public Works Director.
- g. Storm drainage pipe shall be bedded in Type 57 gravel where wet conditions are encountered.
- h. Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depth greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.
- i. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.
- j. Material deemed by the Public Works Director as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.
- k. Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

Sec. 1116.08.

Field changes.

Minor changes to approved construction plans because of field conditions shall be documented as revisions to the approved development plans and correctly shown on the as-built drawings. Discrepancies between the as-built drawings and the approved development plans may result in delays in approving final plans or certificates of occupancy until the discrepancies are resolved. See the Field Changes Division of the Procedures and Permits Article of this Development Code.

Sec. 1116.09.

Endwalls.

All culverts shall have endwalls or flared end sections constructed in accordance with Georgia D.O.T. Specifications and Georgia D.O.T. Manual on Drainage Design for Highways. All flared end sections under or adjacent to roadways with a posted speed in excess of 25 mph shall be safety end sections per Georgia D.O.T. standards.

Sec. 1116.10.

Catch basins and storm sewer structures.

- a. All catch basins and storm sewer structures shall be designed and constructed in compliance with Georgia D.O.T. Specifications and shall be Georgia D.O.T. Standard 1033D, 1034D, or 1019.
- b. The use of a Standard 1019 shall be excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. Drainage calculations and design data are required for the use of a Standard 1019.
- c. All drainage structures shall be constructed of reinforced precast concrete, 4 foot diameter or larger.
- d. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support.
- e. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All junction boxes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel.

- f. All storm sewer structures shall be reinforced precast or poured in place reinforced concrete. Masonry structures are not allowed unless authorized in writing by the Public Works Director.
- g. No length of pipe shall exceed 200 feet without intermediate structures.
- h. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.
- i. All structures shall have poured inverts to minimize accumulation of water and sediment in the structure.
- j. All structure covers shall be cast to read "Oconee County Storm Sewer, Dump No Waste – Drains to Stream".

Sec. 1116.11. **Timing of installation.**

Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and other site improvements, as appropriate, in accordance with an approved Stormwater Management Plan.

Sec. 1116.12. **Maintenance responsibilities.**

- a. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.
- b. It shall be the responsibility of the developer to maintain all facilities required by the Stormwater Management Plan during construction and for a maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The maintenance period shall coincide with the continuing maintenance period required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code regarding streets and drainage.
- c. Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the Stormwater Management Plan, then the County shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

Sec. 1116.13. **Stormwater discharge management.**

- a. Stormwater design manual.

The Oconee County Public Works Department will utilize the policy, criteria and information including technical specifications and standards in the latest edition of the *Georgia Stormwater Management Manual, Volume 2*, and any relevant local addenda, for the proper implementation of the requirements of this Division, except that structural stormwater controls shall require prior approval of the Oconee County Public Works Department as described below. The manual may be updated and expanded periodically, based on improvements in science, engineering, monitoring and local maintenance experience.

- b. Minimum Stormwater Management Standards.

The Minimum Stormwater Management Standards identified in the *Georgia Stormwater Management Manual, Volume 2* shall be the required minimum stormwater management performance criteria for new development or redevelopment sites unless otherwise provided for in this Division. In addition, the Overbank Flood Protection standard shall include control of the post development discharge rates to the predevelopment rates for the 2, 5, 10, 25 and 50-year storm events. If hydrologic or topographic conditions, or land use activities warrant greater control than that provided by the minimum control requirements, the Oconee County Public Works Department may impose additional requirements deemed necessary to protect upstream and downstream properties and aquatic resources from damage due to increased volume, frequency, rate of stormwater runoff, the nature

of the post development discharge, or increased nonpoint source pollution loads created on the site in question

(1) Structural stormwater controls.

- (a) All structural stormwater controls shall be submitted to the Oconee County Public Works Department for review and approval before being included in the design of a stormwater management system. The intent of the approval process is to review independent third-party scientific verification of the structural controls performance and ability to meet water quality treatment objectives, verify the proven record of longevity in the field, verify the ability to function in Georgia conditions, and evaluate the operation and maintenance costs as compared to other alternatives.
- (b) Applicants shall consult the *Georgia Stormwater Management Manual, Volume 2* for guidance on the factors that determine site design feasibility when selecting and locating a structural stormwater control.

(2) Stormwater Credits for Nonstructural Measures.

The use of one or more site design measures by the applicant may allow for a reduction in the water quality treatment volume required under Water Quality section above. The applicant may, if approved by the Oconee County Public Works Department, take credit for the use of stormwater better site design practices and reduce the water quality volume requirement. For each potential credit, there is a minimum set of criteria and requirements which identify the conditions or circumstances under which the credit may be applied. The site design practices that qualify for this credit and the criteria and procedures for applying and calculating the credits are included in the *Georgia Stormwater Management Manual, Volume 2*.

c. Stormwater Management Inspection and Maintenance Agreements.

The applicant or owner of the site must execute an inspection and maintenance agreement, which shall be binding on all subsequent owners of the site, for any land development activity requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance.

- (1) A draft copy of the inspection and maintenance agreement shall be contained within the construction plans submitted for a land development permit. Approval of the construction plans shall constitute preliminary approval of the inspection and maintenance agreement. Prior to the submission of the final plat for approval, or request for a Certificate of Occupancy where a final plat is not required, the owner shall record the inspection and maintenance agreement in the deed records of Oconee County. The owner shall provide a copy of the recorded agreement to the Oconee County Public Works Department with the final plat, or request for Certificate of Occupancy where a final plat is not required. The final plat shall have a notation referencing the deed book number and page of the recorded inspection and maintenance agreement indicating that individual lot owners are subject to the terms and conditions of said agreement.
- (2) The inspection and maintenance agreement be binding on all affected property, shall run with the land, and shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the operation and maintenance of the stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate, for each portion of the site, the person to be permanently responsible for its inspection and maintenance.
- (3) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to en-

sure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance activities and shall also include remedies for the default thereof.

- d. Long-Term Inspection and Maintenance of Stormwater Facilities and Practices.
 - (1) Stormwater management facilities and practices which are subject to an inspection and maintenance agreement shall be inspected and maintained on a routine basis by the responsible person in accordance with the approved inspection and maintenance agreement. Parties responsible for the operation and maintenance of a stormwater management facility shall maintain records of all maintenance and repairs, and provide copies of said records to the Oconee County Public Works Department.
 - (2) In the event that the stormwater management facility has not been maintained, the County shall notify the responsible person in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.
 - (3) If the responsible person fails to correct the deficiencies within the specified time frame, the County, or its agent, may enter upon the property and make, at the owners' expense, the necessary repairs or corrections to the system.
 - (4) In the event deficiencies constitute an imminent danger to public health or public safety, or threatens downstream water resources, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater facilities at the owners' expense.
- e. Access and Inspection of Properties and Facilities.
 - (1) The owners of property containing stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; measurement of discharges, location measurements, surveying, sampling of surface and ground waters; and evaluations of the condition of stormwater management facilities and practices.
 - (2) Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- f. Easements.

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction in the easement, including, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system. All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1117. Stormwater management in the non-urbanized area.

Sec. 1117.01. General.

Whenever and wherever conditions, as are caused or aggravated by reason of the subdivision of land hereunder, adversely affect the proper use or drainage of streets, highways, pedestrian ways, slopes or natural watercourses, or adversely affect the public health, safety, or welfare, the following improvements may be required to be provided and installed by the subdivider:

- a. On-tract and/or off-tract drainage or drainage structures necessary for the proper use and drainage of slopes, streets, highways and pedestrian ways, or for public safety.
- b. Erosion control planting and/or structural controls.

Sec. 1117.02. Stormwater application and permit.

- a. All persons proposing development and/or construction in Oconee County shall submit a stormwater management plan to the county for approval. This plan shall comply with the requirements set forth in Sec. 1117.03 below.
- b. The plan shall be prepared by a Registered Professional Engineer or Georgia Registered Landscape Architect to ensure compliance with all regulations.
- c. A stormwater management plan incorporated into the approved construction plans shall constitute a permit that will satisfy the requirements of this Section.

Sec. 1117.03. Standards for stormwater management.

- a. A combination of storage and controlled release of stormwater runoff on-site detention or retention shall be required when the proposed development shall increase the peak rate of runoff by more than 1 cubic feet per second (CFS) for a 10-year frequency storm. The Rational Method or the Soil Conservation Method shall be used to determine the runoff rate in accordance with sound engineering practice and shall be acceptable to the Public Works Director and Planning Director. Developments may be exempt from this provision if the design professional can demonstrate that the runoff can be adequately transmitted through existing downstream storm drain structures and will not result in increased flood heights or additional threats to public safety, and will not adversely affect downstream properties, and compliance with Sec. 1117.04 is demonstrated.
- b. Should on-site retention or detention be required, the outlet device(s) of the retention/detention facility shall be designed to limit post-development runoff rates to less than or equal to the pre-development rates for the 2, 5, 10, 25, and 50 year storm event.
- c. The retention or detention storage volume to be provided shall be calculated on the basis of the appropriate return frequency rainfall, as published by the National Weather Service or other acceptable service for the affected site. The retention or detention volume required shall be calculated based on the DeKalb hydrograph for inflow and standard reservoir routing at the approved release rates as specified above. However, the design calculation shall include the routing of the 100-year frequency storm event through the retention/detention facility. Said calculations shall indicate that the 100-year frequency storm event can be safely routed through the facility.
- d. Applicants in non-urbanized areas that choose to handle stormwater management using the standards of urbanized areas may do so as long as all aspects of stormwater management meet the urbanized standards.
- e. The storm drainage system shall be designed in accordance with Sec. 1117.04 of this Ordinance. At a minimum, the storm drainage system shall be sized to adequately convey the runoff from the 25-year frequency storm event to the retention/detention facility.
- f. Any required retention and/or detention area shall not be developed. Facilities for the management of stormwater discharges shall be designed and constructed in a manner that enhances and protects the natural beauty and aesthetic qualities of Oconee County. Appropriate vegetation shall be planted in all retention and/or detention areas. Any required retention and/or detention areas shall be incorporated into the common areas of

the residential development or incorporated into individual lots. The local government maintains the right, but not the responsibility, to access retention and/or detention areas for purposes of maintenance and inspection.

- g. Fences a minimum of 4 feet in height with a minimum 8 foot wide gate will be required on all detention ponds where:
 - (1) The sides of the pond have a slope greater than 3 horizontal to 1 vertical, or
 - (2) The depth of water in the pond is greater than 3 feet at one hour after the duration of any storm event up to the 50-year event.
- h. Drainage easement requirements.
 - (1) The minimum easement width for open ditch where pipe is feeding into the ditch will be determined as follows:

Table 11.3: Drainage Ditch Easement Widths

Pipe Size Feeding Into Ditch	Minimum Easement Width
15 to 30 inches	20 feet
36 to 66 inches	30 feet
72 inches and greater	40 feet

- (2) Where a subdivision is traversed by a watercourse, drainage way or stream, there shall be a drainage and access easement conforming substantially with the lines of such watercourse, and such further width as will be adequate for the purpose of drainage and maintenance, taking into account possible future development of higher land in the same drainage area, in accordance with Table 11.3 above, or bank plus 20 feet. Such drainage way shall be piped when the Public Works Director shall find that it is a hazard or that a continual maintenance problem might exist.
- (3) If the drainage way is totally piped, the easement width shall be based on the associated pipe size above.
- i. If any stormwater management system proposes to utilize the roadway embankment for the temporary impoundment (detention) of stormwater then additional engineering analysis and approved mitigation measures as determined on a case-by-case basis by the Public Works Director will be required to ensure the protection of the roadway system during all storm events in order to qualify for the exemption contained in the Private Bridges and Dams on Roadways Section of the Project Design and Construction Standards Article of this Development Code.

Said analysis and mitigation measures shall include but are not limited to;

- (1) No impounded surface water elevation shall encroach into any portion of the public right-of-way, any utility easement/corridor, or any utility easement/corridor on private street easements
- (2) The 100-year water surface elevation must maintain a minimum of 3 vertical feet of freeboard from the lowest roadway elevation traversing the embankment.
- (3) The roadway embankment must be protected from seepage, erosion, and undermining from any impoundment of water. Examples of protection measures may include but are not limited to anti-seep collars, special engineered embankment construction, and embankment armoring. At a minimum, embankment armoring protection measures shall be incorporated beginning at the highest water surface elevation calculated at 4.0 hours after the beginning of the storm event for all

analyzed return frequencies including the 100 year event. The embankment armoring shall extend to the bottom of the impoundment facility. The Public Works Director may require additional protection measures based on maintenance needs or critical infrastructure protection needs.

Sec. 1117.04. Storm drainage design considerations.

An adequate system based upon at least a 25-year storm event shall be provided for the proper drainage of all surface water originating in or affecting the subdivision.

- a. Stormwater inlets shall be designed and located so as not to exceed a maximum gutter spread width of half the travel lane based on flow data calculations for the 10-year storm event.
- b. The drainage system shall conform to any County storm drainage master plan which may be adopted and shall include necessary curbing, pipes, culverts, headwalls, drop inlets, bridges, swale ditches, or any other type of drainage facility needed to control the flow of water in, around, or through the subdivision.
- c. Pipe size will be determined by utilizing the Rational Method or the Soil Conservation Service Method (TR-55) to compute peak runoff. A 25-year storm event will be used to determine all pipe sizes. Hydraulic grade line shall not exceed 90% of the diameter of the pipe. All cross drains and culverts under roadways shall be sized based on a 50-year storm event. All proposed piping within a FEMA identified floodplain shall be sized to adequately convey the 100-year frequency storm event.
- d. Manning's equation shall be used to evaluate hydraulic capacity and velocity of flow within the storm drainage system. Required storm pipes shall be designed to maintain a water flow velocity greater than or equal to 3 feet per second. The hydraulic analysis of culverts shall be based on Federal Highway Administration engineering practice and take into account the inlet geometry, slope, size, roughness, and approach or tailwater conditions. Stormwater inlets shall be designed in accordance with Federal Highway Administration engineering practice and constructed in compliance with Georgia D.O.T. construction standards and shall be Georgia D.O.T. Standard 1033, 1034, and 1019. Drainage calculation and design data are required for all stormwater conveyance systems and structures. All drainage structures shall be constructed of reinforced precast concrete, 4 foot diameter or larger. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All manholes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel. All structures shall have paved inverts.
- e. In certain instances where rolled or "Hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.
- f. Energy dissipation devices, such as splash pads, rip rap, stilling basins, etc., shall be provided at the outlet of every culvert and piped discharge system. The size and type of energy dissipation device to be used shall be designed in accordance with sound engineering practices and this Division.
- g. All drainage ditches that are between building lots shall be piped to the rear property line. This shall be done at the expense of the developer.
- h. Any routed stormwater shall attain sheet flow by the property line.
- i. Discharge structures that are within close proximity to adjoining properties or the public right-of-way shall be screened from view.

Sec. 1117.05. Natural drainage.

- a. Natural drainage channels, ditches, swales and drainage patterns existing within a subdivision shall be retained and improved by the subdivider unless otherwise approved by the Public Works Director.

- b. Off-site drainage shall be adequately transported through the proposed development. Post-development stormwater runoff shall not exceed pre-development conditions for the 2, 5, 10, 25 and 50-year storm events.
- c. The applicant must demonstrate adequate protection of the water quality by use of filter berms, stilling basins, velocity control and other approved methods. Such demonstration shall include supporting data that definitely indicates that adequate protection of the water quality is provided.

Sec. 1117.06. **Drainage system construction.**

All pipe sizes shall be approved by the Public Works Director to meet the drainage conditions of the watershed and area of the potential runoff, per current design standards and requirements.

- a. The minimum cross drain diameter shall be 18 inches.
- b. Minimum cover shall be 24 inches.
- c. In all instances, depth requirements shall meet or exceed manufacturer's guidelines.

Sec. 1117.07. **Materials and installation.**

- a. Pipes.
 - (1) Pipe material shall be determined based on type of installation, as set forth in Table 11.4: Selection Guidelines for Storm Sewer Piping. All pipes shall be new and unused.
 - (2) The gauge or class of pipe used shall be determined by acceptable methods using H-20 highway loading, and shall meet Georgia D.O.T. Specifications. The Public Works Director, or his/her duly appointed representative, shall inspect the pipe before installation to assure that it is free of cracks or damage. All damaged, used, or "second" quality pipe shall be refused and immediately removed from the job site.
- b. Joints and installation.
 - (1) Reinforced concrete pipe joints must be properly constructed to prevent exfiltration.
 - (2) The use of O-rings or sealants may be required, depending on pipe design.
 - (3) All storm sewer piping shall be constructed in a linear approach with no vertical or horizontal variance from the approved design.
 - (4) High density polyethylene (HDPE) and corrugated metal pipe (CMP) shall be joined by manufacturer's recommended pipe banding materials. All trench lines shall be thoroughly compacted prior to pipe installation. HDPE pipe will require special bedding and installation in accordance with manufacturer's specifications and as directed by the Public Works Director.

Table 11.4: Selection Guidelines for Storm Sewer Piping

Type of Pipe Installation	Reinforced Concrete Pipe (RCP)	Corrugated Steel AASHTO M-36		Corrugated Aluminum AASHTO M-196	Plastic AASHTO M-294	Reinforced Concrete Box Culvert Per GDOT Standards
		Aluminized Type II CMP	Bituminous Coated CMP	Aluminum Alloy CMP	Corrugated HDPE Smooth Lined	
Longitudinal Grade Less Than 10%	Yes	Yes	Yes	Yes	Yes (1)	---
Longitudinal Grade Over 10%	No	Yes	Yes	Yes	Yes (1)	---
Cross Drain Less Than 250 ADT	Yes	Yes	Yes	Yes	Yes (1)	---
Cross Drain Greater Than 250 ADT	Yes	No	No	No	No	---
Cross Drain Flowing Stream Application	Yes	(3)	No	Yes	Yes (1) (4)	---
Cross Drain 25 Yr Flow > 200 CFS or Fill Depth > 18 ft	(2)	No	No	No	No	Yes

Conditional Uses:

(1) Corrugated high density polyethylene pipe smooth lined type "S" must be manufactured and installed in strict compliance with the manufacturer's recommendation. Special backfill and bedding are required per the direction of the Public Works Director. Prior approval of the Public Works Director is required.

(2) Reinforced concrete box culverts are required under excessive flow and/or fill depth conditions. Approved pipe materials may be utilized in some instances based on the Public Works Director's assessment of existing conditions and future maintenance requirements.

(3) The addition of a type "A" full bituminous coating with paved invert is required for this application. (AASHTO M-190)

(4) Requires approval of Public Works Director based on assessment of existing conditions and future maintenance requirements.

- c. Only reinforce concrete pipe shall be used within street right-of way on arterial roads. Reinforced concrete pipe shall be used on all cross drains crossing under the roadway for major and minor collectors. Concrete pipe shall not be used on grades exceeding 10%. Metal pipe may be used within the rights-of way of local streets and for driveway culverts. Metal pipe shall either be corrugated steel (AASHTO M-36) with aluminized Type II or bituminous coating or corrugated aluminum alloy pipe (AASHTO M-196).
- d. Unless otherwise specifically set forth in this code, all of the materials, methods of construction, and workmanship for the work covered in reference to stormwater drainage construction shall conform to the latest standard specific specifications of the Georgia Department of Transportation.
- e. Pipe installation shall conform to Georgia D.O.T. Standard Specifications for construction of roads and bridges. Before any traffic over a storm drain is allowed, the developer shall

provide an adequate depth and width of compacted backfill to protect the structure from damage or displacement. The developer shall remove any debris or silt that constricts the flow through a pipe as necessary to maintain drainage. All pipe structures shall be cleaned before the work is accepted. Any damage or displacement that may occur due to traffic or erosion shall be repaired or corrected at the developer's expense.

- f. Trench construction for storm drainage pipe shall be in accordance with State Highway Standard 1030D (or most current) or as directed by the Public Works Director.
- g. Storm drainage pipe shall be bedded in Type 57 gravel where wet conditions are encountered.
- h. Backfilling of trenches shall be accomplished immediately after the pipe is laid. The fill around the pipe shall be placed in layers not to exceed 6 inches with each layer being thoroughly compacted. All material shall have an in place density of 98% modified proctor to a depth of 6 inches below the finished grade, and 95% modified proctor at depth greater than 6 inches below the finished grade. Compaction requirements shall be attained by the use of mechanical methods. Each layer of backfill shall be placed loosely and thoroughly compacted in place.
- i. All backfill shall be non-plastic in nature, free from roots, vegetative matter, waste, construction material or other objectionable material. Said material shall be capable of being compacted by mechanical means and shall have no tendency to flow or behave in a plastic manner under the tamping blows.
- j. Material deemed by the Public Works Director as unsuitable for backfill purposes shall be removed and replaced with selected backfill material.
- k. Water shall not be permitted to rise in trenches that are not backfilled after the pipe has been placed.

Sec. 1117.08. **Field changes.**

Minor changes to approved construction plans because of field conditions shall be documented as revisions to the approved development plans and correctly shown on the as-built drawings. Discrepancies between the as-built drawings and the approved development plans may result in delays in approving final plans or certificates of occupancy until the discrepancies are resolved. See the Field Changes Division of the Procedures and Permits Article of this Development Code.

Sec. 1117.09. **Endwalls.**

All culverts shall have endwalls or flared end sections constructed in accordance with Georgia D.O.T. Specifications and Georgia D.O.T. Manual on Drainage Design for Highways. All flared end sections under or adjacent to roadways with a posted speed in excess of 25 mph shall be safety end sections per Georgia D.O.T. standards.

Sec. 1117.10. **Catch basins and storm sewer structures.**

- a. All catch basins and storm sewer structures shall be designed and constructed in compliance with Georgia D.O.T. Specifications and shall be Georgia D.O.T. Standard 1033D, 1034D, or 1019.
- b. The use of a Standard 1019 shall be excluded from turnarounds and the low point of sag vertical curves draining more than 300 feet of gutter. Drainage calculations and design data are required for the use of a Standard 1019.
- c. All drainage structures shall be constructed of reinforced precast concrete, 4-foot diameter or larger.
- d. All 1033D and 1034D drainage structures shall require a reinforced precast "Round to Square" adapter for additional throat support.
- e. All junction boxes shall include precast adapters and heavy duty traffic rated ring and covers. All junction boxes shall include approved steps, spaced 12 inches on center vertically, to allow safe access by maintenance personnel.

- f. All storm sewer structures shall be reinforced precast or poured in place reinforced concrete. Masonry structures are not allowed unless authorized in writing by the Public Works Director.
- g. No length of pipe shall exceed 200 feet without intermediate structures.
- h. In certain instances where rolled or "hollywood" curb is utilized, the Public Works Director may require the use of 1033F and 1034F catch basins.
- i. All structures shall have poured inverts to minimize accumulation of water and sediment in the structure.
- j. All structure covers shall be cast to read "Oconee County Storm Sewer, Dump No Waste – Drains to Stream".

Sec. 1117.11. **Timing of installation.**

Construction of the stormwater system shall be initiated as part of the grading of the site. Stormwater detention facilities shall be constructed prior to the installation of any other site improvements, and may be utilized under proper design as sedimentation basins during development. Installation of all other storm drainage pipes, culverts, headwalls, and ditches shall be coordinated with the construction of streets and other site improvements, as appropriate, in accordance with an approved Stormwater Management Plan.

Sec. 1117.12. **Maintenance responsibilities.**

- a. The developer shall be responsible for removing temporary structures or facilities at the completion of the construction.
- b. It shall be the responsibility of the developer to maintain all facilities required by the Stormwater Management Plan during construction and for a maintenance period following approval of the final subdivision plat or issuance of a certificate of occupancy, as applicable. The maintenance period shall coincide with the maintenance period required under the Required Improvements Section of the Project Design and Construction Standards Article of this Development Code regarding streets and drainage.
- c. Should an owner or developer, whichever is the responsible party, fail to maintain the stormwater management facilities in a state of service intended by the Stormwater Management Plan, then the County shall notify the responsible party in writing of the deficiencies and specific minimum maintenance requirements to remedy such deficiencies.

Sec. 1117.13. **Stormwater discharge management.**

- a. Stormwater management inspection and maintenance agreements.

The applicant or owner of the site must execute an inspection and maintenance agreement, which shall be binding on all subsequent owners of the site, for any land development activity requiring a stormwater management facility or practice hereunder and for which the County requires ongoing maintenance.

- (1) A draft copy of the inspection and maintenance agreement shall be contained within the construction plans submitted for a land development permit. Approval of the construction plans shall constitute preliminary approval of the inspection and maintenance agreement. Prior to the submission of the final plat for approval, or request for a Certificate of Occupancy where a final plat is not required, the owner shall record the inspection and maintenance agreement in the deed records of Oconee County. The owner shall provide a copy of the recorded agreement to the Oconee County Public Works Department with the final plat, or request for Certificate of Occupancy where a final plat is not required. The final plat shall have a notation referencing the deed book number and page of the recorded inspection and maintenance agreement indicating that individual lot owners are subject to the terms and conditions of said agreement.
- (2) The inspection and maintenance agreement be binding on all affected property, shall run with the land, and shall identify by name or official title the person(s) responsible for carrying out the inspection and maintenance. Responsibility for the

operation and maintenance of the stormwater management facility or practice shall remain with the property owner and shall pass to any successor owner. If portions of the land are sold or otherwise transferred, legally binding arrangements shall be made to pass the inspection and maintenance responsibility to the appropriate successors in title. These arrangements shall designate, for each portion of the site, the person to be permanently responsible for its inspection and maintenance.

- (3) As part of the inspection and maintenance agreement, a schedule shall be developed for when and how often routine inspection and maintenance will occur to ensure proper function of the stormwater management facility or practice. The agreement shall also include plans for annual inspections to ensure proper performance of the facility between scheduled maintenance activities and shall also include remedies for the default thereof.
- b. Long-term inspection and maintenance of stormwater facilities and practices.
 - (1) Stormwater management facilities and practices which are subject to an inspection and maintenance agreement shall be inspected and maintained on a routine basis by the responsible person in accordance with the approved inspection and maintenance agreement. Parties responsible for the operation and maintenance of a stormwater management facility shall maintain records of all maintenance and repairs, and provide copies of said records to the Oconee County Public Works Department.
 - (2) In the event that the stormwater management facility has not been maintained, the County shall notify the responsible person in writing of the deficiencies, describe the required corrective action, and the time period to have the deficiencies corrected.
 - (3) If the responsible person fails to correct the deficiencies within the specified time frame, the County, or its agent, may enter upon the property and make, at the owners' expense, the necessary repairs or corrections to the system.
 - (4) In the event deficiencies constitute an imminent danger to public health or public safety, or threatens downstream water resources, the County, or its agent, is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the function of the stormwater facilities at the owners' expense.
- c. Access and inspection of properties and facilities.
 - (1) The owners of property containing stormwater management facilities, detention facilities, or retention facilities shall allow unimpeded access for the County to conduct inspections of the facilities. Inspections may be conducted by the Oconee County Public Works Department at any time for any reasonable basis, including, but not limited to: routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; measurement of discharges, location measurements, surveying, sampling of surface and ground waters; and evaluations of the condition of stormwater management facilities and practices.
 - (2) Any temporary or permanent obstruction that inhibits access to the property or facility to be inspected shall be promptly removed at the written or oral request of the County and shall not be replaced. The costs of clearing such access shall be borne by the owner or operator.
- d. Easements.

The owner of property containing a drainage easement shall not allow or cause to be deposited any material which causes a physical obstruction in the easement, including, tree trimmings, and leaves; impervious cover; or any other material that may block the flow of water or otherwise disrupt proper function of the stormwater management system.

All drainage easements shall be kept clear of obstructions along the entire length of the easement whether it be a buried pipe, ditch or other facility contained within the easement. The property owner shall remove any such materials existing prior to, or installed after, the effective date of this Division.

Sec. 1118. Violations, enforcement and penalties.

Sec. 1118.01.

Violations.

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. Any person who has violated or continues to violate the provisions of this Division, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law. Each act of violation and each day during which violation or failure or refusal to comply continues shall be a separate violation. Unreasonable delays in allowing the County, or its agent, access to the property is a violation of this Division.

Sec. 1118.02.

Notice of violation.

Whenever the County finds that a violation of this Division has occurred, the County may order compliance by written notice of violation.

a. The notice of violation shall contain:

- (1) The name and address of the alleged violator;
- (2) The address when available or a description of the building, structure or land upon which the violation is occurring, or has occurred;
- (3) A statement specifying the nature of the violation;
- (4) A description of the remedial measures necessary to restore compliance with this Division and a time schedule for the completion of such remedial action;
- (5) A statement advising that if the violator fails to remediate or restore the affected property within the established deadline, the work will be done by the County or a contractor and the expense thereof shall be charged to the violator; and
- (6) A statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed.

b. Such notice may require without limitation:

- (1) The performance of monitoring, analyses, and reporting;
- (2) The elimination of illicit discharges and illegal connections;
- (3) That violating discharges, practices, or operations shall cease and desist;
- (4) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (5) Payment of costs to cover administrative and abatement costs; and,
- (6) The implementation of pollution prevention practices.

Sec. 1118.03.

Costs of abatement of the violation.

- a. If the violator fails to correct the violation within the specified time frame, the County, or its agent, may enter the property and take, at the violator's expense, any and all measures necessary to abate the violation and/or restore the property.
- b. Following completion of corrective action, the County shall send to the violator an invoice for the costs incurred to correct the violation and/or restore the property. If the amount due is not paid within 30 days, the charges shall become a special assessment against the property, and shall constitute a lien on the property for the amount of the assessment.

Sec. 1118.04. Civil penalties.

A person who has violated, or continues to violate, any provisions of this Division shall be liable to the County for a maximum penalty of \$1,000 per violation, per day.

Sec. 1118.05. Remedies not exclusive.

- a. The remedies listed in this Division are not exclusive of any other remedies available under any applicable Federal, State or local law and the County may seek cumulative remedies.
- b. The County may recover all attorneys' fees, court costs and other expenses associate with enforcement of this Division, including sampling and monitoring expenses.

DIVISION III. GRADING AND DRAINING OF INDIVIDUAL BUILDING SITES.

Sec. 1119. Authority and responsibility.

The Oconee County Board of Commissioners hereby sets forth the minimum standards for establishing proper drainage during the development of property situated within the unincorporated areas of Oconee County, Georgia. Matters set forth herein shall be considered supplementary of the existing building codes adopted in Oconee County, Georgia, and to the extent there is any conflict with the provisions hereof and the provisions of any such building code, the stricter standards shall apply.

Sec. 1120. Definitions relating to grading and draining of individual building sites.

Unless specifically defined below, a word or phrase used in this O shall be interpreted so as to give it the meaning in common usage and to give this O its most reasonable application.

Driveway Grade: The grade of the centerline of driveway measured at its steepest point.

Easement: A grant by a property owner of the use of land for a specific purpose or purposes by the general public, or a corporation or a certain person or persons.

Gradient: Slope.

Gradient Formula: $d = gxl/100$ where d is vertical difference in elevation in feet; l is horizontal distance in feet; and g is slope or gradient expressed as a percent.

Infiltration: 1) The use of pervious surfaces to allow rainfall to soak into the ground on site. 2) The process of percolating stormwater runoff into the subsoil.

Intensity of Rainfall Event: The rate at which rain is falling at any given instant during the life of a rainfall event expressed in inches per hour.

Parcel: See "Lot of Record."

Return Frequency Storm: The statistically expected time interval between recurrences of a storm of an equal or greater intensity for a given duration.

Private Walkway: That portion of "on-site" development that provides pedestrian access through the site to a building or other destination.

Surface Water: The surface drainage of water, its management, control, transportation, storage, and disposal.

Swale: A shallow lineal depression with a parabolic cross-section and gently sloped sides.

Public Utilities: Water, gas, sanitary and storm sewer, electrical and communications lines and facilities, and improved drainage facilities.

Sec. 1121. Objective.

a. Drainage of surface water should be provided away from all sides of all buildings and off the lot in a manner that will:

- (1) Minimize the possibility of dampness in basements and crawl spaces;
- (2) Prevent adverse supporting soil behavior;
- (3) Prevent soil erosion; and
- (4) Prevent standing (or ponding) of water on site.

b. Walks, driveways, retaining walls and other improvements should be constructed so as not to interfere with drainage. Required walks should not be used as drainage channels.

Site grading and drainage should:

- (1) Provide suitable access from the abutting street to the dwelling and any accessory buildings;
- (2) Provide immediate diversion of water away from buildings and off the site;
- (3) Avoid concentrating runoff onto neighboring properties where erosion or other damage may be caused;
- (4) Provide usable outdoor space for occupants; and
- (5) Minimize erosion.

The Georgia Erosion and Sedimentation Act of 1975, (O.C.G.A. 12-7-1 *et seq.*), as amended, where applicable, applies.

Sec. 1122.**Finished grading.**

- a. All unpaved lot areas, except those preserved in an appropriate natural condition, should be fine graded to provide smooth even surfaces conforming to the elevations specified below. All debris should be removed prior to fine grading.
- b. Minimum protective slope. All walls and foundations of buildings and any water-supply well should be provided with protective slopes to assure immediate drainage and diversion of surface water away from these structures and off the site.
- c. The finish grading should:
 - (1) Provide a minimum fall of 6 inches away from the structure in 10 feet, except as restricted by side lot lines or other major considerations, without regard to soil type or ground frost conditions. The horizontal length of such slopes may be reduced as necessary at building corners and side yards.
 - (2) Provide at least 6 inches in 25 feet (2% gradient) in all other unpaved areas, subject to ground frost, expansive soils, or collapsible soils, or at least 3 inches in 25 feet (1% gradient) in unpaved areas not subject to such conditions.
 - (3) If minimum slopes cannot be attained, paved gutters or other drainage structures may be installed as required by the inspection office.
 - (4) All unpaved areas should slope continuously at the above gradients to lower elevations off site, or to a drainage structure on the lot.
 - (5) Drainage swales or valleys formed by intersecting slopes should have adequate depth, width and longitudinal gradient to carry away the maximum predictable volume of storm water runoff based on a one hundred year return frequency. In no instance shall swales be positioned over sewage infiltration fields.
 - (a) Gradients of unpaved swales should not be less than required above for other unpaved areas.
 - (b) Surface erosion protection should be in place to prevent accumulation of water in critical drainage swales.
 - (6) Where catch basins or inlets are installed, other than at required basements areaways, finish grade elevations of adjoining areas should provide for emergency surface overflow so that, in event of failure of catch basins or inlets, buildings and window wells (or areaways) will be protected against flooding.
 - (7) Areaways for basement windows, entrances, and garage entrances should be provided with effective drainage facilities. Catchment areas should be as small as possible and must be protected from overflow of stormwater from adjacent areas.
 - (8) Roof drainage should discharge at least 5 feet away from building walls when expansive, collapsible or erodable soils are present.
- d. Height and steepness of slopes and maximum gradients of unpaved drainage channels should be such as can be satisfactorily maintained without erosion or land slippage and should provide reasonable access to and around the structure.

- (1) For access around buildings and for maintenance of building and lot improvements, an area generally at least 4 feet wide with a gradient away from the building no steeper than 1 in 10 (10% gradient), should be provided.
- (2) Where considered necessary by the inspection office, precautionary measures should be taken to stabilize the soil (e.g., retaining walls, sodding or planting).
- e. Suitable drainage structures, such as paved gutters, drain inlets and subsurface drain lines, should be installed, where necessary, to protect against dampness, flooding, erosion or other damage by surface water or ground water.
 - (1) Drainage structures should be properly connected to adequate outlets that are protected by recorded permanent easements, if required.
 - (2) Perimeter foundation drains are necessary on all houses with basements or potentially habitable living space below finish exterior earth grade or in other situations where water and/or soil conditions warrant their use. Outlets must not permit backflow into subsurface drains.

Sec. 1123. Walks, steps and driveways.

- a. A walk and any necessary step(s) should provide safe and convenient use from a dwelling directly to the street or to a driveway connected to street. Walk and step construction should be of durable and appropriate material, on stable adequately-drained subgrade or bed.
- b. Walk design.
 - (1) The gradient should not be steeper than 1 in 20 (5%) in areas subject to frequent freezing or 1 in 10 (10%) in other areas.
 - (2) Cross-slope should be adequate for immediate drainage of surface water off the walk; required walk must not be used as a drainage channel.
 - (3) Walk surfaces should be at or below adjacent ground elevations. .
- c. Step design.
 - (1) Width of steps should not be less than the width of the walk that is served.
 - (2) A single step in a walk and any flight of steps of more than 5 feet total rise should be avoided wherever practicable; a substantial handrail of durable construction must be provided if there is more than a 30-inch rise in a single flight.
- d. Driveways.

Driveways should be provided from the street to the garage or carport, if any; if no garage or carport, a. Driveway will generally extend to the rear line of the dwelling. In case of unusual difficulty or hardship, other parking space acceptable to the inspection office may be provided. Construction should be with suitable subgrade, base, drainage and surfacing so as to be durable under the use and maintenance contemplated.

 - (1) The longitudinal gradient of the driveway should not be less than 1 percent, nor steeper than permitted for walks if the driveway is also used as a required walk and, if used only as a driveway, no less than 1 percent and no steeper than 14 percent. Maximum gradient shall be determined at the steepest point. Crown, or cross slope, should not be greater than 5 percent.
 - (2) Grade transitions should be provided at top and bottom of steep driveways to prevent dragging of vehicle undercarriages or bumper guards.
 - (3) The gradient of a required parking space should not be steeper than 5 percent nor less than 1 percent.
 - (4) Driveway culvert piping shall be a minimum of 15 inches in diameter installed with an absolute minimum of 1¼ feet of cover. The minimum slope shall be 1 percent.

Said pipe shall extend a minimum distance of 4 feet to each side of the area serviced. Rip-rap of number one stone shall be installed at the out invert of said pipe for a distance of 3 linear feet, where required.

Sec. 1124. Access to buildings and non-dwelling facilities.

- a. Each dwelling shall have safe and convenient pedestrian access from street to the dwelling.
- b. Each dwelling shall have convenient access for service and the provision of utilities.

Sec. 1125. Ground water.

Buildings, structures, paved areas, driveways, and utilities shall be located on the site in such a way as to reasonably minimize ground water hazards.

Sec. 1126. Drainage and flood hazard exposure.

- a. The minimum grades at buildings and at openings into basements shall be at elevations which prevent adverse effects by water or water entering basements from flood levels.
- b. Protection shall be equivalent to a 50-year return frequency after full development. The floor elevations of all habitable space shall be above runoff and flood levels equivalent to a 100-year return frequency after full development and as specified in the Flood Damage Prevention regulations of this Article.

Sec. 1127. Special conditions.

When special conditions exist or arise during construction that were unforeseen and that necessitate precautionary or hazard mitigating measures, the inspection office shall require corrective work to mitigate potential adverse effects from the special conditions as may be necessary. Special conditions include rock formations, unstable soils or slopes, high ground water levels, springs, or other conditions that may adversely affect a property. It shall be the property owner's responsibility to assure proper design, construction and satisfactory performance where such are present.

DIVISION IV. FLOOD DAMAGE PREVENTION.

Sec. 1128. Purpose and Intent.

Sec. 1128.01. Findings of fact.

- a. The flood hazard areas of the county are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.
- b. These flood losses are caused by the occupancy in flood hazard areas by uses vulnerable to floods, which are inadequately elevated, flood-proofed or otherwise protected from flood damages, and by the cumulative effect of obstructions in floodplains causing increases in flood heights and velocities.

Sec. 1128.02. Statement of purpose.

It is the purpose of this Section to promote the public health, safety and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- b. Restrict or prohibit uses which are dangerous to health, safety and property due to water or erosion hazards, which result in damaging increases in erosion or in flood heights or velocities;
- c. Control filling, grading, dredging and other development which may increase erosion or flood damage; and
- d. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards to other lands.
- e. Control the alteration of natural floodplains, stream channels and natural protective barriers which are involved in the accommodation of floodwaters;

Sec. 1128.03. Objectives.

The objectives of this Section are to:

- a. Protect human life and health;
- b. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines and bridges located in floodplains;
- c. Help maintain a stable tax base by providing for sound use and development of flood prone areas in such a manner as to minimize future flood blight areas; and
- d. Minimize expenditure of public money for costly flood control projects;
- e. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- f. Minimize prolonged business interruptions;
- g. Ensure that potential homebuyers are notified that property is in a flood area.

Sec. 1129. Definitions related to flood damage prevention.

Addition to an Existing Building: Any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load bearing wall other than a firewall. Any walled and roofed addition, which is connected by a firewall or is separated by independent perimeter load bearing walls, is new construction.

Area of Shallow Flooding: A designated AO or AH zone on the flood insurance rate map (FIRM) with base flood depths from one to three feet, or where a clearly deemed channel does

not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident.

Area of Special Flood Hazard: The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year.

Base Flood: The flood having a one percent chance of being equaled or exceeded in any given year (i.e., 100-year flood).

Base Flood Elevation: The elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-A30, AR, AR/A, AR/AE, AR/A1-A30, AR/AH, AR/AO, V1-V30, and VE that indicates the water surface elevation resulting from a flood that has a one percent chance of equaling or exceeding that level in any given year.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Critical Facility: Any public or private facility, which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Critical facilities include:

- a. structures or facilities that produce, use, or store highly volatile, flammable, explosive, toxic, or water-reactive materials;
- b. hospitals and nursing homes, and housing for the elderly, which are likely to contain occupants who may not be sufficiently mobile to avoid the loss of life or injury during flood and storm events
- c. emergency operation centers or data storage centers which contain records or services that may become lost or inoperative during flood and storm events; and
- d. generating plants, and other principal points of utility lines.

Development: Any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavating, drilling operations, and storage of materials or equipment.

Elevated Building: A non-basement building built to have the lowest floor of the lowest enclosed area elevated above the ground level by means of solid foundation perimeter walls, pilings, columns, piers, or shear walls adequately anchored so as not to impair the structural integrity of the building during a base flood event.

Existing Construction: For the purposes of flood damage prevention requirements, any structure for which the start of construction commenced before adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

Existing Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum the installation of utilities, the construction of streets, and final site grading or the pouring of concrete pads) is completed before July 17, 1989.

Expansion to an Existing Manufactured Home Park or Subdivision: The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed, including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads.

Flood and Flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of inland or tidal waters; or (2) the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Hazard Boundary Map (FHB): The official map issued by the Federal Emergency Management Agency where the areas of special flood hazard have been designated as Zone A.

Flood Insurance Rate Map (FIRM): The official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

Flood Insurance Study: The official report provided by the Federal Emergency Management Agency evaluating flood hazards and containing flood profiles and water surface elevations of the base flood.

Flood Plain: Any land area susceptible to flooding.

Flood Proofing: Any combination of structural and non-structural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Functionally Dependent Use: A use that cannot perform its intended purpose unless it is located or carried out in close proximity to water.

Highest Adjacent Grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a building.

Historic Structure: Any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places and determined as eligible by states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places and determined as eligible by communities with historic preservation programs that have been certified either:
 - a) By an approved state program as determined by the Secretary of the Interior, or
 - b) Directly by the Secretary of the Interior in states without approved programs.

Lowest Floor: The lowest floor of the lowest enclosed area, including a basement. An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage, in an area other than a basement, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of other provisions of this code.

Manufactured Home: A building, transportable in one or more sections, built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term also includes park trailers, travel trailers, and similar transportable structures placed on a site for 180 consecutive days or longer and intended to be improved property.

Manufactured Home Park or Subdivision: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

Mean Sea Level: The average height of the sea for all stages of the tide. It is used as a reference for establishing various elevations within the floodplain. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

National Geodetic Vertical Datum (NGVD): As corrected in 1929, is a vertical control used as a reference for establishing varying elevations within the flood plain.

New Construction: Structures for which the "start of construction" commenced after April 17, 1995 and includes any subsequent improvements to such structures. For floodplain management purposes, "new construction" means structures for which the "start of construction" commenced after July 17, 1989, and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision: A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after adoption of the first flood damage prevention ordinance or regulation in the county (July 17, 1989).

Recreational Vehicle: A vehicle, which is: built on a single chassis; 320 square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction: The initiation of new construction or a substantial improvement, as follows: (1) **For New Construction:** The date the development permit was issued, provided the actual start of construction, repair, reconstruction or improvement was within 180 days of the permit date. The actual start of construction means the first placement of permanent construction of a building, including a manufactured home, on a site, such as the pouring of slabs or footings, installation of piles, construction of columns, or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets or walkways; the excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main building. (Note: accessory structures are not exempt.) (2) **For a Substantial Improvement:** The date the building permit was issued provided the actual start of construction was within 180 days of the permit date. The actual start of construction means the first alteration of any wall, ceiling, floor or other structural parts of a building, whether or not that alteration affects the external dimensions of the building.

Structure: A walled and roofed building that is principally above ground, a manufactured home, a gas or liquid storage tank.

Substantial Damage: Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before damage occurred.

Substantial Improvement: Any combination of repairs, reconstruction, rehabilitation, alteration, or improvements to a building, taking place during a 5-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the building prior to the start of construction of the improvement. The market value of the building should be: (1) The appraised value of the building prior to the start of the initial repair or improvement; or (2) In the case of damage, the value of the building prior to the damage occurring. This term includes structures that have incurred "substantial damage," regardless of the actual amount of the actual repair work performed. The term does not, however, include (1) those improvements of a building required to comply with existing violations of state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the Code Enforcement official through enforcement of this Development Code and not solely triggered by an improvement or repair project, or (2) any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Substantially Improved Existing Manufactured Home Parks or Subdivisions: is where the repair, reconstruction, rehabilitation or improvement of the streets, utilities and pads equals or exceeds 50 percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement commenced.

Violation: The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, or other certifications, or other evidence of compliance required by this ordinance is presumed to be in violation until such time as that documentation is provided.

Sec. 1130. Basis for establishing areas of special flood hazard.

Sec. 1130.01. Official sources of data.

The areas of special flood hazard identified by the Federal Emergency Management Agency in recent Flood Insurance Study (FIS), dated September 2, 2009, with accompanying maps and other supporting data, and any revision thereto, are adopted by reference and declared to be a part of this Development Code.

Areas of special flood hazard may also include those areas known to have flooded historically or defined through standard engineering analysis by governmental agencies or private parties but not yet incorporated in a FIS.

For those land areas acquired by a municipality through annexation, the current effective FIS dated September 2, 2009, with accompanying maps and other supporting data and any revision thereto, for Oconee County are hereby adopted by reference.

The Repository for public inspection of the Flood Insurance Study (FIS), accompanying maps and other supporting data is located in the Oconee County Planning Department.

Sec. 1130.02. Warning and disclaimer of liability.

The degree of flood protection required by this Section is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This Section does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This Section shall not create liability on the part of the County or by any officer or employee thereof for any flood damages that result from reliance on this Section or any administrative decision lawfully made hereunder.

Sec. 1131. Requirement for development permit.

A Development Permit shall be required in conformance with the provisions of this Section prior to the commencement of any development activities within an area of special flood hazard. See the Procedures and Permits Article of this Development Code for application and approval requirements.

Sec. 1132. Administration.

Sec. 1132.01. Planning Director; designated as administrator.

The Planning Director is hereby appointed to administer and implement the provisions of this Section.

Sec. 1132.02. Planning Director; duties and responsibilities.

The duties of the Planning Director regarding any land within an area of special flood hazard shall include, but not be limited to:

- a. Review all Development Permits and proposed developments to assure that the permit requirements of this Section have been satisfied.
- b. Review proposed development to assure that all necessary permits have been received from governmental agencies from which approval is required by Federal or State law,

including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. Require that copies of such permits be provided and maintained on file.

- c. Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding.
- d. When Base Flood Elevation data or floodway data have not been provided in accordance with Sec. 1130, then the Planning Director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other sources in order to administer the provisions of Sec. 1133.
- e. Review and record the actual elevation in relation to mean sea level (or highest adjacent grade) of the lowest floor, including basement, of all new or substantially improved structures in accordance with Sec. 1133.
- f. Review and record the actual elevation, in relation to mean sea level to which any new or substantially improved structures have been flood-proofed, in accordance with Sec. 1133.
- g. When floodproofing is utilized for a structure, the Planning Director shall obtain certification of design criteria from a registered professional engineer or architect in accordance with Sec. 1133 and 1133.02.b.
- h. Make substantial damage determinations following a flood event or any other event that causes damage to structures in flood hazard areas.
- i. Notify adjacent communities and the Georgia Department of Natural Resources prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency (FEMA).
- j. For any altered or relocated watercourse, submit engineering data/analysis within six (6) months to the FEMA to ensure accuracy of community flood maps through the Letter of Map Revision process. Assure flood carrying capacity of any altered or relocated watercourse is maintained.
- k. Where interpretation is needed as to the exact location of boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions), the Planning Director shall make the necessary interpretation based on available engineering data or expert advice. Any person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this Development Code. Such interpretation, once approved, shall be filed as a Letter of Map Revision (LOMR) by the Planning Director with FEMA.
- l. All records pertaining to the provisions of this Section shall be maintained in the office of the Planning Director and shall be open for public inspection.

Sec. 1133. Provisions for flood hazard reduction.

Sec. 1133.01. General standards.

In all areas of special flood hazard the following provisions are required:

- a. New construction and substantial improvements of existing structures shall be anchored to prevent flotation, collapse or lateral movement of the structure.
- b. New construction and substantial improvements of existing structures shall be constructed with materials and utility equipment resistant to flood damage.
- c. New construction or substantial improvements of existing structures shall be constructed by methods and practices that minimize flood damage.
- d. Elevated buildings.

All new construction or substantial improvements of existing structures that include any fully enclosed areas formed by foundation and other exterior walls below the base flood elevation shall be designed to preclude finished living space and designed to allow for the entry and exit of floodwaters to automatically equalize hydrostatic flood forces on exterior walls.

- (1) Designs for complying with this requirement must either be certified by a professional engineer or architect or meet the following minimum criteria:
 - (a) Provide a minimum of two openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding.
 - (b) The bottom of all openings shall be no higher than 1 foot above grade.
 - (c) Openings may be equipped with screens, louvers, valves or other coverings or devices provided they permit the automatic flow of floodwaters in both directions.
- (2) Electrical, plumbing, and other utility connections are prohibited below the base flood elevation.
- (3) Access to the enclosed area shall be the minimum necessary to allow for parking vehicles (garage door) or limited storage of maintenance equipment used in connection with the premises (standard exterior door) or entry to the living area (stairway or elevator).
- (4) The interior portion of such enclosed area shall not be partitioned or finished into separate rooms.

- e. All electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities shall be designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f. Manufactured homes shall be anchored to prevent flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable State requirements for resisting wind forces.
- g. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.
- h. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.
- i. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- j. Any alteration, repair, reconstruction or improvement to a structure that does not comply with the provisions of this Section shall be undertaken only if such non-conformity is not furthered, extended or replaced.

Sec. 1133.02. Specific standards.

In all areas of special flood hazard, the following provisions are required.

- a. New construction or substantial improvement.

Where base flood elevation data are provided, new construction and/or substantial improvement of any structure (or manufactured home) shall have the lowest floor, including basement, elevated no lower than 1 foot above the base flood elevation. Should solid foundation perimeter walls be used to elevate a structure, openings sufficient to facilitate the equalization of the flood hydrostatic forces on both sides of the exterior walls shall be provided in accordance with Sec. 1133.01.d, standards for elevated buildings, above.

- (1) All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated at or above one foot above the base flood elevation.

- b. Nonresidential construction.

New construction or the substantial improvement of any structure located in A1-30, AE, or AH zones, may be flood-proofed in lieu of elevation. The structure, together with attendant utility and sanitary facilities, must be designed to be water tight to 1 foot above the base flood elevation, with walls substantially impermeable to the passage of water, and structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above, and shall provide such certification to the Planning Director as set forth above and in Sec. 1132.02.f.

c. Standards for manufactured homes and recreational vehicles.

Where base flood elevation data are available:

- (1) All manufactured homes placed or substantially improved on: 1) individual lots or parcels, 2) in new or substantially improved manufactured home parks or subdivisions, 3) in expansions to existing manufactured home parks or subdivisions, or 4) on a site in an existing manufactured home park or subdivision where a manufactured home has incurred "substantial damage" as the result of a flood, must have the lowest floor including basement, elevated no lower than one foot above the base flood elevation.
- (2) Manufactured homes placed or substantially improved in an existing manufactured home park or subdivision may be elevated so that either:
 - (a) The lowest floor of the manufactured home is elevated no lower than one foot above the level of the base flood elevation, or
 - (b) The manufactured home chassis is elevated and supported by reinforced piers (or other foundation elements of at least an equivalent strength) of no less than 36 inches in height above grade.
- (3) All manufactured homes must be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. See Sec. 1133.01.f.
- (4) All recreational vehicles placed on sites must either:
 - (a) Be fully licensed and ready for highway use, (a recreational vehicle is ready for highway use if it is licensed, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached structures or additions); or
 - (b) The recreational vehicle must meet all the requirements for "New Construction," including the anchoring and elevation requirements of Sec. 1133.01.f; or
 - (c) Be on the site fewer than 180 consecutive days.

d. Floodway.

Located within areas of special flood hazard are areas designated as floodway. A floodway may be an extremely hazardous area due to velocity flood waters, debris or erosion potential. In addition, the area must remain free of encroachment in order to allow for the discharge of the base flood without increased flood heights. Therefore, the following provisions shall apply:

- (1) Encroachments are prohibited, including earthen fill, new construction, substantial improvements or other development within the regulatory floodway. Development may be permitted however, provided it is demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the encroachment shall not result in any increase in flood levels or floodway widths during a base flood discharge. A registered professional engineer must provide supporting technical data and certification thereof.
- (2) ONLY if Sec. 1133.02.d(1) above is satisfied, then any new construction or substantial improvement shall comply with all other applicable flood hazard reduction provisions of this ordinance.

Sec. 1133.03. **Building standards for streams without established base flood elevation and/or floodways (A zones).**

- a. Located within the areas of special flood hazard, where streams exist but where no base flood elevation and floodway data has been provided or otherwise obtained from any official source, the following provisions apply:
 - (1) When base flood elevation and floodway data has not been provided or cannot be obtained from any official source, then the Code Enforcement Director shall obtain, review and reasonably utilize any scientific or historic base flood elevation data available from a federal, state or other source, whether public or private, in order to administer the provisions of this Section.
 - (2) If base flood elevation data can be determined under Sec. 1133.03.a, the provisions of Sec. 1133.02 shall apply. If such data are not available, then:
 - (a) No encroachments, including fill material or structures, shall be located within an area equal to the width of the stream or 20 feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) In special flood hazard areas without base flood elevation data, new construction or substantial improvements of existing structures shall have the lowest floor of the lowest enclosed area (including basement) elevated no less than 3 feet above the highest adjacent grade at the building site. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for elevated buildings, above.
 - i. All heating and air conditioning equipment and components (including ductwork), all electrical, ventilation, plumbing, and other service facilities shall be elevated no less than three feet above the highest adjacent grade at the building site.
- b. Located within the areas of special flood hazard, where base flood data has been provided without floodways, the following provisions apply:
 - (1) When floodway data has not been provided or cannot be obtained from any official source, then the Code Enforcement Director shall obtain, review and reasonably utilize any scientific or historic floodway data available from a federal, state or other source, whether public or private, in order to administer the provisions of this Section.
 - (2) In addition to Sec. 1133.02, the following shall apply:
 - (a) No encroachments, including fill material or structures, shall be located within an area equal to the width of the stream or twenty (20) feet, whichever is greater, measured from the top of the stream bank, unless certification by a registered professional engineer is provided demonstrating that such encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
 - (b) No encroachments, including fill material or structures, shall be located within the remaining area of special flood hazard area beyond the limits of the area delineated in 1133.03.b(2)(a) unless certification by a registered professional engineer is provided demonstrating that such encroachment, when combined with all other existing and anticipated development, shall not result in more than a one (1) foot increase in flood levels at any point in the community during the occurrence of the base flood discharge.

Sec. 1133.04. **Standards for areas of shallow flooding (AO zones).**

Located within areas of special flood hazard are areas designated as shallow flooding areas. These areas have special flood hazards associated with base flood depths of one to three feet

where a clearly defined channel does not exist and where the path of flooding is unpredictable and indeterminate. The following provisions apply in these areas:

a. New construction and substantial improvements.

All new construction and substantial improvements of residential and nonresidential structures shall have the lowest floor, including basement, elevated to the depth number specified on the flood insurance rate map, in feet, above the highest adjacent grade. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least 3 feet above the highest adjacent grade. Openings sufficient to facilitate the unimpeded movements of floodwaters shall be provided in accordance with the standards for elevated buildings, above.

A registered professional engineer shall certify the lowest floor elevation level and the record shall become a permanent part of the permit file.

b. Nonresidential buildings.

All new construction and substantial improvements of nonresidential structures may be flood-proofed. The structures, together with attendant utility and sanitary facilities, must be designed to be watertight to the specified FIRM flood level plus 1 foot, above highest adjacent grade, with walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A registered professional engineer or architect shall certify in writing to the Code Enforcement Director that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions above.

c. Drainage paths.

Drainage paths shall be provided to guide floodwater around and away from any proposed structure.

Sec. 1133.05. Standards for subdivisions.

- a. All subdivision and/or development proposals shall be consistent with the need to minimize flood damage and shall be reasonably safe from flooding.
- b. All subdivision and/or development proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
- c. All subdivision and/or development proposals shall have adequate drainage provided to reduce exposure to flood hazards.
- d. For subdivisions and/or developments greater than fifty lots or five acres, whichever is less, base flood elevation data shall be provided for subdivision and all other proposed development, including manufactured home parks and subdivisions. Any changes or revisions to the flood data adopted herein and shown on the FIRM shall be submitted to FEMA for review as a Conditional Letter of Map Revision (CLOMR) or Conditional Letter of Map Amendment (CLOMA), whichever is applicable. Upon completion of the project, the developer is responsible for submitting the "as-built" data to FEMA in order to obtain the final LOMR.

Sec. 1133.06. Standards for critical facilities.

- a. Critical facilities shall not be located in the 100-year floodplain or the 500-year floodplain.
- b. All ingress and egress from any critical facility must be protected to the 500-year flood elevation.

Sec. 1134. Variance procedures.

- a. For procedures and standards for the granting of a variance from the provisions of this section, Flood Damage Prevention, see the Appeals Article of this Development Code.

- b. For procedures for correcting an error in the Flood Hazard Boundary Map, see the Flood Prone Overlay District Section of the Use of Land and Structures Article of this Development Code.



Planning Department
Oconee County, Georgia
STAFF REPORT

REZONE CASE #: 7838

DATE: August 7, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Rodney Jones

PROPERTY OWNER: RWJ, Inc.

LOCATION: Intersection of Mars Hill Road and Long Road

PARCEL SIZE: ± 10.07 acres

EXISTING ZONING: AG (Agricultural)

EXISTING LAND USE: Vacant/undeveloped



FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Regional Center

ACTION REQUESTED: Rezone to R-1 (Single-Family Residential)

REQUEST SUMMARY: The petitioner is requesting a rezone to R-1 in order to construct a 9-lot single-family subdivision.

STAFF RECOMMENDATION: Staff recommends conditional approval of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 19, 2019

BOARD OF COMMISSIONERS: September 3, 2019

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Representative Photos
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned agricultural since the original adoption of the zoning map in 1968.
- The property has been used for agricultural (hay production) purposes for at least two decades.

SITE VISIT DESCRIPTION

- The property is currently undeveloped and mostly vacant
- A barn exists on the property

SURROUNDING LAND USE AND ZONING

EXISTING LAND USES		EXISTING ZONING
NORTH	Agricultural, Single-Family Residential	AG (Agricultural District)
SOUTH	Single-Family Residential (Meridian Subdivision)	R-1 (Single-Family Residential District)
EAST	Single-Family Residential	AG (Agricultural District)
WEST	Agricultural	AG (Agricultural District)

PROPOSED PROJECT DESCRIPTION

The applicant proposes to develop the entirety of the property into a single-family subdivision, as follows:

- Nine residential lots
 - Minimum lot size: 30,000 square feet
 - Minimum residence size: 2,000 square feet
 - Average home price: \$750,000
 - Architectural theme: Residence exteriors are to include brick or brick veneer, stone or stone veneer, cement-based siding, stucco, or glass. Roof materials are to include tab shingles, tile, slate, wooden shakes or standing seam metal.
- Estimated value of the project at completion is \$7,000,000
- Stormwater is proposed to be managed via a detention facility toward the rear of the property
- Sidewalks, curb and gutter are proposed throughout the development

PROPOSED TRAFFIC PROJECTIONS

- The proposed development is anticipated to generate 86 additional ADT, including 7 additional A.M. peak hour ADT and 9 additional P.M. peak hour ADT.

PUBLIC FACILITIES

Water:

- The development is proposed to utilize County water services.
- Oconee County Water Resources Department has indicated in a letter of availability dated 06/19/2019, that sufficient water capacity currently exists for the proposed development.

Sewer:

- Sewage disposal is proposed via septic tanks and drain fields on each lot.

Roads:

- Access to the subdivision is proposed via one entrance along Long Road.
- One new public road is proposed for access throughout the interior of the development.

ENVIRONMENTAL

- No state waters, jurisdictional wetlands, or 100-year flood plains are known to exist on the property.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Provide ADT values from report on the plans.

OCONEE COUNTY FIRE DEPARTMENT

- No comment

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- Add the following condition: Water line shall extend the entire property frontage along Long Road.

GEORGIA DEPARTMENT OF TRANSPORTATION

- Our office has reviewed the proposed concept plan. No permit is needed from the department unless the developer is grading or impacting the right of way, which the plans don't reflect that.

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "STANDARDS FOR REZONING CONSIDERATION" AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

Surrounding land uses are predominantly single-family residential and agricultural. The development is proposed to match the character of the Meridian subdivision, which lies immediately to the south of the subject property. Additional single-family residential subdivisions are located nearby, including Autumn Glen, Oaklake, and Fieldstone. Staff holds that the present request would permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

B. Whether the property to be rezoned has a reasonable economic use as currently zoned.

As currently zoned, the property has a reasonable economic use for agricultural and low density single-family residential purposes.

C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:

i. **Population density and effect on community facilities such as streets, schools, water and sewer;**
County facilities, services, and infrastructure should be adequate to accommodate the proposed development. A small impact on the school system and nearby roads is anticipated with the addition of nine residential lots.

ii. **Environmental impact;**

No environmentally sensitive areas are known to exist on the site and no significant environmental impacts are anticipated as a result of the proposed development.

iii. **Effect on the existing use, usability and/or value of adjoining property**

Adjacent properties are single family residential or agricultural in use and the development of additional single-family residential lots is not anticipated to negatively impact the use, usability, or value of adjoining properties.

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

The property has been utilized for hay production as recently as 2017, and it has since been allowed to return to a fallow state. Since the early-2000s, some properties in the nearby area have transitioned to single-family residential subdivisions (see letter A above), while others have remained agricultural or undeveloped.

E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.
The R-1 zoning district is intended primarily for one-family residences and related uses at low suburban

residential densities on land which is served by public water and/or sewer systems. The development of lots in this District is also permitted with septic tanks provided that the placement of each such septic tank shall be approved by the Oconee County Health Department. The applicant proposes to convert the entirety of the site into single-family residential lots and staff holds that this use is consistent with the stated purpose of the R-1 zoning district.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

Since the early 2000s, land in the vicinity of the subject property has been in transition from agricultural/residential use and rural character to low-density single-family residential use and suburban character. Staff holds that the proposed development is consistent with this transition in land use patterns in the general vicinity.

G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

The Future Development Map designates the subject property with a character area of "Regional Center." The 2040 Comprehensive Plan describes this character area as a mix of "regional-serving retail and commercial services, office complexes for medical and corporate offices, hotels, restaurants and entertainment facilities, higher-density residential planned developments, and single-family detached subdivisions." The Comprehensive Plan lists single-family detached subdivisions as a primary land use, and R-1 as an appropriate zoning district for this character area. The Comprehensive Plan further specifies that "Transitions in intensity of development should be established approaching the boundaries whenever possible, moving in gradations from high-intensity regional office parks and retail shopping centers down to low-intensity single-family neighborhoods." Given that the proposed subdivision is located along the border between Regional Center and Suburban Neighborhood character areas, a low-density residential single-family neighborhood is considered an appropriate use. Staff holds that the proposed development conforms to the Future Development Map and the goals and objectives of the Comprehensive Plan.

H. The availability of adequate sites for the proposed use in districts that permit such use.

One 6-acre tract currently exists within a one-mile radius which has been rezoned to R-1 for the development of a single-family residential subdivision.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends conditional approval of this rezone request, subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. No development permit shall be issued until Owner has agreed to such improvements and dedication.
3. The developer shall be connected to the Oconee County water system at the developer's expense in a manner approved by the Oconee County Water Resources Department and the Oconee County Public Works Department.
4. The minimum lot size for any lot within the development shall be 1.5 acres.
5. The Water Line shall extend for the entire length of the property frontage along Long Road.
6. The minimum dwelling size shall be 2,000 square feet.
7. Residence exteriors shall consist of brick or brick veneer, stone or stone veneer, cement-based siding, stucco, or glass, consistent with architectural representations submitted 06/24/2019.
8. The developer shall plant a minimum of 3 trees on each residential lot in the development. Said trees shall be a mix of shade trees and evergreen trees. The shade trees shall be at least two inch (2") caliper and at least 10' tall at time of planting, capable of reaching 35 feet in height and spread at maturity.

The evergreen trees shall be at least 6 feet in height at time of planting. Tree species shall be listed on UDC Table 8.2: Allowable Species List for Proposed New Trees and Shrubs. Tree locations must be designated on the landscape plan submitted with the Subdivision Construction Plans for the development.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: AG to R-1 Change in Conditions of Approval for Case #: _____

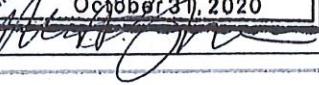
Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: **Rodney Jones**
 Address: **3651 Mars Hill Road**
Suite 2900
(No P.O. Boxes)
Watkinsville, GA 30677
 Telephone: **(706) 207-2337**
 Email: **rodney@frameworksunlimited.com**

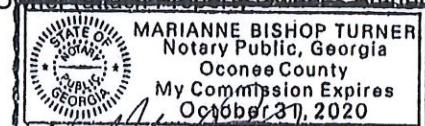
Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature:  Date: 7/11/19 Notarized: 

Property Owner

Name: **RWJ, Inc.**
 Address: **3651 Mars Hill Road**
Suite 2900
(No P.O. Boxes)
Watkinsville, GA 30677
 Telephone: **(706) 207-2337**



Property

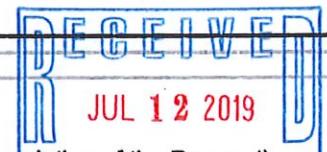
Location: **northeast of Long Road and Mars Hill intersection (no street address yet)**
(Physical Description)

Tax Parcel Number: **C 01 014BA**
 Size (Acres): **10.07** Current Zoning: **AG**

Future Development Map—Character Area Designation: **regional center**

Use

Current Use: **vacant farmland**
 Proposed Use: **single-family subdivision with 9 lots and public road**



Attachments (check all that apply)

Property Owner's Authorization (if applicable)
 Application Fee
 Warranty Deed
 Typed Legal Description
 Plat of Survey
 Disclosures (Interest & Campaign Contributions)
 Zoning Impact Analysis

Narrative (Detailed Description of the Request)
 Concept Plan
 Attachments to the Concept Plan:
 Water and/or Sewer Capacity Letter from OCUD
 Representative Architecture/Photographs
 Proof all property taxes paid in full
 Other Attachments: _____

For Oconee County Staff Use Only

Application Date Received: _____ Date Accepted: _____
 DRI Transmitted to RDC Date: _____ N/A
 Date Submitted: _____ Findings Complete
 Posted: _____ Ad: _____ Ad: _____
 Application Withdrawn Date: _____

APPLICATION NUMBER 7838
 Action Planning Commission Date: _____
 Approval With Conditions Denial
 Board of Commissioners Date: _____
 Approved With Conditions Denied

Martin Estates
A New Single-Family Residential Development
Long Road and Mars Hill Road
Oconee County, Georgia
Tax Parcel C 01 014BA
10.07 Acres

Request to Rezone AG to R-1

Narrative

The purpose of this application is to request a rezoning for Tax Parcel C-01-014BA from AG to R-1. The parcel is 10.07 acres and located northeast of the Long Road and Mars Hill Road intersection. The existing site is undeveloped. The proposed development includes nine new single-family lots and a public road with public water. The property is surrounded by single-family homes with agricultural zoning to the north, east and west and R-1 zoning to the south.

RWJ, Inc. will be the owner and developer of this project. Dovetail Civil Design, Inc. has been engaged to provide site engineering design and rezoning assistance for this project.

The Site

The property is 10.07 acres with overall dimensions of approximately 580'x750'. The existing site is undeveloped and was previously used for farming. There is an old barn and a well near the eastern property line that will be removed. The site topography slopes approximately 2% from west to east. There are no floodplains, wetlands or buffered state waters onsite.

The northern and eastern property lines are shared with single-family residences zoned AG. The western property line is the Long Road right-of-way and there are single-family properties located on the west side of Long Road with agricultural zoning. The southern property line is the Mars Hill Road right-of-way. The property on the south side of Mars Hill Road is Meridian subdivision, a single-family residential development zoned R-1.

The Development

The proposed development will be designed in accordance with the Oconee County Unified Development Code for R-1 zoning to be used for single-family residential lots. It is specifically intended that the houses, landscaping, signage, and overall development will mimic Meridian and harmonize with the surrounding properties.

The conceptual layout includes nine new single-family lots. Each lot has a minimum area of 30,000 square feet with a minimum buildable area of 17,600 sf. Each lot has a width of 150' at the front building line which is above the R-1 minimum of 100'. The front building setback is 30'. The side setback is 10'. The rear setback is 40'. The setback from Mars Hill Road is 40'. The setback from Long Road is 30'.

One new public road is proposed which will intersect Long Road approximately 370' northeast of its termination at Mars Hill Road. The new road will be approximately 600' long and terminate with a cul-de-sac. The road will be 24' wide with 20' asphalt and a 24" rollover concrete curb on each side. There will be a 5' concrete sidewalk located 2' back of curb along both sides of the road.

Each lot will be sold fee-simple. Each house will have a minimum 2-car garage and a minimum driveway area capable of parking 2 cars. This gives an offstreet parking total of 36 cars.

A stormwater management pond will be installed near the northeast corner and collect water from the onsite runoff. The pond will be located in a common space owned and maintained by the homeowners association. The HOA will also maintain the monument sign, lighting, perimeter landscape strips and other common areas on shared and private lots. No designated amenity or recreational area is proposed.

The development is expected to break ground in the Fall of 2019 with a tentative completion date of 3 years. The total development cost is approximately \$6,000,000. The estimated value at completion is \$7,000,000. The average home price is estimated to be \$750,000.

Buildings and Structures

All buildings, monuments, and other vertical structures shall have complimentary design features, colors and materials. Exterior wall surfaces shall be either brick or brick veneer, stone or stone veneer, cement-based siding, stucco or glass. Roof materials shall include architectural tab shingles, tile, slate, wooden shakes or standing seam metal. The minimum roof pitch is 6:12 for gables or hipped roofs. The minimum heated floor space is 2,000 sf per dwelling. Each building will have a crawl space or basement. The maximum building height is 40 feet. Chimneys and cupolas are allowed. Accessory buildings and swimming pools are allowed.

Utilities

All utilities shall be underground. Proposed utilities include power, water, telephone, gas, cable TV and internet access. All utilities shall be underground and within utility easements as appropriate unless otherwise directed by the appropriate utility company. Sanitary sewer will be provided privately on each property with a septic tank and drain field.

Water is available onsite and are provided by Oconee County. Domestic and fire protection water service may be tapped from an existing main on Mars Hill Road.

Assuming full build-out, the probable water demand is:

$$(9 \text{ houses}) (2.6 \text{ persons/house}) (100 \text{ gpd/person}) = 2,340 \text{ gpd}$$

The peak water demand is:

$$(2,340 \text{ gpd}) / (16 \text{ hr/day usage}) = 146.25 \text{ gal/hr} = 2.44 \text{ gpm}$$
$$(\text{peaking factor of 3}) (2.44 \text{ gpm}) = 7.32 \text{ gpm peak}$$

Solid Waste

Garbage and recycling collection will be handled weekly by private sanitation services. Individual canisters, or herbie curbies, will be utilized by each house as needed.

Stormwater Drainage

The existing topography slopes gently from west to east. The proposed development will utilize a graded detention pond to provide water quality, channel protection and peak flow detention per the local and state requirements and discharge in a similar pattern to the predeveloped conditions.

Traffic Impact

No significant impact is expected from this proposed development due to its relatively small size. It is understood that some improvements to the existing road(s) may be deemed necessary and required by Oconee County upon, or prior to, full development.

According to the *Trip Generation, 8th Edition* manual published by the Institute of Transportation Engineers, for single-family detached housing (ITE Land Use #210) the average trip generation rate is 9.57 trips per dwelling units per weekday. The morning and evening hourly rates are 0.75 and 1.01 trips per peak hour of adjacent street traffic, respectively.

Assuming full build-out of all 9 lots, the proposed traffic impact will be:

(9 dwelling units) (9.57 daily trips/dwelling unit) = 86 trips per day

(9 dwelling units) (0.75 AM trips/dwelling unit) = 7 trips per morning peak hour

(9 dwelling units) (1.01 PM trips/dwelling unit) = 9 trips per evening peak hour

The proposed development includes one new public road which will intersect Long Road approximately 370 feet northeast of its intersection with Mars Hill Road. Long Road is only 0.35 miles long and terminates with a dead-end and no through access. There are less than 10 existing dwellings on Long Road. Therefore, no deceleration lane or left turn lane is proposed.

The temporary construction exit will be located near the proposed entrance along Long Road. There will be no temporary or permanent access directly to Mars Hill Road.

Impact to Schools

The site is located within the North Oconee School District. The proposed development is not expected to significantly affect the local school population since only nine new houses are proposed. However the minimal impact will be positive and increase the tax base due to increased property values.

Prohibited Uses

The allowable and prohibited uses will follow the guidelines of Oconee County R-1 zoning for single-family detached dwellings as listed in the current UDC at the time of rezoning approval.

The site is located within the North Oconee School District. The proposed development is not expected to significantly affect the local school population since only nine new houses are proposed. However the minimal impact will be positive and increase the tax base due to increased property values.

Prohibited Uses

The allowable and prohibited uses will follow the guidelines of Oconee County R-1 zoning for single-family detached dwellings as listed in the current UDC at the time of rezoning approval.



Martin Estates
A New Single-Family Residential Development
Long Road and Mars Hill Road
Oconee County, Georgia
Tax Parcel C 01 014BA
10.07 Acres

Zoning Impact Analysis
A-1 to R-1



a. Existing uses and zoning of nearby property.

The adjacent parcels to the north and east are zoned A-1. The parcels south of the adjacent right-of-way are zoned R-1. All adjacent and nearby parcels are currently used for single-family residences.

b. The extent to which property values are diminished by the particular zoning restrictions of the current zoning.

There is no anticipated loss of value to the neighboring properties as a result of this zoning.

c. The extent to which the destruction of property values of the individual property owner promotes the health, safety, morals or general welfare of the public with consideration to:

(1) Population density and effect on community facilities such as streets, schools, water and sewer.

The development is not expected to significantly impact local population figures since only nine new dwellings are proposed. There will be a very slight increase in traffic and possibly a slight increase in school attendance by the residents of the nine dwellings. Public water will be extended to provide fire and domestic service. Public sewer will not be impacted since each lot will have private onsite septic systems.

(2) Environmental impact.

Stormwater runoff from this development will be mitigated and attenuated per local and state requirements prior to draining off this property. There are no buffered state waters or wetlands onsite. Therefore environmental impacts are very minimal.

(3) Effect on adjoining property values.

There is no anticipated loss of value to the neighboring properties as a result of this zoning.

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

The development is not expected to provide any significant public gains or hardships since only nine new dwellings are proposed.

- e. **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 never been developed. The nearby subdivision to the south has been developed in the last 20 years. No other significant developments have occurred in this area.
- f. **Consistency of the proposed use with the stated purposes of the zoning district that is being requested.**
The proposed development is consistent with the allowances of R-1 zoning. No additional uses or exceptions are requested.
- g. **Conformity with or divergence from established land use patterns.**
The proposed development will harmonize with the surrounding parcels and future land use map.
- h. **Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Community Agenda.**
This parcel is within the Regional Center designation of the future development map and shares a boundary with Suburban Neighborhood. Single-family neighborhoods conform with the primary land use description for both character areas.
- i. **The availability of adequate sites for the proposed use in districts that permit such use.**
This property is ideal for the proposed development and will harmonize with surrounding parcels.
- j. **The suitability of the site for the proposed use relative to the requirements set forth in the Development Code such as off-street parking, setbacks, buffer zones and open space.**
This site location and topography are very suitable for the proposed development. There is adequate space for each proposed residential lot and parking. Access to public streets and public water are available. There are no adverse issues with setbacks, buffers or other land use requirements.

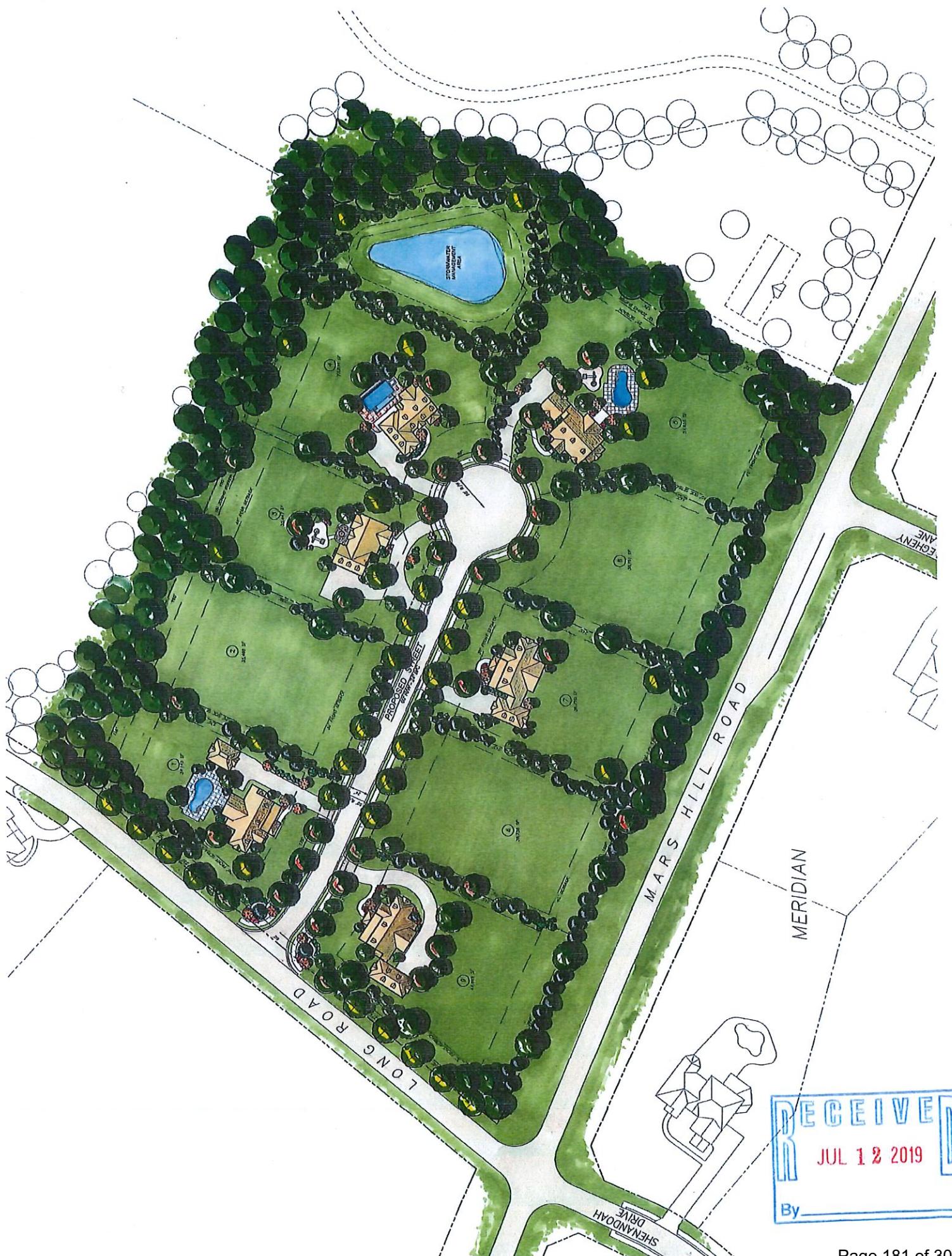
Sample monument sign at entrance



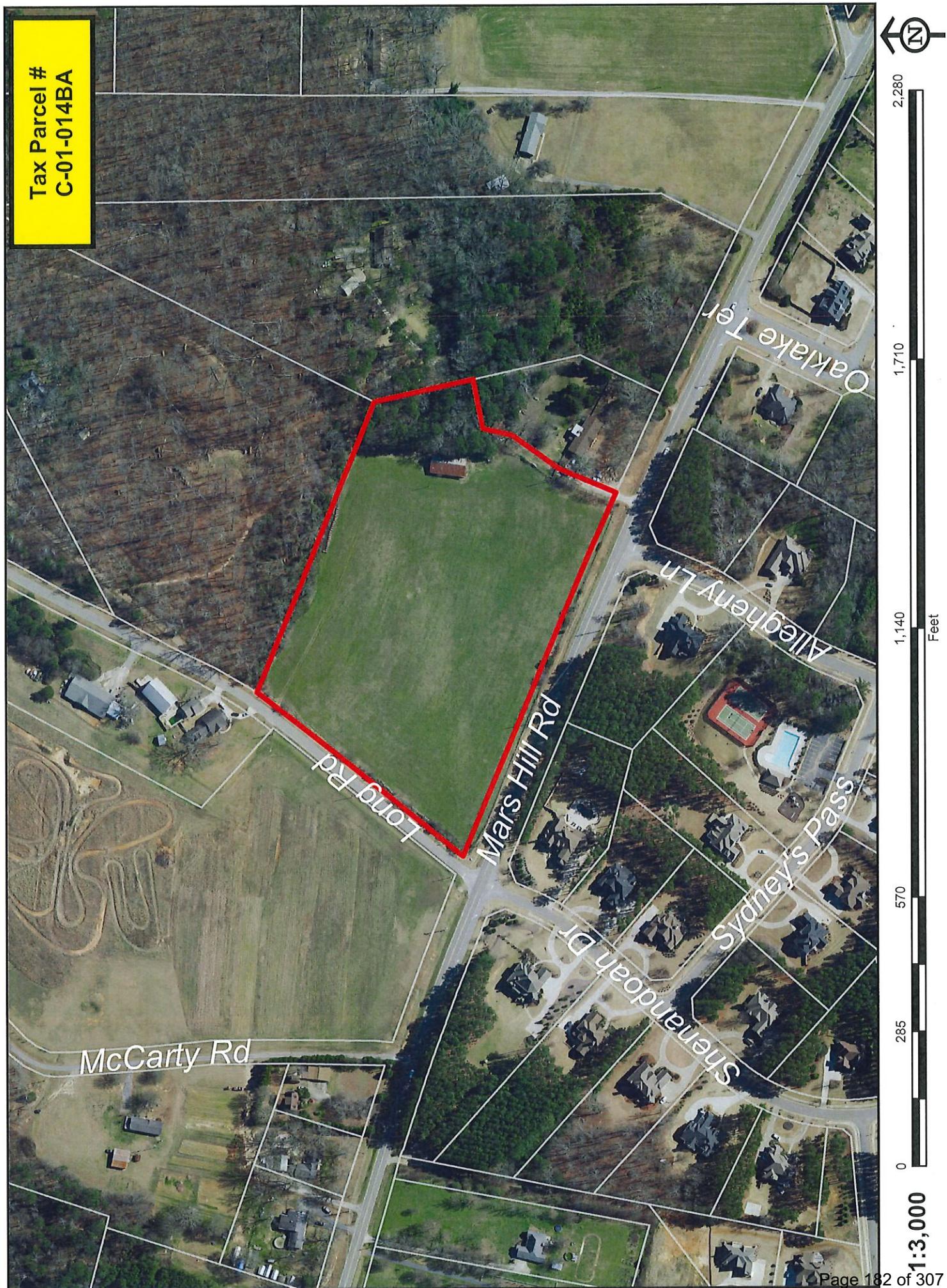


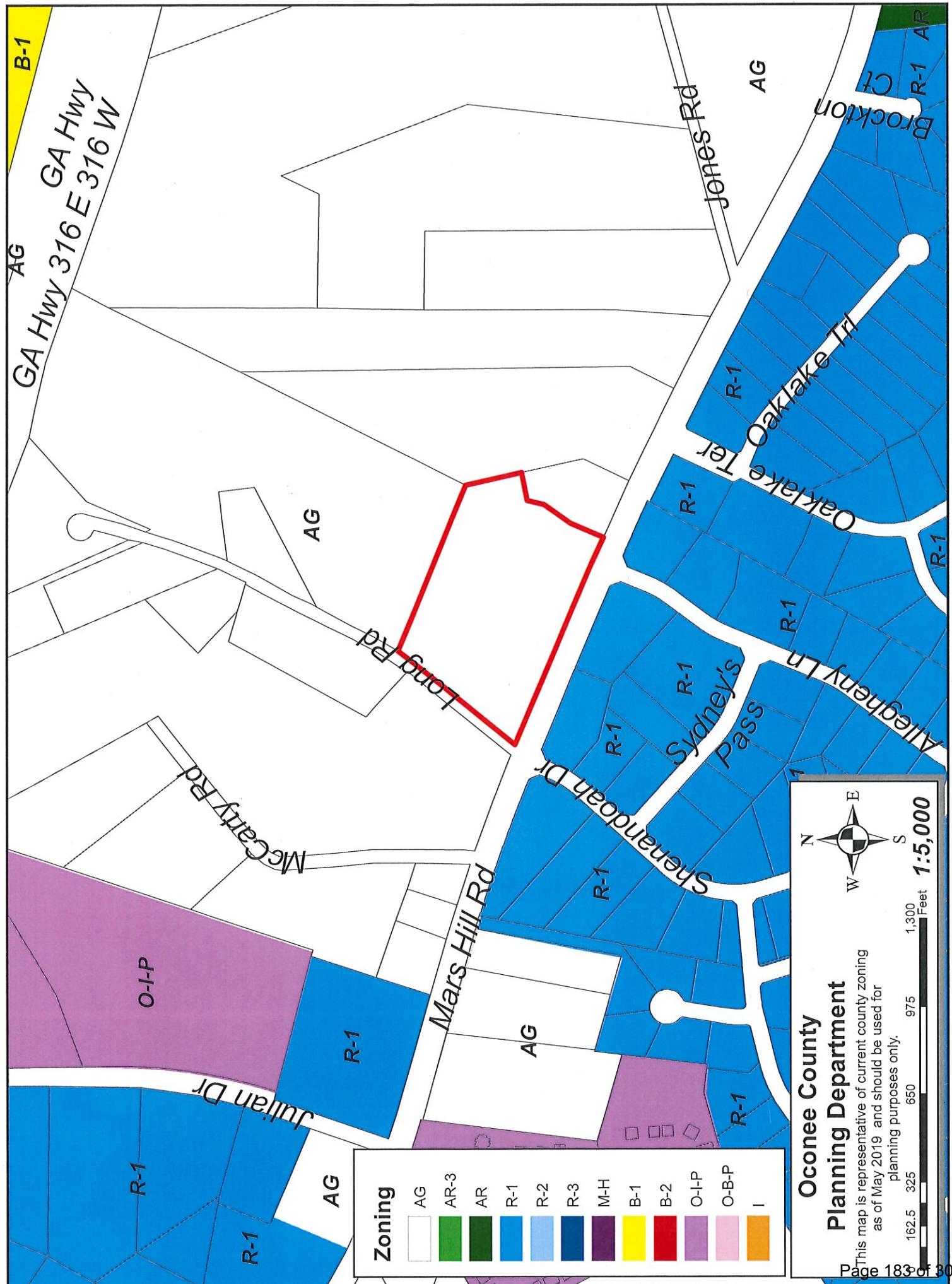
Sample building styles, sizes and materials





Rezone #7838 - RWJ Properties



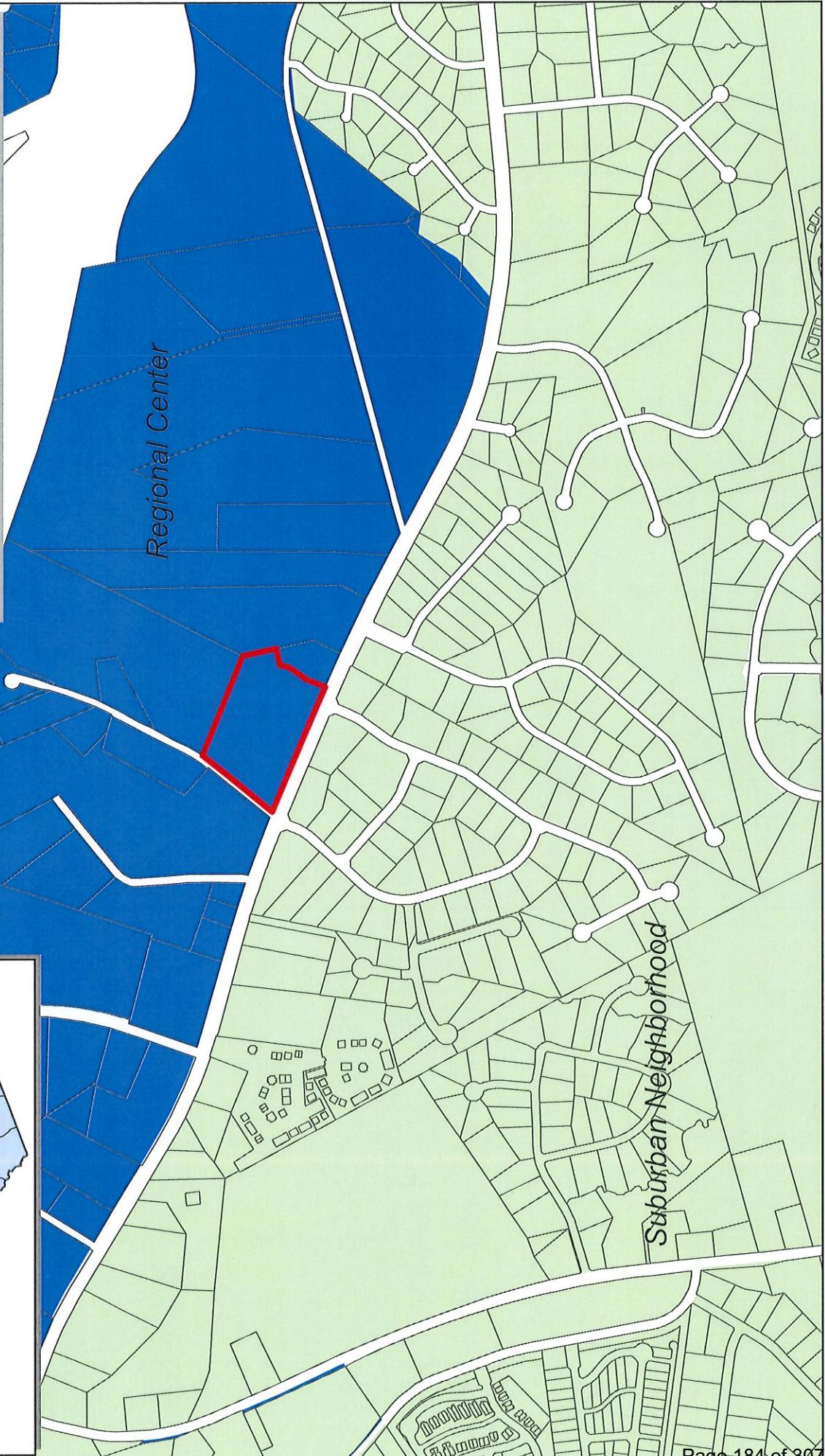
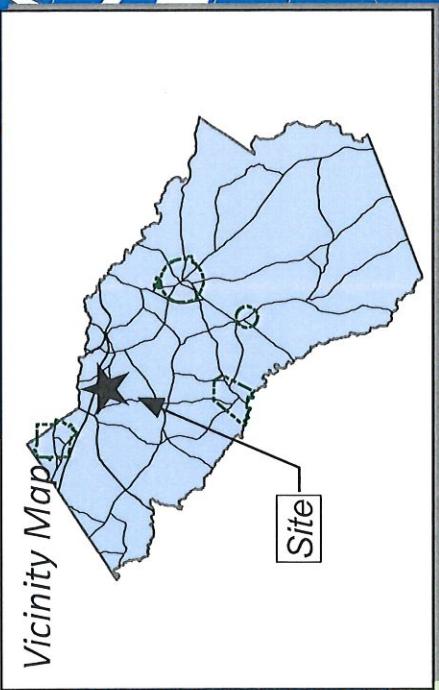
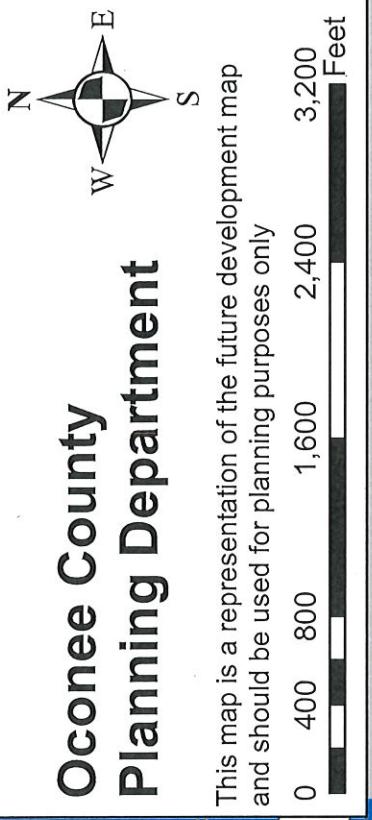


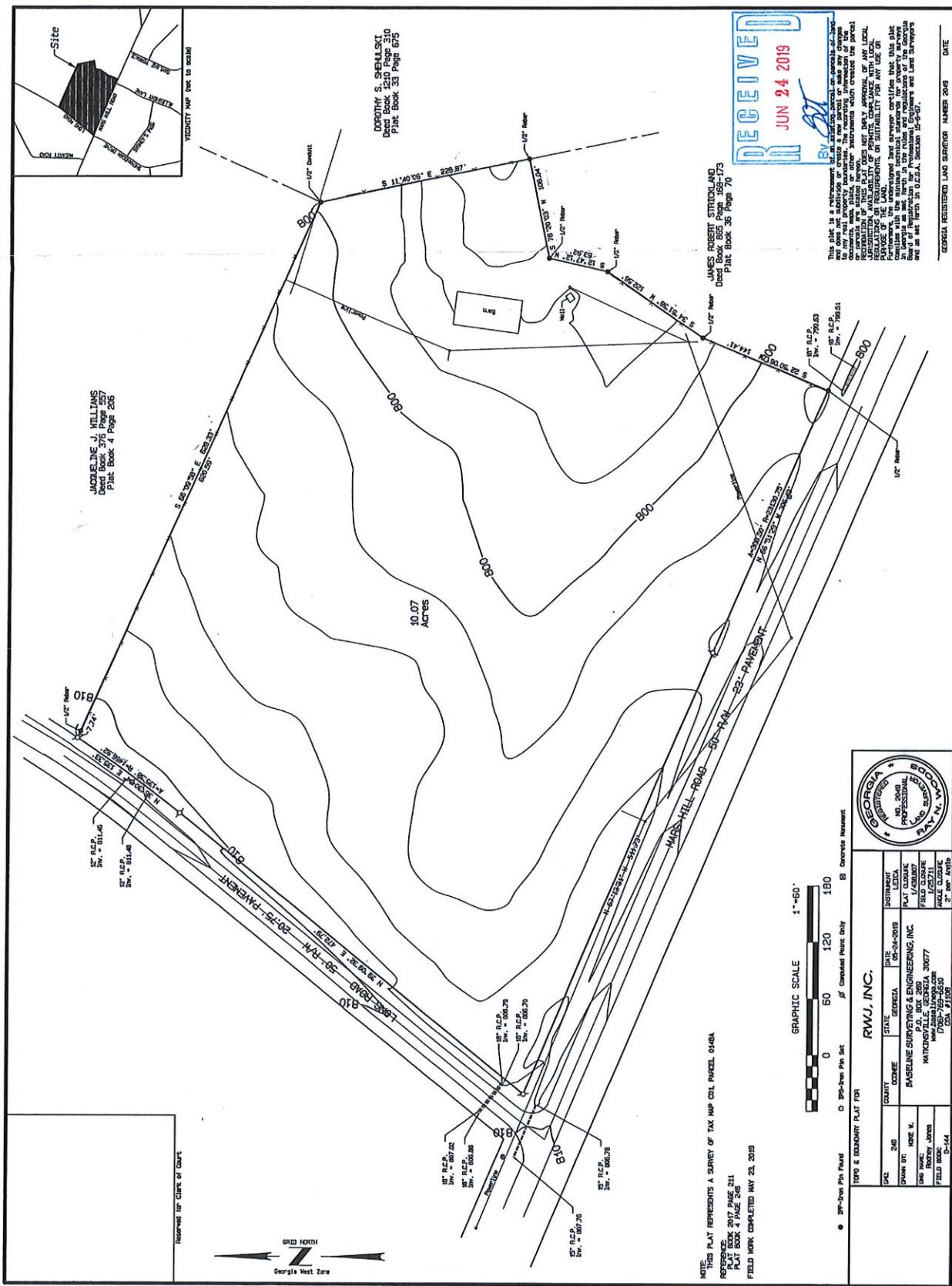
Oconee County Planning Department

- This map is representative of current county zoning as of May 2019 and should be used for planning purposes only.

Page 183 of 307

Oconee County Planning Department





Dr. Jason L. Branch, *Superintendent*



Tom Odom, *Board Chair*
Kim Argo, *Board Vice Chair*
Wayne Bagley, *Post 5*
Tim Burgess, *Post 4*
Amy Parrish, *Post 2*

OCONEE COUNTY SCHOOLS

August 19, 2019

Guy Herring, Director
Oconee County Planning & Code Enforcement
P.O. Box 145
Watkinsville, GA 30677

Mr. Herring,

Thank you for sending the Oconee County Planning Commission's Agenda for the August 19, 2019 Planning Commission Meeting and the minutes from the July 15, 2019 meeting to the Operations Division at Oconee County Schools.

We have reviewed the following rezone requests. These four items come to a total of 52 lots which equates to 26 students. This will impact our North Attendance Zone, specifically the following elementary schools: MBES, DCES, and RBES. Malcom Bridge Middle School, which is already over capacity by 48 students, will also be impacted and NOHS. In addition, there are 1794 active permits in the North Attendance Zone for development that are currently issued.

1. Rezone #7838, RWJ, Inc., AG to R-1, ± 10.07 acres, Long Road and Mars Hill Road. Residential Subdivision.
2. Rezone #7851, Sapphire Properties, LP, AG to R-2, ± 42.482 acres, Ruth Jackson Road. Residential Subdivision.
3. Rezone #7852, Mary Lou Mays Anglin, AR to AR with modifications to Rezone #777, ± 6.89 acres, Cooper Gin Rd. Residential.
4. Rezone #7853, Tracie Hedges, AG to AR, ± 5.00 acres, Moores Ford Rd. Residential.

We appreciate you continuing to send these items to us to review.

Very respectfully,

Brock Toole
Chief Operations Officer
Oconee County Schools



Planning Department
Oconee County, Georgia
STAFF REPORT

REZONE CASE #: 7851

DATE: August 6, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Michael B. Thurmond, P.E.

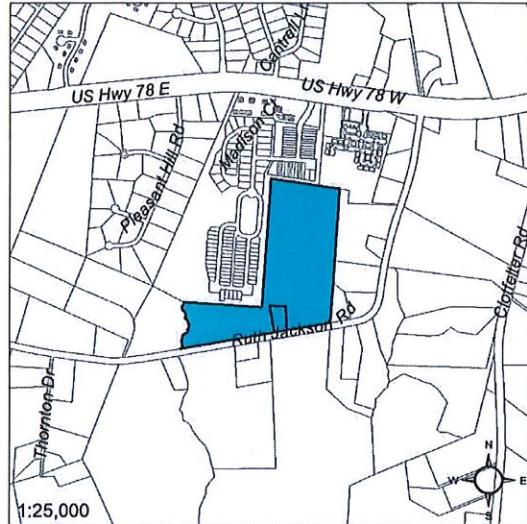
PROPERTY OWNER: Sapphire Properties, LP

LOCATION: 1360 and 1361 Ruth Jackson Road

PARCEL SIZE: ± 42.482

EXISTING ZONING: AG (Agricultural District)

EXISTING LAND USE: Single Family Residential,
Agricultural, Undeveloped/Wooded



FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Suburban Neighborhood

ACTION REQUESTED: Rezone AG (Agricultural District) to R-2 (Two-Family Residential District)

REQUEST SUMMARY: The applicant is petitioning for rezoning of the subject property to allow for the development of a 40-lot single-family residential subdivision.

STAFF RECOMMENDATION: Staff recommends denial of this request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 19, 2019

BOARD OF COMMISSIONERS: September 3, 2019

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Representative Photos
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The subject parcel has been zoned AG since the original adoption of the zoning map in 1968

SITE VISIT DESCRIPTION

- The subject property contains one single-family residence
- The majority of the site is wooded and undeveloped

SURROUNDING LAND USE AND ZONING

	EXISTING LAND USES	EXISTING ZONING
NORTH	Single Family Residential (Franklin Grove Subdivision) Hampton Valley Business Park, Assisted Living Facility	R-2 (Two-Family Residential District) OIP (Office Institutional Professional District)
SOUTH	Single Family Residential, Agricultural, Undeveloped/Wooded	AG (Agricultural District)
EAST	Single Family Residential, Agricultural	AG (Agricultural District) AR-3 (Agricultural Residential Three-Acre District)
WEST	Single Family Residential (Franklin Grove Subdivision)	R-2 (Two-Family Residential District)

PROPOSED PROJECT DESCRIPTION

The applicant proposes to develop the entirety of the subject site into a single family subdivision as follows:

- 40 residential lots:
 - Minimum lot size: 0.7 acres
 - Range of dwelling size: between 2,500 and 3,500 square feet
 - Home prices: between \$400,000 and \$500,000
 - Architectural theme: Craftsman, with brick/stone and hardiplank exteriors
- Sidewalks and curb and gutter are proposed throughout the development
- Stormwater is proposed to be conveyed by underground piping to a detention facility on a 5-acre lot located on the western portion of the site
- Estimated value of the project at completion is \$20,000,000
- Development is proposed to occur in one phase over two to three years

PROPOSED TRAFFIC PROJECTIONS

- At full buildout, the development is anticipated to generate an additional 452 ADT per weekday, including 40 A.M. peak hour ADT and 48 P.M. peak hour ADT

PUBLIC FACILITIES

Water:

- The Oconee County Water Resources Department has indicated in a water availability letter dated 06/18/2019 that potable water is available for the project

Sewer:

- Sewer treatment is proposed via private septic systems

Roads:

- One subdivision entrance is proposed along Ruth Jackson Road
- Interior access throughout the subdivision is proposed via new public asphalt roads

ENVIRONMENTAL

- State waters, jurisdictional wetlands, and a conservation corridor exist along the western property line. Corresponding buffers, setbacks, and other restrictions will be required in compliance with UDC Article 9

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Label proposed streets and corresponding right of way and pavement widths
- Label/state the presence of wetlands
- Provide ADT values on plans

OCONEE COUNTY FIRE DEPARTMENT

- No comments

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- A proposed waterline that will be routed from the Franklin Grove development directly to this subdivision has been discussed. If this route is chosen and the Franklin Grove system required maintenance or repair, there is a high probability that the subdivision's water will be shut off temporarily until maintenance is complete. OCWR recommends that the future waterline be routed from the S/D entrances (off Ruth Jackson Road) to the 12" main off US Hwy 78. This would create a loop and prevent a dead end line

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "STANDARDS FOR REZONING CONSIDERATION" AS SET FORTH IN SECTION 1207.01 OF THE OCONEE COUNTY UNIFIED DEVELOPMENT CODE.

A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

Since the early 1990s, nearby parcels along US Hwy 78 have experienced a gradual transition from an agricultural/residential, rural character to a suburban, residential character. Nevertheless, properties in the immediate vicinity of the subject property along Ruth Jackson Road remain agricultural/ residential in use and predominantly rural in character. Staff believes that a lower-density residential development with fewer lots and larger lot sizes than currently proposed would be a more appropriate transition between the higher and density land uses located along US Hwy 78 and the surrounding rural areas.

B. Whether the property to be rezoned has a reasonable economic use as currently zoned.

As currently zoned, the property may be used for agricultural and single-family residential uses. Staff holds that the property has a reasonable economic use as currently zoned.

C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:

i. **Population density and effect on community facilities such as streets, schools, water and sewer;**
Existing County water capacity and emergency services should be adequate for the proposed development. However, staff has concerns about the increased traffic volume that is anticipated as a result of 40 additional residential lots requiring access along a minor street.

ii. **Environmental impact;**

The proposed 5-acre lot along the Western property line contains a conservation corridor which will be subject to associated buffers and setbacks per UDC Article 9. The remaining 39 proposed residential lots do not contain any known environmentally sensitive areas and no significant negative environmental impacts are anticipated as a result of the proposed development.

iii. **Effect on the existing use, usability and/or value of adjoining property.**

Given that the proposed development fronts on a minor street and adjacent properties are predominantly rural in character, the addition of 452 ADT along Ruth Jackson Road could have a negative impact on the adjoining properties.

D. **The length of time the property has been vacant as zoned, considered in the context of land development in the vicinity of the property.**
The property is not currently vacant; this question is not applicable.

E. **Consistency of the proposed use with the stated purpose of the zoning district that is being requested.**
The R-2 zoning district is intended primarily for two-family residences and related uses at low-to-medium suburban residential densities. Only single-family residential use has been proposed under the current request and staff holds that this is not consistent with the stated purpose of the R-2 zoning district.

F. **Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**
Nearby residential subdivisions such as Franklin Grove and Wellington Park front along a principal arterial (US Hwy 78) whereas the proposed subdivision fronts along a minor street (Ruth Jackson Road). Staff holds that this gives supporting ground for denial, based on the proposed development's anticipated traffic impacts and its inconsistency with surrounding development patterns.

G. **Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.**
The Future Development Map designates the subject property a character area of "Suburban Neighborhood." The 2040 Comprehensive Plan describes this character area as suitable for residential neighborhoods with primarily large, single-family lots. The intent of this character area is to "provide for future development projects that are suitable with existing residential development in size, scale, and overall density." The proposed development is not in keeping with the overall density of existing residential development along Ruth Jackson Road, which is predominantly single-family residential on large, AG-zoned lots. The development strategies for the Suburban Neighborhood character area include the protection of "existing neighborhoods from negative impacts" when considering new development requests; staff has concerns about potential negative impacts on nearby properties such as increased traffic.
Furthermore, the Comprehensive Plan does not list R-2 as a compatible zoning district for the character area, and the proposed density does not meet residential development guidelines for the Character Area. New subdivisions on septic tanks are required by the Comprehensive Plan to be developed at a density of 1 dwelling unit per 2 acres, with a recommended zoning district of AR-2 (Agricultural Residential 2-Acre, now "AR"). The proposed density is approximately 1 dwelling unit per acre, and thus exceeds the maximum density supported by the Comprehensive Plan.

H. **The availability of adequate sites for the proposed use in districts that permit such use.**
Two other large tracts currently exist along Ruth Jackson Road which have been rezoned to AR (Agricultural Residential) for the development of single-family residential subdivisions. Between these two parcels, there exists the potential for an additional 144 single-family residences on lots zoned AR within a one-mile radius of the subject property.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends denial of this rezone request. However, should the present request be approved, staff recommends the following conditions to be fulfilled at the expense of the owner/developer:

1. The subject parcel shall be rezoned to AR (Agricultural Residential District) with a corresponding minimum lot size of 2 acres.
2. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
3. At its expense, Owner shall make all right of way improvements and shall dedicate all rights of way which are required by the County after the County's review of Owner's development plans pursuant to the County's ordinances and regulations. No development permit shall be issued until Owner has agreed to such improvements and dedication.

4. The zoning for the 100-year flood plain areas of the subject property shall be overlain with the Flood Prone Overlay District.
5. The proposed lot containing a stormwater facility and floodplain area shall not be used for residential purposes.
6. The developer shall plant a minimum of 3 trees on each residential lot in the development. Said trees shall be a mix of shade trees and evergreen trees. The shade trees shall be at least two inch (2") caliper and at least 10' tall at time of planting, capable of reaching 35 feet in height and spread at maturity. The evergreen trees shall be at least 6 feet in height at time of planting. These trees shall be listed on UDC Table 8.2: Allowable Species List for Proposed New Trees and Shrubs. Tree locations must be designated on the landscape plan for the development. Existing healthy trees may be retained in order to meet this requirement.



Subject: Rezone Narrative for Single-Family Subdivision
1360 Ruth Jackson Road, Bogart, GA 30622
AG to R2 – 42.482 acres
Tax Parcels B02 038A & B02 038B
Armentrout Matheny Thurmond, P.C., Project No. 19106



Project Overview

Oconee Heights is a single-family residential subdivision that is proposed to be located on one section of a 42.482-acre tract. Sapphire Properties, LP is the current property owner. Armentrout Matheny Thurmond, P.C. (AMT) has been engaged to act as agent in the preparation of the necessary documentation associated with this rezone request. Bret Thurmond, P.E. will act as the primary contact person for the owner.

Site Description

Two subject parcels of the rezone total 42.482 acres. The project fronts Ruth Jackson Road for approximately 1,845 LF. The property currently exists as two lots. One lot is undeveloped pasture and woodlands. The second lot currently contains a mobile home for residential purposes. The topography generally drops gently from east to west towards an unnamed tributary of Barber Creek. Existing zoning and land uses surrounding the parcel are as follows: to the north and west – a large R-2-MPD zoned subdivision with townhomes and individual houses; to the north – a commercial parcel zoned O-I-P; to the east – three (3) residential parcels zoned AG; to the south – Ruth Jackson Road. The Future Development Map 2030 identifies the site primarily with a Future Character Area designation of Suburban Living.

Traffic Impacts

Projected traffic is based on the trip generation rate published by the Institute of Transportation Engineers, *Trip Generation, 9th Edition* for Ruth Jackson Road.

Land Use Single-Family Detached Housing (210)	Dwelling Units	Weekday	Weekday A.M. Peak Hour of Generator	Weekday P.M. Peak Hour of Generator	Saturday	Saturday Peak Hour of Generator
Proposed	40	452	40	48	433	44

Ruth Jackson Road currently has approximately 27 single-family parcels that extend from Thornton Road to the intersection of Ruth Jackson Road and Highway 78. Total expected vehicle trip ends generated by the proposed development on Ruth Jackson Road is based upon 40 lots as shown in the table above. The projected average vehicle trip ends are approximately 452 vehicle trip ends per weekday and 40 trips per A.M. peak hour and 48 trips per P.M. peak hour.

Arterial roads presently serving the property and the general area will experience minimum impact. There is one access entrance proposed to the existing public right of way. Ruth Jackson Road will experience an increase in traffic. Ruth Jackson Road is a 24-foot wide asphalt roadway with ditch sections that are more than capable of handling the increased traffic rates.

Impact to School System

The proposed development would create additional tax revenue for the school system with estimated average home sales revenue of \$425,000, thereby increasing in the property taxes to the County and the School System.

Method of Water Supply

The Oconee County public water system will be expanded to provide water to the subdivision. An 8" water main currently exists within the Franklin Grove subdivision and a 12" water main is located on Highway 78. A water main extension will be constructed after Franklin Snow or from Highway 78. An estimated 12,000 gallons per day will be required for the proposed development.

Method of Sewage Disposal

The On-site sewage management systems shall be designed according to the Georgia Department of Environmental Health Guidelines for On-site Sewage Management Systems. A Level 2 soil survey has been completed by a qualified professional to determine general filtration rate for the soils. A Level 3 is planned.

Proposed Utilities

All utilities are proposed to be underground and include electricity, water, telephone, cable TV, and internet access. Natural gas is proposed and will be installed along Ruth Jackson Road to this site. The plan is to offer gas heat, gas water heater, and other gas appliances.

Method of Stormwater Drainage

Stormwater will be conveyed by underground piping to a detention facility. Stormwater management facilities will be designed according to the most recent edition of the Georgia Stormwater Management Manual at the time of permitting and construction. At the present time, the proposed location of the detention facility is the southeast corner of a proposed large lot adjacent to the unnamed tributary. A 5-acre lot bordering the creek is proposed to contain the stormwater detention facility. This lot may be divided on a preliminary plat into two lots; one to be owned by the future homeowners' association that will contain the detention facility and a second to be owned as a typical single family residential lot.

Total Number of Proposed Lots/Homes

The total number of proposed lots with single-family homes is 40 in the subdivision. 39 of the proposed lots will be a minimum of 0.7-acre in area. One additional lot of approximately 5-acres adjacent to the creek is proposed to be used as a stormwater management facility. This 5-acre

parcel will have driveway access from inside the subdivision and may include a single-family home dependent upon soil conditions.

Proposed Development Schedule

Pending approval of this rezone application by the Oconee County Board of Commissioners on September 3, 2019, the civil engineering design process will begin and continue through fall of 2019. Once design site plan designs are complete, construction sets will be submitted to the Oconee County Planning Department for permit approval in late 2019. The preliminary plat application process will also take place at this time. Construction is estimated to begin in early 2020. Clearing, grading, utility installation, and road construction is expected to take about six months to complete. This phase of construction is expected to end in late spring or early summer of 2020. The construction of individual residences is expected to begin as road construction nears completion. Houses are expected to be constructed gradually over the course of approximately two to three years.

Architecture/Themes

Houses are proposed to be built in a Craftsman or similar style. The nearby Somerset neighborhood is an example of the style. Photographs of example houses are attached.

Construction/Façade Materials

Brick/stone and Hardiplank

Construction is wood frame construction with basements or crawlspace. Homes will be two-story with a variety of various styles of porches, dormers, gable and hip roof designs.

Range/Average Cost of Residences

The home is expected to be between the target sales range of \$400,000 and \$450,000. The average size of the homes is proposed to be 3000 ft.² with a minimum of 2500 ft.² and a maximum of 3500 ft.². The proposed square footage does not include the basement which will be unfinished.

Range/Average Square Footage(s) for Residences

2,500 ft² – 3,500 ft² plus basements where topography is favorable.

Estimated Value of the Project at Completion

\$20,000,000

Type(s) of Ownership

Single owner

Common/Open Space Areas/Buffers

There are no open spaces or common areas proposed at this time. The developer is preserving a 50-foot buffer along the active frontage of Ruth Jackson Road. Each undivided lot that abuts the original boundary line or other lot will have a 10-foot natural vegetation buffer along the rear lot

line. The buffer along Ruth Jackson Road will have some plantings in areas where the current tree canopy is insufficient to provide enough landscaping to shield the view of the subdivision from traffic on Ruth Jackson Road.

Maintenance of Common/Open Space Areas

The subdivision homeowners' association will be responsible for the maintenance of common areas if any.

Sidewalks/Curb & Gutter

Concrete sidewalks and curb and gutter are proposed for the development.

Amenity/Recreation Areas

No amenity or recreation areas are proposed.

MBT/cs/rh/W/19106/Docs/Rezone/Rezone Report

Subject: Zoning Impact Analysis
 1360 Ruth Jackson Road, Bogart, GA 30622
 AG to R-2 – 42.482 acres
 Tax Parcels B02 038A & B02 038B
Armentrout Matheny Thurmond, P.C., Project No. 19106



ZONING IMPACT ANALYSIS

A. Existing uses and zoning of nearby property.

Existing uses and zonings are a mixture of residential, commercial and institutional uses within the local area of this proposed rezone. Existing zoning within one mile includes AG, B-1, B-2, R-1, R-2-MPD, M-H, O-B-P, and O-I-P. Adjacent to the property is AG at the creek boundary, R-2-MPD to the west and north, O-I-P to the north and AG to the east.

B. The extent to which property values are diminished by the particular zoning restrictions of the current zoning.

Property values are not diminished by rezoning this property from AG to R-2. Nearby residential properties with similar zoning have continued to gain in value. The current zoning restricts the property values as the current use is not the most favorable use in a subdivision character area.

C. The extent to which the destruction of property values of the individual property owner promotes the health, safety, morals or general welfare of the public with consideration to:

1. Population density and effect on community facilities such as streets, schools, water and sewer

The proposed development will generate up to 452 average daily vehicle trip ends. This development will add housing and therefore increase population in the county. Existing infrastructure can accommodate the proposed development with water service being extended from the public right of way to the development. Sewer systems are on site systems which will be designed to the required state criteria and regulations. Reserve fields are required. The lots will be sized based upon a Level 3 soil survey, so the lot size may increase to provide all required drain field areas. The school system will experience increased enrollment; however, the proposed subdivision is less than 40 lots. Construction at the site and house construction may take up to 3 years, thereby mitigating a rapid increase in demands on the Oconee County School System. This development will further support commercial activity along Highway 78

rather than more rural areas of Oconee County. The possibility exists that a number of residents in this proposed facility may attend the private school at the end of Ruth Jackson Road.

2. Environmental impact

Stormwater management facilities proposed for this development will be designed according to the most recent edition of the Georgia Stormwater Management Manual and will follow Oconee County Ordinances. State waters are located adjacent to the site on the western property boundary, an unnamed tributary of Barber Creek. The state waters buffer will not be encroached by development activities and will not be negatively affected by this development since all impervious surfaces will be at least 600 feet away from the stream and runoff controlled to pre-development rates. These properties will have private septic systems designed and installed according to guidance from the Georgia Department of Environmental Health, so no groundwater contamination is expected to occur. Enhanced best management practices will be designed to address soil erosion/sediment and pollution control concerns and order to protect the unnamed tributary of Barber Creek.

3. Effect on adjoining property values

No adverse effects to adjoining property values can be identified with this rezone request. The area to the north that fronts Highway 78 is currently a commercial/residential mixed-use complex. The installation of gas service on Ruth Jackson Road provides additional capacity for nearby property owners who must rely on propane or electric utilities.

D. The relative gain to the public, as compared to the hardship imposed upon the current property owner.

The current zoning is no longer compatible with the nearby uses as the area continues to grow with a combination of residential and commercial uses. Rezoning this property allows the property owner to obtain full use of the property consistent with the surrounding and expected future development in the area. Existing property owners do not gain benefit if the property is not rezoned but will gain the potential for utility service if the rezone is approved.

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

The property has contained one single-family residence surrounded by agricultural fields and woodlands for several decades. The trend has been to develop formerly agricultural zoned properties in this area to single-family subdivisions. The property is too small for continued agricultural use.

F. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.

The existing land use plan is residential. The proposed character area under the proposed comprehensive plan currently under consideration is "suburban living". The requested rezone is of greater density than listed under the "suburban living" character area; however, the property is adjacent to R-2-MPD and O-I-P properties so this rezone request is compatible.

G. Conformity with or divergence from established land use patterns.

Land use patterns in this area are changing from agricultural and residential to commercial and residential suburban uses. This request conforms to established land use patterns in the vicinity.

H. Conformity with or divergence from the future development map or the goals and objectives of the Oconee County Community Agenda.

The 2040 Future Development Map designates property in this area with a Future Character Area of Suburban Living. Surrounding properties along Ruth Jackson Road are compatible with this future land use. Single-family subdivisions are compatible with Suburban Living and meets the intent of the 2040 Future Development Map.

I. The availability of adequate sites for the proposed use in districts that permit such use.

There are similar properties of the size to support additional subdivisions but not available. This parcel is unique as the owner lives across Ruth Jackson Road from the site. Also, Owner's home is adjacent to another large parcel to the east that he owns. The owner intends to continue to live on Ruth Jackson Road so it makes the parcel unique in that the developer is experiencing the minor impact of the rezone on Ruth Jackson Road.

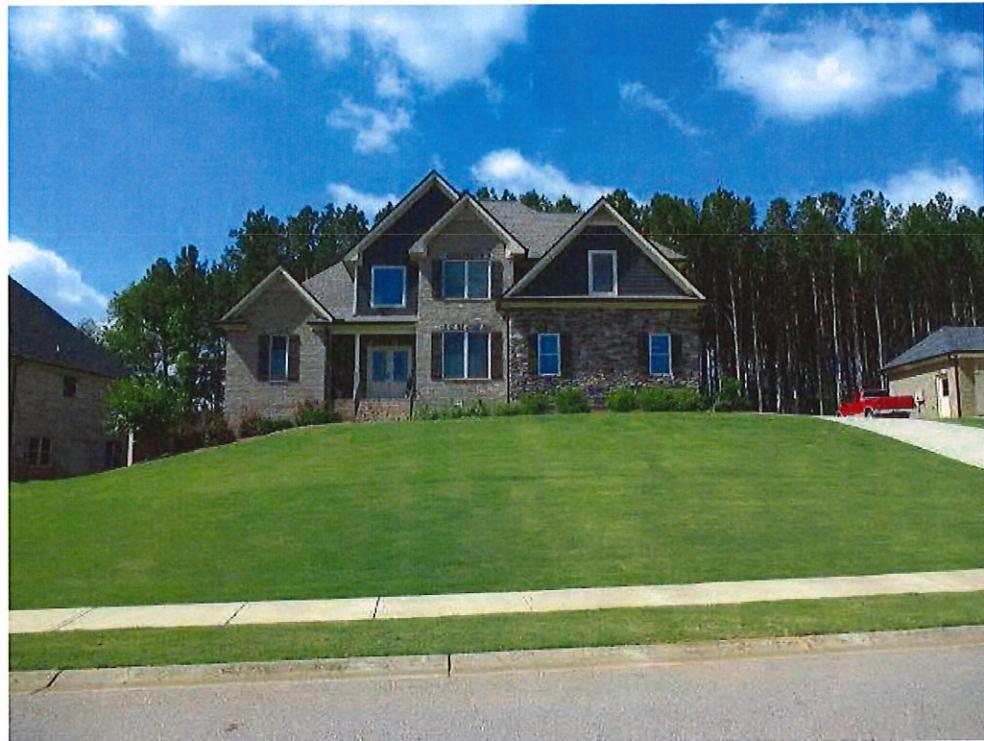
J. The suitability of the site for the proposed use relative to the requirements set forth in this Development Code such as off-street parking, setbacks, buffer zones, and open space.

The site is suitable for the proposed use relative to the requirements set forth in the Oconee County Unified Development Code (UDC). This development can meet the requirements of the Oconee County Unified Development Code without any special conditions. The proposed plan shows that all requirements are more than met with the large lot to mitigate impact to the unnamed tributary of Barber Creek as well as the proposed buffer on Ruth Jackson Road.

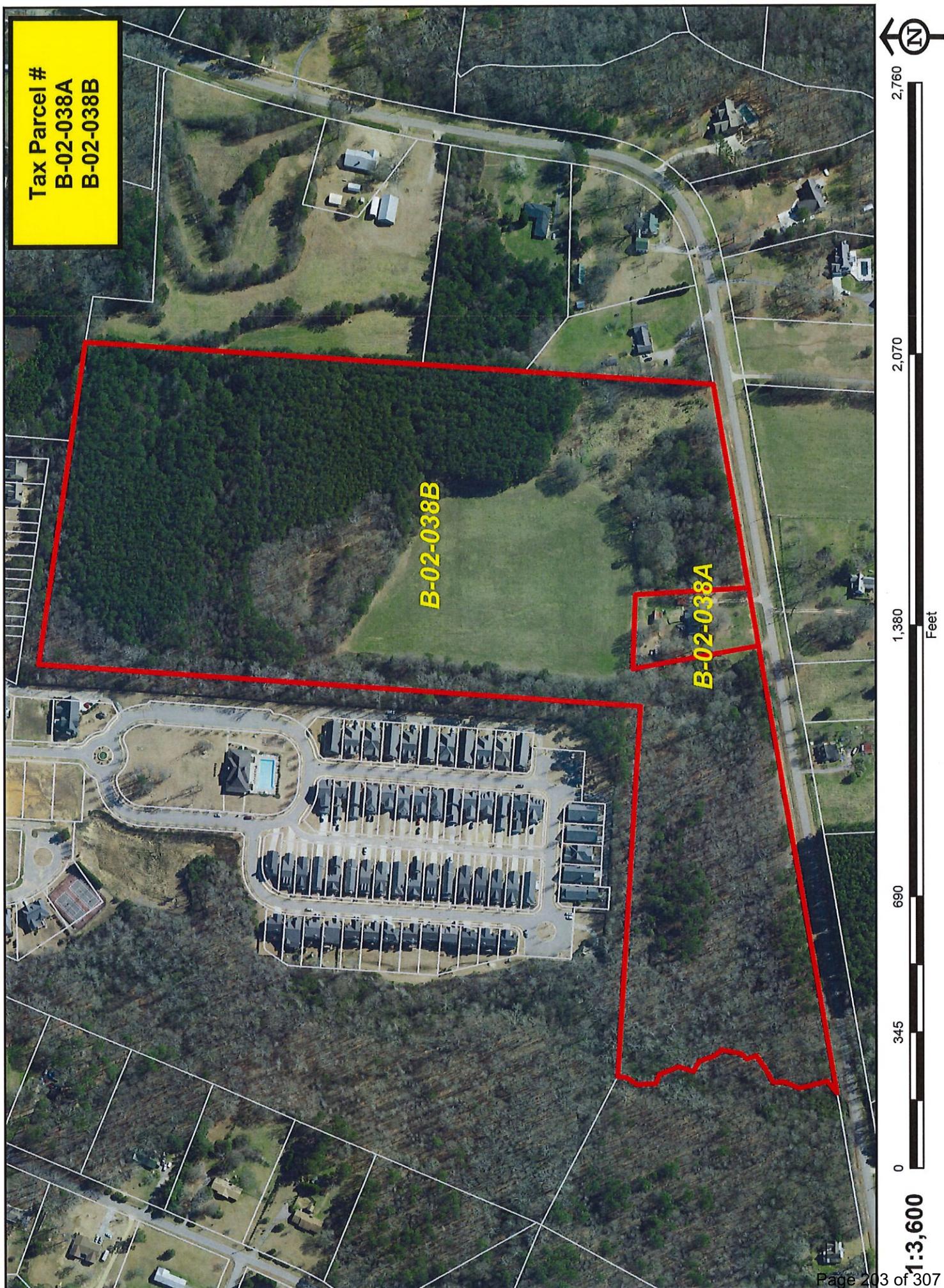
Rezone
Representative Photographs
Photos taken on June 13, 2019
AMT #19106

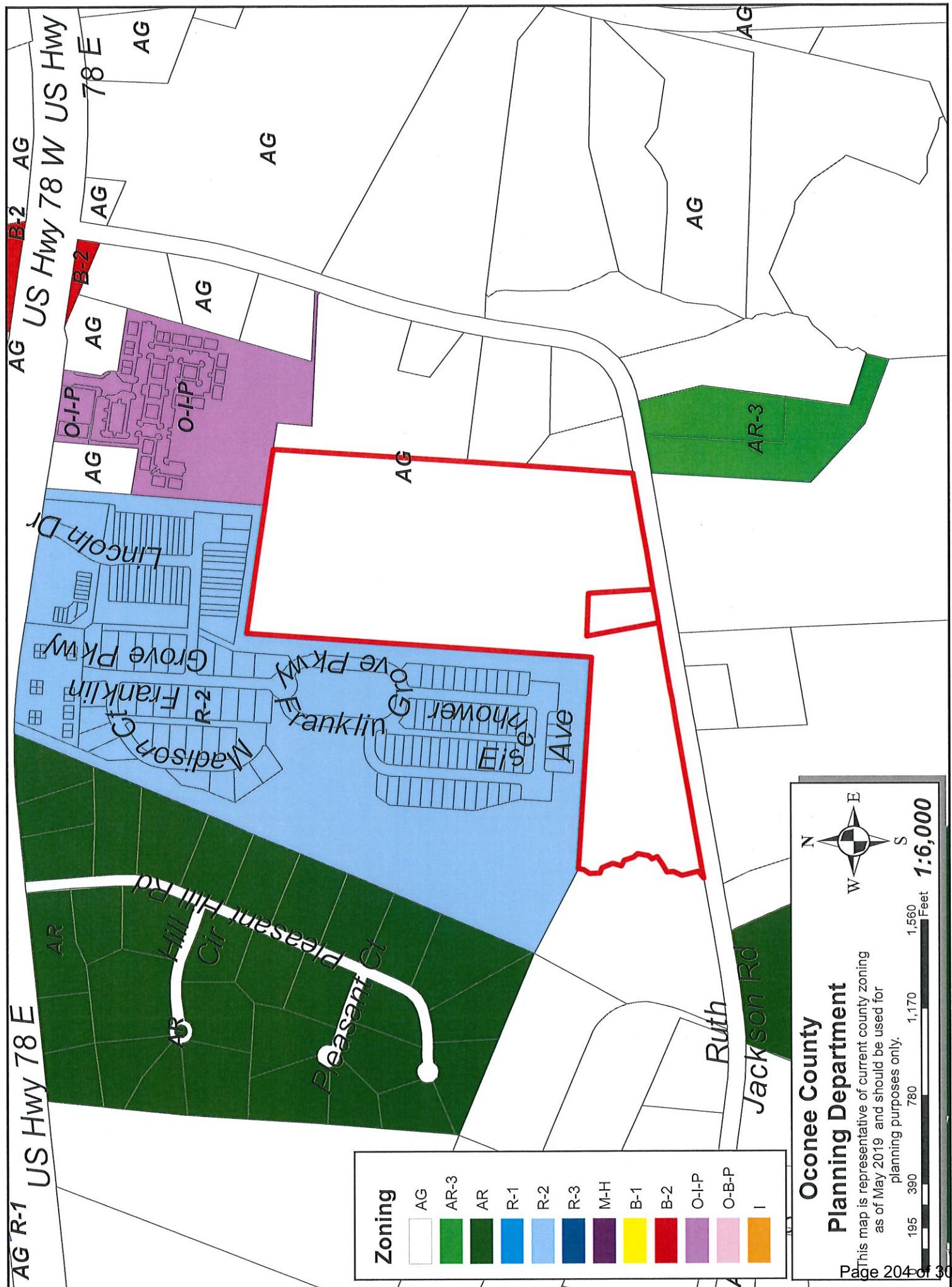


Rezone
Representative Photographs
Photos taken on June 13, 2019
AMT #19106



Rezone #7851 - Sapphire Properties



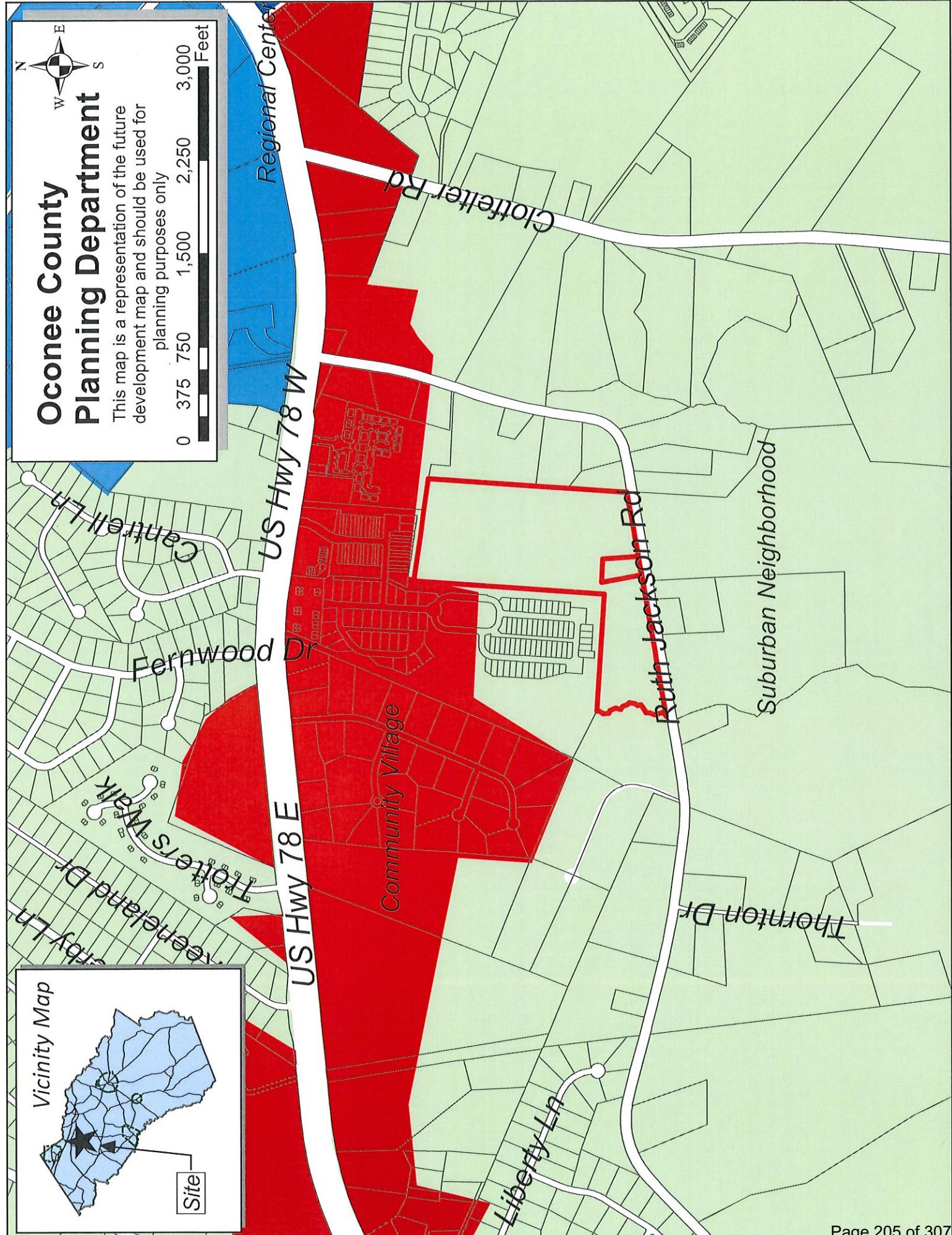
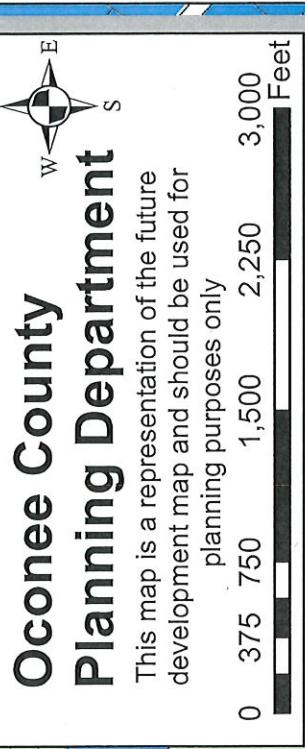


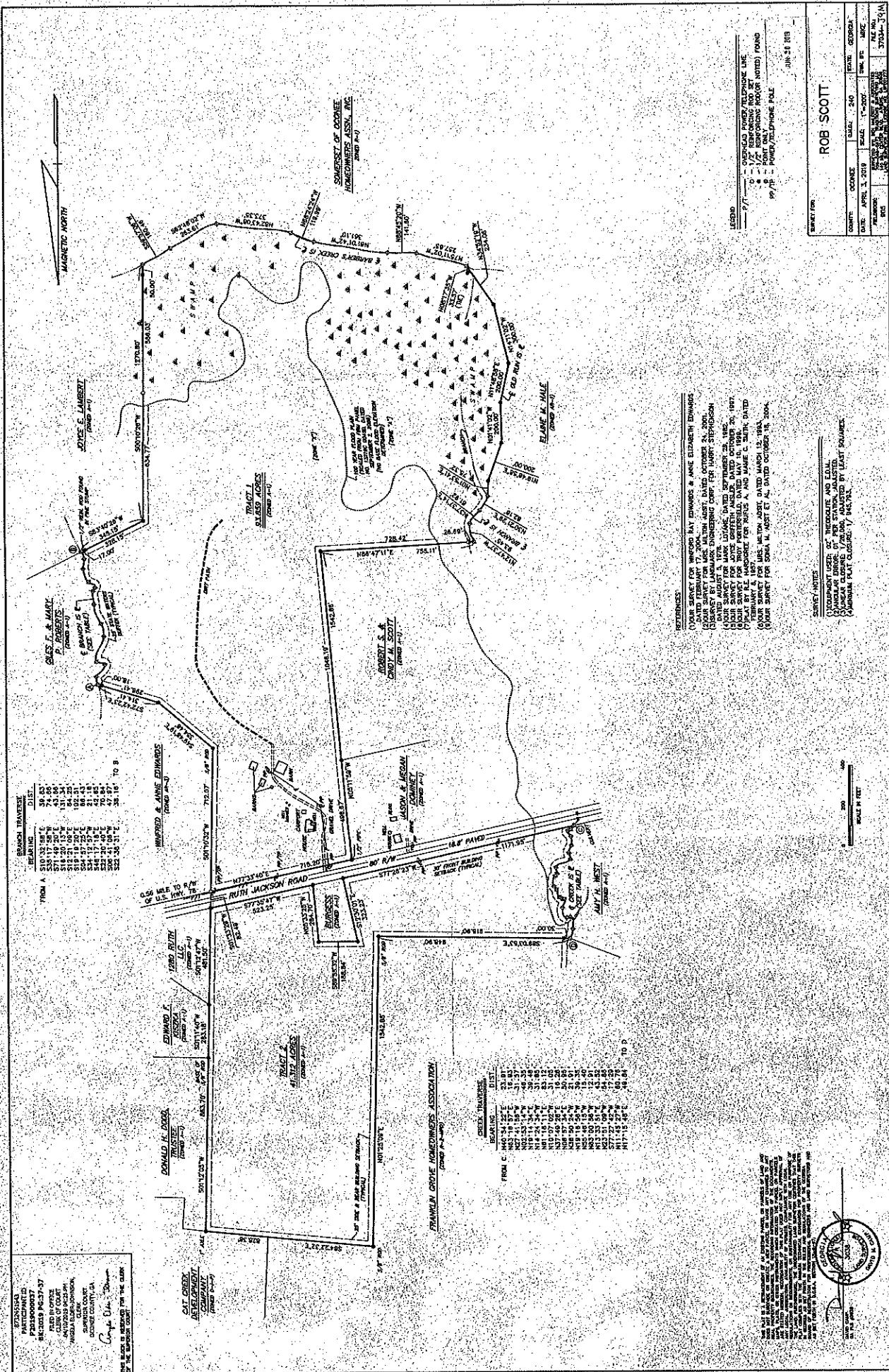
Oconee County Planning Department

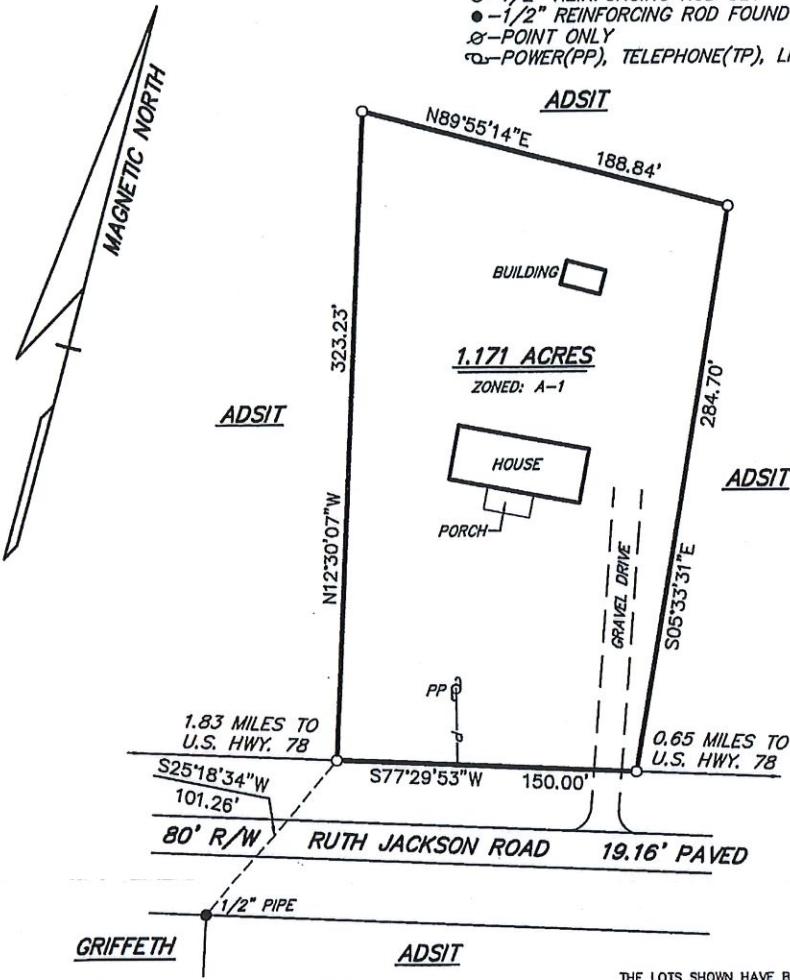
This map is representative of current county zoning as of May 2019 and should be used for

Feet	Planning Purposes
95	1
390	1
780	1
1,170	1
1,560	1
1,600	1

Page 204 of 307







THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, IN PERSON OR THROUGH A DULY AUTHORIZED AGENT, CERTIFIES THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, THAT ALL STATE AND COUNTY TAXES OR OTHER ASSESSMENTS NOW DUE ON THIS LAND HAVE BEEN PAID.

THE LOTS SHOWN HAVE BEEN REVIEWED BY THE OCONEE COUNTY HEALTH DEPARTMENT AND ARE APPROVED FOR SUBDIVISION DEVELOPMENT AS NOTED. EACH LOT MUST BE REVIEWED AND APPROVED FOR ON-SITE SEWAGE MANAGEMENT SYSTEM PLACEMENT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT.

DATED THIS _____ DAY OF _____ 20 ____

BY _____

TITLE _____

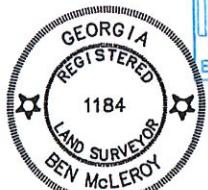
REFERENCES

(1) R.E. HARDIGREE'S SURVEY FOR RUFUS A. AND
MAMIE C. SMITH, DATED 8 FEB. 1957.

SURVEY NOTES

(1) EQUIPMENT USED: 01" THEODOLITE AND E.D.M.
(2) ANGULAR ERROR: 02" PER STATION, ADJUSTED
(3) LINEAR CLOSURE: 1/15,000+, BALANCED ARBITRARILY
(4) MINIMUM PLAT CLOSURE: 1/170,846
(5) THIS PROPERTY DOES NOT LIE WITHIN A FLOOD HAZARD
AREA ACCORDING TO FIRM PANEL NO. 130453 0010 B,
DATED JULY 17, 1989.

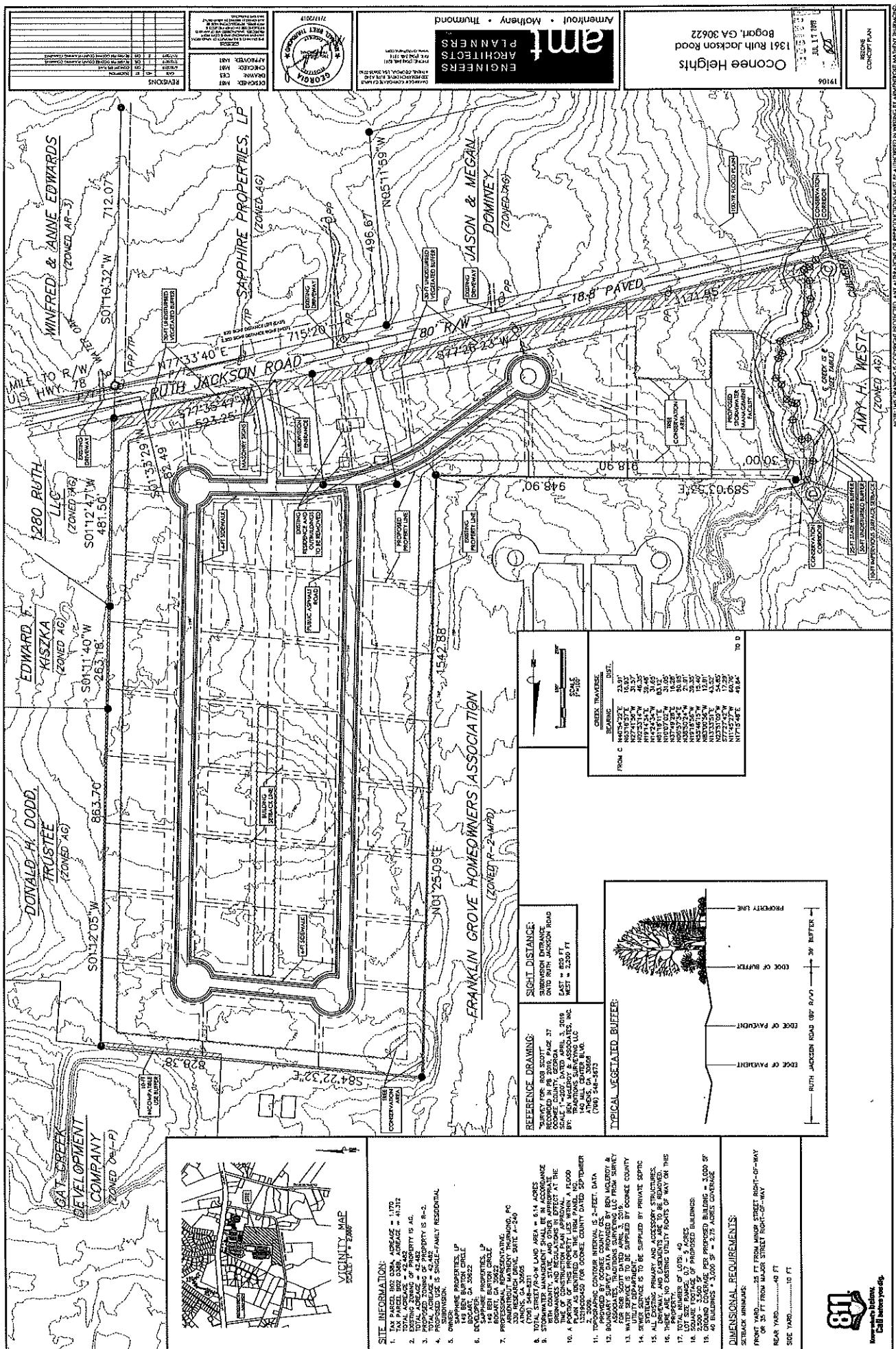
Bennie M. Lewis
GEORGIA REGISTERED LAND SURVEYOR



SURVEY FOR: ADMINISTRATIVE SUBDIVISION PLAT

MRS. MILTON ADSIT

COUNTY: OCONEE		G.M.D.: 240	STATE: GEORGIA
DATE: 24 OCT. 2001		SCALE: 1"=60'	DWY. BY: STEPHEN
FIELDBOOK: 885	SURVEYED BY: BEN MCLEROY & ASSOCIATES, INC. ENGINEERS & SURVEYORS 3983 ATLANTA HWY. ROGART, GA. 548-5673		FILE NO.: 26436-



Dr. Jason L. Branch, *Superintendent*



Tom Odom, *Board Chair*
Kim Argo, *Board Vice Chair*
Wayne Bagley, *Post 5*
Tim Burgess, *Post 4*
Amy Parrish, *Post 2*

OCONEE COUNTY SCHOOLS

August 19, 2019

Guy Herring, Director
Oconee County Planning & Code Enforcement
P.O. Box 145
Watkinsville, GA 30677

Mr. Herring,

Thank you for sending the Oconee County Planning Commission's Agenda for the August 19, 2019 Planning Commission Meeting and the minutes from the July 15, 2019 meeting to the Operations Division at Oconee County Schools.

We have reviewed the following rezone requests. These four items come to a total of 52 lots which equates to 26 students. This will impact our North Attendance Zone, specifically the following elementary schools: MBES, DCES, and RBES. Malcom Bridge Middle School, which is already over capacity by 48 students, will also be impacted and NOHS. In addition, there are 1794 active permits in the North Attendance Zone for development that are currently issued.

1. Rezone #7838, RWJ, Inc., AG to R-1, ± 10.07 acres, Long Road and Mars Hill Road. Residential Subdivision.
2. Rezone #7851, Sapphire Properties, LP, AG to R-2, ± 42.482 acres, Ruth Jackson Road. Residential Subdivision.
3. Rezone #7852, Mary Lou Mays Anglin, AR to AR with modifications to Rezone #777, ± 6.89 acres, Cooper Gin Rd. Residential.
4. Rezone #7853, Tracie Hedges, AG to AR, ± 5.00 acres, Moores Ford Rd. Residential.

We appreciate you continuing to send these items to us to review.

Very respectfully,

Brock Toole
Chief Operations Officer
Oconee County Schools



**Planning and Code Enforcement Department
Oconee County, Georgia
STAFF REPORT**

REZONE CASE #: 7852

DATE: July 24, 2019

APPLICANT NAME: Stedman Anglin

PROPERTY OWNER: Mary Lou Mays Anglin

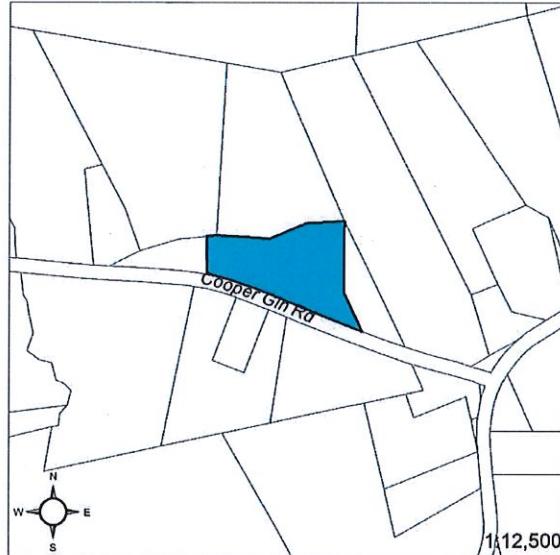
LOCATION: 1130 Cooper Gin Road

PARCEL SIZE: ± 6.89 acres

EXISTING ZONING: AR (Agricultural Residential)

EXISTING LAND USE: Single-family residential

ACTION REQUESTED: Rezone modification from AR to AR (Agricultural Residential) with modifications to rezone no. 777



REQUEST SUMMARY: The owner is petitioning for a rezone modification in order to allow for further subdivision of the property into two single-family residential lots.

STAFF RECOMMENDATION: Staff recommends conditional approval of this rezone request.

DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 19, 2019

BOARD OF COMMISSIONERS: September 3, 2019

ATTACHMENTS:

- Application
- Zoning Impact Analysis
- Narrative
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan

BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- A single-family residence was constructed on the property in 1995
- On 09/03/1996, having exhausted all available administrative subdivisions, the property was rezoned from A-1 (Agricultural District, now "AG") to A-2 (Agricultural Residential District, now "AR") in order to allow a 2.0-acre tract to be subdivided from the parcel

SURROUNDING LAND USE AND ZONING

EXISTING LAND USES		EXISTING ZONING
NORTH	Large undeveloped lots, single family residential	AG (Agricultural)
SOUTH	Single family residential, large undeveloped lots	AG (Agricultural)
EAST	Single family residential	AR (Agricultural Residential)
WEST	Single family residential	AG (Agricultural)

PROPOSED PROJECT DESCRIPTION

The owner is petitioning to modify rezone no. 777 to remove condition no. 1 which prevents increasing the lot count beyond the two lots shown on the associated concept plan. The owner now desires to create one additional lot to sell for single-family residential use. The proposed subdivision would result in one 3.89-acre lot and one 3.06-acre lot.

ROADS

- The proposed lot would be accessed along Cooper Gin Road.

PUBLIC FACILITIES

Water:

- Water is to be provided by individual wells.

Sewer:

- Sewage disposal is to be handled by individual on-site septic system.

ENVIRONMENTAL

- No 100-Year Flood Plain areas or jurisdictional wetlands are present on the site.
- An unnamed tributary of Dove Creek is present along the northern property line (classified as state waters) and will be subject to restrictions of UDC Sec. 904.

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- No comment

OCONEE COUNTY FIRE DEPARTMENT

- No comment

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comment

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE "STANDARDS FOR REZONING CONSIDERATION" AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

- A. How does the current request compare to the existing uses and zoning of nearby properties?**
The owner proposes to add one additional residential lot and maintain AR zoning on the property. The general area surrounding the subject property is zoned AG and is primarily used for low-density residential, agricultural or is undeveloped. Several residential lots of similar size to that requested by the petitioner exist along Cooper Gin Road. Staff holds that the current request is compatible with the existing uses and zoning of nearby properties.
- B. To what extent are property values diminished by the particular zoning restrictions of the current zoning category?**
It is unlikely that current zoning restrictions significantly diminish the subject property's value.
- C. To what extent does the destruction of the property values of the individual property owner promote the health, safety, or general welfare of the public with consideration to:**
 - 1. Population density and effect on community facilities such as streets, schools, water and sewer?**
Existing County facilities, services, and infrastructure should be adequate to accommodate the proposed single-family lot. No significant impacts to the school system or local roads are expected as a result of the present request.
 - 2. Environmental impact?**
State waters exist along the northern property line and will be subject to associated buffers. No significant adverse environmental impact is expected to result from the proposed development.
 - 3. Effect on adjoining property values?**
The current request is considered compatible with adjacent residential and agricultural uses. It is not anticipated that the development of one additional residential lot should have any negative effects on adjoining property values.
- D. What is the relative gain to the public in maintaining the current zoning category, as compared to the hardship imposed upon the current property owner?**
The hardship imposed upon the property owner would be the inability to subdivide the subject property into the two tracts requested. Approval of the present request should not have any significant effect on the public interest.
- E. What is the length of time that the property has been vacant as currently zoned, considered in the context of land development in the area of the vicinity of the property?**
The property is not currently vacant; this question is not applicable to the present request.
- F. Is the proposed use consistent with the stated purpose of the zoning district that is being requested?**
The AR zoning district was established to allow for "medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development." The petitioner is requesting the addition of one residential lot with a density of less than one dwelling unit per 3 acres. Staff holds that the proposed use is consistent with the stated purpose of the zoning district being requested.
- G. How does this request conform with or diverge from established land use patterns?**
There are numerous properties in single-family residential use along Cooper Gin Road and in the surrounding area that are similar in size to the tracts proposed. Staff holds that the present request conforms to the established land use patterns in the immediate area.
- H. How does this request conform with or diverge from the Future Land Use Map or the goals and objectives of the Comprehensive Plan?**
The subject property is designated a Character Area of "Rural Places" on the Future Land Use Map. The 2018 Comprehensive Plan describes this character area as a "residential-agricultural community, which benefits from its scenic rural landscape, with much of its identity based on its agrarian past while

accommodating limited residential growth." The owner is proposing medium-density residential development which should not conflict with the rural character of the area. Given that the petitioner has requested to create two residential lots over three acres in size, staff holds that the present request conforms to the Future Land Use Map, but that AR-3 is a more appropriate zoning district for the subject property.

- I. **What is the availability of adequate sites for the proposed use in districts that permit such use?**
The intent of the present request is to allow for the creation of an additional tract over the number allowed by prior conditional zoning; this question is not applicable to the present request.
- J. **Is the site suitable for the proposed use relative to the requirements set forth in the Unified Development Code (off-street parking, setbacks, buffer zones, open space, etc.)?**
Staff believes the subject site to be suitable for the proposed development relative to the requirements set forth in the Unified Development Code.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends approval of this request subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. The property shall be rezoned to AR-3 (Agricultural Residential Three-Acre District)
2. The lot count shall not be increased beyond the number shown on the associated concept plan.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: AR to AR

Change in Conditions of Approval for Case #: 777

Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Stedman Anglin

Address: 1130 Cooper Gin Rd.
(No P.O. Boxes)

Statham, GA 30666

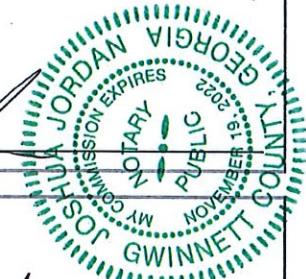
Telephone: 678-925-1238

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: S. Anglin

Date: 5/19/19 Notarized: J. H. H.



Property

Location: 1130 Cooper Gin Rd
(Physical Description)

Statham, GA 30666

Tax Parcel Number: A01060 A

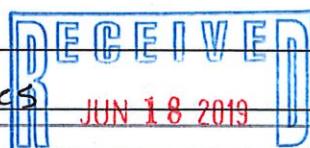
Size (Acres): 6.89 Current Zoning: AR

Future Development Map—Character Area Designation: _____

Use

Current Use: Residential

Proposed Use: Residential



By _____

Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Zoning Impact Analysis

- Narrative (Detailed Description of the Request)
- Concept Plan
- Attachments to the Concept Plan:
 - Water and/or Sewer Capacity Letter from OCUD
 - Representative Architecture/Photographs
- Proof all property taxes paid in full
- Other Attachments: _____

For Oconee County Staff Use Only

Application

Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Date Submitted: _____ Findings Complete

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

APPLICATION NUMBER

Action	Planning Commission	Date: _____
<input type="checkbox"/> Approval	<input type="checkbox"/> With Conditions	<input type="checkbox"/> Denial
Board of Commissioners Date: _____		
<input type="checkbox"/> Approved	<input type="checkbox"/> With Conditions	<input type="checkbox"/> Denied

Rezone Modification Concept Plan

Mary Lou Anglin

1130 Cooper Gin Rd. Statham, GA 30666

Tax Parcel: A-01-060A

We are proposing a rezone modification that would allow an increase in lot count regarding the tax parcel A-01-060A. Rezone # 777 is the cause of the restriction in lot count. The applicant is now requesting to modify rezone #777 by removing condition #1, which states that the lot count shall not be further increased without approval of the Board of Commissioners.

The property was purchased by Scott & Mary Lou Anglin in 1994 and split resulting in a restriction stating the lot count may not be increased. Nearly 25 years later, Mary Lou Anglin is the sole owner of the property and is looking to sell some of her land for financial security as she ages. Mary Lou Anglin currently occupies the existing lot although much of the land goes unused. The proposed rezone would allow an increase in lot count and allow the sale of 3.5--4 acres on the East side of the property. The current parcel contains 6.89 acres. This proposal would split the property in half on the Eastern side of the existing home/structure leaving two parcels containing approximately 3-4 acres.

The subject parcel is currently zoned AR-1 and used for residential purposes. We propose the zoning classification to remain AR-1 for both parcels. The plan for the new parcel is for it to be sold and used for residential purposes. We request the new owner to use this property for new construction of a residential home. This will require demolition and clearing of trees and then the construction of a site built or modular home. No trailers/ manufactured homes would be permitted. The new home will not require county level public utilities because residences in this area use well water and septic tanks. Power will be supplied by Walton EMC. There is an accessible power line parallel to the street.

Adjacent Properties

- North: (A 01 061A) Zoned A-1 and contains 11 acres of unused woods
- South: (A 01 060D) Zoned A-1 current use is residential (A 01 060F) Zoned A-1 current use is residential, (A 01 060E) Zoned A-1 and the current use is unoccupied woods/vegetation
- East: (A 01 060C) Zoned AR-1 and its current use is residential.
- West: (A 01 060B) Zoned A-1 current use is residential.

Applicant: S. Anglin

Date: 6/10/19

Owner: Mary Lou M. Anglin

Date: 6/10/19



Rezone Modification: Zoning Impact Analysis

1130 Cooper Gin Rd.

Statham, GA 30666

Case #: 777

A. Existing uses and zoning of nearby property:

The existing uses and zoning of nearby property include the following:

North: Zoned A-1(Agricultural)
South: Zoned A-1(Residential)
East: Zoned AR-1(Residential)
West: Zoned A-1(Residential)

B. Consider the extent to which property values are diminished by the particular zoning restrictions of the current zoning.

The subject property is currently restricted by language stating the lot count may not increase, so there can be no gain on sale of a piece of the land.

C. Consider the extent to which the destruction of property values of the individual property owner promotes the health, safety, morals, or general welfare to the public with consideration to: 1) Population density and effect on community facilities such as streets, schools, water and sewer; 2) Environmental impact; 3) Effect on adjoining property values.

1. There will be no negative effect on community facilities as a result of the rezone modification.
2. There will be no environmental impact as a result of the rezone modification thus no wetlands, flood plains, or jurisdictional waters will be affected.
3. There will be no negative effects on adjoining property values.

D. Consider the relative gain to the public, as compared to the hardship imposed upon the individual property owner.

There is no benefit to the public under the current zoning, however the gain to the public will be in the form of tax revenue once a residential home is built on the parcel.

E. Consider the length of time the property has been vacant as currently zoned, considered in the context of land development in the area in the vicinity of the property.

The subject property is currently zoned AR-1 and is solely used for residential purposes. The residential structure is on the western side of the parcel, therefore much of it goes unused. All of the properties in the area are zoned A-1 or AR-1 thus permitting residential and agricultural use only.



F. Consider the consistency of the proposed use with the state purpose of the zoning district that is being requested.

Under this rezone modification, the newly created parcel would remain AR-1 which would be consistent with the properties surrounding the parcel along with other properties in the area.

G. Consider the conformity with or divergence from established land use patterns.

It is the opinion of the applicant that the subject property use is in conformance with other properties in the area.

H. Consider the conformity with or divergence from the Future Development Land Use Map or the Goals and Objectives of the Oconee County Comprehensive Plan.

It is the opinion of the applicant that the rezone modification would be in complete compliance with the Future Development map as well as the goals stated in the comprehensive plan. The surrounding parcels are all Residential and fall into the Rural Land category on the Oconee County Future Land Development Map.

I. Consider the availability of adequate sites for the proposed use in districts that permit such a use.

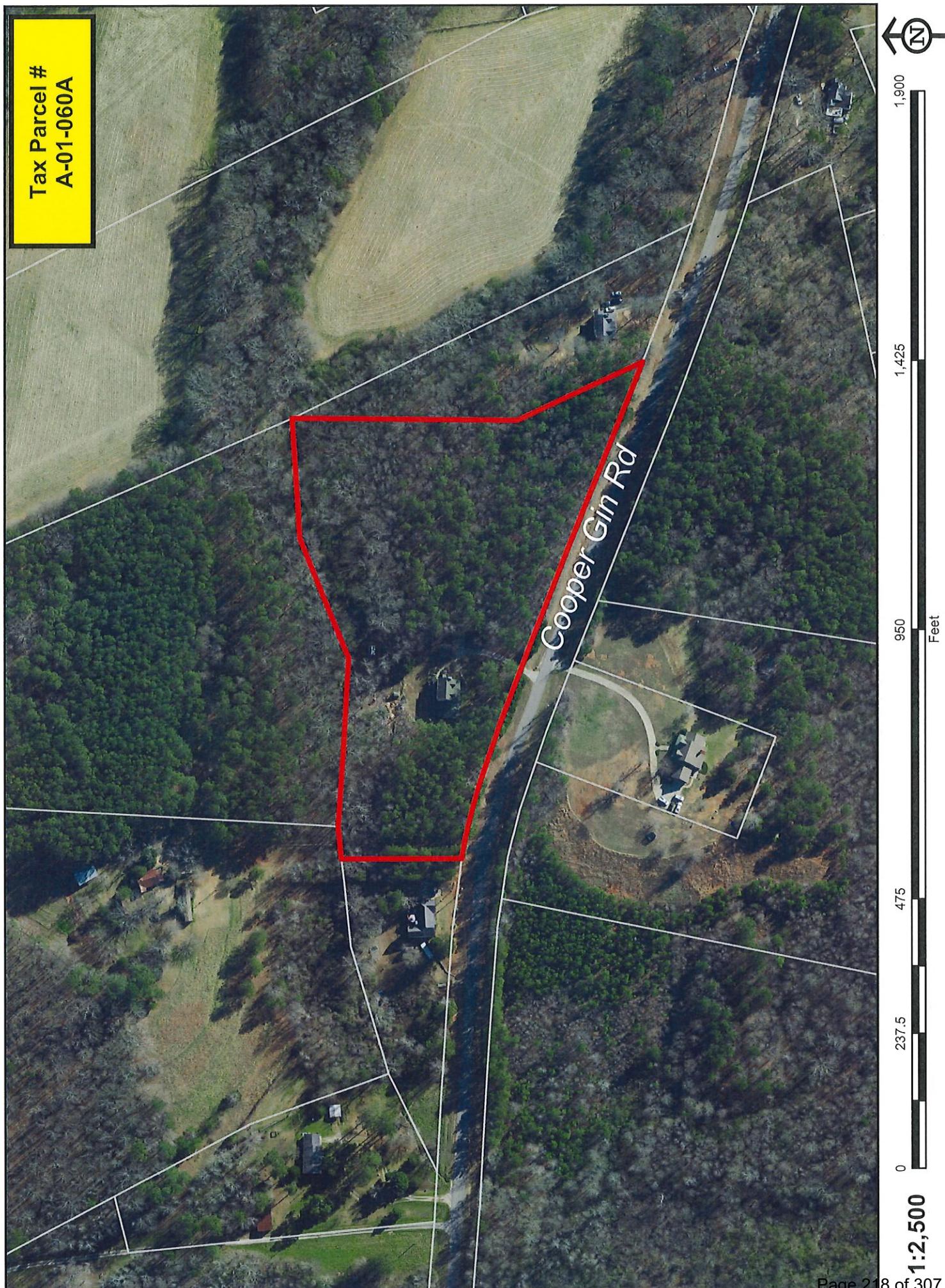
There are limited sites as unique as this one available in the North Oconee area. This site gives someone the opportunity to build a custom home in a nice and quiet area as opposed to a neighborhood.

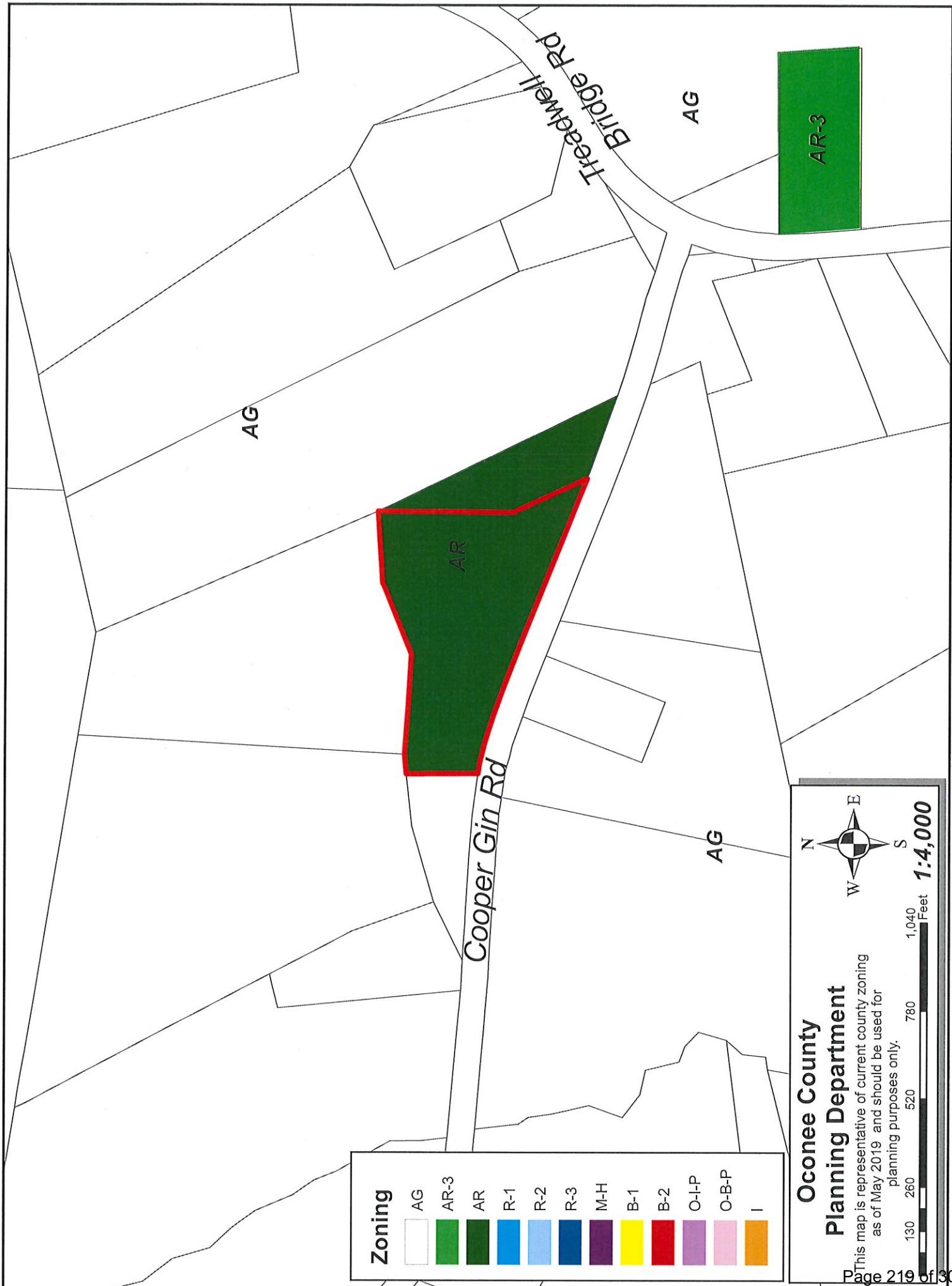
J. Consider the suitability of the site for the proposed use relative to the requirements set forth in this development code such as off-street parking, setbacks, buffer zones, and open space.

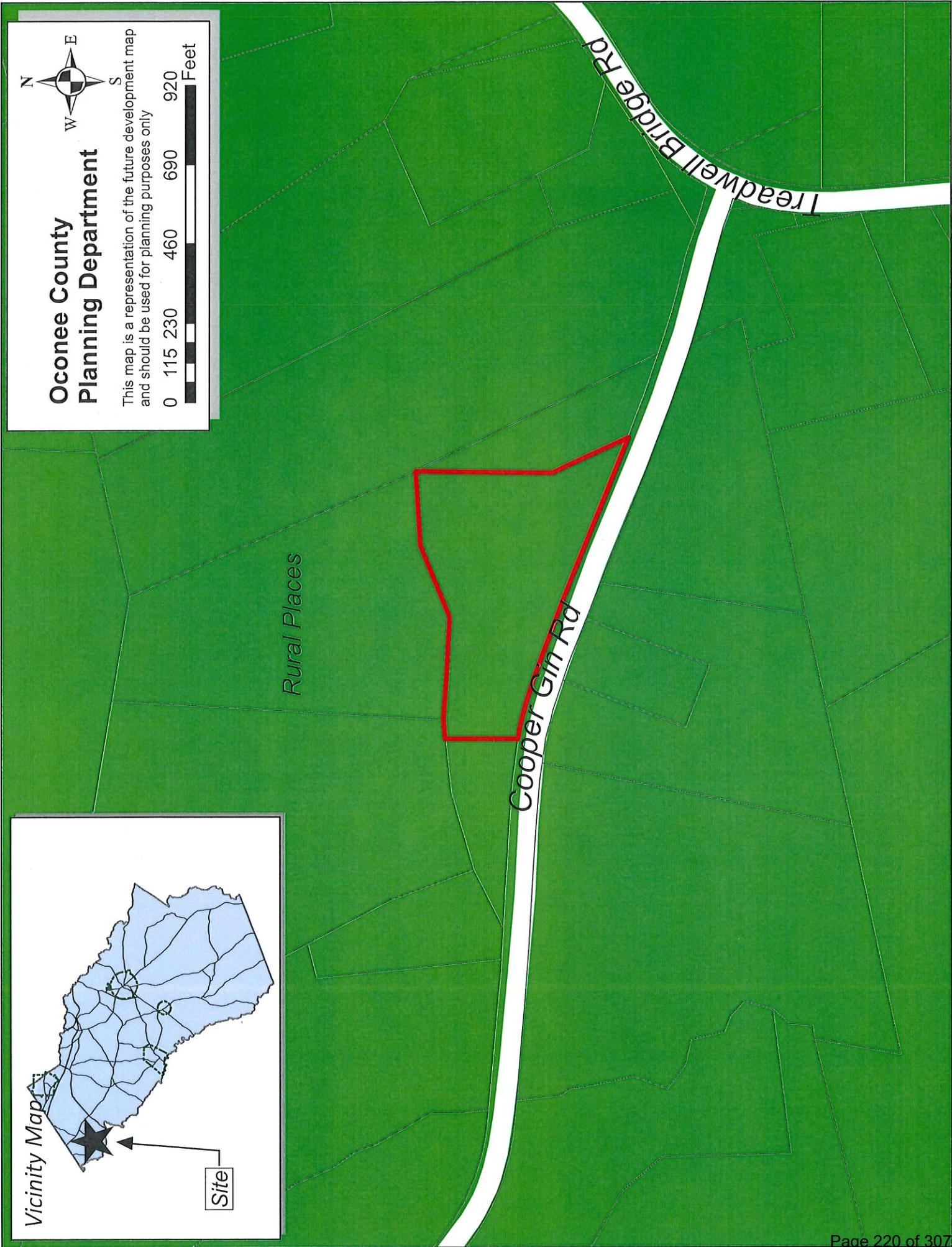
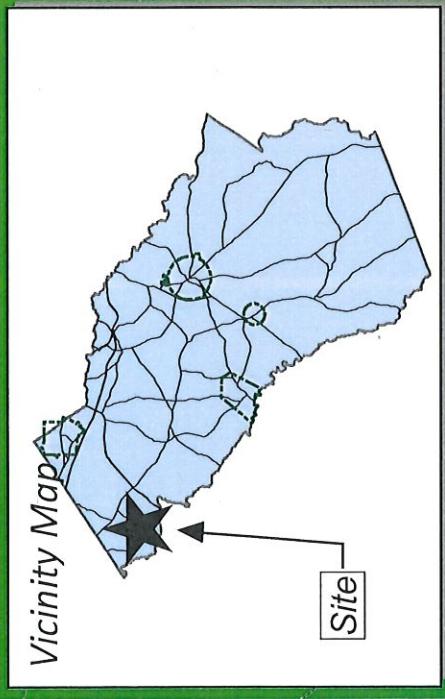
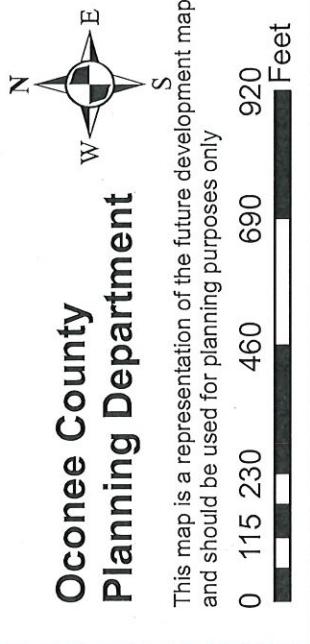
The subject site is suitable for the proposed use relative to the Oconee County Development Code.

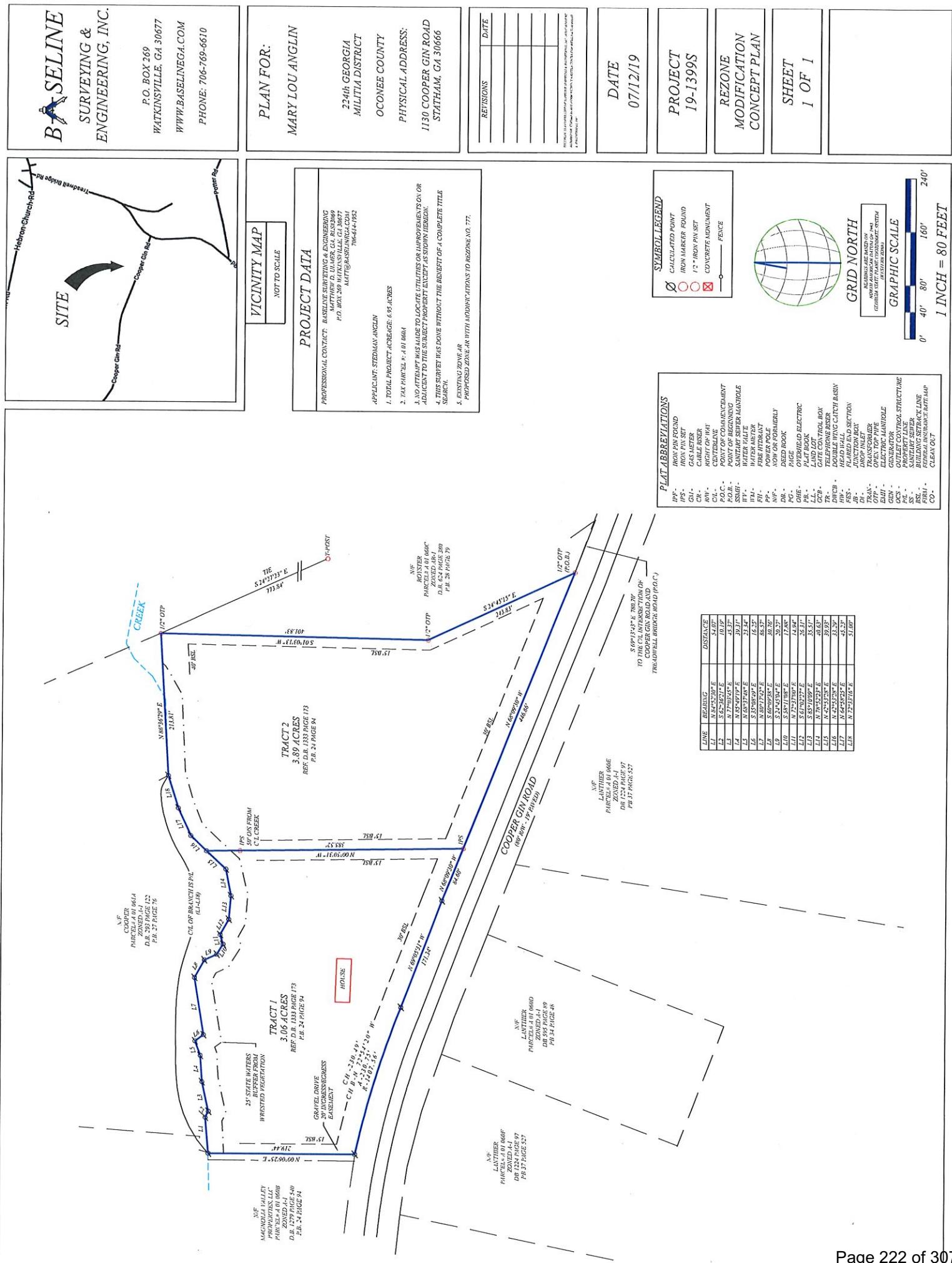


Rezone #7852 - Anglin, Mary Lou May's









Dr. Jason L. Branch, *Superintendent*



Tom Odom, *Board Chair*
Kim Argo, *Board Vice Chair*
Wayne Bagley, *Post 5*
Tim Burgess, *Post 4*
Amy Parrish, *Post 2*

OCONEE COUNTY SCHOOLS

August 19, 2019

Guy Herring, Director
Oconee County Planning & Code Enforcement
P.O. Box 145
Watkinsville, GA 30677

Mr. Herring,

Thank you for sending the Oconee County Planning Commission's Agenda for the August 19, 2019 Planning Commission Meeting and the minutes from the July 15, 2019 meeting to the Operations Division at Oconee County Schools.

We have reviewed the following rezone requests. These four items come to a total of 52 lots which equates to 26 students. This will impact our North Attendance Zone, specifically the following elementary schools: MBES, DCES, and RBES. Malcom Bridge Middle School, which is already over capacity by 48 students, will also be impacted and NOHS. In addition, there are 1794 active permits in the North Attendance Zone for development that are currently issued.

1. Rezone #7838, RWJ, Inc., AG to R-1, ± 10.07 acres, Long Road and Mars Hill Road. Residential Subdivision.
2. Rezone #7851, Sapphire Properties, LP, AG to R-2, ± 42.482 acres, Ruth Jackson Road. Residential Subdivision.
3. Rezone #7852, Mary Lou Mays Anglin, AR to AR with modifications to Rezone #777, ± 6.89 acres, Cooper Gin Rd. Residential.
4. Rezone #7853, Tracie Hedges, AG to AR, ± 5.00 acres, Moores Ford Rd. Residential.

We appreciate you continuing to send these items to us to review.

Very respectfully,

Brock Toole
Chief Operations Officer
Oconee County Schools



Planning Department
Oconee County, Georgia
STAFF REPORT

REZONE CASE #: 7853

DATE: August 8, 2019

STAFF REPORT BY: Grace Tuschak, Planner

APPLICANT NAME: Tracie Hedges

PROPERTY OWNER: Tracie and Thomas Hedges

LOCATION: along Moores Ford Road

PARCEL SIZE: ± 5.00

EXISTING ZONING: AR (Agricultural District)

EXISTING LAND USE: Undeveloped/woods

FUTURE DEVELOPMENT MAP CHARACTER AREA DESIGNATION: Country Estates

ACTION REQUESTED: Rezone to AR (Agricultural Residential District)

REQUEST SUMMARY: The petitioner is requesting rezoning to AR in order to allow the property to be split into three residential lots.

STAFF RECOMMENDATION: Staff recommends denial of the present request.

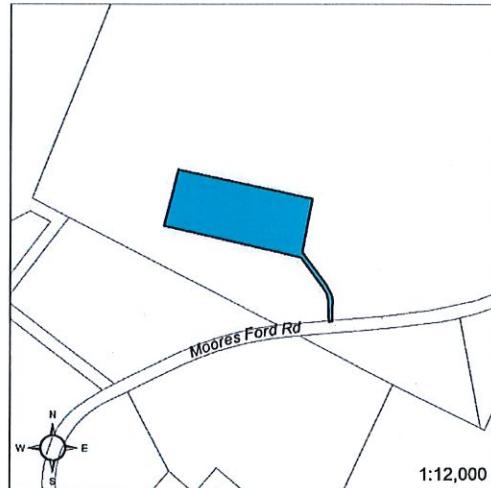
DATE OF SCHEDULED HEARINGS

PLANNING COMMISSION: August 19, 2019

BOARD OF COMMISSIONERS: September 3, 2019

ATTACHMENTS:

- Application
- Narrative
- Zoning Impact Analysis
- Aerial Imagery
- Zoning Map
- Future Development Map
- Plat of Survey
- Concept Plan



BACKGROUND INFORMATION & FINDINGS OF FACT

HISTORY

- The property has been zoned agricultural since the original adoption of the zoning map in 1968.
- The subject 5-acre tract was administratively subdivided from the 336.44-acre parent parcel on 03/08/2019.

SURROUNDING LAND USE AND ZONING

EXISTING LAND USES		EXISTING ZONING
NORTH	Agricultural, single-family residential, and undeveloped/wooded	AG (Agricultural District)
SOUTH	Single Family Residential	AG (Agricultural District)
EAST	Agricultural, single-family residential, and undeveloped/wooded	AG (Agricultural District)
WEST	Agricultural, single-family residential, and undeveloped/wooded	AG (Agricultural District)

PROPOSED PROJECT DESCRIPTION

The applicant proposes to subdivide the subject 5-acre parcel into three lots of 1.667 acres each. The applicant intends to build a residence on one of the proposed lots, and sell the remaining to two lots for single family residential use. Two of the lots are proposed for immediate development; the third lot may be developed at a later date. A minimum dwelling size is proposed to be 1,800 square feet with the potential for a 400-800 square foot guest cottage.

PROPOSED TRAFFIC PROJECTIONS

- An additional 29 ADT are projected as a result of the proposed subdivision

PUBLIC FACILITIES

Water:

- The development is proposed to utilize Oconee County Water services
- Oconee County Water Resources Department has indicated in a letter of availability dated 06/04/2019 that sufficient water capacity currently exists for the proposed development

Sewer:

- Sewage disposal is proposed via individual septic systems

Roads:

- Access to the three-lot subdivision is proposed via the existing private access easement off of Moores Ford Road

ENVIRONMENTAL

- No jurisdictional wetlands, state waters, or 100-year flood plain areas are known to exist on the subject property

COMMENTS FROM OTHER DEPARTMENTS & AGENCIES

OCONEE COUNTY PUBLIC WORKS DEPARTMENT

- Provide sight distances references/compared to AASHTO standards
- Label drive as private

OCONEE COUNTY FIRE DEPARTMENT

- No comment

OCONEE COUNTY WATER RESOURCES DEPARTMENT

- No comment

STAFF ANALYSIS

THE ANALYSIS OF THE APPLICATION IS MADE BASED UPON THE “STANDARDS FOR REZONING CONSIDERATION” AS SET FORTH IN SECTION 1207.01 OF THE *OCONEE COUNTY UNIFIED DEVELOPMENT CODE*.

A. Whether the zoning proposal will permit a use that is suitable in view of the existing uses, development, and zoning of nearby property.

The majority of properties in the vicinity of the subject property are large lots zoned AG that are in agricultural and/or residential use. Within a one-mile radius surrounding the subject property, the average lot size is 20 acres. Staff holds that the proposed lot size and residential density is not consistent with development patterns in the nearby area, and that the present request would permit a use that is not suitable in view of the existing uses, development, and zoning of nearby property.

B. Whether the property to be rezoned has a reasonable economic use as currently zoned.

The property has a reasonable economic use for agricultural and residential purposes as currently zoned.

C. The extent to which the zoning proposal promotes the health, safety, morals or general welfare of the public with consideration to:

i. Population density and effect on community facilities such as streets, schools, water and sewer;

The proposed minor increase in population density can be expected to have a minor impact on community facilities such as streets, schools, and water. No County sewer service is proposed.

ii. Environmental impact;

No environmentally sensitive areas are known to exist on the subject property and no significant negative environmental impacts are anticipated as a result of the present request.

iii. Effect on the existing use, usability and/or value of adjoining property.

The adjoining property is the parent parcel which remains under ownership of the Dixon Family Trust. It is not anticipated that the proposed subdivision would significantly impact the use, usability and/or value of adjoining property.

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

This question is not applicable to the present request.

E. Consistency of the proposed use with the stated purpose of the zoning district that is being requested.

The AR district is intended to allow medium rural residential densities and compatible agricultural activities without encouraging commercial development or multi-family development. Staff holds that the proposed density of 1 dwelling unit per 1.67 acres is consistent with the AR zoning district's purpose to preserve medium rural residential densities.

F. Whether there are other existing or changing conditions or land use patterns affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.

This question is not applicable to the present request.

G. Conformity with or divergence from the Future Development Map or the goals and objectives of the Oconee County Comprehensive Plan.

The Future Development Map designates the subject property a character area of “Country Estates.” The 2040 Comprehensive Plan describes this character area as “a low-intensity residential community reminiscent of a rural environment” and lands that “have been developed as ‘estate farms’ or large-lot subdivisions.” Primary land uses in the character area include “mini-farm estates on lots of more than 3 acres” and “large-lot subdivisions.” The proposed subdivision is not consistent with the minimum lot size and rural character that is considered desirable in the Country Estates character area. Staff holds that the present request does not conform to the Future Development Map or the goals and objectives of the Oconee County Comprehensive

Plan.

H. The availability of adequate sites for the proposed use in districts that permit such use. Many properties exist within the county that would permit the requested residential lot size.

STAFF RECOMMENDATION & CONDITIONAL REQUIREMENTS

Staff recommends denial of this rezone request. However, should this rezone request be approved, staff recommends it be subject to the following conditions to be fulfilled at the expense of the owner/developer:

1. Development design and structures shall meet or exceed the standards indicated on the concept plan, narrative, representative architectural sketches, and other documents submitted with the zoning application and attached hereto. This condition shall not construe approval of any standard that is not in conformity with the Unified Development Code.
2. No lot shall be created which is smaller than 2 acres.



OCONEE COUNTY ZONING CHANGE APPLICATION

Requested Action:

Rezoning from: A-1 to AR Change in Conditions of Approval for Case #: _____

Special Use Approval for: _____ in the _____ Zoning District

Applicant

Name: Tracie Hedges

Address: 4526 Heather Lane

(No P.O. Boxes)

Bogart, GA 30622

Telephone: (706) 818-4779

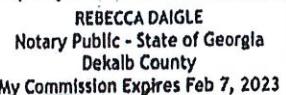
Email: traciehedges@gmail.com

Applicant is (check one): the Property Owner Not the Property Owner (attach Property Owner's Authorization)

Applicant's Certification: I hereby certify that the information contained in and attached to this application is true and correct.

Signature: Tracie Hedges

Date: 6/19/19 Notarized: REBECCA DAIGLE



Property Owner

Name: Tracie Hedges

Address: 4526 Heather Lane

(No P.O. Boxes)

Bogart, GA 30622

Telephone: (706) 818-4779

Property

Location: North side Moores Ford Rd approx.

(Physical Description)

1/2 mi. east of Moores Ford/Lane Creek inter.

Tax Parcel Number: portion of parcel A03003V

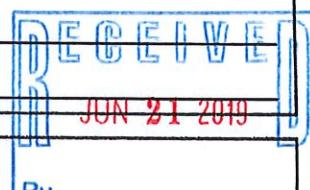
Use

Current Use: woods/agriculture

Proposed Use: agricultural residential

Size (Acres): 5 Current Zoning: A-1 AG

Future Development Map—Character Area Designation: Country Estates



Attachments (check all that apply)

- Property Owner's Authorization (if applicable)
- Application Fee
- Warranty Deed
- Typed Legal Description
- Plat of Survey
- Disclosures (Interest & Campaign Contributions)
- Zoning Impact Analysis
- Narrative (Detailed Description of the Request)
- Concept Plan
- Attachments to the Concept Plan:
- Water and/or Sewer Capacity Letter from OCUD
- Representative Architecture/Photographs
- Proof all property taxes paid in full
- Other Attachments: _____

For Oconee County Staff Use Only

Application Date Received: _____ Date Accepted: _____

DRI Transmitted to RDC Date: _____ N/A

Date Submitted: _____ Findings Complete

Posted: _____ Ad: _____ Ad: _____

Application Withdrawn Date: _____

APPLICATION NUMBER _____

Planning Commission Date: _____

Approval With Conditions Denial

Board of Commissioners Date: _____

Approved With Conditions Denied

Project Narrative**The Roost****June 20, 2019****GENERAL DATA**

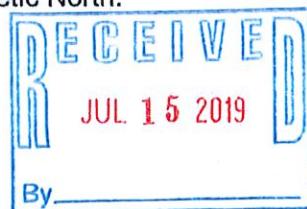
Existing Zoning	AG (Agricultural District)
Proposed Zoning	AR (Agricultural Residential)
Adjacent Zoning	North: AG (Agricultural District) South: AG (Agricultural District) East: AG (Agricultural District) West: AG (Agricultural District)
Existing Use:	Agricultural Use
Proposed Use:	Agricultural Residential (Single-Family Agricultural Residential)
Total Project Area:	5.00 Acres

LEGAL DESCRIPTION

All that tract or parcel of land lying in and being part of the 224th GMD, Oconee County, Georgia, containing 5.000 acres, and being more particularly described as follows:

BEGINNING at the point of intersection formed by the westerly right of way (R/W) line of Lane Creek Road and the northerly R/W line of Moores Ford Road, run thence South 66 degrees 59 minutes 02 seconds West 2634.60 feet to a point situated at the intersection of the northerly R/W line of Moores Ford Road (80 foot wide R/W) and the centerline of a 25 foot wide Drive Easement; run thence along the centerline of said Drive Easement the following courses and distances: (i) North 03 degrees 26 minutes 50 seconds East 122.45 feet to a point, (ii) an arc measurement of 68.71 feet around a curve having counterclockwise rotation and a radius of 90.99 feet, the chord measurement thereof being North 18 degrees 11 minutes 17 seconds West 67.09 feet to a point, and (iii) North 39 degrees 49 minutes 17 seconds West 182.55 feet to a point; run thence South 08 degrees 24 minutes 42 seconds West 12.50 feet to a ½ inch reinforcing rod (RR) being the TRUE POINT OF BEGINNING for said 5.000 acre tract; run thence along property of Dixon Family Trust of 2012 the following courses and distances: (i) North 81 degrees 35 minutes 18 seconds West 726.00 feet to a ½ inch RR, (ii) North 08 degrees 24 minutes 42 seconds East 300.00 feet to a ½ inch RR, (iii) South 81 degrees 35 minutes 18 seconds East 726.00 feet to a ½ inch RR, and (iv) South 08 degrees 24 minutes 42 seconds West 300.00 feet to the TRUE POINT OF BEGINNING.

All directions recited herein are referenced to Magnetic North.



SITE NARRATIVE

The proposed minor subdivision, "The Roost", is located on the north side of Moores Ford Road at approximately $\frac{1}{2}$ mile east of Lane Creek Road/Moores Ford Road intersection in Bogart, Georgia. The 5.00-acre property is currently zoned AG(agriculture) and is currently wooded. The applicant is seeking to rezone the AG property to AR (Agricultural Residential) in hopes of building a home on one of the lots and allowing friends to build a home on another of the proposed 3 lots.

The applicant is proposing the creation of three +/-1.667 acre lots from the existing 5-acre property. The immediate plan is to build on two of the proposed three lots with no current plans to develop the third lot. The homes will be three or more bedroom structures at a minimum 1,800 square feet each and may or may not include a guest cottage with each home. Each lot may also contain a guest cottage between 400 and 800 square feet with the intent of providing visiting family a private place to stay while visiting.

SITE DESCRIPTION

The site is located on the north side off Moores Ford Road approximately one-half of a mile east of the Lane Creek Road/Moores Ford Road intersection. Currently, the subject property is wooded and undeveloped. According to the Oconee County Future Development Map, the subject area and its adjacent parcels have been identified as future "Country Estates" Character Areas.

ZONING

The current zoning is AG (Agricultural District)
The proposed zoning is AR (Agricultural Residential)

Properties adjacent to the site are zoned as follows:

North: AG (Agricultural)
South: A-2 (Agricultural)
East: AG (Agricultural)
West: A-2 (Agricultural)

PROPOSED USE

The proposed use of the property will be to provide three lots call "The Roost". The Roost, as illustrated on the accompanying plans, purposes 3 residential lots on the 5.00-acre lot. Each lot will have access to the private easement drive that will be installed to access Moores Ford Road.

ACCESS

The property will be accessed by one (1) private drive easement off Moores Ford Road. The alignment of the proposed drive easement is approximately equal distances between two existing access points to the surrounding property and is approximately 0.5 miles east of the intersection of Lane Creek Road and Moores Ford Road.

TRAFFIC IMPACT

According to the Institute of Transportation Engineers, Trip Generation, 9th Edition, the proposed subdivision will generate 29 trips per day. Initial development will be less due to only 2 of the 3 lots being developed in the near term. The access to the proposed development would be off Moores Ford Rd. No adverse traffic impacts are expected due to the proposed development.

WATER SUPPLY

Water supply for this project will be provided by Oconee County. Water will be supplied by tapping an existing water main on Moores Ford Road within the Right-of-Way.

Estimated Water Demand (assumption)

100 gallons per person per day (assume 2.6 persons/unit) (proposed 3 units)

Proposed Water Demand

780 gallons per day {100 x 2.6 x 3}

Peak Water Demand

780 gpd / 16 hr./day = 48.75 gallons per hour = 0.8125 gallons per minute
0.8125 gpm x 3 (peaking factor) = 2.4375 gallons per minute peak

SEWAGE DISPOSAL

Sewage disposal will be handled by installing conventional septic tanks and septic drain fields within each residential lot. The tank and drain fields will be installed according to Oconee County and State Health codes and regulations.

GARBAGE COLLECTION

A private contract service will handle garbage collection. The use of roll carts will be allowed.

UTILITIES

The proposed development will require electricity and water supply to be provided. There is existing electricity on-site that will be tapped. All utilities will be underground.

STORMWATER CONTROLS

Proposed development does not currently foresee a requirement for stormwater controls. If final design plans prove to require stormwater abatement, the developer will install stormwater controls in compliance to Article 11 of the Unified Development Code Amended May 7th, 2019.

IMPACT TO SCHOOL SYSTEM

The Roost will impact the school system in a positive way due to the added generation of net tax due to the addition of a more upscale price range of proposed homes. This development will aid in providing more upscale living in and around the Moores Ford Road area, increasing the net tax base.

SCHEDULE

The petitioners plan to complete the zoning efforts for the subject property by September 2019. Building permits will be applied for shortly after rezoning approval and once approved, construction efforts will begin.

BUFFERS

There are no environmental areas or corridors located on this site, therefor there are no environment buffers required and/or needed. There are no required landscape buffers between incompatible land uses.

PROJECT IDENTITY

There will be no project signage.

COMMON AREAS

There are no common areas proposed for this site.

AMENITIES/RECREATIONAL AREAS

There are no amenities or recreational areas proposed for this site.

PUBLIC & SEMI PUBLIC AREAS

Easements for water, sewer, power, gas, telephone, cable TV and internet access will be dedicated as required for specific utility construction.

SIDEWALKS

There are no proposed sidewalks.

OWNERSHIP

The project will be privately owned.

RANGE/AVERAGE SQUARE FOOTAGE FOR RESIDENCES

The proposed subdivision will provide three (3) single-family lots at 72,600 sf (1.667 acres). Each lot will have a three or more bedroom residence at a minimum 1,800 square feet each.

ESTIMATED VALUE OF PROJECT

Given that the application is not developing the properties personally, the following estimates are based upon the proposed architectural guidelines set forth in this narrative:

Lot #1:	\$300,000
Lot #2:	\$300,000
Lot #3:	\$0 ¹
Total:	\$600,000

CONSTRUCTION/FACADE MATERIAL & REPRESENTATIVE ARCHITECTURE IMAGES

The building exteriors will predominantly be hardie-board with stone and brick accents (see representative architecture images). The roof will be constructed of traditional and/or architectural shingles or metal roofs. The buildings will be designed to have a 'traditional' appearance and will incorporate features of exceptional architectural design.



Sample: Home

¹ No proposed development at the moment, but future development will comply with the guidelines set for in this narrative.



Sample: Guest Cottage



Sample: Home



Sample: Guest Cottage

Zoning Impact Analysis**The Roost****June 20, 2019****EXISTING USES AND ZONING OF NEARBY PROPERTY**

Existing Zoning	AG (Agricultural District)
Proposed Zoning	AR (Agricultural Residential)
Adjacent Zoning	North: AG (Agricultural District) South: AG (Agricultural District) East: AG (Agricultural District) West: AG (Agricultural District)

CONSIDER THE EXTENT TO WHICH PROPERTY VALUES ARE DIMINISHED BY THE PARTICULAR RESTRICTIONS OF THE CURRENT ZONING

With the current zoning of AG (Agricultural), the property cannot be subdivided into the desired single-family residential lots. The rezoning and development of the subject property will increase the value of the property.

CONSIDER THE EXTENT TO WHICH THE DESTRUCTION OF PROPERTY VALUES OF THE INDIVIDUAL PROPERTY OWNER PROMOTES THE HEALTH, SAFETY, MORALS, OR GENERAL WELFARE OF THE PUBLIC WITH CONSIDERATION TO: (1) POPULATION DENSITY AND EFFECT ON COMMUNITY FACILITIES SUCH AS STREETS, SCHOOLS, WATER AND SEWER; (2) ENVIRONMENT IMPACT; AND (3) EFFECT ON ADJOINING PROPERTY VALUES

The extent can be summarized as follows:

1. There will be no negative effect on community facilities as a result of this zoning condition change.
2. There will be no environmental impact due to the zoning change nor the development of the subject property. There are no wetlands, floodplains, jurisdictional waters, or any other protected buffers and/or environmental restrictions or regulations on the subject site.
3. The adjoining properties will see no negative effect on their property values.

**CONSIDER THE RELATIVE GAIN TO THE PUBLIC, AS COMPARED TO THE HARDSHIP IMPOSED UPON THE INDIVIDUAL PROPERTY OWNER**

There will be no gain to the public for the subject property to remain zoned AG (Agricultural). The property remains vacant and withholding of agricultural promise and appeal to the agricultural market. There is no benefit for the property to remain under its current zoning. The gain to the public, regarding the approval of the rezone, is that of aesthetic development and community growth and appeal which will also add to the tax base revenue.

CONSIDER THE LENGTH OF TIME THE PROPERTY HAS BEEN VACANT AS CURRENTLY ZONED, CONSIDERED IN THE CONTEXT OF LAND DEVELOPMENT IN THE AREA IN THE VICINITY OF THE PROPERTY

The property is zoned AG and has previously not been used. A majority of the area around the subject property is zoned for agricultural use, AG. Most of the properties in the area that are zoned AG, still serve a residential use. Furthermore, the property surrounding the subject property is zoned AG.

CONSIDER THE CONSISTENCY OF THE PROPOSED USE WITH THE STATE PURPOSE OF THE ZONING DISTRICT THAT IS BEING REQUESTED

It is the opinion of the applicant that the proposed use and rezoning is in conformance with and consistent with the intent of the AR zoning district as it is defined in the Unified Development Code of Oconee County. The AR Zoning District is comprised of land having a predominantly rural character. It is the intent of the regulations of this District to discourage the subdivision of land which is better suited to agricultural usage into urban-type development which requires increased public services, such as schools, fire protection, transportation improvements or waste disposal. The subject property in question fulfills this purpose.

CONSIDER THE CONFORMITY WITH OR DIVERGENCE FROM ESTABLISHED LAND USE PATTERNS.

It is the opinion of the applicant that the subject property use is in conformance with other properties in the area. Having the subject property rezoned to AR continues to provide a cohesive character defined in the Oconee County Joint Comprehensive Plan.

CONSIDER THE CONFORMITY WITH OR DIVERGENCE FROM THE FUTURE DEVELOPMENT MAP OR THE GOALS AND OBJECTIVES OF THE OCONEE COUNTY COMPREHENSIVE PLAN

It is the opinion of the applicant that the subject use is entirely within conformity of the future development map and the goals and objectives of the Oconee County Joint Comprehensive Plan. The subject property falls within the 'County Estates' character on the Future Development Map. According to the Community Agenda, County Estates is characterized by A low-intensity residential community reminiscent of a rural environment. Areas within this Character Area are

lands that are undeveloped but rarely or no longer in agricultural production or have been developed as "estate farms" or large-lot subdivisions. This Character Area provides a transition between the more rural areas of the county and traditional suburban residential development and provides an "edge" between the urban and rural fringe.

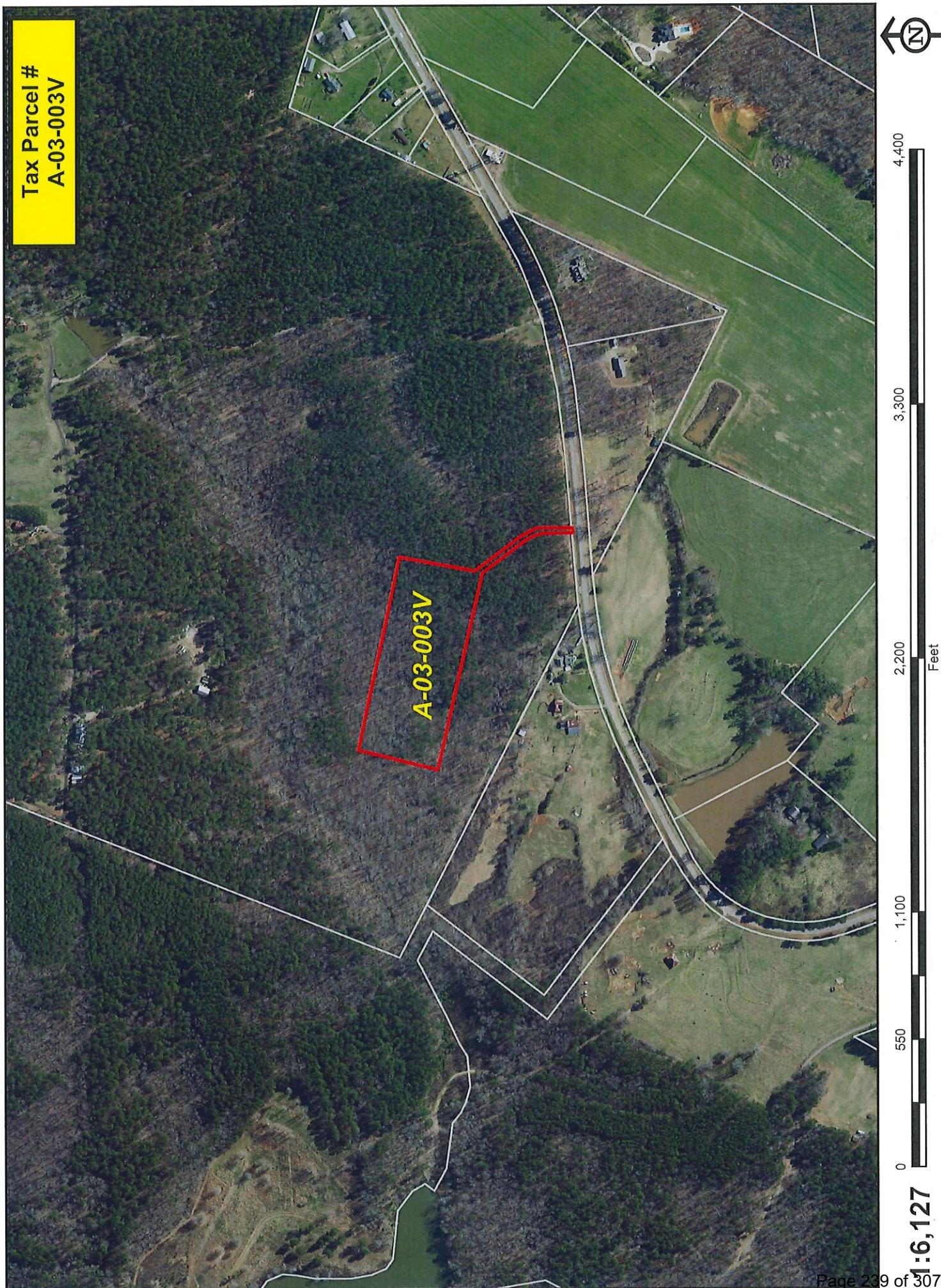
CONSIDER THE AVAILABILITY OF ADEQUATE SITES FOR THE PROPOSED USE IN DISTRICTS THAT PERMIT SUCH USE

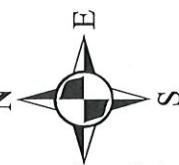
There are no known properties of this size and character for sale and/or available in the immediate area.

CONSIDER THE SUITABILITY OF THE SITE FOR THE PROPOSED USE RELATIVE TO THE REQUIREMENTS SET FORTH IN THIS DEVELOPMENT CODE SUCH AS OFF-STREET PARKING, SETBACKS, BUFFER ZONES, AND OPEN SPACE.

The subject site is suitable for the proposed use relative to the Oconee County Development Code. The shape and topography of the parcel allows the owner to develop the site without requesting any known variances.

Rezone #7853 - Tracie Hedges

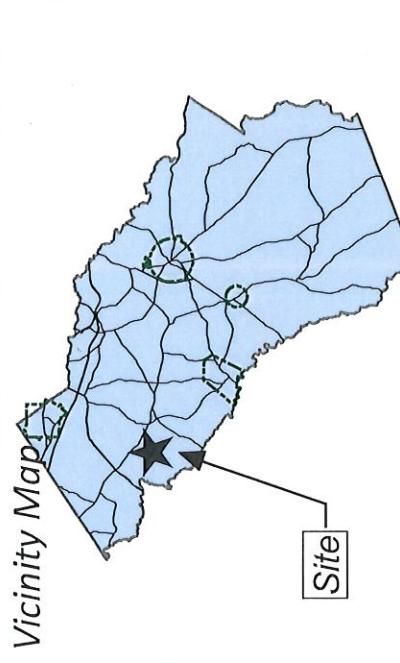




Oconee County Planning Department

This map is a representation of the future development map and should be used for planning purposes only.

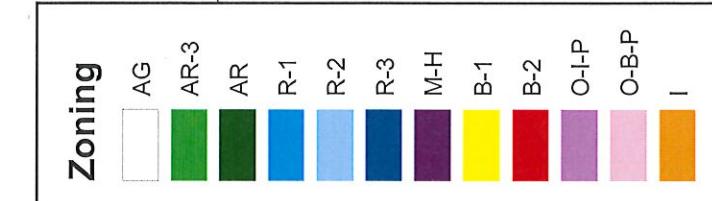
0 200 400 600 800 1,000 1,200 1,400 1,600
Feet



Rural Places

Country Estates

Moore's Ford Rd



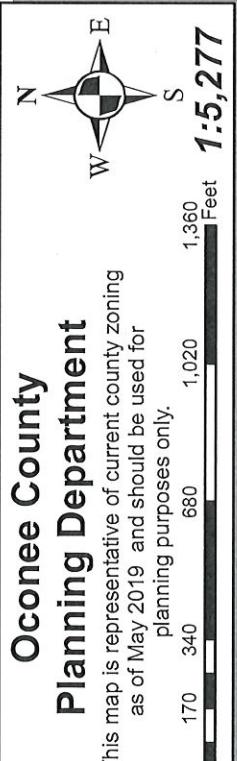
AG

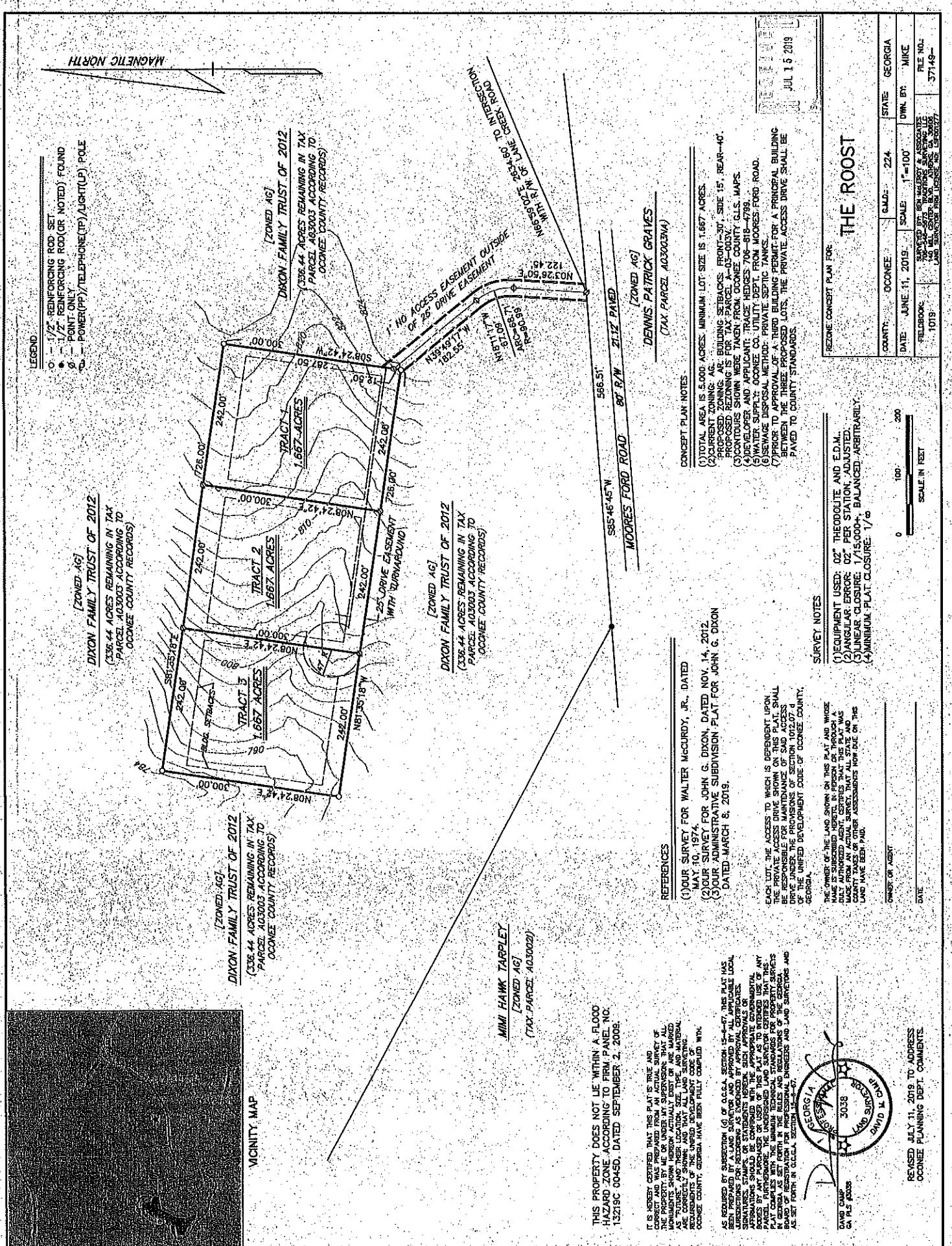
AG

Moores

Ford Rd

AG





Dr. Jason L. Branch, *Superintendent*



Tom Odom, *Board Chair*
Kim Argo, *Board Vice Chair*
Wayne Bagley, *Post 5*
Tim Burgess, *Post 4*
Amy Parrish, *Post 2*

OCONEE COUNTY SCHOOLS

August 19, 2019

Guy Herring, Director
Oconee County Planning & Code Enforcement
P.O. Box 145
Watkinsville, GA 30677

Mr. Herring,

Thank you for sending the Oconee County Planning Commission's Agenda for the August 19, 2019 Planning Commission Meeting and the minutes from the July 15, 2019 meeting to the Operations Division at Oconee County Schools.

We have reviewed the following rezone requests. These four items come to a total of 52 lots which equates to 26 students. This will impact our North Attendance Zone, specifically the following elementary schools: MBES, DCES, and RBES. Malcom Bridge Middle School, which is already over capacity by 48 students, will also be impacted and NOHS. In addition, there are 1794 active permits in the North Attendance Zone for development that are currently issued.

1. Rezone #7838, RWJ, Inc., AG to R-1, ± 10.07 acres, Long Road and Mars Hill Road. Residential Subdivision.
2. Rezone #7851, Sapphire Properties, LP, AG to R-2, ± 42.482 acres, Ruth Jackson Road. Residential Subdivision.
3. Rezone #7852, Mary Lou Mays Anglin, AR to AR with modifications to Rezone #777, ± 6.89 acres, Cooper Gin Rd. Residential.
4. Rezone #7853, Tracie Hedges, AG to AR, ± 5.00 acres, Moores Ford Rd. Residential.

We appreciate you continuing to send these items to us to review.

Very respectfully,

Brock Toole
Chief Operations Officer
Oconee County Schools

Kathy Hayes

From: noreply@civicplus.com
Sent: Friday, July 26, 2019 10:07 AM
To: Kathy Hayes; Tracey Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracey Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Brian Fosen
Address	1011 Rocky Branch Farm Dr
City	Bogart
State	GA
Zip Code	30622
Occupation	Commercial Manager Caterpillar
Home Phone Number	<i>Field not completed.</i>
Work Phone Number	<i>Field not completed.</i>
Cell Phone	
Email Address	Fosen_brian_j@cat.com
I would like to apply for the following committee:	Planning Commission
Do you live within a city/municipality?	No
Briefly explain your educational background	Bachelor of Science in Ag Business from Western Illinois University

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	Tax assessor Esmen Township Livingston county in Illinois. Member economic development board in Livingston county
Briefly explain why you seek this appointment	I have an interest in the community. I have lived in Oconee county for 5 years and like to support the area where I live.
If appointed, I agree to serve.	Brian Fosen
Today's Date	7/26/2019
Would you be willing to serve on a committee for which you did NOT apply?	Yes
If yes:	I would like the opportunity to serve on any committee

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Sunday, July 07, 2019 10:15 PM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Scott Green
Address	1403 Whitlow Ridge Dr
City	Bishop
State	GA
Zip Code	30621
Occupation	Realtor & Appraiser
Home Phone Number	<i>Field not completed.</i>
Work Phone Number	678-372-1117
Cell Phone	678-372-1117
Email Address	
I would like to apply for the following committee:	Planning Commission
Do you live within a city/municipality?	Yes
If yes, which city?	Bishop
Briefly explain your educational background	BS Computer Science North Georgia College Dahlonega, GA

Are you the owner or officer in any business or corporation?	Yes
Is your spouse/immediate family member an owner or officer in a business or corporation?	Yes
If yes, please list the name and activity of the business or corporation	We have an LLC that we use for our consulting business.
Please explain any previous experience with State or Local Government	Good Hope, GA Planning & Zoning Commission
Briefly explain why you seek this appointment	I think it's important to be an active part of the community that you live in, and to bring in new revenue while still keeping the small town feel...which is what makes Oconee county such a great place for families.
If appointed, I agree to serve.	Scott Green
Today's Date	7/7/2019
Would you be willing to serve on a committee for which you did NOT apply?	No
If yes:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Saturday, July 13, 2019 5:15 PM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Jennifer A. Samp
Address	1050 Southwind Drive
City	Bishop
State	GA
Zip Code	30621
Occupation	Professor of Communication, UGA
Home Phone Number	706 7051236
Work Phone Number	<i>Field not completed.</i>
Cell Phone	
Email Address	
I would like to apply for the following committee:	Planning Commission
Do you live within a city/municipality?	No
Briefly explain your educational background	I have a Ph.D. and M.A. in Communication from the University of Wisconsin-Madison and a B.A. from Hamilton College.

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	<i>Field not completed.</i>
Briefly explain why you seek this appointment	I have lived in unincorporated Bishop for 9 years and in Gwinnett County for 7 years prior. I have witnessed the massive growth in Gwinnett County without much attention to infrastructure impacts. I used to watch and occasionally attended the Gwinnett Planning commission meetings and would like to become more involved in Oconee County.
If appointed, I agree to serve.	Jennifer A. Samp
Today's Date	7/13/2019
Would you be willing to serve on a committee for which you did NOT apply?	No
If yes:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Monday, July 01, 2019 2:11 PM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Jeanne Barsanti
Address	1170 Oliver Bridge Rd
City	Watkinsville
State	GA
Zip Code	30677
Occupation	Field not completed.
Home Phone Number	7067697696
Work Phone Number	7067697696
Cell Phone	
Email Address	
I would like to apply for . . . the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	No
Briefly explain your educational background	I am a retired veterinarian.

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	I have served one full term and one half term on this advisory committee.
Briefly explain why you seek this appointment	I live in a rural area in the southern part of the county close to Heritage Park. I do volunteer work there and have enjoyed my interaction with the park staff in doing so. During my tenure on the committee, I have been the only person with a connection to this part of the Oconee Park system. I do support all the missions of the parks and enjoy interacting with the other members of the committee. I am also a member of the Friends of Georgia state parks and work especially closely with the Friends of Hard Labor Creek State Park.
If appointed, I agree to serve.	Jeanne Barsanti
Today's Date	7/1/2019
Would you be willing to serve on a committee for which you did NOT apply?	No
If yes:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Monday, July 01, 2019 10:37 AM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Jason Hewell
Address	1200 Brighton Lane
City	Bogart
State	GA
Zip Code	30622
Occupation	VP, Product at Stadion Money Management
Home Phone Number	7062967244
Work Phone Number	7065835238
Cell Phone	
Email Address	jason.hewell@stadionmoney.com
I would like to apply for the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	Yes
If yes, which city?	Bogart
Briefly explain your educational background	I was born and raised in Oconee County attending public school K-12. Attended University of Georgia 2004 - 2008 and

graduated with a BBA in Management degree from Terry College of Business.

Are you the owner or officer in any business or corporation?

No

Is your spouse/immediate family member an owner or officer in a business or corporation?

No

Please explain any previous experience with State or Local Government

None.

Briefly explain why you seek this appointment

As a lifelong member of this community, I have a vested interest in maintaining the exceptionable reputation that Oconee County has embodied for decades. My wife, Kacina, and I have a 4 year-old daughter and 1 year-old son so we are in the beginning stages of our/their recreational use within the community, and therefore have a true desire to see that our facilities, programs, and activities meet and exceed our citizens expectations. It would be an honor to serve and contribute in this capacity if so appointed.

If appointed, I agree to serve.

Jason Hewell

Today's Date

7/1/2019

Would you be willing to serve on a committee for which you did NOT apply?

Yes

If yes:

Field not completed.

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Monday, July 01, 2019 10:45 AM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Melissa Hopkinson
Address	3776 Whitlow Creek Dr.
City	Bishop
State	GA
Zip Code	30621
Occupation	Lecturer at UNG Oconee
Home Phone Number	<i>Field not completed.</i>
Work Phone Number	<i>Field not completed.</i>
Cell Phone	
Email Address	
I would like to apply for the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	No
Briefly explain your educational background	I earned a Ph.D. in Earth Sciences from the University of California, San Diego in 2008. My research had to do with ice age climate. My undergraduate degree was from Northwestern University, and I double majored in environmental science and political science.

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	I have no direct previous experience with State or Local Government, but I am engaged in our recreation programs here in Oconee County through my children's involvement.
Briefly explain why you seek this appointment	My children are actively involved in Oconee County Parks and Recreation activities, and I would love to be involved in keeping this program as effective as it has been for us so far. My children have played recreational sports, attended sports camps in the summer, and attend after-school care, so I have experience with these aspects of the Parks and Recreation Department.
If appointed, I agree to serve.	Melissa Hopkinson
Today's Date	7/1/2019
Would you be willing to serve on a committee for which you did NOT apply?	Yes
If yes:	I would prefer to serve on (list committee below)
List committee	I would serve on any committee, but cannot meet on Monday or Wednesday evenings during the school year.

Email not displaying correctly? [View it in your browser.](#)

Kathy Hayes

From: noreply@civicplus.com
Sent: Friday, August 02, 2019 10:30 AM
To: Kathy Hayes; Tracey Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracey Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Leslie Hunsinger
Address	1100 Felton Drive
City	Watkinsville
State	GA
Zip Code	30677
Occupation	Claim Specialist
Home Phone Number	<i>Field not completed.</i>
Work Phone Number	706-319-2339
Cell Phone	
Email Address	
I would like to apply for the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	Yes
If yes, which city?	Watkinsville
Briefly explain your educational background	AB degree from the University of Georgia in Criminal Justice

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	I have been serving on the Recreational Advisory Board for years.
Briefly explain why you seek this appointment	I would like to continue my work on the Recreational Advisory Board. This is an exciting time for parks and recreation as the county continues to grow. We have a great board that is energized about working with staff, commissioners, and most importantly the community, on how to plan for the future.
If appointed, I agree to serve.	Leslie Hunsinger
Today's Date	8/2/2019
Would you be willing to serve on a committee for which you did NOT apply?	No
If yes:	<i>Field not completed.</i>

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Monday, July 15, 2019 3:10 PM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Sherry Nash
Address	1181 sunshadow lane
City	bishop
State	GA
Zip Code	30621
Occupation	Business owner
Home Phone Number	7062152443
Work Phone Number	7063525678
Cell Phone	
Email Address	Sherry@athenspropertyservices.com
I would like to apply for the following committee:	Keep Oconee Co. Beautiful Commission, Recreation Advisory Committee
Do you live within a city/municipality?	No
Briefly explain your educational background	College and technical education.

Are you the owner or officer in any business or corporation?	Yes
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	None
Briefly explain why you seek this appointment	Desire to become involved in my community and firmly believe committees and boards should be comprised of diverse citizens to hear views that may not be our own, this allows everyone to come together and make decisions based on all input to better serve our community.
If appointed, I agree to serve.	Sherry Nash
Today's Date	7/15/2019
Would you be willing to serve on a committee for which you did NOT apply?	Yes
If yes:	I would like the opportunity to serve on any committee

Email not displaying correctly? [View it in your browser.](#)

Tracye Bailey

From: noreply@civicplus.com
Sent: Friday, July 12, 2019 5:27 PM
To: Kathy Hayes; Tracye Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracye Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Shae Phelps Peden
Address	1258 Hedgerow Lane
City	Watkinsville
State	GA
Zip Code	30677
Occupation	Account Manager, Seller Labs
Home Phone Number	<i>Field not completed.</i>
Work Phone Number	229-255-1284
Cell Phone	229-255-1284
Email Address	
I would like to apply for the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	No
Briefly explain your educational background	As a graduate of the University of Georgia, I studied Political Science with a focus on Applied Politics and the importance of citizen involvement and advocacy at the local level. Since college, I have focused my career efforts and professional

development on establishing and growing post-sales client advocacy programs for software startups.

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	No
Please explain any previous experience with State or Local Government	While I have not had the opportunity to serve within the state or local government, my community involvement has focused on serving the community through the Junior League of Athens advocacy program and the Clarke County Mentor Program. Both organizations presented me with the opportunity to advocate and serve on behalf of local families as well as children in the Clarke County School District.
Briefly explain why you seek this appointment	As a resident of Oconee County and supporter of local services, I would love the opportunity to help better the community through serving on the Recreation Advisory Committee. Like many families in the area, we utilize the local parks and recreation services as an opportunity to promote community involvement and personal wellness. As our county continues to grow, its critical that we continue to prioritize these services as a benefit and asset to our community while also recognizing that there is always opportunity for improvement.
If appointed, I agree to serve.	Shae Phelps Peden
Today's Date	7/12/2019
Would you be willing to serve on a committee for which you did NOT apply?	Yes
If yes:	I would like the opportunity to serve on any committee

Email not displaying correctly? [View it in your browser.](#)

Kathy Hayes

From: noreply@civicplus.com
Sent: Friday, July 19, 2019 10:32 AM
To: Kathy Hayes; Tracey Bailey
Subject: Online Form Submittal: Application Citizen Advisory Board

Application Citizen Advisory Board

Please Read This Important Notice Before Filling Out Application:

The Board of Commissioners greatly appreciates your interest. After review of the applications the Board will consider appointments at its Regular Meeting, which is normally the first Tuesday of the month. After the appointments have been approved at the Regular Meeting, each applicant will be contacted regarding his/her appointment. If you have any questions, please do not hesitate to call 706-769-5120 or email Kathy Hayes, County Clerk, at khayes@oconee.ga.us or Tracey Bailey, Deputy Clerk, tbailey@oconee.ga.us.

Name	Kimberly Thomas
Address	1010 Ridgeview Ln
City	Bishop
State	Georgia
Zip Code	30621
Occupation	Director of Facilities - Univ of Georgia Facilities Mgmt Division
Home Phone Number	770-601-2144
Work Phone Number	706-542-7538
Cell Phone	
Email Address	
I would like to apply for the following committee:	Recreation Advisory Committee
Do you live within a city/municipality?	No
Briefly explain your educational background	I have a Bachelor's degree in Political Science and a Master's degree in Public Administration both from the University of Georgia.

Are you the owner or officer in any business or corporation?	No
Is your spouse/immediate family member an owner or officer in a business or corporation?	
Please explain any previous experience with State or Local Government	I have over twenty years of work experience at UGA and am currently one of six Director of Facilities at UGA in the Facilities Management Division. Additionally, I have worked in higher education and K-12 school facility management for over twelve years. I spent a few years working with Clarke County School District and the Executive Director of Facilities from 2011-2017.
Briefly explain why you seek this appointment	I have lived in Oconee County for over 17 years, raised my three children in the Oconee County Public School system, participated in recreational sports in the county through basketball and youth coaching, and raised my children with the recreational sports programs at both Herman C Michael and OVP facilities. My children grew a love of soccer at early ages with the recreational soccer program and have gone to college as D-1 athletes playing soccer. I want to contribute back to my community and help make it a great resource for other families.
If appointed, I agree to serve.	Kimberly Thomas
Today's Date	7/19/2019
Would you be willing to serve on a committee for which you did NOT apply?	Yes
If yes:	I would like the opportunity to serve on any committee

Email not displaying correctly? [View it in your browser.](#)



Oconee County Department Memorandum

DATE: August 23, 2019
TO: Board of Commissioners
FROM: Kathy Hayes, County Clerk
SUBJECT: New Alcohol License – Martino's Italian Restaurant

ISSUE SUMMARY:

Mr. Martino Canelo, Martino's Italian Restaurant, is applying for a new alcohol license for the location of 2061 Hog Mountain Road (previously Bella Noche) to sell beer, wine and distilled spirits. Mr. Canelo will be the Registered Agent and has completed his RASS training. The application is complete.

RECOMMENDATIONS:

Approval of the license for Mr. Martino Canelo, 2061 Hog Mountain Road.

FINANCIAL IMPACT:

Application Fee: \$100.00

License Fees: \$3,000.00 annually (prorated for 2019 - \$1500.00)

OCONEE COUNTY BOARD OF COMMISSIONERS

COUNTY CLERK

P.O. Box 145
23 North Main Street
Watkinsville, Georgia 30677
Phone (706) 769-5120 ~ Fax (706) 769-0705

Cash
\$141.06

Email questions, completed application, and any attachments to: khayes@oconee.ga.us or tbailey@oconee.ga.us.

New APP, 100
background 41

Pages 6, 9, 10, and 11 require an original signature and/or notarization. Application may be emailed, and original signatures may be delivered at a later date.

248 8-15-18

APPLICATION FOR LICENSE FOR SALE OF MALT BEVERAGES, WINE & DISTILLED SPIRITS

1. **Type of License – please check one:**

New - \$100 Renewal – No Fee Modification - \$500

2. **Administrative Fee:** \$100 – New License Applications / Background Check: \$41.00
(Annual renewal applications are exempt from Administrative & Investigative Fees)

3. **Type of Business:**

Restaurant Wholesale Convenience Store
 Package Store Supermarket Recreational Club Other*

* Please explain _____

Will live entertainment be offered? Yes No

If yes, please explain _____

4. **License Classification & Fees – please check all that apply:**

Retail Consumption on Premises (restaurants)

Beer \$1000 Wine \$1000 Distilled Spirits \$1000 TOTAL \$ 3000

Retail Package

Beer \$500 Wine \$500 Beer & Wine \$1000 TOTAL \$ _____

Wholesale Distributor

Beer \$100 Wine \$100 Beer & Wine \$200 TOTAL \$ _____

Recreational Club

Beer/Wine/Distilled Spirits \$1000

5. **Business:**

Business Name Martino's Italian Restaurant LLC

Location Address 2061 Hog Mountain Rd Ste K Phone 706 705-6243,

City Watkinsville State Georgia Zip Code 30677

Mailing Address Same Phone _____

City _____ State _____ Zip Code _____

Who to contact if there are questions regarding the application?

Name Martin Canelo Phone 704 292 3003

Email _____

6. **Registered Agent** (person responsible for alcohol issues for the entity) –
If non-individual ownership or non-resident/non-managing owner:

Full Name Martin Canelo
Home Address 1061 Pebblestone Dr Apt A Home Phone 704 292 3003
City Watkinsville State GA Zip Code 30677
Race H Sex M Birth date _____

7. **Type of Ownership** (please mark appropriate box and fill out section a, b or c as indicated):

Individual (a) Partnership (b) Limited Liability Company (b) Corporation (c)

a) **For Individual:**

Full Legal Name _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____
Race _____ Sex _____ Birthdate _____

b) **For Partnership or LLC:**

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Partnership or LLC Name Martino's Italian Restaurant LLC
Address 2061 Hog Mountain Rd Ste K Home Phone 706-705-6243
City Watkinsville State GA Zip Code 30677

Partners:

- Full Legal Name Martin Canelo % Interest 50
Home Address 1061 Pebblestone Dr Apt A Home Phone 704 292 3003
City Watkinsville State GA Zip Code 30677
- Full Legal Name Rosa Canelo % Interest 50
Home Address 1061 Pebblestone Dr Apt A Home Phone 704 840 2788
City Watkinsville State GA Zip Code 30677
- Full Legal Name _____ % Interest _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____

(Attach additional pages if necessary)

c) For Corporation:

All applicants who are non-individual persons shall list the names, addresses and ownership interest of each owner of a 5% or greater interest.

Name of Corporation

(name should be shown exactly as in Articles of Incorporation or Charter)

Date of Incorporation _____

Place of Incorporation _____

Address _____

Phone _____

City _____

State _____

Zip Code _____

Officers:

- Full Legal Name _____

% Stock Owned _____ Office held _____

Home Address _____

Home Phone _____

City _____

State _____

Zip Code _____

- Full Legal Name _____

% Stock Owned _____ Office held _____

Home Address _____

Home Phone _____

City _____

State _____

Zip Code _____

- Full Legal Name _____

% Interest _____

% Stock Owned _____ Office held _____

Home Address _____

Home Phone _____

City _____

State _____

Zip Code _____

(Attach additional pages if necessary)

Stockholders (if different from Officer names):

- Full Legal Name _____

% Interest _____

% Stock Owned _____ Office held _____

Home Address _____

Home Phone _____

City _____

State _____

Zip Code _____

- Full Legal Name _____

% Interest _____

% Stock Owned _____ Office held _____

Home Address _____

Home Phone _____

City _____

State _____

Zip Code _____

Stockholders (if different from Officer names):

- Full Legal Name _____ % Interest _____
% Stock Owned _____ Office held _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____
(Attach additional pages if necessary)

Trustees:

- Full Legal Name _____ % Interest _____
% Stock Owned _____ Office held _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____
- Full Legal Name _____ % Interest _____
% Stock Owned _____ Office held _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____
- Full Legal Name _____ % Interest _____
% Stock Owned _____ Office held _____
Home Address _____ Home Phone _____
City _____ State _____ Zip Code _____
(Attach additional pages if necessary)

8. Property:

Owner of the property (land & building) where the business will be located

Name David Poer Address 633 Antone St NW
City Atlanta State GA Zip Code 30318

Is the commercial space where the business is to be located rented or leased?

Yes No If yes, please state name of landlord or lessor and address.

Name David Poer Address 633 Antone St NW
City Atlanta State GA Zip Code 30318

9. Silent, undisclosed partners or joint venture partners:

Does any person or firm have any interest in the proposed business as a silent, undisclosed partner or joint venture partner; or has anyone agreed to split the profits or receipts from the proposed business with any persons, firms, companies, corporations or other?

Yes No If yes, please state name of person or other entity with address and amount of percentage of profits and receipts to be split.

Name _____ Address _____ % _____

City _____ State _____ Zip Code _____

10. Residency/Age requirement:

Is there any party identified in Question 7 or Question 9 that is not a legal resident of the United States and at least twenty-one (21) years of age?

Yes No If yes, please give full details on separate sheet.

If not a U.S. Citizen, can they legally be employed in the United States?

Yes No If yes, please explain on separate sheet and submit copies of eligibility.

11. Disclosure of previous denials:

Is there anyone connected with this business that has applied for a beer, wine, and/or liquor license from Oconee County or other City or County in the State of Georgia or other state or political subdivision and been denied such?

Yes No If yes, please give full details on separate sheet.

12. Disclosure of licenses held:

Is there anyone connected with this business who holds another alcohol license in any retail category or any license under any wholesale category?

Yes No If yes, please give full details on separate sheet.

13. Disclosure of felony/other convictions or offenses:

Is there anyone connected with this business that has been convicted of a felony or a crime involving moral turpitude?

Yes No If yes, please give full details on separate sheet including dates, charges and disposition.

Is there anyone connected with this business that has been convicted of any state, federal or local ordinance pertaining to the manufacture, possession, use, transportation or sale of malt beverages, wine, or intoxicating liquors, or the taxability thereof within the last ten years immediately prior to the filing of this application?

Yes No If yes, please give full details on separate sheet including dates, charges and disposition.

Is there anyone connected with this business that has been found in violation of the ordinances of Oconee County, or any other county or municipality, governing alcoholic beverages licenses with the last five years immediately prior to the filing of this application?

Yes No If yes, please give full details on separate sheet.

Is there anyone connected with this business that has been convicted under any Federal, State or County law for a criminal offense involving alcoholic beverages, gambling or tax law violations?

Yes No If yes, please give full details on separate sheet.

— 14. **Training:**

Have the owner/agent and manager(s) completed the Training for Responsible Alcohol Services & Sales (RASS) Program? A copy of the RASS certificate(s) must be attached prior to the issuance of an alcoholic beverage license.

Name Martin Canelo Date of Training 8/6/19

Name _____ Date of Training _____

Name _____ Date of Training _____

Name _____ Date of Training _____

I, Martin Canelo, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, all information required in this application and supporting documents for a license to sell malt beverages & wine in Oconee County, Georgia is true and correct to the best of my knowledge and I fully understand that any false information may cause the denial or revocation of said license.

Martin Canelo

Print full name as signed below

Martin

Partner

8/5/19

Signature of Applicant/Registered Agent

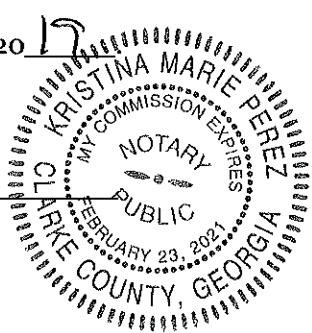
Title

Date

Sworn to and subscribed before me

this 5 day of August, 20 17

Notary Public (SEAL)



** Pursuant to Title II ADA and Section 504 of the Rehabilitation Act of 1973, as amended, no otherwise qualified individual with a disability in the United States shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal Financial Assistance or under any program or activity conducted by Oconee County, Georgia. Additionally, pursuant to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987, no person shall on the grounds of race, color, or national origin be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program or activity conducted by Oconee County, Georgia.

OCONEE COUNTY BOARD OF COMMISSIONERS
COUNTY CLERK

PREMISES & STRUCTURE

INSTRUCTIONS: Under oath, each question must be fully answered. If space provided is not sufficient, answer on a separate sheet and indicate in the space provided that a separate sheet is attached.

1. Type of Business:

Restaurant
 Supermarket

Package Store
 Convenience Store

Wholesale
 Other*

* Please explain _____

2. Trade Name of Business: Martino's Italian Restaurant LLC

Location Address 206 Hog Mountain Rd STEK Phone 706 705-6243

City Watkinsville State GA Zip Code 30677

Parcel Number _____

3. Is this location within a commercial zoning district?

Yes No

Please indicate zoning classification: _____

4. Does the completed building or the proposed building comply with the ordinances of
Oconee County, regulations of the State Revenue Commissioner and the Laws of the State
of Georgia?

Yes No

If no, please explain reason for non-compliance and proposed methods to rectify the same:

5. Lighting of Premises (exterior and interior)

(a) Does the building in which business is to be located contain sufficient lighting so that the building itself and the premises on all sides of the building are readily visible at all times from the front of the street on which the building is located as to reveal all of the outside premises of such building?

Yes No

(b) Is the building so illuminated that the interior of the store is visible day and night?

Yes No

If answer is no to either (a) or (b) or both above, please explain proposed methods to rectify the insufficient lighting:

6. For Restaurants Only:

(a) Number of square feet of total floor area: 3840

(b) Number of square feet devoted to dining area: 2900

(c) Seating capacity: 60

(d) Number of full time employees: 10

(e) Do you have a full service kitchen? Yes No

(f) Hours of service for prepared meals or foods: 1130 - 10

(g) Hours of operation: S - Th 1130 - 10 F - Sat 1130 - 11

(h) Is the place of business in full compliance with the definition of "Restaurant" under the Oconee County Malt Beverages and Wine Ordinance?

Yes No

7. **For Supermarket/Convenience Store Only:**

(a) Number of square feet of floor area: _____

(b) Number of square feet devoted to the sale of groceries/food products: _____

(c) Is the establishment devoted principally to the retail sale of groceries and food products?

Yes No

If no, please explain:

8. ***Proposed Property Location:** Attach a certified scale drawing of the proposed premises by a registered land surveyor or professional engineer, showing the distance requirement from church and school. (Alcohol Ordinance Section 5.f.)

9. ***Property Location:** Attach a certificate of a registered land surveyor or professional engineer that the location complies with the distance requirement from churches and schools. (Section 5.f.)

10. ***Evidence of Ownership / Lease:** Attach evidence of ownership of the building or proposed building or a copy of the lease if the applicant is leasing the building.

11. ***Franchise Agreement:** If the applicant is a franchise, attach a copy of the franchise agreement contract.

12. ***Restaurant Menu:** If establishment is a restaurant, attach a copy of the menu(s).

13. ***Site Plans**

(a) If the building is complete, attach copies of detailed site plans of said building including outside premises and floor plan.

(b) If the building is proposed, attach copies of proposed site plan and specifications and building permit of the proposed building.

(c) Show all areas where alcoholic beverages may be sold, served or consumed.

***Required in order to process an application for new license.**

14. Applicant's Oath:

NOTE: Before signing this statement, check all answers and explanations to see that you have answered all questions fully and correctly. This statement is to be executed under oath and subject to the penalties for false swearing and it includes all attached sheets submitted herewith.

STATE OF GEORGIA, Oconee COUNTY

I, Martin Canelo, solemnly swear, subject to the penalties for false swearing as provided under Georgia Law, that the statements and answers made by me as the applicant in the foregoing premise and structure statement are true and correct.

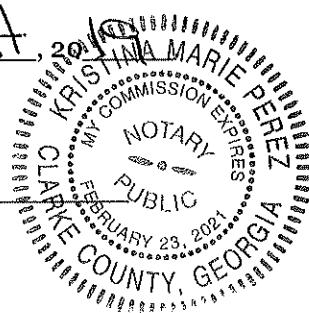


Signature of Applicant/Registered Agent

I hereby certify that Martin Canelo signed his/her name to the foregoing application stating to me that he/she knew and understood all statements and answers made herein, and, under oath actually administered by me, has sworn that said statements and answers are true and correct.

This the 5 day of August, 2019

Notary Public (SEAL)



Important: Application will not be processed without this page completed and delivered to Board of Commissioners Office.

**OCONEE COUNTY BOARD OF COMMISSIONERS
COUNTY CLERK**

P.O. Box 145, 23 North Main Street
Watkinsville, Georgia 30677
Phone (706) 769-5120 ~ Fax (706) 769-0705

REGISTERED AGENT CONSENT FORM

Business Name Martino's Italian Restaurant LLC
Location Address 2061 Hog Mountain Rd SteK Phone 706 705-6243,
City Watkinsville State GA Zip Code 30677

I, Martin Canelo, do hereby consent to serve as the *Registered Agent* for the licensee, owners, officers, and/or directors and to perform all obligations of such agency under the ordinance regulating the sale of malt beverages & wine in Oconee County. I understand the basic purpose is to have and continuously maintain in the County a *Registered Agent* upon which any process, notice, or demand required or permitted by law or under said Ordinance to be served upon the licensee or owner may be served.

This the 5 day of August, 2019.



Signature of Agent

Martin Canelo

Print/Type Name of Agent

1061 Pebblestone Dr Apt A

Print/Type Agent's Home Address

Watkinsville GA 30677

Print/Type City, County and State

APPROVED:

Owner/Officer/Director

Title

Important: Application will not be processed without this page completed and delivered to Board of Commissioners Office.

**Affidavit Verifying Status
for County Public Benefit Application
O.C.G.A. § 50-36-1(e)(2)**

By executing this affidavit under oath, as an applicant for an Business Occupation Tax Certificate, Alcohol License or other public benefit as referenced in O.C.G.A. § 50-36-1, from Oconee County, Georgia, the undersigned applicant verifies one of the following with respect to my application for a public benefit:

- 1) I am a United States citizen.
- 2) I am a legal permanent resident of the United States.
- 3) I am a qualified alien or non-immigrant under the Federal Immigration and Nationality Act with an alien number issued by the Department of Homeland Security or other federal immigration agency.

My alien number issued by the Department of Homeland Security or other federal immigration agency is: _____

My card number is: _____

The undersigned applicant also verifies that he or she is 18 years of age or older and has provided at least one secure and verifiable document, as required by O.G.C.A. § 50-36-1(e)(1), with this affidavit.

The secure and verifiable document provided with this affidavit can best be classified as:

GA DL

In making the above representation under oath, I understand that any person who knowingly and willfully makes a false, fictitious, or fraudulent statement or representation in an affidavit shall be guilty of a violation of §16-10-20, and face criminal penalties as allowed by such criminal statute.

Executed in Athens (city), GA (state).

Signature of Applicant: M. Caneo Date: 8/15/19

Printed Name: Martin Caneo

Date of Birth:

Subscribed and Sworn to before me, this

5 day of August, 2019

Notary Public

My Commission Expires: 2/23/2023



Important: Application will not be processed without this page completed and delivered to Board of Commissioners Office.

LUNCH

ANTIPASTI - APPETIZER

HOT

FRIED CALAMARI

\$10.95

SERVED WITH MARINARA DIPPING SAUCE

MUSSELS, RED OR WHITE

\$10.95

IN A MARINARA SAUCE OR WHITE WINE SAUCE

HOT ANTIPASTO FOR TWO

\$13.95

MUSSELS, MARINARA, SHRIMP PARMIGIANA, STUFFED MUSHROOMS AND STUFFED EGGPLANT ROLLATINI

FRIED MOZZARELLA

\$7.95

SERVED WITH TOMATOE SAUCE

CHICKEN WINGS 6 FOR \$8.95 OR 12 FOR \$14.95

IN YOUR CHOICE OF BUFFALO, MILD, BBQ OR LEMON PEPPER SAUCE

GARLIC BREAD

\$4.50

OR GARLIC BREAD WITH CHEESE \$5.50

SAUTEED VEGGIES

\$7.95

MUSHROOM

\$7.95

BROCOLLI

\$7.95

SPINACH

\$7.95

COLD

MOZZARELLA CAPRESE

\$9.95

FRESH BUFFALO MOZZARELLA, TOMATOES, BASIN IN EXTRA VIRGIN OLIVE OIL

ROASTED PEPPERS & MOZZARELLA

ROASTED RED PEPPER IN A FRESH GARLIC, EXTRA VIRGIN OLIVE OIL, BASIL & FRESH BUFFALO MOZZARELLA

PROSCIUTTO & MOZZARELLA

\$10.95

SLICES OF PROSCIUTTO PARMA & FRESH BUFFALO MOZZARELLA

BRUSCHETTA

\$7.95

CROSTINI BREAD TOPPED WITH CHOPPED TOMATOES IN FRESH GARLIC, PARSLEY & EXTRA VIRGIN OLIVE OIL

ANTIPASTO SALAD

\$8.95

MIXED GREENS SALAD TOPPED WITH HAM, PROVOLONE, INVOLTINI, SALAMI, OLIVES, FRESH BUFFALO MOZZARELLA, PROSCIUTTO, KALAMATA OLIVES

SOUP AND SALADS

CHEF SOUP OF THE DAY	CUP \$2.50	BOWL \$5.50
MIXED SALAD	\$4.50	
ROMAINE LETTUCE, CARROTS, TOMATOES, OLIVES, RED ONION		
CESAR SALAD	\$7.00	
ROMAINE LETTUCE, CROUTONS, GRATED PARMA CHEESE		
CHICKEN SALAD OR CHICKEN CESAR	\$12.45	
GRILLED CHICKEN OVER MIXED GREENS SALAD AND MARINATED VEGGIES		
Salmon SALAD	\$14.45	
GRILLED SALMON OVER MIXED GREENS SALAD AND MARINATED VEGGIES		
SHRIMP SALAD	\$13.45	
GRILLED SHRIMP OVER MIXED GREENS AND MARINATED VEGGIES		

DRESSINGS: CESAR, RANCH, BLEU CHEESE, BALSAMIC VINAIGRETTE AND ITALIAN

PASTAS (LUNCH SPECIALS)

CHOICE OF CAPELLINI, LINGUINI, FETTUCCINI, PENNE, RIGATONI OR SPAGHETTI
SERVED WITH HOT ITALIAN BREAD

ALFREDO	\$8.25
IN A CREAM PARMIGIANO ROMANO SAUCE	
POMODORO	\$8.25
FRESH TOMATOES SAUTEED IN OLIVE OIL GARLIC BASIL @ A TOUCH OF MARINARA	
PUTANESCA	\$8.25
SAUTEED MUSHROOMS, TOMATOES, CAPERS, KALAMATA OLIVES & MARINARA SAUCE	
PRIMAVERA	\$8.25
IN ALFREDO SAUCE WITH MUSHROOMS, TOMATOES, BROCCOLI, PEAS	
VODKA	\$8.25
IN A VODKA PINK CREAM WITH ONIONS & MUSHROOM	
BROCCOLI & GARLIC	\$8.25
BROCOLLI AND GARLIC SAUTEED IN EXTRA VIRGIN OLIVE OIL	
BOLOGNESE	\$8.25
GROUND BEEF IN OUR TOMATO SAUCE	
MEATBALL OR SAUSAGE IN OUR FRESH TOMATO SAUCE	\$8.25
RIGATONI SAUSAGE	\$9.25
ONIONS, CHERRY TOMATOES, SAUSAGE, HOT CHERRY PEPPERS IN A MARINARA SAUCE	
PESTO	\$8.25
IN OUR CLASSICS PESTO SAUCE	
CARBONARA	\$9.25
IN A ONIONS, PANCETTA, BEATEN EGGS, PARMIGIANO CHEESE CREAM SAUCE	

CLAM SAUCE	\$9.25
LITTLE NECK CLAMS IN WHITE OR RED SAUCE	
MUSSELS FRADIAVOLA	\$8.25
IN A SPICY MARINARA SAUCE	
PESTO	\$8.25
CLASSIC PESTO SAUCE	
ADD CHICKEN \$4.50	ADD SHRIMP \$6.00

ADD SIDE SALAD OR CESAR SALAD FOR \$2.50

BAKED DISHES
SERVED WITH HOT ITALIAN BREAD

BAKED ZITI	\$8.25
LASAGNA	\$8.25
MANICOTTI	\$8.25
STUFFED SHELLS	\$8.25
RAVIOLI (MEAT OR CHEESE)	\$8.25
EGGPLANT PARMIGIANA	\$9.25
STUFFED EGGPLANT WITH RICOTTA CHEESE & SPINACH	

ADD SIDE SALAD OR CESAR SALAD FOR \$2.50

**** CONSUMING RAW OR UNDERCOOKED MEAT MAY INCREASE YOUR RISK OF FOOD BORNE ILLNESS.

CHICKEN AND VEAL SPECIALTIES

SERVED WITH CAPELLINI PASTA & HOT ITALIAN BREAD

	CHICKEN	VEAL
PARMIGIANA	\$11.45	\$12.95
BREADED AND PAN FRIED TOPPED WITH TOMATO SAUCE & MELTED MOZZARELLA		
MARSALA	\$11.45	\$12.95
IN MARSALA WINE WITH MUSHROOM SAUCE		
FRANCese	\$11.45	\$12.95
EGG BATTERED SAUTEED IN A LEMON BUTTER WHITE WINE MUSHROOM SAUCE		
PICATTA	\$11.45	\$12.95
IN A LEMON BUTTER WHITE WINE WITH CAPERS & MUSHROOM SAUCE		
SORRENTINO	\$11.45	\$12.95
FRESH TOMATOES, EGGPLANT PROSCIUTTO MELTED MOZZARELLA IN A WHITE WINE SAUCE		
CACCIATORE	\$11.45	\$12.95
PEAS, ONIONS, TOMATOES IN AN OLIVE OIL WHITE WINE AND TOUCH OF MARINARA SAUCE		
	CHICKEN	VEAL
SALTIMBOCA	\$11.45	\$12.95
IN A WHITE WINE SAUCE TOPPED WITH PROSCIUTTO, SPINACH & MELTED MOZZARELLA		
PIZZAIOLA	\$11.45	\$12.95
IN A OLIVE OIL, GARLIC, TOMATOES, KALAMATA OLIVES, CAPERS, TOUCH OF MARINARA SAUCE		
ALFREDO	\$11.45	\$12.95
IN A CREAM PARMIGIANO ROMANO SAUCE		
GORGONZOLA	\$11.45	\$12.95
IN OUR ALFREDO SAUCE WITH ONIONS MUSHROOMS AND GORGONZOLA CHEESE		
MARTINO'S	\$11.45	\$12.95
CREAM SAUCE WITH ARTICHOKEs, PORTABELLA MUSHROOM, ROASTED RED PEPPERS AND CHERRY TOMATOES		

ADD A SIDE SALAD OR CESAR SALAD FOR \$2.00

FROM THE SEA

SERVED WITH LINGUINI AND HOT ITALIAN BREAD

SHRIMP PARMIGIANA	\$12.45
PAN FRIED TOPPED WITH TOMATO SAUCE AND MELTED MOZZARELLA CHEESE	
SHRIMP & CLAMS FRADIAVOLA	\$12.45
IN OLIVE OIL CLAMS, GARLIC & SPICY MIRINARA	
SHRIMP SCAMPI	\$12.45
LEMON BUTTER WHITE WINE SAUCE WITH FRESH TOMATOES	
CALAMARI ALLA MARINARA	\$11.95
IN A OLIVE OIL, GARLIC AND MARINARA SAUCE	
CALAMARI & SHRIMP	\$12.45
IN A OLIVE OIL, GARLIC WHITE WINE, CHERRY TOMATO AND TOUCH OF MARINARA SAUCE	
MUSSELS POCILIPPO	\$11.95
IN A OLIVE OIL GARLIC WHITE WINE SAUCE	
FRUTTI DI MARE	\$15.95
CALAMARI, CLAMS, MUSSELS, SHRIMP IN OLIVE OIL, GARLIC, WHITE WINE AND A TOUCH OF MARINARA	
BAKED STUFFED SALMON	\$13.45
TOPPED WITH PINK CREAM SAUCE WITH ONION AND MUSHROOM	
SHRIMP FRANCese	\$12.45
IN A LEMON BUTTER WHITE WINE MUSHROOM SAUCE	

ADD A SIDE SALAD OR CESAR SALAD FOR \$2.50

PHILADELPHIE CHEESE STEAK

11 INCH BREAD SERVED WITH

CHEESE STEAK	\$9.95
CHEESE STEAK WITH ONIONS	\$10.25
CHEESE STEAK WITH MUSHROOMS	\$10.25
CHEESE STEAK WITH PEPPERS	\$10.25
CHEESE STEAK SPECIAL	\$11.25

HOT SUBS

CHICKEN PARMIGIANA	\$9.25
MEATBALL PARMIGIANA	\$8.25
SAUSAGE PARMIGIANA	\$8.25
EGGPLANT PARMIGIANA	\$8.45
VEAL PARMIGIANA	\$10.45
SHRIMP PARMIGIANA	\$11.95

COLD OR HOT SANDWICHES

ITALIAN SUB (HAM, CHEESE & SALAMI)	\$8.25
TURKEY AND CHEESE	\$9.25
HAM AND PROVOLONE	\$8.25
CAPRESE SANDWICH	\$9.25
FRESH BUFFALO MOZZARELLA, TOMATO, BASIL	

SERVED WITH LETTUCE, TOMATO, ONIONS AND ITALIAN DRESSING

KIDS MENU

FOR OUR LITTLE FRIENDS 10 YEARS AND UNDER

CHICKEN FINGERS WITH FRIES
FETTUCCINI ALFREDO
PENNE WITH MEATBALL SAUCE
CHEESE RAVIOLI
PENNE WITH TOMATO SAUCE
BAKED ZITI

BEVERAGES

FRESH BREWED ICED TEA (SWEET OR UNSWEET) \$2.50
COKE, DIET COKE, SPRITE, PINK LEMONADE, DR PEPPER, ORANGE FANTA,
DR PEPPER OR COFFEE \$2.50

PANNA \$3.50 BOTTLE
PELEGRIINO \$3.50 BOTTLE

DESSERTS

TIRMISU \$6.95
CANOLI \$5.25
CHEESECAKE \$6.25
SPUMONI \$4.25

ASK YOUR SERVER FOR OUR SPECIAL DESSERTS

PASTAS SPECIALTIES

CHOICE OF CAPELLINI, LINGUINI, FETTUCCINI, PENNE, RIGATONI OR SPAGHETTI
SERVED WITH SOUP OR SALAD & HOT ITALIAN BREAD

ALFREDO \$12.95
IN A CREAM PARMIGIANO ROMANO SAUCE
POMODORO \$12.95
FRESH TOMATOES SAUTEED IN OLIVE OIL GARLIC BASIL @ A TOUCH OF MARINARA
PUTANESCA \$12.95
SAUTEED MUSHROOMS, TOMATOES, CAPERS, KALAMATA OLIVES & MARINARA SAUCE
PRIMAVERA \$12.95
IN ALFREDO SAUCE WITH MUSHROOMS, TOMATOES, BROCCOLI, PEAS
VODKA \$12.95
IN A VODKA PINK CREAM WITH ONIONS & MUSHROOM
BROCCOLI & GARLIC \$12.95
BROCOLLI AND GARLIC SAUTEED IN EXTRA VIRGIN OLIVE OIL
BOLOGNESE \$12.95
GROUND BEEF IN OUR TOMATO SAUCE
MEATBALL OR SAUSAGE IN OUR FRESH TOMATO SAUCE \$12.95
RIGATONI SAUSAGE \$13.95
ONIONS, CHERRY TOMATOES, SAUSAGE, HOT CHERRY PEPPERS IN A MARINARA SAUCE
PESTO \$12.95
IN OUR CLASSICS PESTO SAUCE

CARBONARA	\$13.95
IN A ONIONS, PANCETTA, BEATEN EGGS, PARMIGIANO CHEESE CREAM SAUCE	
CLAM SAUCE	\$14.95
LITTLE NECK CLAMS IN WHITE OR RED SAUCE	
MUSSELS FRADIAVOLA	\$14.95
IN A SPICY MARINARA SAUCE	

CHICKEN AND VEAL SPECIALTIES

SERVED WITH CAPELLINI PASTA & HOT ITALIAN BREAD

	CHICKEN	VEAL
PARMIGIANA	\$15.95	\$17.95
BREADED AND PAN FRIED TOPPED WITH TOMATO SAUCE & MELTED MOZZARELLA		
MARSALA	\$15.95	\$17.95
IN MARSALA WINE WITH MUSHROOM SAUCE		
FRANCese	\$15.95	\$17.95
EGG BATTERED SAUTEED IN A LEMON BUTTER WHITE WINE MUSHROOM SAUCE		
PICATTA	\$15.95	\$17.95
IN A LEMON BUTTER WHITE WINE WITH CAPERS & MUSHROOM SAUCE		
SORRENTINO	\$15.95	\$17.95
FRESH TOMATOES, EGGPLANT PROSCIUTTO MELTED MOZZARELLA IN A WHITE WINE SAUCE		
CACCIATORE	\$15.95	\$17.95
PEAS, ONIONS, TOMATOES IN AN OLIVE OIL WHITE WINE AND TOUCH OF MARINARA SAUCE		
	CHICKEN	VEAL
SALTIMBOCA	\$15.95	\$17.95
IN A WHITE WINE SAUCE TOPPED WITH PROSCIUTTO, SPINACH & MELTED MOZZARELLA		
PIZZAIOLA	\$15.95	\$17.95
IN A OLIVE OIL, GARLIC, TOMATOES, KALAMATA OLIVES, CAPERS, TOUCH OF MARINARA SAUCE		
ALFREDO	\$15.95	\$17.95
IN A CREAM PARMIGIANO ROMANO SAUCE		
GORGONZOLA	\$17.95	\$19.95
IN OUR ALFREDO SAUCE WITH ONIONS MUSHROOMS AND GORGONZOLA CHEESE		
MARTINO'S	\$16.95	\$18.95
CREAM SAUCE WITH ARTICHOKEs, PORTABELLA MUSHROOM, ROASTED RED PEPPERS AND CHERRY TOMATOES		

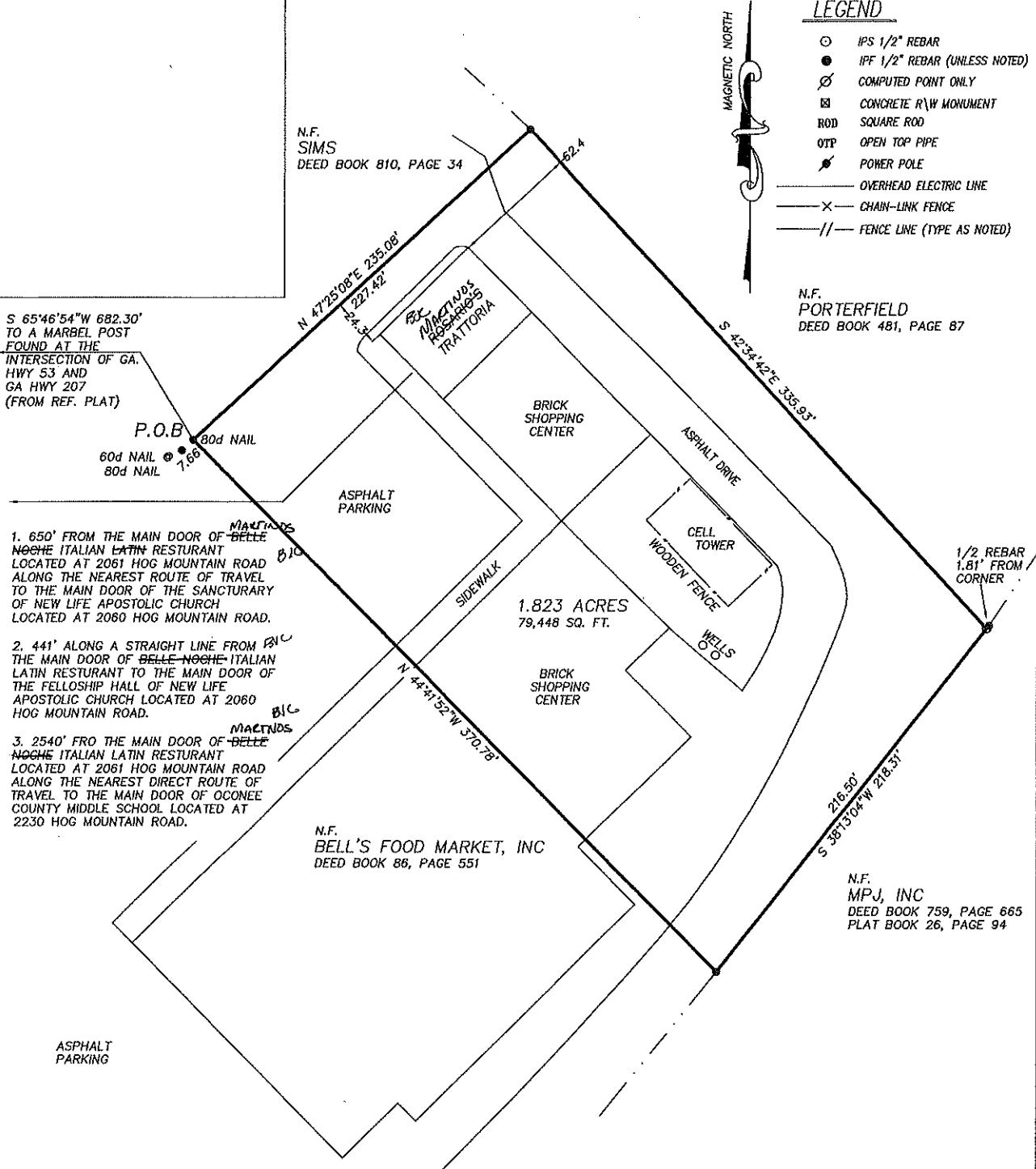
FROM THE SEA

SERVED WITH LINGUINI YOUR CHOICE OF SOUP OR SALAD AND HOT ITALIAN BREAD

SHRIMP PARMIGIANA	\$16.95
PAN FRIED TOPPED WITH TOMATO SAUCE AND MELTED MOZZARELLA CHEESE	
SHRIMP & CLAMS FRADIAVOLA	\$17.95
IN OLIVE OIL CLAMS, GARLIC & SPICY MIRINARA	
SHRIMP SCAMPI	\$16.95
LEMON BUTTER WHITE WINE SAUCE WITH FRESH TOMATOES	
CALAMARI ALLA MARINARA	\$14.95
IN A OLIVE OIL, GARLIC AND MARINARA SAUCE	
CALAMARI & SHRIMP	\$16.45
IN A OLIVE OIL, GARLIC WHITE WINE, CHERRY TOMATO AND TOUCH OF MARINARA SAUCE	
MUSSELS POCILIPPO	\$14.95
IN A OLIVE OIL GARLIC WHITE WINE SAUCE	
FRUTTI DI MARE	\$20.95
CALAMARI, CLAMS, MUSSELS, SHRIMP IN OLIVE OIL, GARLIC, WHITE WINE AND A TOUCH OF MARINARA	
BAKED STUFFED SALMON	\$18.95
TOPPED WITH PINK CREAM SAUCE WITH ONION AND MUSHROOM	
SHRIMP FRANCese	\$16.95
IN A LEMON BUTTER WHITE WINE MUSHROOM SAUCE	
PAN SEARED SALMON	\$

LEGEND

- IPS 1/2" REBAR
- IFF 1/2" REBAR (UNLESS NOTED)
- COMPUTED POINT ONLY
- CONCRETE R/W MONUMENT
- ROD SQUARE ROD
- OTP OPEN TOP PIPE
- POWER POLE
- OVERHEAD ELECTRIC LINE
- CHAIN-LINK FENCE
- FENCE LINE (TYPE AS NOTED)



THIS SURVEY IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL. THE RECORDING INFORMATION OF THE DOCUMENT(S), MAP(S), PLAT(S) OR OTHER INSTRUMENT(S) WHICH CREATED THE PARCEL(S) ARE STATED HEREON. RECORDATION OF THIS SURVEY DOES NOT IMPLY APPROVAL OF THE LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, NOR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHER, THE SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

THIS PLAT IS RECORDABLE IN ACCORDANCE WITH O.C.G.A. 15-6-67(d).


BRETT J. CHANDLER REGISTERED LAND SURVEYOR NO. 2816

50 0 50 100 150

GRAPHIC SCALE - FEET

REVISED 04-20-2017 TO UPDATE SURVEY
REVISED 08-16-2019 TO CHANGE NAME AND UPDATE SURVEY

NOTES:

FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A 5 SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED ON HAS A PRECISION OF ONE FOOT IN 19,208 FEET AND AN ANGULAR ERROR OF 03 SECONDS PER ANGULAR POINT AND WAS ADJUSTED BY LEAST SQUARES.

THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 19,208 FEET.

SURVEY NOT RECORDABLE WITHOUT ORIGINAL SIGNATURE



ALCOHOL LICENSE SURVEY FOR:

MARTINO'S ITALIAN RESTURANT

SURVEYED: 01-20-2008	DRAWN: 01-20-2008	SCALE: 1"=50'	BY: CW
DISTRICT: 221 GMD			
COUNTY: OCONEE			
STATE OF GEORGIA	2061 HOG MOUNTAIN ROAD		
	PLAT BOOK 13, PAGE 203		

SURVEY BY:
CHANDLER SURVEYING & ENGINEERING

205 CHAPMAN PLACE ATHENS, GA 30606

FIELD BOOK: 46



Oconee County Department Memorandum

DATE: August 19, 2019

TO: Board of Commissioners

FROM: Jody Woodall, PE – Public Works Director

SUBJECT: Mars Hill Road Widening Phase 2, PI 0009011

ISSUE SUMMARY:

Consider a work order authorization for Moreland Altobelli in the amount of \$216,257.60 to complete necessary updates for the Mars Hill widening Phase 2, PI 0009011. Tasks will include traffic projection updates, environmental special studies updates, plan updates, Public Information Open House, Supplemental Final Field Plan Review, 404 US Army Corps of Engineers permit and stream buffer variance, final plan submission, and required project management. GDOT has funded construction with a January 2021 let date.

RECOMMENDATION:

Public Works recommends approving the work order authorization for Moreland Altobelli to update the plans and documents necessary for the Mars Hill Road widening Phase 2, PI 0009011 January 2021 letting schedule.

FINANCIAL IMPACT:

SPLOST - \$216,257.60

ANALYSIS:

PROJECT NO. CSSTP-0009-00(011)

Oconee County
Mars Hill Road
P.I. No. 009011

**Detailed Description of
Estimated Project Costs**

**Phase: Change Order # 13- Mars Hill Road -Phase 2
Plans from Shelf to Letting including Environmental Process
Date: July 24, 2019**

MORELAND ALTOBELLI ASSOCIATES, INC.

1. Labor Expense				
Task / Personnel	Est Hours	Rate/Hr	Est. Cost (\$)	Totals
Project Manager	343	\$150.00	\$51,450.00	
Senior Roadway Engineer	240	\$125.00	\$30,000.00	
Roadway Engineer	584	\$100.00	\$58,400.00	
Traffic Engineer	132	\$100.00	\$13,200.00	
Environmental Professional	152	\$85.00	\$12,920.00	
Environmental Specialist	402	\$70.00	\$28,140.00	
GIS Specialist	44	\$85.00	\$3,740.00	
Survey Manager	8	\$115.00	\$920.00	
Survey Technician	54	\$85.00	\$4,590.00	
Survey 2-man crew	80	\$115.00	\$9,200.00	
TOTAL	1696			\$212,560.00
Total Direct Labor	1696			\$212,560.00
2. Other Direct Costs (Specify)				
Plotting/Reproduction-SFFPR, Final Dist. (30 sets x 562 sheets x .16)				\$2,697.60
Travel/Mileage				\$1,000.00
Total Other Direct Costs				
3. Total Additional Project Costs				
				\$216,257.60

No Post Design Services.

MAN-HOUR ESTIMATE

Task Description	Project Manager	Sr. Roadway Engineer	Roadway Engineer	CAD Operator	Sr. Structural Engineer	Sr. Engineer	Sr. Cadd Operator	Traffic Engineer	CAD Operator	Landscape Architect	CAD Operator	Env. Professional	Env. Specialist	Graphic Specialist	Survey Proj. Manager	Survey Technician	Survey Crew (2 Man)
Project Management																	
Monthly Coordination Meeting (18 months)- Minutes-HWY/ENV Managers	110																
Schedule / Budget Updates	8	40															
GDOT Coordination	64																
TOTALS	172	40															
Traffic Projections																	
Calculate New Traffic Volumes/QA/Comment	2									20							
Update Traffic Diagrams	1									12							
TOTALS	3									32							
Field Survey Updates																	
Pavement overlay Hog Mountain/New Pavement Experiment Station Road	6														8	54	80
TOTALS	6														8	54	80
Environmental Technical Studies																	
History	18											32	230	8			
Ecology	12											60	100	6			
Archaeology	6											32	32	5			
Air (Noise not required)								100									
TOTALS	38							100				124	362	24			
Reevaluation- Not Required																	
Re-evaluation of the Environmental Document																	
TOTALS																	
Plan Updates																	
Update Guardrail and Slant Faced Barrier (Mash Compliant)	4	8	32														
Update Pavement Design from Traffic Update if necessary	4	16	24														
Update leveling based on survey/pavement design including cross sections	4	8	40														
Update drainage plan/profile at Hog ML	4	4	40														
Quantify temporary drainage plan/profile/quantities	4	6	40														
Update E/C Legend/Cells/Notes	4	12	60														
Utility Coordination & Plan Updates, Review for Conflicts	20	40	100														
TOTALS	44	92	338														
Hold PTOH																	
Prepare Advertisement PTOH INFO	6											20	20				
Attend PTOH	8	8	8									8	8				
Prepare Plots on Aerial base	2		40											20			
TOTALS	18	8	48									28	28	20			
Hold SFFPR																	
Package to GDOT-Plans, CES, SP,EW	6	16	16														
Attend SFFPR	8	8	8											4			
Respond to SFFPR Comments	12	16	16											4			
Make requested changes	12	40	120											4			
TOTALS	38	80	160									12					
404 Permit and Stream Buffer Variance																	
404 Permit	8											70					
Stream Buffer Variance	8											70					
TOTALS	16											140					
Final Plans to CBA																	
EW	12	20	40														
TOTALS	12	20	40														
TOTAL HOURS	343	240	584					132				152	402	44	8	64	80



August 16, 2019

Mr. Jody Woodall, P.E.
Public Works Director
Oconee County Public Works
1291 Greensboro Highway
P.O. Box 145
Watkinsville, GA 30677

Re: Mars Hill / SR53 Improvements-Phase II
CSSTP-0009-00(011) Oconee County
CO #14- Plans from Shelf to Letting including Environmental Process

Dear Mr. Woodall,

Construction plans and specifications for the referenced project were submitted two years ago and shelved by GDOT. We are excited that the construction phase is now funded and look forward to the successful completion of this important project. Outlined below are the tasks that will be necessary to let this project to construction in January 2021 (per latest schedule from GDOT):

Traffic Projections

We will be required to update all traffic projections for a new design and opening year. These updated traffic numbers will require updates to the air and noise studies as well as the asphalt pavement design.

Field Survey Updates

Due to new pavement construction at Hog Mountain Road and at the UGA Experiment Station entrance, these areas will need to be re-surveyed. Roadway cross sections and asphalt levelling quantities will then need to be updated as well.

Environmental Technical Studies

Ecological field surveys and delineations for the full project corridor were last conducted in May 2010. These surveys are generally valid for five years, and therefore, additional ecological surveys need to be conducted to validate previously delineated resources and identify and delineate new resources if present within Phases II and III. Archaeological surveys are needed to meet current GDOT standards at intersection tie-ins. History surveys are needed to assess the National Register of Historic Places (NRHP) eligibility of the resources that were less than 50 years old during previous surveys but are now 50 years or older within Phases II and III. The additional surveys will also document resources that will be at least 50 years old in the next five years such that additional assessments would not be needed for a period of five years. All NRHP eligible resources will be assessed for the project's potential to cause effect. As noted above, Air study will be updated per the updated traffic and procedures. A NEPA Reevaluation will not be required.

Plan updates

All side barriers will need to be updated to GDOT's new standard for MASH compliance (slant faced), requiring updates to the roadway cross sections, typical sections, and quantities. Minor drainage revisions will be necessary to tie with recent construction. Per recent directive from

2450 COMMERCE AVENUE, SUITE 100, DULUTH, GA 30096-8910

770.263.5945 | F 770.263.0166 | maai.net



GDOT, all temporary drainage must be shown in the staging plans, staging cross sections, drainage profiles, and itemized in the project quantities. Erosion control plans (general notes, checklist, and BMP codes) will need to be updated per latest EPD and GDOT standards.

Hold Public Information Open House (PIOH) Meeting

Due to the length of time the project was on the shelf, GDOT requires a PIOH be held. The preparation of advertisement and handouts and exhibits on aerial base will occur with staff attending the meeting. No comments will be taken.

Supplemental Final Field Plan Review (SFFPR)

Due to the length of time the project was on the shelf, GDOT has stated that an additional field plan review will be required. The plan package (Plan PDF's, Special Provisions, Cost Estimate, Earthwork Calculations) and other checklist items will be prepared. MA will attend the SFFPR, respond to comments, and make requested plan changes.

Prepare 404 permit and Stream Buffer Variance (SBV)

A 404 permit authorization letter for Nationwide Permit 14 was obtained for the project in 2014. The Nationwide Permit program that authorized this permit expired in 2017, and a new program is currently in place. In addition, the US Army Corps of Engineers Savannah District updated the Standard Operating Procedures (SOP) for compensatory mitigation calculation. Therefore, the project will require a new 404 permit to impact waters of the US in Phases II and III with compensatory mitigation calculated using the updated 2018 SOP. A GA Environmental Protection Division (GAEPD) SBV was obtained for Phase I in 2014. SBVs are applied for and obtained by project phases. A GAEPD SBV will be obtained for non-exempt buffer impacts for Phase II.

Final Plans Submission

MA will be required to submit 10 sets of plans to GDOT for final distribution prior to letting. There is a new requirement to provide a 3D model of the proposed roadway; however, GDOT has agreed that this would not be necessary for this project.

Project Management

GDOT now requires substantial project management that includes monthly coordination meetings with all disciplines present, monthly P6 schedule updates, and continuous coordination with Program Delivery staff (e-mail, etc.).

A detailed estimate of costs and hours associated with the above tasks is attached. **The requested supplement totals \$216,257.60.** This estimate does not include 'Post Design' services (shop drawing reviews, responding to contractor questions on construction, etc.). This would be an additional \$26,000 that would be necessary prior the project letting in January 2021. If you have any questions or need additional information, please do not hesitate to call.

Sincerely,

M.J. Sheehan, P.E.
Project Manager

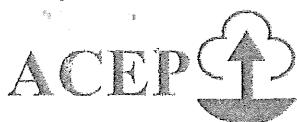
2019

ACEP – ALE (AGRICULTURAL LAND EASEMENT PROGRAM)

Total Points

Participants	Tract No.	Total Offered Acres	Total Prime and State Soils Acres	Total Prime and Statewide Soils %	Acres of Pasture/Hay, Crop	Forest Acres	Conservation Plan	Resource Concerns Address	Rank
Jack L. Lewis Jr.	3729	34.79	28.1	81%	16.05	18.74	Yes	4 200.3	1
Steve and Paula Nedza	2960	51.5	28.2	55%	46.4	5.1	Yes	4 182.1	2
Fred Hale	797	54.68	17.8	33%	52.23	2.45	Yes	4 181.4	3
House Quail Farm Inc	644	24.1	2.9	1%	0	24.1	Yes	3 150.0	4
Marvin D Green	2514	47.8	42.5	89%	32.4	15.4	Yes	4 190.5	1

Gerald Grace USDA-NRCS 08/16/2019



ACEP Agricultural Land Easements (ALE)

2019 RANKING – GEORGIA



Entity Name: _____

Application #: 54-4310 _____

Parcel Name: JACK L. LEWIS JR Parcel #: 54-4310- _____

Ranking Factor and Scaling	Max. Points	Points
NATIONAL RANKING FACTORS	200	
Percent of prime, unique, and important farmland in the parcel to be protected ▪ 0 points for 50 percent or less $81\% - 50\% = 31\% \times .5 = 15.5$ ▪ 0.5 point for every percent above 50 percent	25	15.5
Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected ▪ 0 points for 33 percent or less $46\% - 33\% = 13\% \times .372 = 4.8$ ▪ 0.372 points for every percent above 33 percent	25	4.8
Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture ▪ 0 points for a ratio of 1 or less ▪ 7 points for ratios of 1.0 to 2.0 ▪ 15 points for ratios of greater than 2.0 Ratio: _____	15	0
Decrease in the percentage of acreage of farmland in the county in which the parcel is located between the last two USDA Censuses of Agriculture ▪ 0 points for decrease of 0 percent or less ▪ 3 point for decreases of 0 to 5 percent ▪ 5 points for decrease of 5 to 10 percent ▪ 8 points for decreases of 10 to 15 percent ▪ 15 points for decreases of more than 15 percent Percentage: <u>21%</u>	15	15
Decrease in the percentage of acreage of permanent grassland, pasture and rangeland, other than cropland and woodland pasture in the county in which the parcel is located between the last two USDA Censuses of Agriculture ▪ 0 points for decrease of 0 percent or less ▪ 3 points for decreases of 0 to 5 percent ▪ 5 points for decrease of 5 to 10 percent ▪ 8 points for decreases of 10 to 15 percent ▪ 15 points for decreases of more than 15 percent Percentage: <u>22%</u>	15	15
Percent population growth in the county as documented by the United States Census ▪ 0 points for growth rate of < the state growth rate ▪ 4 points for growth rate of 1-2 times the state growth rate ▪ 7 points for growth rate of 2-3 times the state growth rate ▪ 15 points for growth rate of > 3 times the state growth rate Percentage: <u>1.37%</u>	15	4

Population density (population per square mile) as documented by the most recent United States Census State Density: <u>163.02</u> City/County Density: <u>176.04</u> ▪ 0 points for population density < the state population density ▪ 4 points for population density of 1-2 times the state population density ▪ 7 points for population density of 2-3 times the state population density 15 points for population density of > 3 times the state population density	15	4
Does the parcel owner have a Farm Business Plan or Farm Transition Plan already established? ▪ 15 points for already established ▪ 5 points for plan in progress at time of application ▪ 0 points for no plan at time of application	15	15
Proximity of the parcel to other protected land, including military installations ▪ 0 points for < 250 acres of protected land within a mile of parcel boundaries ▪ 7 points for 250-500 acres of protected land within a mile of parcel boundaries 15 points for more than 500 acres of protected land within a mile of parcel boundaries	15	7
Proximity of the parcel to other agricultural operations and infrastructure ▪ 0 points for < 250 acres of other agricultural operations within a mile of parcel boundaries ▪ 7 points for 250-500 acres of other agricultural operations within a mile of parcel boundaries ▪ 15 points for > 500 acres of agricultural operations within a mile of parcel boundaries	15	15
Parcel Ability to maximize the protection of contiguous or proximal acres devoted to ag use ▪ 10 points if parcel links two corridors of protected ag use ▪ 5 points if parcel is a contiguous or proximal expansion of ag use protected area ▪ 0 points if parcel does not increase a protected ag use area	10	5
Currently enrolled in CRP in a contract that is set to expire within a year? ▪ 10 points for yes, 0 points for no	10	0
The parcel is a grassland of special environmental significance that will benefit from the protection under the long term easement? ▪ 10 points for yes, 0 points for no	10	10
▪ STATE RANKING FACTORS	100	
Parcel is in an identified local or state focus area, rural greenway, designated scenic byway, or other environmentally sensitive/natural protection area (i.e. adjacent to scenic roadway, public water supply watershed, known T&E habitat, etc.) ▪ 20 points for "yes" 0 points for "no"	20	20
Parcel has historic or cultural resources or other special features beneficial to preserve (Note: No points will be awarded for this factor if Historical/Archaeological status was used for basic eligibility.) ▪ 10 points if yes, 0 points for no	10	0
Entity ranking criteria for parcels is consistent with program purpose (national and state ranking criteria) ▪ 15 points if 75-100% of ranking factors match NRCS Georgia ranking criteria ▪ 5 points if 50-75% of ranking factors match NRCS Georgia ranking criteria 0 points if >50% of ranking factors match NRCS Georgia ranking criteria	15	15

Conservation plan includes practices to address resource concerns: Soil erosion, water quality, water conservation, air quality, fish and wildlife habitat, and forestry. ▪ 20 points if all 4+ resource concerns are addressed ▪ 10 points if 3 resource concerns are addressed ▪ 5 points if 2 resource concerns are addressed ▪ 2 point if 1 resource concern is addressed 0 points if no resource concerns are addressed	20	20
Are landowners a historically underserved group, small scale farmer, limited resource landowner, new or beginning farmer, or veteran landowner? ▪ 10 points for "yes" ▪ 0 points for "no"	10	10
Is the entity applying for funding behind on monitoring or 2 years past closing easements? ▪ 25 points for entity being up-to-date on all or not applicable ▪ 10 points for entity being behind on only one item ▪ 0 points for being behind on all work with NRCS	25	25
TOTAL RANKING POINTS	300	200.3

NRCS Ranking Official Signature: _____

NRCS Ranking Date: _____

RANKING NOTES:



ACEP Agricultural Land Easements (ALE)

2019 RANKING – GEORGIA



Entity Name: _____ Application #: 54-4310 _____

Parcel Name: MARVIN D GREEN Parcel #: 54-4310-_____

Ranking Factor and Scaling	Max. Points	Points
NATIONAL RANKING FACTORS	200	
Percent of prime, unique, and important farmland in the parcel to be protected <ul style="list-style-type: none"> 0 points for 50 percent or less $89\% - 50\% = 39\%$ 0.5 point for every percent above 50 percent 	25	19.5
Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected <ul style="list-style-type: none"> 0 points for 33 percent or less $68\% - 33\% = 35\% \times .372 = 13$ 0.372 points for every percent above 33 percent 	25	13
Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture <ul style="list-style-type: none"> 0 points for a ratio of 1 or less 7 points for ratios of 1.0 to 2.0 15 points for ratios of greater than 2.0 Ratio: _____	15	0
Decrease in the percentage of acreage of farmland in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none"> 0 points for decrease of 0 percent or less 3 points for decreases of 0 to 5 percent 5 points for decrease of 5 to 10 percent 8 points for decreases of 10 to 15 percent 15 points for decreases of more than 15 percent Percentage: <u>21%</u>	15	15
Decrease in the percentage of acreage of permanent grassland, pasture and rangeland, other than cropland and woodland pasture in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none"> 0 points for decrease of 0 percent or less 3 points for decreases of 0 to 5 percent 5 points for decrease of 5 to 10 percent 8 points for decreases of 10 to 15 percent 15 points for decreases of more than 15 percent Percentage: <u>22%</u>	15	15
Percent population growth in the county as documented by the United States Census <ul style="list-style-type: none"> 0 points for growth rate of < the state growth rate 4 points for growth rate of 1-2 times the state growth rate 7 points for growth rate of 2-3 times the state growth rate 15 points for growth rate of > 3 times the state growth rate Percentage: <u>1.37%</u>	15	4

Population density (population per square mile) as documented by the most recent United States Census <i>State Density: 163 City/County Density: 176</i>	15	4
<ul style="list-style-type: none"> ■ 0 points for population density < the state population density ■ 4 points for population density of 1-2 times the state population density ■ 7 points for population density of 2-3 times the state population density <p>15 points for population density of > 3 times the state population density</p>		
Does the parcel owner have a Farm Business Plan or Farm Transition Plan already established? <ul style="list-style-type: none"> ■ 15 points for already established ■ 5 points for plan in progress at time of application ■ 0 points for no plan at time of application ■ 	15	15
Proximity of the parcel to other protected land, including military installations <ul style="list-style-type: none"> ■ 0 points for < 250 acres of protected land within a mile of parcel boundaries ■ 7 points for 250-500 acres of protected land within a mile of parcel boundaries <p>15 points for more than 500 acres of protected land within a mile of parcel boundaries</p>	15	0
Proximity of the parcel to other agricultural operations and infrastructure <ul style="list-style-type: none"> ■ 0 points for < 250 acres of other agricultural operations within a mile of parcel boundaries ■ 7 points for 250-500 acres of other agricultural operations within a mile of parcel boundaries ■ 15 points for > 500 acres of agricultural operations within a mile of parcel boundaries 	15	15
Parcel Ability to maximize the protection of contiguous or proximal acres devoted to ag use <ul style="list-style-type: none"> ■ 10 points if parcel links two corridors of protected ag use ■ 5 points if parcel is a contiguous or proximal expansion of ag use protected area ■ 0 points if parcel does not increase a protected ag use area 	10	0
Currently enrolled in CRP in a contract that is set to expire within a year? <ul style="list-style-type: none"> ■ 10 points for yes, 0 points for no 	10	0
The parcel is a grassland of special environmental significance that will benefit from the protection under the long term easement? <ul style="list-style-type: none"> ■ 10 points for yes, 0 points for no 	10	10
■ STATE RANKING FACTORS	100	
Parcel is in an identified local or state focus area, rural greenway, designated scenic byway, or other environmentally sensitive/natural protection area (i.e. adjacent to scenic roadway, public water supply watershed, known T&E habitat, etc.) <ul style="list-style-type: none"> ■ 20 points for "yes" <p>0 points for "no"</p>	20	20
Parcel has historic or cultural resources or other special features beneficial to preserve (Note: No points will be awarded for this factor if Historical/Archaeological status was used for basic eligibility.) <ul style="list-style-type: none"> ■ 10 points if yes, 0 points for no 	10	0
Entity ranking criteria for parcels is consistent with program purpose (national and state ranking criteria) <ul style="list-style-type: none"> ■ 15 points if 75-100% of ranking factors match NRCS Georgia ranking criteria ■ 5 points if 50-75% of ranking factors match NRCS Georgia ranking criteria <p>0 points if >50% of ranking factors match NRCS Georgia ranking criteria</p>	15	15

Conservation plan includes practices to address resource concerns: Soil erosion, water quality, water conservation, air quality, fish and wildlife habitat, and forestry. <ul style="list-style-type: none">▪ 20 points if all 4+ resource concerns are addressed▪ 10 points if 3 resource concerns are addressed▪ 5 points if 2 resource concerns are addressed▪ 2 point if 1 resource concern is addressed 0 points if no resource concerns are addressed	20	20
Are landowners a historically underserved group, <u>small scale farmer</u> , limited resource landowner, new or beginning farmer, or veteran landowner? <ul style="list-style-type: none">▪ 10 points for "yes"▪ 0 points for "no"	10	0
Is the entity applying for funding behind on monitoring or 2 years past closing easements? <ul style="list-style-type: none">▪ 25 points for entity being up-to-date on all or not applicable▪ 10 points for entity being behind on only one item▪ 0 points for being behind on all work with NRCS	25	25
TOTAL RANKING POINTS	300	190.5

NRCS Ranking Official Signature: _____

NRCS Ranking Date: _____

RANKING NOTES:



ACEP Agricultural Land Easements (ALE) 2019 RANKING – GEORGIA



Entity Name: _____

Application #: 54-4310 _____

Parcel Name: STEVE AND PAULA
NEDZA

Parcel #: 54-4310-_____

Ranking Factor and Scaling	Max. Points	Points
NATIONAL RANKING FACTORS	200	
Percent of prime, unique, and important farmland in the parcel to be protected <ul style="list-style-type: none">■ 0 points for 50 percent or less $55\% - 50\% = 5\% \times .5 = 2.5$■ 0.5 point for every percent above 50 percent	25	2.5
Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected <ul style="list-style-type: none">■ 0 points for 33 percent or less $91\% - 33\% = 58\% \times .372 = 21.6$■ 0.372 points for every percent above 33 percent	25	21.6
Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture <ul style="list-style-type: none">■ 0 points for a ratio of 1 or less■ 7 points for ratios of 1.0 to 2.0■ 15 points for ratios of greater than 2.0 Ratio: _____	15	0
Decrease in the percentage of acreage of farmland in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none">■ 0 points for decrease of 0 percent or less■ 3 point for decreases of 0 to 5 percent■ 5 points for decrease of 5 to 10 percent■ 8 points for decreases of 10 to 15 percent■ 15 points for decreases of more than 15 percent Percentage: <u>21%</u>	15	15
Decrease in the percentage of acreage of permanent grassland, pasture and rangeland, other than cropland and woodland pasture in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none">■ 0 points for decrease of 0 percent or less■ 3 points for decreases of 0 to 5 percent■ 5 points for decrease of 5 to 10 percent■ 8 points for decreases of 10 to 15 percent■ 15 points for decreases of more than 15 percent Percentage: <u>22%</u>	15	15
Percent population growth in the county as documented by the United States Census <ul style="list-style-type: none">■ 0 points for growth rate of < the state growth rate■ 4 points for growth rate of 1-2 times the state growth rate■ 7 points for growth rate of 2-3 times the state growth rate■ 15 points for growth rate of > 3 times the state growth rate Percentage: <u>1.37%</u>	15	4

Population density (population per square mile) as documented by the most recent United States Census State Density: <u>163</u> City/County Density: <u>176</u> ■ 0 points for population density < the state population density ■ 4 points for population density of 1-2 times the state population density ■ 7 points for population density of 2-3 times the state population density 15 points for population density of > 3 times the state population density	15	4
Does the parcel owner have a Farm Business Plan or Farm Transition Plan already established? ■ 15 points for already established ■ 5 points for plan in progress at time of application ■ 0 points for no plan at time of application	15	15
Proximity of the parcel to other protected land, including military installations ■ 0 points for < 250 acres of protected land within a mile of parcel boundaries ■ 7 points for 250-500 acres of protected land within a mile of parcel boundaries 15 points for more than 500 acres of protected land within a mile of parcel boundaries	15	0
Proximity of the parcel to other agricultural operations and infrastructure ■ 0 points for < 250 acres of other agricultural operations within a mile of parcel boundaries ■ 7 points for 250-500 acres of other agricultural operations within a mile of parcel boundaries ■ 15 points for > 500 acres of agricultural operations within a mile of parcel boundaries	15	15
Parcel Ability to maximize the protection of contiguous or proximal acres devoted to ag use ■ 10 points if parcel links two corridors of protected ag use ■ 5 points if parcel is a contiguous or proximal expansion of ag use protected area ■ 0 points if parcel does not increase a protected ag use area	10	0
Currently enrolled in CRP in a contract that is set to expire within a year? ■ 10 points for yes, 0 points for no	10	0
The parcel is a grassland of special environmental significance that will benefit from the protection under the long term easement? ■ 10 points for yes, 0 points for no	10	10
■ STATE RANKING FACTORS	100	
Parcel is in an identified local or state focus area, rural greenway, designated scenic byway, or other environmentally sensitive/natural protection area (i.e. adjacent to scenic roadway, public water supply watershed, known T&E habitat, etc.) ■ 20 points for "yes" 0 points for "no"	20	20
Parcel has historic or cultural resources or other special features beneficial to preserve (Note: No points will be awarded for this factor if Historical/Archaeological status was used for basic eligibility.) ■ 10 points if yes, 0 points for no	10	0
Entity ranking criteria for parcels is consistent with program purpose (national and state ranking criteria) ■ 15 points if 75-100% of ranking factors match NRCS Georgia ranking criteria ■ 5 points if 50-75% of ranking factors match NRCS Georgia ranking criteria 0 points if >50% of ranking factors match NRCS Georgia ranking criteria	15	15

Conservation plan includes practices to address resource concerns: Soil erosion, water quality, water conservation, air quality, fish and wildlife habitat, and forestry.	20	20
<ul style="list-style-type: none"> ▪ 20 points if all 4+ resource concerns are addressed ▪ 10 points if 3 resource concerns are addressed ▪ 5 points if 2 resource concerns are addressed ▪ 2 point if 1 resource concern is addressed 	20	20
0 points if no resource concerns are addressed		
Are landowners a historically underserved group, small scale farmer, limited resource landowner, new or beginning farmer, or veteran landowner?	10	10
<ul style="list-style-type: none"> ▪ 10 points for "yes" ▪ 0 points for "no" 	10	10
Is the entity applying for funding behind on monitoring or 2 years past closing easements?	25	25
<ul style="list-style-type: none"> ▪ 25 points for entity being up-to-date on all or not applicable ▪ 10 points for entity being behind on only one item ▪ 0 points for being behind on all work with NRCS 	25	25
TOTAL RANKING POINTS	300	182.1

NRCS Ranking Official Signature: _____

NRCS Ranking Date: _____

RANKING NOTES:



ACEP Agricultural Land Easements (ALE)

2019 RANKING – GEORGIA



Entity Name: _____

Application #: 54-4310 _____

Parcel Name: FRED HALE

Parcel #: 54-4310- _____

Ranking Factor and Scaling	Max. Points	Points
NATIONAL RANKING FACTORS	200	
Percent of prime, unique, and important farmland in the parcel to be protected ▪ 0 points for 50 percent or less 33% ▪ 0.5 point for every percent above 50 percent	25	0
Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected ▪ 0 points for 33 percent or less 52.23 ÷ 54.68 = 95.5 - 33% = 63% ▪ 0.372 points for every percent above 33 percent 63 x .372	25	23.4
Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture ▪ 0 points for a ratio of 1 or less ▪ 7 points for ratios of 1.0 to 2.0 ▪ 15 points for ratios of greater than 2.0 <i>Ratio: _____</i>	15	0
Decrease in the percentage of acreage of farmland in the county in which the parcel is located between the last two USDA Censuses of Agriculture ▪ 0 points for decrease of 0 percent or less ▪ 3 point for decreases of 0 to 5 percent ▪ 5 points for decrease of 5 to 10 percent ▪ 8 points for decreases of 10 to 15 percent ▪ 15 points for decreases of more than 15 percent <i>Percentage: <u>21%</u></i>	15	15
Decrease in the percentage of acreage of permanent grassland, pasture and rangeland, other than cropland and woodland pasture in the county in which the parcel is located between the last two USDA Censuses of Agriculture ▪ 0 points for decrease of 0 percent or less ▪ 3 points for decreases of 0 to 5 percent ▪ 5 points for decrease of 5 to 10 percent ▪ 8 points for decreases of 10 to 15 percent ▪ 15 points for decreases of more than 15 percent <i>Percentage: <u>20%</u></i>	15	15
Percent population growth in the county as documented by the United States Census ▪ 0 points for growth rate of < the state growth rate <i>Percentage: 1.37</i> ▪ 4 points for growth rate of 1-2 times the state growth rate ▪ 7 points for growth rate of 2-3 times the state growth rate ▪ 15 points for growth rate of > 3 times the state growth rate	15	4

<p>Population density (population per square mile) as documented by the most recent United States Census</p> <p>State Density: <u>163</u> City/County Density: <u>176</u></p> <ul style="list-style-type: none"> 0 points for population density < the state population density 4 points for population density of 1-2 times the state population density 7 points for population density of 2-3 times the state population density <p>15 points for population density of > 3 times the state population density</p>	15	4
<p>Does the parcel owner have a Farm Business Plan or Farm Transition Plan already established?</p> <ul style="list-style-type: none"> 15 points for already established 5 points for plan in progress at time of application 0 points for no plan at time of application 	15	15
<p>Proximity of the parcel to other protected land, including military installations</p> <ul style="list-style-type: none"> 0 points for < 250 acres of protected land within a mile of parcel boundaries 7 points for 250-500 acres of protected land within a mile of parcel boundaries <p>15 points for more than 500 acres of protected land within a mile of parcel boundaries</p>	15	0
<p>Proximity of the parcel to other agricultural operations and infrastructure</p> <ul style="list-style-type: none"> 0 points for < 250 acres of other agricultural operations within a mile of parcel boundaries 7 points for 250-500 acres of other agricultural operations within a mile of parcel boundaries 15 points for > 500 acres of agricultural operations within a mile of parcel boundaries 	15	15
<p>Parcel Ability to maximize the protection of contiguous or proximal acres devoted to ag use</p> <ul style="list-style-type: none"> 10 points if parcel links two corridors of protected ag use 5 points if parcel is a contiguous or proximal expansion of ag use protected area 0 points if parcel does not increase a protected ag use area 	10	0
<p>Currently enrolled in CRP in a contract that is set to expire within a year?</p> <ul style="list-style-type: none"> 10 points for yes, 0 points for no 	10	0
<p>The parcel is a grassland of special environmental significance that will benefit from the protection under the long term easement?</p> <ul style="list-style-type: none"> 10 points for yes, 0 points for no <p>STATE RANKING FACTORS</p>	10	10
<p>Parcel is in an identified local or state focus area, rural greenway, designated scenic byway, or other environmentally sensitive/natural protection area (i.e. adjacent to scenic roadway, public water supply watershed, known T&E habitat, etc.)</p> <ul style="list-style-type: none"> 20 points for "yes" 0 points for "no" 	20	20
<p>Parcel has historic or cultural resources or other special features beneficial to preserve (Note: No points will be awarded for this factor if Historical/Archaeological status was used for basic eligibility.)</p> <ul style="list-style-type: none"> 10 points if yes, 0 points for no 	10	0
<p>Entity ranking criteria for parcels is consistent with program purpose (national and state ranking criteria)</p> <ul style="list-style-type: none"> 15 points if 75-100% of ranking factors match NRCS Georgia ranking criteria 5 points if 50-75% of ranking factors match NRCS Georgia ranking criteria 0 points if >50% of ranking factors match NRCS Georgia ranking criteria 	15	15

not limited resource

Conservation plan includes practices to address resource concerns: Soil erosion, water quality, water conservation, air quality, fish and wildlife habitat, and forestry. <ul style="list-style-type: none">▪ 20 points if all 4+ resource concerns are addressed▪ 10 points if 3 resource concerns are addressed▪ 5 points if 2 resource concerns are addressed▪ 2 point if 1 resource concern is addressed <p>0 points if no resource concerns are addressed</p>	20	20
Are landowners a historically underserved group, small scale farmer, limited resource landowner, new or beginning farmer, or veteran landowner? <ul style="list-style-type: none">▪ 10 points for "yes"▪ 0 points for "no"	10	0
Is the entity applying for funding behind on monitoring or 2 years past closing easements? <ul style="list-style-type: none">▪ 25 points for entity being up-to-date on all or not applicable▪ 10 points for entity being behind on only one item▪ 0 points for being behind on all work with NRCS	25	25
TOTAL RANKING POINTS	300	181.4

NRCS Ranking Official Signature: _____

NRCS Ranking Date: _____

RANKING NOTES:



ACEP Agricultural Land Easements (ALE) 2019 RANKING – GEORGIA



Entity Name: _____ Application #: 54-4310 _____

Parcel Name: HOUSE QUAIL FARM Parcel #: 54-4310-_____

Ranking Factor and Scaling	Max. Points	Points
NATIONAL RANKING FACTORS	200	
Percent of prime, unique, and important farmland in the parcel to be protected <ul style="list-style-type: none">■ 0 points for 50 percent or less■ 0.5 point for every percent above 50 percent	25	0
Percent of cropland, pastureland, grassland, and rangeland in the parcel to be protected <ul style="list-style-type: none">■ 0 points for 33 percent or less■ 0.372 points for every percent above 33 percent	25	0
Ratio of the total acres of land in the parcel to be protected to average farm size in the county according to the most recent USDA Census of Agriculture <ul style="list-style-type: none">■ 0 points for a ratio of 1 or less■ 7 points for ratios of 1.0 to 2.0■ 15 points for ratios of greater than 2.0 Ratio: _____	15	0
Decrease in the percentage of acreage of farmland in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none">■ 0 points for decrease of 0 percent or less■ 3 point for decreases of 0 to 5 percent■ 5 points for decrease of 5 to 10 percent■ 8 points for decreases of 10 to 15 percent■ 15 points for decreases of more than 15 percent Percentage: <u>-21%</u>	15	15
Decrease in the percentage of acreage of permanent grassland, pasture and rangeland, other than cropland and woodland pasture in the county in which the parcel is located between the last two USDA Censuses of Agriculture <ul style="list-style-type: none">■ 0 points for decrease of 0 percent or less■ 3 points for decreases of 0 to 5 percent■ 5 points for decrease of 5 to 10 percent■ 8 points for decreases of 10 to 15 percent■ 15 points for decreases of more than 15 percent Percentage: <u>-22%</u>	15	15
Percent population growth in the county as documented by the United States Census <ul style="list-style-type: none">■ 0 points for growth rate of < the state growth rate■ 4 points for growth rate of 1-2 times the state growth rate■ 7 points for growth rate of 2-3 times the state growth rate■ 15 points for growth rate of > 3 times the state growth rate Percentage: <u>1.37%</u>	15	4

<p>Population density (population per square mile) as documented by the most recent United States Census</p> <p>State Density: 163 City/County Density: 176</p> <ul style="list-style-type: none"> 0 points for population density < the state population density 4 points for population density of 1-2 times the state population density 7 points for population density of 2-3 times the state population density <p>15 points for population density of > 3 times the state population density</p>	15	4
<p>Does the parcel owner have a Farm Business Plan or Farm Transition Plan already established?</p> <ul style="list-style-type: none"> 15 points for already established 5 points for plan in progress at time of application 0 points for no plan at time of application 	15	15
<p>Proximity of the parcel to other protected land, including military installations</p> <ul style="list-style-type: none"> 0 points for < 250 acres of protected land within a mile of parcel boundaries 7 points for 250-500 acres of protected land within a mile of parcel boundaries <p>15 points for more than 500 acres of protected land within a mile of parcel boundaries</p>	15	7
<p>Proximity of the parcel to other agricultural operations and infrastructure</p> <ul style="list-style-type: none"> 0 points for < 250 acres of other agricultural operations within a mile of parcel boundaries 7 points for 250-500 acres of other agricultural operations within a mile of parcel boundaries 15 points for > 500 acres of agricultural operations within a mile of parcel boundaries 	15	15
<p>Parcel Ability to maximize the protection of contiguous or proximal acres devoted to ag use</p> <ul style="list-style-type: none"> 10 points if parcel links two corridors of protected ag use 5 points if parcel is a contiguous or proximal expansion of ag use protected area 0 points if parcel does not increase a protected ag use area 	10	5
<p>Currently enrolled in CRP in a contract that is set to expire within a year?</p> <ul style="list-style-type: none"> 10 points for yes, 0 points for no 	10	0
<p>The parcel is a grassland of special environmental significance that will benefit from the protection under the long term easement?</p> <ul style="list-style-type: none"> 10 points for yes, 0 points for no 	10	0
<p>STATE RANKING FACTORS</p>	100	
<p>Parcel is in an identified local or state focus area, rural greenway, designated scenic byway, or other environmentally sensitive/natural protection area (i.e. adjacent to scenic roadway, public water supply watershed, known T&E habitat, etc.)</p> <ul style="list-style-type: none"> 20 points for "yes" 0 points for "no" 	20	20
<p>Parcel has historic or cultural resources or other special features beneficial to preserve (Note: No points will be awarded for this factor if Historical/Archaeological status was used for basic eligibility.)</p> <ul style="list-style-type: none"> 10 points if yes, 0 points for no 	10	0
<p>Entity ranking criteria for parcels is consistent with program purpose (national and state ranking criteria)</p> <ul style="list-style-type: none"> 15 points if 75-100% of ranking factors match NRCS Georgia ranking criteria 5 points if 50-75% of ranking factors match NRCS Georgia ranking criteria 0 points if >50% of ranking factors match NRCS Georgia ranking criteria 	15	15

Conservation plan includes practices to address resource concerns: Soil erosion, water quality, water conservation, air quality, fish and wildlife habitat, and forestry. <ul style="list-style-type: none"> ▪ 20 points if all 4+ resource concerns are addressed ▪ 10 points if 3 resource concerns are addressed ▪ 5 points if 2 resource concerns are addressed ▪ 2 point if 1 resource concern is addressed 0 points if no resource concerns are addressed	20	10
Are landowners a historically underserved group, small scale farmer, limited resource landowner, new or beginning farmer, or veteran landowner? <ul style="list-style-type: none"> ▪ 10 points for "yes" ▪ 0 points for "no" 	10	0
Is the entity applying for funding behind on monitoring or 2 years past closing easements? <ul style="list-style-type: none"> ▪ 25 points for entity being up-to-date on all or not applicable ▪ 10 points for entity being behind on only one item ▪ 0 points for being behind on all work with NRCS 	25	25
TOTAL RANKING POINTS	300	150

NRCS Ranking Official Signature: _____

NRCS Ranking Date: _____

RANKING NOTES:
