

WHITE COUNTY BOARD OF COMMISSIONERS

MINUTES FROM SPECIAL CALLED MEETING & PUBLIC HEARING HELD

THURSDAY, MAY 28, 2009

The White County Board of Commissioners met for a special called meeting and public hearing at 4:30 p.m. in the Main Court Room of the White County Courthouse Cleveland, GA. Present were Chairman Travis C. Turner, Post 1 Commissioner Joe Campbell, Post 2 Commissioner Craig Bryant, County Attorney David Syfan, County Manager Alton Brown, Chief Financial Officer Vickie Neikirk, and County Clerk Shanda Smallwood.

Chairman Travis Turner called the special called meeting to order and explained the purpose of this meeting and public hearing were to: (1) receive public input on the adoption of an ordinance governing the location of facilities engaging in the land application of human waste, (2) to consider the second and final reading and adoption of an ordinance governing the location of facilities engaging in the land application of human waste, and (3) to conduct the first reading of an ordinance regarding commercial driveways connecting with county roads.

Chairman Turner explained that initially the Board of Commissioners would need to adopt administrative hearing procedures and informed the audience that copies of these procedures were available for distribution. He asked Alton Brown to provide a summary of the administrative hearing procedures. Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant, the adoption of the administrative hearing procedures was unanimously approved as follows:

**ADMINISTRATIVE HEARING PROCEDURES
FOR THE PUBLIC HEARING
REGARDING THE LAND APPLICATION SYSTEM ORDINANCE**

I. The public hearing regarding the Land Application System Ordinance considered by the Board of Commissioners shall be governed by the following procedures:

(1) The Chair, or other presiding officer should another person be designated by the Board to act as the presiding officer, shall open the hearing by stating in general terms the land application system ordinance being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.

(2) The County Manager, Director of Planning or other agent of the County may present a description of the proposed ordinance, any applicable background material, his/her recommendation, if any, regarding action on said ordinance as appropriate, and the recommendations and reports of the Planning Department, if any, as appropriate.

(3) Persons who support the ordinance will be asked to comment first. Such persons may, upon recognition and upon statement of name and address, present and explain their support. A time limitation may be imposed at the discretion of the presiding officer, but no less than ten (10) minutes shall be provided for all of those speaking in support of the ordinance.

(4) Persons who oppose the ordinance or who have questions about the subject ordinance will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed ordinance by standing before the Board of Commissioners and identifying their name, address and interest along with any comments on the proposed ordinance. A time limitation may be imposed at the discretion of the presiding officer, but no less than ten (10) minutes shall be provided for all of those speaking against the ordinance.

(5) The County Manager, Director of Planning, County Attorney, or other designated agent, shall have an opportunity to answer any questions raised by the public, and for summary remarks concerning the proposed ordinance.

(6) All public comments having been heard, the members of the Board of Commissioners considering the ordinance may discuss the ordinance among themselves.

(7) During this discussion period, the members of the Board of Commissioners may call on the County staff and agents or other interested parties to clarify points made previously or to answer questions. Said persons or interested parties may respond upon recognition. Additional questions from the public may not be asked during the discussion period unless allowed by the Chair or presiding officer. Once the public hearing is closed and a vote or other action is being considered, the presiding officer shall rule unrecognized responses from participants out of order. After completion of the discussion period by the Board of Commissioners, the public hearing shall be closed, and the Board of Commissioners shall go into a specially called meeting to vote on the ordinance.

-End of Administrative Hearing Procedures-

Following the adoption of the Administrative Hearing Procedures, Chairman Turner closed the called meeting and called the public hearing to order for the purpose of receiving public input on the adoption of an ordinance governing the location of facilities engaging in the land application of human waste.

Chairman Turner emphasize that the administrative hearing procedures which were adopted would apply to this public hearing portion of the meeting. He asked Alton Brown to give a summary of the proposed ordinance governing the location of facilities engaging in the land application of human waste.

In providing a summary of the ordinance, Alton Brown emphasize that the greatest purpose of this ordinance was to protect the health and welfare of the citizens of White County. Mr. Brown further highlighted the main points of the ordinance including site acreage requirements, protection district limitations, State Highway or minor arterial roadway frontage requirements, commercial driveway requirements which meets the current Georgia Department of Transportation regulations for Driveway and Encroachment Control, traffic study / impact requirements, setback requirements, fencing requirements, facility enclosure / ventilation system/ neutralizer system requirements, testing requirements for permitted waste, manifest submission requirements, and days / hours of operations requirements.

When questioned by a citizen how the one thousand (1,000) feet setback from the exterior property line of the parcel on which the facility is located was determined, Mr. Brown indicated this was based on prior experience in that this requirement would allow a sufficient distance for residents to not have to see, hear, and smell the facility in operation. Diane West, a Paradise Valley resident asked why restrictions were made for operation in daylight hours – Mr. Brown indicated that trucks traveling to and from these facilities are usually large and noisy and the restriction of daylight hours was to prohibit noise disturbances while surrounding residents are sleeping. Mr. Brown also emphasized the requirement of proof of financial means by the operator of the facility to cover circumstances which would result in clean up of the facility or surrounding areas as a result of the operation.

Following Mr. Brown's presentation of the ordinance summary, Chairman Turner opened the meeting floor for public comment. Once again he reminded the audience of the administrative hearing procedures which had been adopted – this would allow for a ten (10) minute comment period for those in support of the Land Application System Location Ordinance and a ten (10) minute comment period for those in opposition to the ordinance. He asked participants to step to the micro-phoned podium and state their name, address, and their statement of support or opposition for the ordinance. The public comments taken during this time are as follows:

Sid Bingham 38 Hidden Valley Road – Mr. Bingham expressed his concern of air pollution which could result from the proposed Mote Land Application Facility in the Paradise Valley area. He noted personal health conditions which he felt would be aggravated by these pollutants and expressed his support for the proposed ordinance.

Thomas Reed 512 Paradise Valley Road – Mr. Reed stated his support for the proposed ordinance and his opposition to the Motes Land Application Facility. Mr. Reed stated that his front porch looks directly over the proposed location of the Mote Facility and he owns a large tract of land on which his house sits, however he does think his house is well within one-thousand (1,000) feet of the proposed site.

Diane West 37 Gold Ditch Road – Ms. West expressed her support of the ordinance and her appreciation to the Board of Commissioners for the time and energy spent in developing the ordinance. She expressed her opposition to the proposed Mote site due to the Paradise Valley area being a highly residential area with many creeks and streams. Ms. West also expressed her concern that this proposed site was reviewed in 2008, during a drought, and she does not think it could possibly meet the perk requirements at this time with the amount of rain which has fallen over the past several months. She was also opposed to the treatment facility being within fifty (50) feet of a stream.

Leon Hillsgrove 53 Saul Drive – Ms. Hillsgrove stated that he owns twenty-five (25) acres around the proposed facility site and has six (6) rental units in the area. He stated that tenants had informed him if the Motes site was approved that they would no longer rent his properties and he has also lost a contract on a property he was selling in the area due to the proposed site.

Michelle Johnson (address not clear) – Ms. Johnson expressed her appreciation to the County Commissioners for their work on developing the ordinance and expressed her support for the ordinance.

Herb McClure 5465 Hwy 129 North – Mr. McClure owns twenty-one (21) acres adjoining Paradise Valley Road and is concerned for neighbors who live down stream from the proposed Motes site. He spoke of his concerns regarding run off and pollution of waterways in the area due to the land application of sewage.

Phillip McCurry 943 Collins Road - Mr. McCurry inquired as to what other options would be possible for disposing of the septage waste.

Commissioner Campbell explained that is it possible for the waste to be disposed of at sewage treatment facilities – however this must be disposed of at a slow rate so not to “shock” the treatment facility’s system. He indicated that a company must enter into a contract with a municipality to have this option and this is not allowed a great deal since there can be negative effects to the waste treatment system.

Chairman Turner closed the ten (10) minute session of the meeting dedicated to those speaking in support of the ordinance governing the location of facilities engaging in the land application of human waste and immediately opened a ten (10) minute session for those to speak who are in opposition to the ordinance.

Teresa Stansel (address not stated) – Ms. Stansel stated that she felt the ordinance being presented was a bad ordinance due to the general nature of the ordinance and she felt it was discriminatory. Ms. Stansel asked why a previously referenced “monitoring ordinance” was not pursued as she thought that ordinance was a much better document.

Chairman Turner explained that the proposed ordinance governing the location of facilities engaging in the land application of human waste was step one of a two step process. Step two in the process would address Ms. Stansels’ concerns regarding the monitoring of these types of facilities.

Chris Mote 669 Paradise Valley Road – Mr. Mote expressed his opposition to the ordinance being considered and his opinion that the ordinance was drafted specifically in order to stop his operation. Mr. Mote stated he had been working on his facility for over a year, had invested a lot of money in the project, and had pursued his project within all legal requirements. He expressed his disagreement with the Board of Commissioners decision to pursue the proposed ordinance.

Teresa Stansel asked Attorney David Syfan how the County could allow a “regulatory scheme” to affect one man’s business and how this could be constitutional.

Attorney Syfan responded by explaining that the Motes Land Application Facility business is not in existence at this time and in light of the ninety (90) day moratorium the Commissioners had passed on April 6, 2009, no one had come to the County requesting a land compliance letter or any other verification that they had a right to operate a land application system. Due to the temporary moratorium which had been imposed and the other facts stated, one does not gain a vested right or have a vested therefore it is legal for the Board of Commissioners to pass this such ordinance. Attorney Syfan further clarified that if an applicant can meet the reasonable

requirements of the ordinance then they will be issued a special use permit, therefore the ordinance is not designed to totally prohibit land application facilities in White County. Instead the ordinance is designed to impose reasonable regulations to prevent adverse impacts of the operations of such systems to the adjoining land owners. Therefore, Attorney Syfan stated the ordinance is a valid ordinance.

Chairman Turner asked if there were any additional comments of opposition to the ordinance. No one indicated a desire to comment in opposition to the ordinance and Chairman Turner temporarily closed the comment period of the meeting, which was to be reopened to satisfy the ten (10) minute minimum time requirement for both supporting and opposition statements.

Chairman Turner stated that he felt the community had made their desires clear to the Board of Commissioners, specifically in regards to the previous issues dealt with on LHR Farms, which was if these types of operations were going to exist in White County the facilities needed to operate correctly. Chairman Turner further stated that the Board of Commissioners' decision to pursue a land application ordinance was in no way inferring that Chris Mote had done anything wrong and it was unfortunate that prior Boards had not been more proactive in developing these types of regulations. Chairman Turner said this ordinance was in no way a discriminatory measure against Mr. Mote, as if a facility meets the requirements outlined in the ordinance they will be allowed to operate in White County. He feels it is the Board of Commissioners responsibility to the citizens to guide these issues in a manner to protect the health and welfare of the residents who would be affected.

Chairman Turner reopened the public comment period for those wishing to speak in opposition of the proposed ordinance. There were no additional comments and the public comment period was officially closed.

Chairman Turner spoke directly to Mr. Mote, indicating to him that within the community he was spoken of as a man with a good reputation and in no way was the Board of Commissioners inferring otherwise.

Commissioner Campbell stated that he wanted the community to understand that the ordinance being discussed today was an ordinance to govern the locations of the land application facilities not the operations of the facilities, however there would be an ordinance drafted which would also address the operational requirements of land application facilities according to state and federal guidelines. Commissioner Campbell encouraged the public to become aware of State Legislators who vote for measures to limit local control over land application facilities and to express their dissatisfaction with them by not re-electing them to office.

Chairman Turner closed the public hearing portion of the meeting and reopened the special called meeting portion of the meeting.

Upon a motion made by Commissioner Campbell, seconded by Commissioner Bryant the Ordinance Number 2009-12: An Ordinance Governing the Location of Facilities engaging in the Land Application of Human Waste: was unanimously approved by the White County Board of Commissioners.

FIRST READING: May 4, 2009

ADVERTISED: May 7 & 14, 2009

PUBLIC HEARING: May 28, 2009

SECOND READING/PASSED: May 28, 2009

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2009-12

**ORDINANCE GOVERNING THE LOCATION OF FACILITIES
ENGAGING IN THE LAND APPLICATION OF HUMAN WASTE**

WHEREAS, the Board of Commissioners of White County is authorized to adopt ordinances or regulations for the governing and policing of the County and for the purpose of protecting and preserving the health, safety, welfare and morals of the citizens of the County as granted by law and consistent with State law; and

WHEREAS, the Board of Commissioners has determined that facilities engaging in the land application of human waste and septage or commercial waste or both present issues best addressed by separate and distinct regulations governing the placement of such facilities, prevention of a public nuisance, promotion of the health of the citizens and prevention of the spread of disease; and

WHEREAS, House Bill 529 (2009) [O. C. G. A. § 2-1-6(b), as amended] recognizes and acknowledges that a local government, such as White County, has the legal authority and existing power to adopt or enforce any zoning ordinance or to make any other zoning decision regarding the land application of human waste and septage, or commercial waste, or both; and

WHEREAS, House Bill 529 (2009) [O. C. G. A. § 2-1-6(c), as amended] recognizes and acknowledges that a local government, such as White County, has the legal authority and existing power to adopt or enforce any ordinance, rule, regulation or resolution regulating the land application of human waste and septage, or commercial waste, or both consistent with State law; and

WHEREAS, the Local Act creating the White County Board of Commissioners provides that the Board [Ga. L. 1970, p. 2993] pursuant to Section 8 of said Act [Ga.L. 1970, p. 2997 amended by HB 1418 (2008)] shall have jurisdiction over the promotion of health and may enact ordinances promoting public health and preventing the spread of disease; and

WHEREAS, the Georgia Constitution (1983) Art. IX, § II, ¶ IV provides that the governing authority may exercise the power of zoning including the placement of facilities engaged in the land application of human waste and septage, commercial waste or both, including setback requirements, parcel size requirements, road requirements and other regulations necessary to protect and preserve the health and safety of White County residents; and

WHEREAS, Art. IX, § II, ¶ III of the Georgia Constitution (1983) provides that Georgia counties, including White County, may exercise powers including but not limited to police powers to protect the health and safety of White County residents, health services to prevent the spread of disease, and air quality control requirements as allowed by law; and

WHEREAS, the failure of facilities engaging in the land application of human waste and septage, or commercial waste, or both to strictly comply with the requirements of its land application system (LAS) permit issued by the Environmental Protection Division can result in conditions dangerous and injurious to the health and safety of White County residents constituting a public nuisance. And O. C. G. A. § 41-2-1, et seq. authorizes White County to adopt ordinances providing for the abatement of such public nuisances; and

WHEREAS, currently there is operating within White County, Georgia, a facility engaging in the land application of human waste and septage, or commercial grease, or both which generates numerous complaints including offensive odors, operations by the facility at night, possible pollution to drinking water wells, possible pollution into the rivers, creeks and streams running through and adjoining the property; and

WHEREAS, in a neighboring county, being Jackson County, a facility known as AgriCycle operated its land application system in violation of the LAS permit issued by EPD, resulting in a treatment pond igniting and burning for several days. The event necessitated fire control by the Jackson County Fire Department and demonstrated the need for such facilities to be accessible by an adjoining state highway or a major arterial roadway in order to allow access by the emergency vehicles of White County including but not limited to fire trucks and pumper trucks; and

WHEREAS, the Environmental Protection Division acknowledges and admits that a local governing authority, such as White County, may enact and enforce local ordinances to regulate the removal, transport and disposal of commercial waste, as long as such local ordinance is not in conflict with EPD rules and Georgia law [Georgia Administrative Code § 391-3-6-.24(14)(a)]; and

WHEREAS, improper operation of a land application system of human waste and septage, or commercial waste, or both, could result in the facility's soil becoming toxic or the creation of a "brown field" or both. Such actions could possibly endanger the public health of White County residents necessitating the expenditure of public funds to prevent disease and illness.

This scenario necessitates that an operator of such a facility demonstrate the existence of an adequate financial responsibility mechanism to demonstrate that sufficient funds will be available to meet specific

environmental protection needs of such land application system sites as a condition of receiving a special use permit and land compliance letter by White County; and

WHEREAS, O. C. G. A. § 12-5-30.3(d) allows a local governing authority in which a sludge land application site is located to assess the generator of the sludge and owner of the sludge land application site reasonable fees for environmental monitoring of the site. Further the local governing authority may hire persons to monitor the site which would allow the pretesting of sludge as a part of the monitoring process; and

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF WHITE COUNTY, GEORGIA AND IT IS HEREBY ORDAINED BY THE AUTHORITY THE SAME, that the recitals and Chapter 50, Article 2, Sections 50-2-1 to 50-2-4 of the Code of Ordinances of White County, Georgia are hereby adopted to provide as follows:

WHITE COUNTY CODE

Chapter 50, Planning and Development

Article 2, Ordinance Governing the Location of Facilities Engaging In the Land Application of Human Waste

Section 50-4. Legislative Intent

a) This ordinance incorporates the foregoing recitals by reference, as, in part, the factual basis and the legal basis for the passage of this ordinance. The Board of Commissioners of White County, Georgia, as the governing authority has the legislative intent to adopt rules and regulations relative to facilities that engage in the land application of human waste and septage or commercial waste or both that do not fall within the area preempted by State law. But are supplementary regulations imposing restrictions and limitations regarding the placement of such facilities, public nuisances, prevent the spread of disease, police power regulations as are necessary to protect the public health and safety of White County residents and facilitate the provision of emergency services such as fire control and other necessary measures to protect the public health.

b) The Board of Commissioners intends that a court of competent jurisdiction in the construction of the provisions of this ordinance consider the legislative intent of the Board of Commissioners that said ordinance be construed not to be in conflict with State law and are additional regulations that impose different requirements that exceed the minimum requirements of State law.

c) It is the legislative intent of the Board of Commissioners of White County, Georgia, being the governing authority of White County, Georgia that any court of competent jurisdiction construe said ordinance also to be in accordance with those areas under State law that are capable of regulation by a local governing authority.

Section 50-5. Severability

The sections, paragraphs, sentences, clauses, terms, regulations, and phrases of this ordinance are severable, and if any section, paragraph, sentence, clause, phrase, regulation, or term of this ordinance shall be declared preempted, illegal, invalid, or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such preemption, illegality, invalidity, or unconstitutionality, shall not affect any of the remaining sections, paragraphs, sentences, clauses, phrases, regulations, and terms of this ordinance. The Board of Commissioners intends that all remaining provisions of this ordinance shall remain effective notwithstanding the invalidation of one or more provisions contained herein. The Board of Commissioners intends that a court of competent jurisdiction in the construction of said ordinance should attempt to achieve the legislative intent of the Board of Commissioners, uphold and enforce all remaining provisions of this ordinance notwithstanding the invalidation of one or more provisions contained herein.

Section 50-6. Definitions

The Definition of the following terms and phrases are as follows:

“*Active waste treatment area*” shall mean any spray application area for waste water, sewage sludge, sludge, human waste and septage, or commercial waste, or both, solid human waste or commercial waste, or both separator, collection area for human waste or commercial waste, or both, including either solid waste or liquid waste, or both, area for the refinement of human waste, or commercial waste, or both, into solid waste or liquid waste, or both, or area for the application of chemicals to human waste or commercial waste, or both, and being either solid waste or liquid waste, or both. The term shall include the spray application area of any land application system requiring a permit from the Environmental Protection Division of the Georgia Department of Natural Resources.

“*Director of Planning*” means the individual responsible for planning, directing, managing and supervising County planning activities and landfill operations or a qualified designee approved by the County Manager.

“*Facility engaging in the land application of human waste*” shall mean any structure and application area for the disposal of liquids or solids containing human excrement, septage, wastewater, fats, oils, grease, septic tank contents, industrial wastewater, sewage sludge, sludge, commercial waste or any combination thereof, other than a publicly owned landfill or a publicly owned sewage treatment facility. The term shall also include any facility, which requires a Land Application System Permit from the Environmental Protection Division of the Georgia Department of Natural Resources (a/k/a EPD).

“*Financial responsibility mechanism*” shall mean a mechanism designed to demonstrate that sufficient funds would be available to meet specific environmental protection needs of sites containing facilities engaged in the land application of human waste, or commercial waste, or both. Available financial responsibility mechanisms include but are not limited to insurance, trust funds, surety bonds, letters of credit, personal bonds, certificates of deposit, financial tests and corporate guarantees.

“*Land application*” means the spraying of sewage sludge or other treated waste and wastewater on the land surface and which requires a Land Application System Permit from the Environmental Protection Division of the Georgia Department of Natural Resources.

“*Land application system*” means a system for wastewater treatment or disposal by spray irrigation and which requires a Land Application System Permit from the Environmental Protection Division of the Georgia Department of Natural Resources. The term refers to the advanced treatment and disposal of wastewater by irrigation onto land to support vegetative growth.

“*Public*” means individuals or group of individuals not employed, associated or otherwise affiliated with the land application entity and/or operation.

“*Sewage sludge*” means a solid, semi-solid, or liquid residue generated during the treatment of domestic sewage, septage, industrial waste water, commercial waste, grease trap waste, fats, oils and grease or a combination of domestic sewage, septage, industrial waste water, commercial waste, grease trap waste, fats, oils and grease and industrial wastewater in a wastewater treatment facility. Sewage sludge includes, but is not limited to scum or solids removed in primary, secondary or advanced wastewater treatment processes.

“*Sludge*” means the solid or semisolid residue generated at a wastewater treatment or pretreatment facility. Such term specifically excludes treated effluent septage and sludge treated to reduce further pathogens by such processes as composting, heat drying or heat-treating.

“*White County*” means the unincorporated areas of White County, Georgia.

Section 50-7. Facilities Engaging In the Land Application of Human Waste

a) Facilities engaging in the land application of human waste and septage or commercial waste, or both, prior to beginning operations within the unincorporated area of White County, Georgia, must receive a special use permit and land application letter from White County, Georgia, and their application must meet the regulations provided by this ordinance. The Director of Planning and the Planning Department, after submission of an application, shall have one hundred twenty (120) days in which to review the application for compliance with the regulations of this ordinance, and after said review (which shall be no longer than the 120th day), schedule the necessary hearing and meetings regarding the special use permit and land compliance letter according to the schedule of regular meetings of the Board of Commissioners which follow the end of the review by the Planning Department. A proposed operator of a facility engaged in the land application of human waste and septage, or commercial waste, or both, shall make out an application for a special use permit and land compliance letter indicating that the facility can comply with the following regulations imposed by this ordinance:

1) Facilities engaging in the land application of human waste and septage or commercial waste, or both, shall be located on tracts of at least one hundred (100) acres. The acreage requirement is necessary to minimize any adverse impact arising from the operations of such facilities by having sufficient areas to provide for active waste treatment areas that meet the setback and buffer requirements of this ordinance. Due to the inherent nature of human waste and septage, or commercial waste, or both, such facilities need sufficient area to minimize the impact of offensive

odors and provide sufficient area to serve as a setback to and buffer of adjoining property and the creeks, streams, and rivers of White County, Georgia.

2)

a. Facilities engaging in the land application of human waste and septage, or commercial waste, or both, shall not be located within any district designated by White County as a mountain protection district, a river corridor protection district, a water supply watershed protection district, a groundwater recharge protection district, a wetlands protection district, a protection district containing habitats of endangered or threatened species and districts containing historic or archeological areas and structures including but not limited to family cemeteries. The protection districts shall have those uses allowed by the White County Code, and federal and State law (except not allowing land application systems as provided herein), and with the applicable provisions of the White County Code concerning said protection districts attached hereto as “Appendix 3” and incorporated into this ordinance by reference thereto. (Note that certain historical or archeological areas have been designated and recorded as such by the Georgia Department of Natural Resources, but have not been generally disclosed to the public in order to prevent looting and degradation of said sites.)

b. Applicant must verify with the White County Planning Department that the proposed site does not contain historic or archeological areas or historic family cemeteries which do not appear upon the hereinafter-referenced map and that the active waste treatment areas are set back 1,000 feet away from said sites and have a 300 feet natural buffer to said sites. The Board of Commissioners of White County, Georgia, simultaneously with the passage of this ordinance, hereby adopts a land use and zoning map for the unincorporated areas of White County, Georgia, which designates the

1. mountain protection districts; and
2. river corridor protection districts; and
3. water supply watershed protection districts; and
4. ground water recharge protection districts; and
5. wetlands protection districts; and
6. protected habitat of endangered or threatened species districts; and
7. the historic and/or archeological area; and
8. structures protection districts (as well as designating the general use districts).

c. The area within the Public Lands being national forest and state parks within the unincorporated area of White County, Georgia is not subject to this ordinance due to the jurisdiction of Federal or State law. The remaining unincorporated area, not contained within the above-referenced protection districts and Public Lands being national forest and state park area, shall be general use districts (said districts allowing any general use of property so long as said use does not violate the terms of this ordinance or any other provision of the White County Code, or general law, or any combination thereof) and available for facilities engaging in the land application of human waste and septage or commercial waste, or both, so long as an applicant first receives a special use permit and land compliance letter from White County, Georgia, and the application of said applicant meets the requirements, rules and regulations of this ordinance. The attached land use and zoning map is incorporated into this ordinance by reference as “Appendix 1”

d. The map adopted simultaneously with this ordinance and labeled “Appendix 1”, shall be signed by the Chairman of the Board of Commissioners and the County Clerk, dated as of the date of adoption and the County seal shall be affixed thereto. In the discretion of the Board of Commissioners, the Board may create duplicate originals of the map, identified in the same way and maintained by the County Clerk. The County Clerk shall maintain the map and amendments thereto in the County Clerk’s office as a public record, accessible and available to the public. The County Clerk shall be responsible for maintaining the map and any amendments to the map. The Board of Commissioners, in their discretion, from time to time, may adopt a new map, to correctly display revisions to the map and which also shall be a public record maintained by the County Clerk. The County Clerk shall provide copies of the map to the public in accordance with the Open Records Act policies of the County.

e. The protection district regulations adopted simultaneously with this ordinance and labeled “Appendix 3” shall be signed by the of the Board of Commissioners Chair and the County Clerk, dated as of the date of adoption and the County seal shall be affixed thereto. The County Clerk shall maintain the protection district regulations in the County Clerk’s office and which shall be a public record, accessible and available to the public. The County Clerk shall be responsible for maintaining the protection district regulations and amendments, adopted from time to time by the County Commissioners. The Board of Commissioners, in their discretion from time to time, may adopt new protection district regulations, and which also shall be a public record maintained by the County Clerk. The County Clerk shall provide copies of the protection district regulations to the public in accordance with the Open Records Act policies of the County.

3)

a. Facilities engaging in the land application of human waste and septage or commercial waste, or both, shall have a minimum of 200 feet of frontage upon a State highway or road classified as a minor arterial roadway according to the Comprehensive Plan of the County (and have sufficient frontage to accommodate the deceleration lane required herein). As a condition of receipt of a special use permit and land compliance letter from White County regarding a facility engaged in the land application of human waste and septage, or commercial waste, or both, said site shall have a commercial driveway that meets the standards for commercial driveways promulgated by the Georgia Department of Transportation (GDOT) at the time of the application for the special use permit and land compliance letter, or shall post a performance bond and payment bond payable to White County in an amount sufficient to construct said commercial driveway, and which commercial driveway shall be from the access point of the State highway or County road classified as a major arterial roadway and which shall proceed to any active waste treatment area upon the property in order to allow emergency vehicles of White County access to the active waste treatment areas. The current GDOT regulations for “Driveway and Encroachment Control” are attached hereto as “Appendix 2” and incorporated into this ordinance by reference hereof, as the minimum standards that must be met regarding the commercial driveway.

b. The GDOT regulations adopted simultaneously with the ordinance labeled as “Appendix 2” shall be signed by the Board of Commissioners Chair, the County Clerk, dated as of the date of adoption and the County seal affixed thereto. The County Clerk shall maintain the GDOT regulations and revisions in the County Clerk’s office and shall be a public record, accessible and available to the public. The Board of Commissioners, in their discretion, from time to time, may adopt new GDOT regulations, and which also shall be a public record maintained by the County Clerk. The County Clerk shall provide copies of the GDOT regulations to the public in accordance with the Open Records Act policies of the County.

4) Facilities engaged in the land application of human waste and septage, or commercial waste, or both, have significant truck traffic to transport the human waste and septage, or commercial waste, or both to the active waste treatment area(s) of the facility. In order to prevent the volume of truck traffic from creating a traffic safety hazard as a part of any application for a special use permit and land compliance letter from White County, the applicant shall submit and provide a traffic impact study by a professional engineer to White County and which designates the estimated amount of truck traffic, a determination of ingress and egress routes for the trucks, and any necessary road improvements that will be needed due to the increased truck volume caused by the operations of the facility. The Director of Planning shall have the right to have the traffic impact study independently evaluated by a qualified expert, and require any road improvements recommended by the independent expert.

The applicant shall be responsible for constructing any road improvements determined to be needed by the traffic impact study at no cost to White County or post a performance bond and payment bond as provided hereinafter, prior to the issuance of a special use permit and land compliance letter by White County. The owners of the land, the operator of the facility or both shall fund and construct a left turn lane and a deceleration lane at the facility’s entrance, which meets the standards imposed by the Georgia Department of Transportation (GDOT) for commercial driveways. The current GDOT regulations for “Driveway and Encroachment Control” are attached hereto as “Appendix 2” and incorporated into this ordinance by reference hereof, as the minimum standards that must be met regarding the deceleration lane (and also includes the minimum standards for the commercial driveway). Said improvements shall be constructed prior to the issuance of a special use permit and land compliance letter by White County or upon application for a special use permit and land compliance letter, applicant shall submit a payment bond and a performance bond payable to White County in a sufficient amount to allow construction of said improvements.

5) Facilities engaged in the land application of human waste and septage, or commercial waste, or both, shall meet the setback restrictions required by this ordinance. Any active waste treatment area of a facility engaged in the land application of human waste and septage, or commercial waste, or both, shall be one thousand (1,000) feet from any exterior property line of the parcel upon which

the facility is located, and one thousand (1,000) feet from any stream, creek, or river lying upon the parcel upon which the facility is located or which adjoins the exterior property lines of the parcel upon which the facility is located, and shall be one thousand (1,000) feet from the geographical boundaries of any other governmental entity, and which shall be a condition of the special use permit and land compliance letter. Violation of this condition shall result in the facility no longer being in compliance with this ordinance, automatic revocation of the special use permit and land compliance letter and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until the condition is remedied satisfactorily. Applicant at the time of application shall submit a survey or site plan by a registered land surveyor that demonstrates the viability of this condition.

6) The owner shall provide a minimum 300-foot natural, undisturbed buffer between all active waste treatment areas and exterior property lines except for approved perpendicular access and utility crossings, and which shall be a condition of the special use permit and land compliance letter. Violation of this condition shall result in the facility no longer being in compliance with this ordinance, automatically revoke the special use permit and land compliance letter, and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until satisfaction of the condition.

7) The owner shall preserve the limits of 100-year floodplain or a stream buffer of 300 feet, whichever is a greater, as a natural, undisturbed area between all active waste treatment areas and floodplains, creeks, streams and rivers except for approved perpendicular access and utility crossing. The exception shall be a condition of the special use permit and land compliance letter.

Violation of this condition shall result in the facility no longer complying with this ordinance, automatically revoke the special use permit and land compliance letter, and entitle White County to injunctive and other relief to require compliance with the condition or have the facility ceases operation of the facility until resolution of the condition.

8) All active waste treatment areas, which shall include but not limited to the spray fields, shall be fenced with a minimum six-foot high chain-link security fence, and which shall be a condition of the special use permit and land compliance letter. The fencing requirement, besides preventing vandalism, also prevents wild and domestic animals from entering into the treatment areas, and tracking waste to other areas within White County. Violation of this condition shall result in the facility no longer being in compliance with this ordinance, automatically revoke the special use permit and land compliance letter, and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until the condition no longer exists. In lieu of the actual construction of the fences prior to the issuance of the special use permit and land compliance letter, a payment bond and a performance bond payable to White County, and in a sufficient amount to allow construction of said fences, may be posted with the application for a special use permit and land compliance letter.

9) Offensive odors from the operations of a facility engaged in the land application of human waste and septage, or commercial waste, or both, is a regular cause of citizen complaint, and is disruptive and injurious to the peace of the community. In order to minimize the adverse impacts of offensive odors from such facilities, the owner shall fully enclose all the active waste treatment areas with the exception of the spray fields. All unloading, transfer, and loading related to the treatment of human waste and septage or commercial waste, or both, within the active waste treatment area shall occur indoors, and the structure shall be equipped with a ventilator system and odor neutralizer system, sufficient to neutralize the offensive odors of human waste and septage, or commercial waste, or both.

10) The system design and components of the system shall be subject to review and approval of the White County Director of Planning and Development, prior to the issuance of a special use permit and land compliance letter by White County. In lieu of the actual construction of the system prior to the issuance of the special use permit and land compliance letter, a payment bond and a performance bond payable to White County, and in a sufficient amount to allow construction of said systems, may be posted with the application for a special use permit and land compliance letter.

11) Improper operation of facilities engaged in the land application of human waste and septage or commercial waste, or both, can result in toxic areas or brown fields. Therefore prior to the issuance of a special use permit and land compliance letter by White County, an applicant for said letter must demonstrate the existence of an adequate financial responsibility mechanism to demonstrate that sufficient funds will be available to meet specific environmental protection needs of said land application system site.

12) A special use permit and land compliance letter for the operation of a land application system for human waste and septage or commercial waste, or both, shall not be granted unless the existence of an adequate financial responsibility mechanism has been provided to the White County Director of Planning and Development. Such financial responsibility mechanism shall insure the satisfactory maintenance, closure, and post closure care of such system site and the financial ability to carry out any corrective action, which is necessary to insure compliance with environmental standards after an accident, and which shall be a condition of the special use permit and land compliance letter. The Director of Planning shall evaluate the sufficiency of the amount of the financial responsibility mechanism by consultation with a professional engineering firm knowledgeable in the field of brownfield reclamation and considering the type of waste to be land applied to the site, the volume of waste, the size of the land application areas, the estimated cost to remove any toxic or hazardous materials, and such other factors deemed relevant by the consulting expert and the Director of Planning. Based upon these factors and the recommendation of the expert, the Director of Planning can recommend a higher amount for the financial responsibility mechanism which may be imposed as a condition of the special use permit and land compliance letter by the Board of Commissioners. Violation of this condition shall result in the facility no longer being in compliance with this ordinance, automatically revoke the special use permit and land compliance letter, and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until the condition is met.

13) As a condition for the issuance of a special use permit and land compliance letter to a facility engaged in the land application of human waste and septage or commercial waste, or both, the applicant shall submit a pretesting plan that shall provide for the testing of waste accepted for treatment at the facility. As a condition of the special use permit and land application letter, the applicant will covenant and warrant that all waste shall be tested to determine that the waste is permitted by EPD, does not contain any hazardous or toxic materials that would disrupt the treatment process of the land application facility or which facility is not permitted to treat. Failure of the facility to test all waste shall result in the facility being non-compliant with this ordinance and shall result in the automatic revocation of the special use permit and land compliance letter. In addition, this action entitles White County to injunctive and other relief to require the pretesting or have the facility cease operations until all waste accepted for treatment is pretested. Applicant as a part of the special use permit and land compliance letter application, shall covenant and warrant to provide copies of all test results, to a designated agent of White County on a monthly basis for all waste accepted for treatment by the facility, on the first day of the following month. Failure to provide the monthly report shall be cause for White County to receive injunctive relief to require the facility to provide said reports, or cease operations until the owner delivers the reports.

14) As a condition of receipt of the special use permit and land compliance letter, the applicant agrees to provide White County with a copy of all reports and documents provided to EPD, including permit applications, renewals of applications, correspondence with EPD, tests and reports provided to EPD and any and all records provided to EPD.

The timely provision of this documentation is a condition of the special use permit and land application letter. The failure of the applicant to provide timely documentation shall entitle White County to injunctive or other relief to require the provision of said documentation or require that the facility cease operations until White County receives such documentation. The owner shall provide the documentation required by this subsection at the same time as EPD receives said reports and documentation.

15) The facility engaged in the land application of human waste and septage or commercial waste, or both, under the rules and regulations of EPD is required to have a manifest of the waste transported to said facility. As a continuing condition of the special use permit and land compliance letter by White County, applicant shall provide a copy of said manifests on a monthly basis to White County, with said manifests indicating the origination of the human waste and septage, or commercial waste, or both, the transporter for said waste, the amount of waste received, what type of waste received, a cross index to the pretesting requirement of said waste, and shall be provided on a monthly basis to White County on the first day of the following month. The operator of the facility shall have a right to designate parts of the manifest that meet the definition of confidential proprietary information as such information, and White County shall redact said confidential information from any copies of the manifest made available to the general public as a public record. Failure of the applicant to provide a monthly copy of the manifests as required herein, shall entitle White County to injunctive and other relief to require the production of the manifest or require that the facility cease operations until receipt of such manifests.

16) As a condition of the issuance of the special use permit and land compliance letter by White County, the applicant shall covenant and warrant that the facility engaged in the land application of human waste and septage or commercial waste, or both, shall only operate during the days of

Monday through Friday, and shall only operate during daylight hours. Failure of the applicant to abide by these operational hours shall result in the automatic revocation of the special use permit and land compliance letter by White County, and entitle White County to injunctive and other relief to require said facility to operate during said days and hours or cease operations until the facility complies with these operational limitations.

17)

a. All special use permits and land compliance letter applications for facilities engaging in the land application of human waste and septage, or commercial waste, or both shall be subject to a public hearing before the Board of Commissioners, which shall be advertised by the applicant once each week for four consecutive weeks in the legal organ. The owner shall not place the advertisement in the section of the White County News newspaper. The legal notice shall include the date, time and place of the public hearing, name of the applicant, proposed operator of the facility, location of the property, the present use of the property and that the applicant proposes to use the property for a facility engaged in the land application of human waste and septage, or commercial waste, or both.

The owner shall place a sign containing the same information in a conspicuous location on the property visible by the public from a public way, not less than 15 days prior to the date of the hearing.

a. The Board of Commissioners shall conduct all public hearings in accordance with any procedures adopted by said body, and, in addition, shall be governed by the following procedures:

1. The Chair, or other presiding officer should another person be designated by the Board to act as the presiding officer, shall open the hearing by stating the specific application being considered at the public hearing. At this time, the presiding officer may summarize the public hearing procedures.

2. The Director of Planning or other agent of the County may present a description of the proposed application, any applicable background material, his/her recommendation, if any, regarding action on said application as appropriate, and the recommendations and reports of the Planning Department, if any, as appropriate.

3. Persons who support the application shall comment first. The applicant may, upon recognition and upon statement of name and address, present and explain his application. The Board expects the applicant to attend the public hearing unless the applicant provides written notice of hardship prior to such hearing/meeting. A time limitation may be imposed at the discretion of the presiding officer, but no less than ten (10) minutes shall be provided for all of those speaking in support of the special use permit and land compliance letter.

4. Persons who oppose the application or who have questions about the subject application will be asked to comment next. All interested parties after being recognized shall be afforded an opportunity to address the proposed application by standing before the Board of Commissioners and identifying their name, address and interest along with any comments on the proposed application. A time limitation may be imposed at the discretion of the presiding officer, but no less than ten (10) minutes shall be provided for all of those speaking against an application for a special use permit and land compliance letter.

5. The applicant shall have an opportunity to answer any questions raised by the public, for summary remarks and rebuttal concerning the proposed application.

6. Upon the completion of any comments from interested parties and the applicant, the public hearing shall be completed and adjourned.

7. Having heard all of the public comments, the members of the Board of Commissioners may discuss the application among themselves. During this discussion period, the members of the Board may call on the applicant or other interested parties to clarify points made previously or to answer questions. Said applicant or interested parties may respond upon recognition. Once the public hearing has closed, the public may not ask additional questions. Once the public hearing is closed or a vote or other action is under consideration, unrecognized responses from the applicant or public shall result in the presiding officer ruling the participants out of order.

18)

a. Following the public hearing concerning special use permit and a land compliance letter application for a facility engaging in the land application of human waste and septage, or

commercial waste, or both, the Board of Commissioners shall grant or deny the application based upon whether the Board determines that the proposed facility is consistent with the policies and objectives of the Comprehensive Plan, particularly in relationship to the proposed site and surrounding area, and consistent with the factors set out by this ordinance. The Board shall consider the potential adverse impacts on the surrounding area, especially with regard to traffic, noise, odors, storm drainage, land values and compatibility of land use activities including whether the area contains property primarily used for residential purposes. The Board shall also consider the following criteria concerning the grant or denial of a special use permit and land compliance letter application for a facility engaging in the land application of human waste and septage, or commercial waste, or both:

- 1.** The existing uses of nearby property and whether the proposed facility will adversely affect the existing use or usability of nearby property; and
 - 2.** The extent to which property values of the property upon which the facility is to be sited would be diminished by the conditions imposed by the special use permit and land compliance letter; and
 - 3.** The extent to which the destruction of the property values of the property upon which the facility is to be sited would promote the health, safety, morals or general welfare of the public; and
 - 4.** The relative gain to the public, as compared to the hardship imposed upon the individual property owner; and
 - 5.** The physical suitability of the subject property for the facility, and other possible uses as to which the property is suited; and
 - 6.** The length of time the property has been vacant, considered in the context of land development in the area near the property, and whether there are existing or changed conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the special use permit and land compliance letter application request; and
 - 7.** The development history and land use history of the subject property; and
 - 8.** extent to which the proposed facility would result or could cause excessive or burdensome use of existing streets, transportation, facilities, utilities, police protection, fire protection, public health facilities, emergency medical services, or other public facilities; and
 - 9.** Whether the proposed facility is in conformity with the policy and intent of the comprehensive plan, land use plan, or other adoptive plans; and
 - 10.** Whether the proposed facility is a use that is suitable in view of the use, development, and uses of adjacent and nearby property; and
 - 11.** Whether the proposed site for the facility has a reasonable economic use currently; and
 - 12.** Whether the proposed facility would create an isolated commercial use unrelated to the surrounding uses; and
 - 13.** Whether the proposed facility is out of scale with the needs of the County as a whole or the immediate neighborhood; and
 - 14.** Such other factors as are deemed relevant by the Board of Commissioners before taking action on a particular application.
- b.** The Board of Commissioners shall adopt administrative policies regarding the conduct of the public hearing upon special use permit and land compliance letter applications but which do not conflict with the minimum requirements set by this ordinance.
- c.** In addition to the criteria listed in 16(A), the Board of Commissioners may impose such other conditions upon the facility as are necessary to protect the health, safety and welfare of area residents, which are consistent with state and federal regulations. The Board of Commissioners shall make its decision to grant or deny the application immediately following the public hearing, unless the hearing reveals a need for additional information before a decision can be made, and at

which event the application shall be tabled until the next regular meeting of the Board and decided in that meeting.

In the event that the Board of Commissioners denies the application for a special use permit and land compliance letter or the applicant withdraws the application prior to the vote, the same property cannot be considered for a special use permit and land compliance letter until at least twelve (12) months following the denial or withdrawal of the application.

19) The Planning Department shall not issue documentation regarding a final approval for a facility engaging in the land application of human waste and septage, or commercial waste, or both. In addition, the Building Department shall issue a certificate of occupancy or a certificate of completion, upon the requirements and conditions of the special use permit and compliance letter.

20) Compliance with the conditions imposed by a special use permit and land compliance letter shall be continuing conditions throughout the operational life of the facility. The infrastructure improvements required to be constructed by the conditions of the special use permit and land compliance letter must be constructed within one year of the issuance of the special use permit and land compliance letter by the White County Board of Commissioners. Failure to complete the construction of the infrastructure within the one year period shall result in the special use permit and land compliance letter becoming void, and necessitating an applicant to restart the process to receive a new special use permit and land compliance letter. Upon written application of a holder of a special use permit and land compliance letter submitted at least two months prior to the end of the one year construction period, and for good cause shown, the Board of Commissioners in their discretion, may grant an extension of time to complete the infrastructure improvements. Failure to construct the infrastructure improvements within the one-year period of time, unless extended, shall automatically revoke the special use permit and land compliance letter, and entitle White County to injunctive and other relief, including but not limited to the issuance of a stop work order regarding said facility. Failure to meet the conditions of the special use permit and land compliance letter shall automatically revoke the special use permit, land compliance letter and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until the condition is met.

21) Applicant for a special use permit and land compliance letter, at the time of submission of the application, shall also submit an application fee for said permit and land compliance letter in the amount of Five Thousand and 00/100 (\$5,000.00) Dollars. Said fee is in part an application fee and a regulatory fee. In the event the Board of Commissioners denies the application, the \$2,500.00 fee, the applicant shall receive a refund. Should the Board of Commissioners grant the application, then the Board shall retain the entire fee in order to offset the County's regulatory cost of insuring compliance with this ordinance by the applicant. Applicant at the time of application shall also make any disclosures required by the Conflict of Interest In Zoning Actions Act, being O. C. G. A. § 36-67A-1, et seq. All local government officials required to make disclosures under said Act shall do so upon becoming aware of the application and the conflict of interest.

On the annual anniversary date of the grant of the special use permit and land compliance letter and each annual anniversary thereafter, the holder of the permit shall pay a regulatory and monitoring fee of \$2,500.00 to White County as a continuing condition of the validity of the special use permit. Failure to meet any conditions of the special use permit and land compliance letter including the payment of the regulatory and monitoring fees shall result in the automatic revocation of the special use permit and land compliance letter. In addition, this action shall entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation of the facility until the condition is met.

22) Besides the injunctive and other equitable relief allowed by this ordinance to White County, any person violating any provision of this ordinance, as such exists from time to time, shall be guilty of violating a duly adopted ordinance of White County, and upon conviction of such violation shall be punishable as a misdemeanor, pursuant to O. C. G. A. § 15-10-60, subject to a fine not to exceed \$1,000.00 and subject to imprisonment for no more than 60 days or both, except as otherwise provided by general law, or by subsequent amendment of O. C. G. A. § 15-10-60. O. C. G. A. § 15-10-60, et seq. shall govern the trial of any violation of this ordinance, and any violation of this ordinance may be tried upon citation as contemplated by O. C. G. A. § 15-10-63. Each day during which the violation, failure or refusal to comply continues (including failure or refusal to comply with permit conditions) shall constitute a separate violation.

23)
a. Facilities engaging in the land application of human waste and septage, or commercial waste or both on the date of the passage of this ordinance are exempt from the land site provisions regarding location and infrastructure and being subsections 1, 2, 3, 4, 5, 6, 7, 8, 9, 15, 16, 17, 18 and 19 as a non-conforming use. However, effective one hundred fifty (150) days after the

passage of this ordinance such facilities shall be subject to those provisions requiring pretesting, providing of copies of manifests, providing copies of all reports and documents provided to EPD and the financial responsibility mechanism requirement and being subsections 10, 11, 12, 13, 14 and 20 of this section of the ordinance.

b. Facilities already engaged in the land application of human waste and septage, or commercial waste, or both, during the one hundred fifty (150) days following passage of this ordinance, shall apply to White County for a non-conforming use permit, and upon the one hundred fifty-first (151st) day after passage of this ordinance, comply with subsections 10, 11, 12, 13 and 14 of this section of this ordinance, and the failure to comply shall entitle White County to injunctive or other equitable relief and also allow White County to cite the facility in accordance with subsection 20 of this section of this ordinance. Upon application for non-conforming use permit, the facility shall pay a regulatory and monitoring fee for \$2,500.00 to offset White County's costs in determining a reasonable financial mechanism amount and other costs of regulation and monitoring of said facility.

c. Any facility operating under a non-conforming use permit that is destroyed or ceases operation for a month or more, shall lose the right to continue operations as a non-conforming use and said facility must go through the special use permit and land compliance letter procedure and meet all conditions required by this ordinance in order to begin operations again. On the annual anniversary date of the grant of the non-conforming use permit, and each annual anniversary date thereafter, the holder of the permit shall pay regulatory and monitoring fee of \$2,500.00 to White County as a continuing condition of the validity of the non-conforming use permit. Failure to maintain or meet any of the conditions of the non-conforming use permit during the operational life of the facility shall automatically revoke the non-conforming use permit and entitle White County to injunctive and other relief to require compliance with the condition or have the facility cease operation until the owner fulfills the condition.

THIS ORDINANCE IS ADOPTED by the Board of Commissioners of White County, Georgia this the 28th day of May, 2009 and shall be effective this same date.

**BOARD OF COMMISSIONERS
WHITE COUNTY, GEORGIA**

**By: s/ Travis C. Turner
TRAVIS C. TURNER, Chairman**

**By: s/ Joe R. Campbell
JOE R. CAMPBELL, POST 1**

**By: s/ Craig Bryant
CRAIG BRYANT, POST 2**

County Clerk (SEAL)

ATTEST: s/Shanda Smallwood

Chairman Turner asked County Manager to present a summary of the ordinance regarding commercial driveways connecting with County Roads for a first reading.

Alton Brown explained that the Commercial Driveway Ordinance was designed to assist county staff in enforcing requirements with commercial developments as commercial businesses increase with Wal-Mart opening in approximately forty-five (45) days, which is expected to bring satellite commercial businesses into White County.

Chairman Turner stated there would be a second reading of this proposed ordinance at the June 1, 2009 regular meeting of the White County Board of Commissioners.

Upon a motion made by Commissioner Bryant, seconded by Commissioner Campbell the following first reading of the Ordinance Governing the Design Standards for Commercial Driveways was unanimously approved.

WHITE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2009-__

AN ORDINANCE GOVERNING THE DESIGN STANDARDS FOR COMMERCIAL DRIVEWAYS

Chapter 54, Roads; Article VII, Driveway Construction Design Standards

Sec. 54-195 Purposes of Design Standards

(a) The purpose of this document is to:

1. ensure that vehicles leave or join the roadway traffic at a proper angle and in conformity with the rules of the road; and
2. reduce hazard to vehicles by reducing areas of conflict and points of conflict between vehicles; and
3. increase the capacity of roads and intersections by reducing areas of conflict between vehicles; and
4. provide sufficient space for the installation of traffic control devices, utilities and crosswalks; and
5. reduce hazards to pedestrians by reducing areas of possible conflict between pedestrians and vehicles, and to define such areas; and
6. provide reasonable assurance against the hazardous and indiscriminate use of highway right-of way through encroachment; and
7. provide a maximum practical sight distance, especially at intersections; and
8. provide uniform and impartial consideration in all cases where access is required by abutting property owners; and
9. reduce the possibility of conflicts between commercial/industrial traffic generators and residential areas; and
10. provide continuity between political jurisdictions in the same area.

Sec. 54-196 Definitions

(a) The following definitions apply to the standards set forth in these regulations and figures included as examples of driveway types:

1. "**Common access driveway**" means the primary means of access to a public street, shared by and connecting three but not more than five parcels, tracts, lots, building sites or structures.
2. "**Department**" means the Public Works Department.
3. "**Director**" means the White County Director of Public Works.
4. "**Distance between double driveways**" means the distance measured along the right-of-way line between the tangent projection of the inside edges of two adjacent driveways to the same frontage. See Fig. 2
5. "**Frontage**" means the length along the highway right-of-way line of a single property tract of roadside development area between the edges of the property. See Fig. 1 & 2
6. "**Frontage boundary line**" means a line perpendicular to the highway centerline, at each

end of the frontage lines, extending from the right-of-way to the edge of though-traffic lane.
See Fig. 1, 2 & 4

Sec. 54-197 Application for permit to construct or alter a driveway

(a) The Director shall issue a permit to construct or alter a driveway or curb cut occurring on or abutting a county road right-of-way when:

1. such driveway(s) or curb cut(s) are incidental to the development of a new structure or the development of previously undeveloped property, the driveway permit shall constitute a part of the building permit; or
2. such driveway or curb cut construction constitutes a separate action apart from any other construction on the same site, a driveway permit shall be secured from the Director; or
3. property abutting a county road right-of-way changes from one use to another and driveways and/or curb cuts extend across a county road right-of-way or when the type or volume of use of the existing driveway is substantially changed, an application for review shall be submitted and a driveway permit secured from the Director. Building Inspections shall withhold the occupancy permit until such driveway improvements are satisfactorily completed.

Sec. 54-198 Reviewing an application

(a) Upon reviewing an application for driveway permit in any of the aforementioned circumstances, the Director shall take one of the following courses of action:

1. Issue the permit if the standards correspond with the requirements as outlined in the regulations; or
2. Deny the permit application.

b. If the Director denies the permit, the applicant can appeal the Director's decision to the County Manager who shall hear testimony from the applicant. The County Manager shall either approve or deny the application based upon topography, parcel size, sight distance or similar considerations keeping with the stated purposes of this document.

Sec. 54-199 Location, design and construction of the driveway

(a) The location, design and construction of the driveway shall be in accordance with the following standards:

a. A driveway shall be located and restricted as to width as necessary so that the entire driveway and its appurtenances are contained within the frontage along the highway of the property served. At public highway intersections a driveway shall not provide direct ingress or egress to or from the public highway intersection area and shall not encroach on or occupy areas of the roadway or right-of-way deemed necessary for effective traffic control or for highway signs or signals. A driveway shall be so located and constructed that vehicles approaching or using it will have adequate sight distance in both directions along the highway.

b. On the arterial street, no lot with less than three hundred feet (300') of frontage shall have more than one two-way driveway or two one-way driveways (except that a service station or convenience store which includes gasoline sales and has at least one hundred fifty feet (150') of frontage may have two two-way driveways. No lot with less than one thousand feet (1,000') or more may have more than two two-way driveways; and a lot with frontage of one thousand feet (1,000') or more may have driveways as determined on a case-by-case basis by the Director.

c. If the property has frontage on more than one street, the Director may request a recommendation from the Director of Planning as to the potential adverse affects, which may result. If it is determined that the construction of such a driveway would cause a

nuisance to the surrounding area, a traffic hazard or unduly congest traffic, then the Director shall deny the permit.

d. Subdivision of arterial street frontage where a tract of land is subdivided on an arterial street after the adoption of this provision such that a lot with less than three hundred feet (300') of frontage is created, access to such lot shall be from either:

1. a driveway serving the remainder of the tract from which the lot was cut; or
2. a joint driveway; or
3. a frontage road; or
4. an adjacent non-arterial street if a corner of double-frontage lot.

e. The island area on the right-of-way between successive driveways or adjoining a driveway and between the highway shoulder and right-of-way line shall remain unimproved for vehicular travel or parking. Such areas shall be considered as restricted and shall be filled in or graded down only as hereinafter provided in subsection i of this section.

f. The surface of the driveway connecting with rural type highway sections shall slope down and away from the highway shoulder a sufficient amount and distance, to preclude ordinary surface water drainage from the driveway area flooding onto the highway roadbed. In cases where terrain will not allow adequate surface water drainage, the Director will determine the best possible typical section to ensure the least amount of surface water flooding the roadbed.

g. The driveway shall not obstruct or impair drainage in side ditches or roadside areas. Driveway culverts, where necessary, shall be adequate for surface water drainage along the roadway and in no case be less than equivalent of fifteen-inch pipe diameter pipe. The Director shall determine culvert diameter during the driveway permitting process. The distance between culverts under successive driveways shall be not less than ten (10) feet except as permitted under the provisions of subsection i of this section.

h. If the construction requires curb and gutter removal, the new connections shall be of equivalent acceptable material and curb returns shall be provided or restored in a manner acceptable to the Director. The driveway surface shall connect with the highway pavement and the sidewalk, if any, in a neat, competent manner. The driveway construction shall include replacement due to vehicular travel across the sidewalk.

i. The restricted area between successive driveways shall be filled in or graded only when the following requirements are fully complied with:

1. The filling or grading shall be to grades approved by the Director except where drainage is by means of curb and gutter, water drainage of the area shall be directed away from the highway roadbed in a suitable manner; and
2. Culvert extension under the restricted area shall be of like size and equivalent acceptable material of the driveway culvert, and intermediate manholes or drop inlets adequate for clean-out purposes shall be required where the total culvert length exceeds sixty feet (60'). The Director shall approve any variance to this length; and
3. A permanent provision shall be required to separate the area from the highway roadbed, to prevent its use for driveway or parking purposes by construction of a border, curb, rail, or posts deemed adequate by the Director where no side ditch separates the restricted area from the roadbed; and
4. Driveway culverts shall not cause a restriction of the flow of any adjoining street drainage system. The owners of property for which an appurtenant driveway culvert causes, or contributes to, a restriction in flow of the adjoining street's drainage system

shall, at their expense, maintain, clean or enlarge the existing culvert to the extent necessary to remove the restriction.

Sec. 54-200 Specific design standards

(a) The following specific design standards shall apply to driveways requiring permits as set forth in these regulations. The items are driveway width, angle of entry and exit, return radius of curb, maximum percent of frontage for driveway use, distance to side property lines, island areas, intersection clearance, parking and storage areas and driveway grade. Commercial driveway specifications will comply with the latest “GA DOT Regulations for Driveway and Encroachment Control” except where the Director has determined a variance may be allowed for a lesser standard due to constraints dictated by our local terrain.

(1) Driveway widths measured parallel to roadway:

a. Commercial	16'0" Min. 24'0" Min.	20'0" Max. (One-way) 40'0" Max. (Two-way)
e. Industrial	24'0" Min.	40'0" Max.

(2) Driveway angles of entry and exit:

- a.** Commercial, seventy-five to ninety degrees, for two driveways or forty-five to ninety degrees for one-way on divided roadway or sixty to ninety degrees for one-way ramp on non-divided highway; and
- b.** Industrial, ninety degrees, or as close as practicable for two-way or forty-five degrees, one-way access on one-way street; and
- c.** Rural, land access only, sixty to ninety degrees.

(3) Return radius of curb.

a. Apartment	5' 0" Min.	20.0' Max.
b. Commercial-Urban	10'0" Min.	20.0' Max.
Rural	15' 0" Min.	35.0' Max
c. Industrial-Urban	15' 0" Min.	25.0/ Max.
Rural	25' 0" Min.	40.0' Max.

(4) Maximum percent of frontage for driveway use.

- a.** Each single driveway shall have a maximum width of thirty percent of the property frontage. When the permit is for two or more driveways, the driveways shall have a maximum width of sixty percent of property frontage.
- b.** The Director shall not issue a permit for a curb cut where it is apparent that the intent is to provide parking only. A driveway approach shall provide access to something definite on private property such as parking area considerably greater in extent than the width of the driveway, or provide access to a driveway, or to a door, at least eighty feet (80') wide intended for the entrance of vehicles, etc.

(5) Distance to side property lines

- a.** The area within five feet (5') of a frontage boundary line shall be a restricted area on which the contractor may develop a driveway on public right-of-way.
- b.** A minimum of one and one-half feet (1½') of pavement edge or curb, shall be left

undisturbed adjacent to each frontage boundary line to serve as an island area. This distance is measured between the frontage boundary line and the point of tangency of the driveway radius and edge of pavement measured along the edge of pavement.

c. Subsection a or b of this section shall apply, whichever is more restrictive.

d. The Director may waive these requirements when a single driveway serves two adjacent lots.

(6) Island areas

a. Minimum Island Dimensions:

1. The distance between double driveways shall be a minimum of twenty feet (20') at the narrowest point at the street side; and

2. The minimum island depth shall be four feet (4') where the parking abuts the street right-of-way line.

b. Treatment of Island of Buffer Area. In the development of private property and the construction of driveways thereto, it shall be necessary to re-grade the buffer area by cutting or filling in a manner to insure adequate sight distance for traffic operations, proper drainage, suitable slopes for maintenance operations and good appearance. The grading, use of curbs, rails, guideposts, low walls, low shrubs, etc. in a manner, which will not impair clear sight across the area shall prohibit vehicles in the buffer area.

c. Visibility Clearance. No landscaping, fences, terraces or other natural or artificial features adjacent to any street shall be of a nature impairing visibility from or of approaching vehicular traffic where such visibility is important to safety, nor shall such features in any way create potential hazards to pedestrians.

d. Also prohibited at vehicular entrances and exits are off-street parking, landscaping or other material impediment to visibility between the height of three (3') feet and ten (10') feet measured from the roadway level within the triangular areas defined by lines connecting points described as:

Nonresidential Use. Beginning at a point where the midline of the entrance or exit intersects the public right-of-way thence to a point of twenty five feet (25') along the right of way in the direction of approaching traffic, thence to a point of twenty-five feet (25') toward the interior of the lot along the midline of the entrance or exit and thence to a point of beginning.

(7) Intersection clearance. The length, width and shape of corner island areas will vary for different locations. The angle of intersection, angle of driveways, width of the right-of-way on both approaches, channelization radii, and other conditions will influence the location of driveways at intersections. The location and angle of an approach in relation to the highway intersection shall be such that a vehicle leaving the service facility may merge in the lane of traffic moving in the desired direction before crossing the intersection. In addition, a vehicle entering the facility from the intersection may do so in an orderly and safe manner with a minimum of interference to through traffic.

a. The following conditions may be applicable in most instances:

1. No driveway shall encroach upon pavement edge radii.

2. The following minimum distances from the intersection right-of-way line (C) shall apply where there is no conflict with the foregoing conditions:

• Traffic volume A.D.T. of one thousand five hundred or less, twenty feet (20'); and

• Traffic volume A.D.T. over one thousand five hundred (1,500) but less than ten thousand (10,000), thirty-five feet (35'); and

- Traffic volume A.D.T. over ten thousand (10,000), but less than fifteen thousand, (15,000), fifty feet (50’); and
- Traffic volume A.D.T. over fifteen thousand (15,000), sixty-five feet (65’). The Director shall have the authority to increase these distances if in his opinion such action is necessary for the protection of traffic. The Director may also modify these requirements if justifiable based on site conditions; and
- The Director shall use projected traffic volumes provided by the Planning Department in determining minimum distances rather than current traffic volumes.

(8) Parking and storage areas.

- a.** Each roadside business establishment, when providing off-street parking or storage space, shall provide such parking or storage space off the right-of-way to prevent the storage of vehicles on the driveway or the backing up of traffic on the travel way.
- b.** The Director shall pay particular attention to drive-in facilities such as banks, minute car washes, drive-in restaurants, drive-in bill paying facilities and other service facilities where motorists are served while in their vehicles, to insure that queues of vehicles will not extend out onto the public streets.

(9) Driveway grade

- a.** The maximum grade, permissible for apartments, commercial or industrial driveways is eight percent.
- b.** Existing shoulder slope, utilities or existing and future sidewalk elevations shall control the grades within the right-of-way.
- c.** The underside clearance and/or break over angle of the special use vehicles shall dictate the maximum driveway grade.

(10) Paving

The contractor shall pave driveways to the right-of-way line, prescriptive easement line, or be paved twenty feet (20’) in length, whichever option is greater when accessing paved county roads.

The acceleration and deceleration lanes pavement structure shall at least match that of the adjoining existing pavement and shall not be less than specified in writing or drawings by the county Director. Materials and construction methods shall meet county standards.

(11) Left-turn restrictions

A. On arterial streets, left turns to or from driveways is prohibited by the construction of approved channelizing structures under the following conditions:

1. Inadequate corner clearance; or
2. Inadequate sight distance; or
3. Inadequate driveway spacing; or
4. Site has a signalized driveway on the same arterial at which left turns can be made; or
5. Other capacity, delay or safety conditions make specific left turns dangerous.

b. Similarly, the Director shall prohibit left turns on collector and local streets if warranted by the above conditions.

(12) Acceleration, deceleration lanes:

a. Required. If driveways provide access to a non-residential use facility utilizing a common driveway entrance on an arterial street, the property owner shall construct acceleration and deceleration lanes. An acceleration lane shall not generally be required, but the driveway radius shall turn out as if construction of a lane and taper were to be constructed. An acceleration lane shall be required where the required taper will merge with the taper of an existing deceleration lane or is within twenty feet (20') of merging.

b. Length. Each such lane shall be one hundred fifty feet (150') in length, with an additional tapered transition section fifty feet (50') in length. Lane pavement width shall be twelve (12) feet.

c. Property lines. The Director may approve an altered design where a lane or taper would merge with a lane or taper provided for adjoining property or would encroach on the corner radius of a street intersection. If there is adequate, right-of-way in front of the adjoining, property and a lane or taper would extend across a frontage boundary line such lane or taper shall be constructed

d. Right-of-way dedication. The property owner by way of recorded right of way deed shall dedicate any additional right-of-way necessary for construction of a lane and the abutting curb and gutter and the accommodation of utilities to the county.

e. All driveways requiring acceleration or deceleration lanes shall have site plans submitted to and approved by the Director. A performance bond or letter of credit will be required in an amount equal to all work proposed for acceleration or deceleration lanes in the county right of way.

f. Exceptions. The following land uses are excluded from the requirement for acceleration/deceleration lanes:

1. Warehouse use with less than ten thousand (10,000) square feet of building area; and

2. Manufacturing use with less than thirteen thousand (13,000) square feet of building; and

3. Light industrial use with less than seven thousand (7,000) square feet of building area; and

4. Heavy industrial use with less than thirty three thousand (33,000) square feet of building area; and

5. Nursing home with fewer than nineteen (19) beds; and

6. Medical office use with less than one thousand (1,000) square feet of building area; and

7. General office use with less than three thousand (3,000) square feet of building area; and

8. Office park (mixed office uses) with less than two thousand (2,000) square feet of building area.

g. A mixture of the above uses will require a case-by-case determination of traffic generation by the Director. Acceleration/deceleration lanes shall be required when sufficient additional development occurs on property previously excepted from the requirement.

(13) Temporary Driveways: Temporary Condition Permits are typically driveways constructed to perform logging operations or other short duration activity such as construction entrances. Where property owner's desire access to property but will delay

building upon that property for 6 months or longer, a temporary driveway may be used. The Director based on use, needs of the property owner, and considerations towards protecting county right of way and roadways, will consider design standards for any temporary driveway case by case.

(14) The Department shall permit all driveways, regardless of use or type, in collaboration with Planning and Building Inspections.

Sec. 54-201 Common access driveways - General provisions

(a) The following specific design standards apply to common access driveways requiring permits as set forth in these regulations. Even though a common access drive may provide access to parcels or lots, each resultant, tract, parcel or lot shall meet the minimum public street frontage requirements for the county unless otherwise exempted as a lot of record. Sites upon which there is a proposed subdivision of land that will not have separate and individual driveway access to a public street within the limits of the property itself, but is proposed to be served by a common access driveway shall install such a driveway in conformance to the standards.

(1) Permit requirements. Any:

(a) building permit or occupancy permit requested for lots of record; or

(b) any proposed subdivision of land, whereby three but not more than five parcels or lots are to be served by a common access driveway shall at the time of the permit application or proposed subdivision of property, submit all necessary plans as required by the Director indicating the proposed location and construction specifications of the proposed common access driveway.

(2) Construction prior to plat approval. New common access driveways shall be constructed prior to the issuance of an occupancy permit for lots of record or prior to the approval and recording of a final plat for the proposed subdivision of land.

(3) Plats - Required statements. The contractor shall record plats indicating the location of common access driveway easements and the lots served with the clerk of superior court of the county. The plats shall include:

a. A statement to the effect that the driveway easement shown on the plat is not to be dedicated as a public road and not to be maintained by the county, but shall be privately maintained; and

b. A statement signed by the surveyor, a registered engineer or registered landscape architect that the driveway meets the minimum standards of the county.

(4) Previously existing driveways. Any existing easements or common driveways recorded prior to the effective date of this amendment shall continue to serve existing lots recorded prior to the effective date of this resolution. Any new driveways, which would propose access to three or more undeveloped lots of record, shall conform to the standards for a common access driveway in accordance with this amendment.

(5) Minimum standards. Construction of common access driveways shall conform to the following minimum standards:

a. Easement width, thirty feet (30'); and

b. Roadbed width, twenty-six feet (26'); and

c. Shoulder width, two feet (2'); and

d. Base width, twenty feet (20') ; and

e. Pavement width, eighteen feet (18').

(6) Pavement type:

- a. Plant mix, two inches thick over graded compacted aggregate six inches thick; and
- b. Concrete, six inches thick; and
- c. Pavement or concrete is not necessary on common driveways where said driveways access unpaved roads.

(7) If a common access driveway terminates in a dead end, the termination shall be a cul-de-sac with a paved radius of twenty-five feet (25').

(8) Ditch front slope, three to one ratio.

(9) Maximum finished driveway grade, fifteen percent.

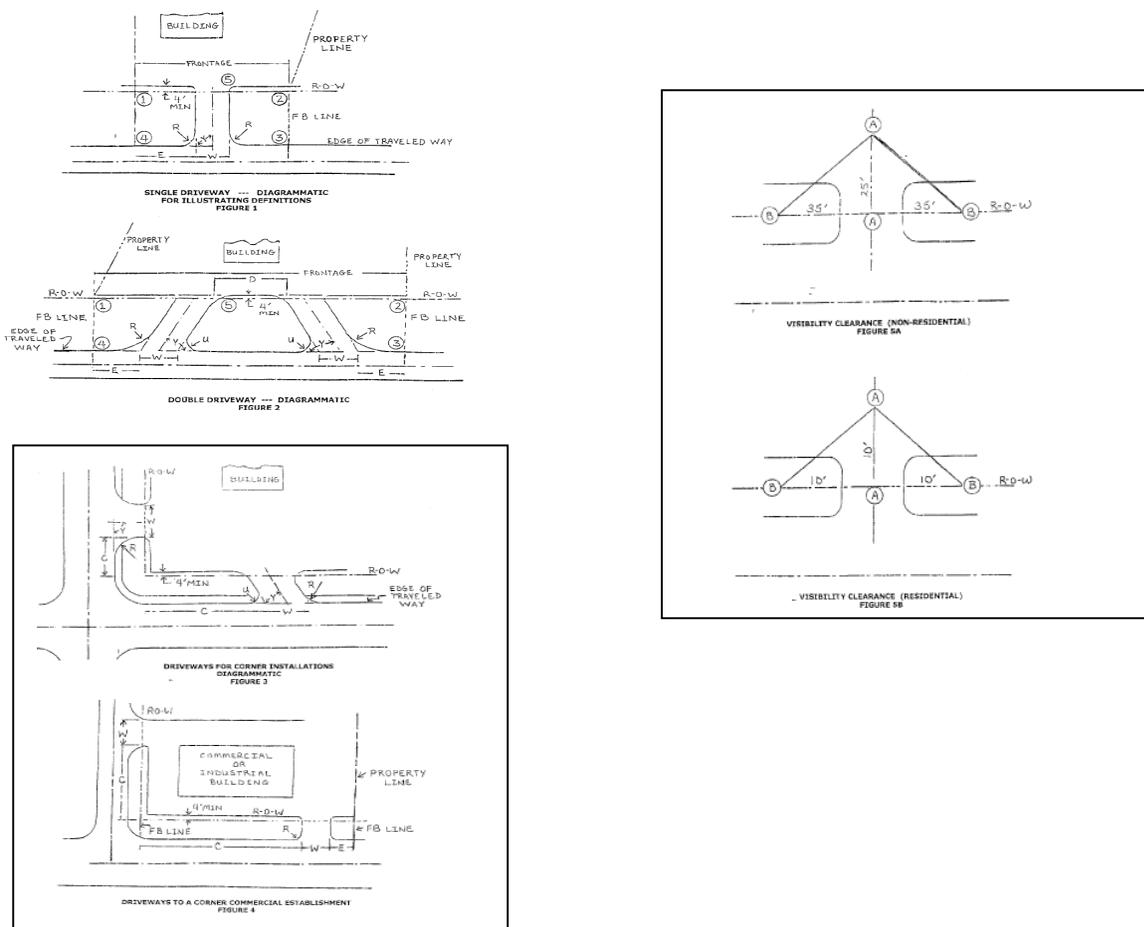
(10) Grass all slopes and shoulders.

(11) Minimum cross drain pipe size, eighteen inches.

(12) The driveway shall intersect the public road at an angle of sixty-five degrees or greater.

(13) The driveway shall enter the public road at least sixty-five feet (65') from any intersection of another common access driveway or another public road intersection.

(b) The following design layouts are in conjunction with the standards and definitions set forth in this article as examples of typical driveway types.



Sec. 54-202 General conditions of approval.

(a) The following conditions shall apply to all approvals for driveway construction on public right-of-way:

- (1) The applicant shall represent all parties with a property interest in the proposed driveway and shall certify that any driveway or approach constructed by him is for the bona fide purpose of securing access to his property and not for the purpose of parking or servicing vehicles, or for advertising, storage, or merchandising of goods on the county right-of-way.

(2) The applicant shall furnish all materials, do all work and pay all costs in connection with the construction and maintenance of the driveway and its appurtenances on the right-of-way unless the county agrees otherwise. The applicant shall arrange for and bear the entire cost of moving poles, trees, signs, hydrants, catch basins, and other existing installations, which may interfere with the proposed driveway. Materials used and type of work shall be suitable and appropriate for its intended purpose and the type of construction shall be designated and subject to approval of the Director. The Director shall approve the timetable for installation. The applicant shall make the installation without jeopardy to or interference with vehicular traffic using the highway or pedestrian traffic using the adjacent sidewalk. The applicant shall restore street surfaces, shoulders, ditches and vegetation disturbed to equivalent or original condition.

(3) The Director shall approve all revisions or additions to the driveway or its appurtenances on the right-of-way.

(4) The county reserves the right to make such changes, additions, repairs and relocations within statutory limits to the driveway or its appurtenances on the right-of-way as may at any time be considered necessary to permit the relocation, reconstruction, widening, and maintaining of the highway or to provide proper protection to life and property or adjacent to the street. The county shall make all reasonable attempts to comply with all provision of this resolution.

(5) The applicant, his successors or assignees, agree to hold harmless the county and its duly appointed agents and employees against any action for personal injury or property damage sustained by reasons of the exercise of the permit issued pursuant to this article.

(6) When making improvements to existing roads by reconstruction or maintenance work, the county shall alter existing entrances to the road to conform to the spirit and intent of the policy and standards set forth in this article.

(7) Whenever the Director determines that inadequate or indiscriminate access or long stretches of paved or unpaved accesses result in a hazard to the motoring public on the thoroughfare, existing entrances shall be required to be altered or reduced in extent to conform with the spirit and intent of this policy and upon approval of the governing authority.

(8) The Director has the authority to grant variances to this ordinance where terrain negatively affects the ability to meet the specifications herein. The Director will determine a typical section and driveway design that best meets the county's needs to protect the county roadway and still allow driveway access where possible.

Sec. 54-203 Conflict with other laws.

Should any requirement or design standard conflict in any manner with any law, rule or regulation of any local, state or federal government body or administrative agency, the stricter law, rule or regulation shall be apply. The intent of this article is not to interfere with, abrogate or annul any easements, covenants or other agreements between parties. Provided, however, that where this article imposes a greater restriction upon the use of property or premises than required by other resolutions, rules or regulations or easements, covenants or agreements, the provision of this article shall govern.

Sec. 54-204 Violation - Penalty.

(a) Validity. Should a court of competent jurisdiction declare any section, clause or provision of this article invalid such action should not affect the validity of the article as a whole or any part hereof declared severable.

(b) Remedies. In case a driveway or a proposed driveway is constructed, reconstructed, altered, converted, maintained or used in violation of any provision of this article, the building official, county attorney, or other remedies institute injunction, mandamus, or other appropriate action or proceeding to prevent such unlawful construction, reconstruction, alteration, conversion,

maintenance, or use to correct or abate such violation. Where a violation of these regulations exists, the county building official shall, in addition to other remedies, notify all public utilities and county service departments of such violation and request service be withheld there from until there is no longer a violation of these regulations.

(c) Penalties for Violations. Any firm, person or corporation who shall do anything prohibited by the resolution who shall fail to do anything required by this resolution as it exists or as amended shall be guilty of a misdemeanor, amenable to the process of the superior court of the county or the State Court of the county. Upon conviction, the violator is punishable by a fine not to exceed \$100.00 or by confinement in the county jail or correctional institution not to exceed three months or both, in the discretion of the court. Each day that such violation exists shall be a separate offense.

- End of First Reading -

Phillip McCurry (Collins Road Resident) asked the Commission if White County has an ordinance for residential driveway standards. Commissioner Campbell explained that if the driveway connected to a State Highway the Georgia Department of Transportation (GDOT) has requirements that they impose however there is not a County ordinance regarding residential driveway requirements. Mr. McCurry stated that he would suggest to the county that they need to adopt a standard for residential driveways as well. Mr. McCurry went on to discuss a drainage problem on his property located at 943 Collins Road, which he has addressed with the White County Road Department. Chairman Turner asked Doug Dockery, Public Works Director, to provide the Board of Commissioners a report on the drainage problem on Mr. McMurry's property.

The called meeting was adjourned.

Minutes of the May 28, 2009 Public Hearing and Called Meeting are hereby approved as stated this the 1st day of June 2009.

WHITE COUNTY BOARD OF COMMISSIONERS

s/Travis C. Turner
Travis C. Turner, Chairman

s/Joe R. Campbell
Joe R. Campbell, Post 1

s/Craig Bryant
Craig Bryant, Post 2

s/Shanda Smallwood
Shanda Smallwood, County Clerk