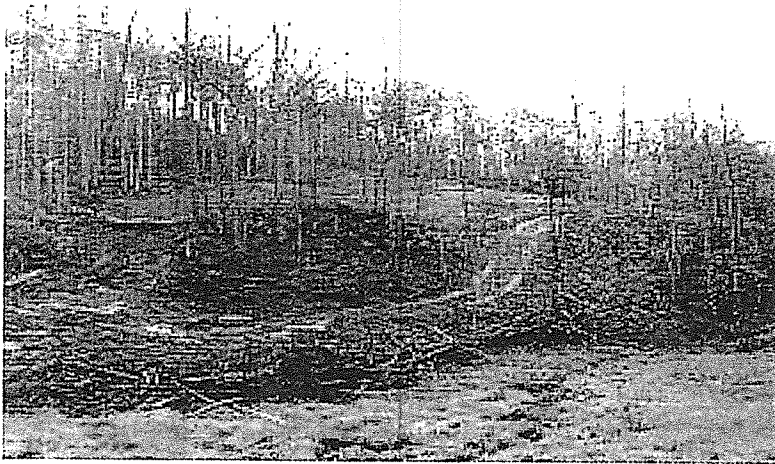
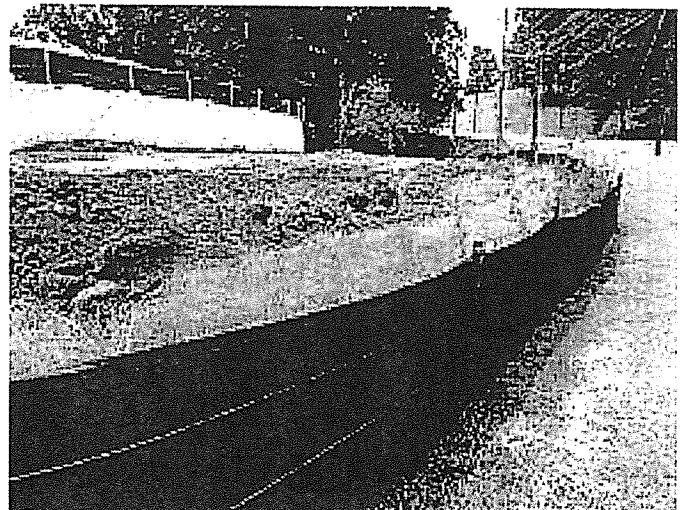


Butts County Community Development

625 West Third Street
Jackson, GA 30233



Land Disturbance Permit Policy Handbook



Land Disturbance Permit Policy

Butts County, Georgia

1. INTRODUCTION

This handbook has been developed to assist individuals wishing to secure a Land Disturbance Permit, as they plan to initiate new development/construction projects in unincorporated Butts County. Land disturbance permits are issued in two (2) scenarios, each of which is labeled below and described within this handbook:

- **Development of undeveloped land parcels, where land disturbance activities exceed one (1) acre.**
- **Development of undeveloped land parcels, where the primary developer has lost ownership rights to the property and those ownership rights have not been assigned to others who will assume that role**

2. GENERAL

The designed purpose of The County's land disturbance policy is to safeguard life, limb, property and public welfare by regulating clearing, earthwork, excavation, and other land disturbing activity. This policy sets forth standards and rules for grading, earthwork or land disturbance and establishes the requirement of a formal permitting procedure. This policy applies to the implementation area within Butts County and establishes administrative procedures for the issuance of permits and the enforcement thereof.

2. Authority

This policy is developed, implemented, and recognized as a standard practice for Butts County. The policy will be utilized in conjunction with the Subdivision Regulations, Zoning Ordinance, Stormwater Management Policy, and other such codes and texts adopted by Butts County.

The County Commission has charged the Community Development Department with the administration and enforcement of this policy in regard to the review and approval of grading, excavation, earthwork, and related activities and such management practices as described herein.

3. DEFINITIONS

- **Best Management Practices (BMPs)**

Techniques or practices that reduce the velocity of runoff waters, which can result in the deposition of suspended soil. BMPs are physical, structural, and/or managerial practices that, when used singly or in combination, prevent or reduce pollution of water and minimize erosion.

- **Building Lot Land Disturbance Permit**

A permit allowing or authorizing the initiation of grading, excavation or related earthwork according to County Policies, Procedures, Ordinances or adopted codes or

referenced texts for disturbance of any lot or parcel on which a building or structure will be placed.

- **Clearing**

The removal from land of trees, shrubs, grass, and/or other varied ground cover and vegetation useful for windbreaks, water retention, and the maintenance of topsoil. Any activity that removes the vegetative surface cover.

- **Cut**

See excavation.

- **Earthwork**

Excavation, fill and back fill, compaction, and grading.

- **Erosion**

The wearing away of the ground surface as a result of movement of wind, water, and/or ice.

- **Excavation**

The mechanical removal of earth material.

- **Fill or Backfill**

The replacement of earth by artificial means.

- **Finish or Final Grade**

The as-built grade of the subject site, which conforms to the permitted plan.

- **Grade**

The vertical location of the ground surface to a predetermined elevation datum. The excavation or fill of material, including the resulting conditions thereof.

- **Grading**

The operation of raising or lowering the ground surface to a predetermined grade.

- **Hot Spot**

An area where land use or activities generate or have the potential to generate highly contaminated runoff, with concentrations of pollutants in excess of those typically found in stormwater.

- **Impaired Waters**

Any segment of surface waters that have been identified by the Environmental Protection Agency as failing to support classified uses. A watercourse delineated by the Georgia Soil and Water Conservation Commission which are degraded with respect to classified uses, including but not limited to recreation, drinking water, agricultural, irrigation, etc.

- **Land Disturbance**

Any activity on property that results in a change or alteration in the existing ground cover (both vegetative and non-vegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, development, redevelopment,

demolition, construction, reconstruction, clearing, grading, filling, excavation and borrow pits.

- **Land Disturbance Permit**

A document issued by the Department which allows or authorizes the initiation of grading, excavation, or related earthwork according to County Policies, Procedures, Ordinances or adopted codes in conformity to the approved plan(s).

- **Natural Resources Conservation Service (NRCS)**

Formed by Congress and administered via the U.S. Dept. of Agriculture to monitor and assess the nation's natural resource base and to prevent the wastage of soil and moisture resources on farm, grazing, forest lands, etc.

- **National Pollutant Discharge Elimination System (NPDES)**

Created by the Federal Clean Water Act (CWA) to control water pollution by regulating the discharge of pollutants to surface waters. Georgia Environmental Protection Division (GAEPD) is authorized by the "U.S. EPA" to issue "NPDES" general permits within the State.

- **Notice of Intent (NOI)**

Submitted by a developer, in situations where more than one (1) acre of land will be disturbed and / or where the primary developer no longer possesses ownership rights and / or where a "Notice of Termination" has been filed on undeveloped land parcels that require development activity.

- **Notice of Termination (NOT)**

Submitted by a developer, when a change of ownership has occurred and construction activities have been completed and the developer is seeking the issuance of a "Certificate of Occupancy" .

- **Priority Site**

Sites that discharge directly into or immediately upstream of waters the state recognizes as impaired or high quality.

- **Rough Grade**

The stage of construction at which the grade approximately conforms to the permitted plan.

- **Sediment**

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

- **Site**

A parcel or portion of a parcel of land or a contiguous combination thereof, where land disturbance or related earthwork is performed as a single unified operation.

- **Site Plan**

A surveyed and engineered graphic representation of a proposed development of a parcel of land describing with reasonable certainty the type and intensity of use thereon.

- **Tertiary Permittee**

An individual who wishes to develop undeveloped land parcel(s) where the primary developer no longer owns ownership rights to the land parcel(s) and / or where a "Notice of Termination" has been filed and development activities are required.



Non – Tertiary Permittee

Permit Step by Step Process



The following is a step-by-step process to guide an applicant through the permitting process for projects where land disturbance activities on undeveloped land parcels will exceed more than **one** (1) acre.

Step 1:

The applicant is required to submit the following:

- *Land Disturbance Application* (Enclosed).
- Proof that all of the County's property taxes are current. This information can be secured from the Butts County Tax Commissioner Office.
- **Two** copies of (2) Hydrology Studies.
- **Four** (4) copies of an *Erosion & Sedimentation & Pollution Control Plan* (ES & PC) and the *Construction Site Plan* and the current *E&S Checklist*, prepared by a Certified Professional are to be submitted to the Department.
- The *Erosion & Sedimentation & Pollution Control Plan* and the *Construction Site Plan* should address several issues:
 - First, the plan outlines how erosion and sedimentation will be controlled on the project site to minimize the discharge of sediment off-site or to a water of the state.
 - Second, the plan addresses other pollutants that may be associated with construction activity. This can include disposal of building materials, management of fueling operations, etc.
 - Finally, the plan should also address pollutants that will be associated with the post construction land use.

The *Erosion & Sedimentation & Pollution Control Plan* and *Construction Site Plan* should also include careful site evaluation and assessment. Each project is unique and, therefore, requires careful planning to ensure the plan is carefully and properly developed for the planned project activities.

Step 2:

- Payment of the *Construction Plan Review* fee and, if applicable, payment for any associated additional engineering costs.
- Upon payment, Department personnel will review the submitted plans and associated documents and upon completion, the Department will forward the plans and other documents to the County Engineer and NRCS for plan review purposes.

Step 3:

Upon completion of the plan review process, the applicant will receive a determination from the Department regarding the status of the plan. The comments from the County Engineer and/or NRCS disapproving the plans will be considered "*RED Lines*".

The applicant will address the "Red Lines" comments via the submission of "Clouded" notes, which illustrates and outlines the revisions. In addition, the applicant is required to submit a written narrative, which also describes and outlines the intended revisions and payment of the Construction Plan Resubmittal Review fee per each resubmittal.

The applicant is to submit the "Red Line" plans and/or comments with each resubmittal.

Step 4:

- For sites that are less than 50 acres of disturbed area submit only the "Notice of Intent" (NOI) form to the Georgia Environmental Protection Division via "U.S. Postal Return Receipt Certified Mail". The "NOI" may be submitted to Georgia Environmental Protection Division prior to or at the same time the ES & PC and Construction Site Plans are submitted to this department and/or NRCS for review. The "NOI" must be submitted at least 14 days prior to the commencement of construction activities. The postmarked date on return receipt certified mail receipt begins the 14 day waiting period. The "NOI" form can be secured via the Georgia Environmental Protection Division's website, www.epd.georgia.gov.
- For sites that are equal to or greater than 50 acres of disturbed area a copy of both the "NOI" and a copy of the ES & PC and Construction Site Plans shall be submitted to Georgia Environmental Protection Division via "U.S. Postal Return Receipt Certified Mail" at least 14 days prior to the commencement of construction activities. The postmarked date on return receipt certified mail receipt begins the 14 day waiting period. The Plans may be submitted to the Georgia Environmental Protection Division as a Portable Document Format (PDF) file on CD-ROM or other storage device.
- The applicant is to send the pre-mentioned items to the Georgia Environmental Protection Division, via "U.S. Postal Return Receipt Certified Mail". Contact information pertaining to the Georgia Environmental Protection Division appears below:

Name of Agency	Georgia Environmental Protection Division
Address	Northeast District Office 745 Gaines School Road Athens, GA 30605-3129
Telephone Number	(706) 369-6376

Step 5:

Upon evidence that Steps #1-4 have been successfully completed, the Land Disturbance Permit will be issued when the following steps/items are completed:

- Submission of a copy of the "Notice of Intent" (NOI) form submitted to the Georgia Environmental Protection Division and a copy of the green "U.S. Postal Return Receipt Certified Mail" card.
- Payment of a **Forty Dollars** (\$40.00) per disturbed acre fee, payable to Butts County.

- Submission by the applicant of evidence that the payment of ***Forty Dollars*** (\$40.00) per disturbed acre fee was paid to the Georgia Environment Protection Division (EPD).

Please Note: Failure to adhere to the requirements, rules and regulations contained within this handbook, will result in the issuance of a court summons.



Tertiary Permittee

Permit Step-by-Step Process



In recent years, many common development projects (subdivisions) have been started and never completed. Many times the owner was unable to sell lots or ran out of financing to complete the project. Even though construction had ceased, requirements of the "*National Pollutant Discharge Elimination System*" (NPDES) permit process are still required.

It is important to understand that an individual will become a *Tertiary Permittee*, if the Primary Permittee has filed a Notice of Termination (NOT) or the Primary Permittee cannot be determined.

Equally as important is for the applicant to understand the applicable laws and requirements associated with land disturbing activities, especially when purchasing and developing lot(s) within an existing common development.

The inspection requirements of the permit are applicable to all Tertiary Permittee (including lots that are less than **one** (1) acre).

Step 1:

The applicant will be required to submit the following:

- Land Disturbance Application (Enclosed)
- Proof that all of the County's property taxes are current (Butts County Tax Commissioner Office)
- **Three** (3) sets of an *Erosion & Sedimentation & Pollution Control*" (ES & PC) plan and the current E&S Checklist prepared by a Certified Licensed Professional are to be submitted to the Department. The Department will forward the plans and other documents to NRCS for plan review purposes.
- Upon completion of the plan review process, the applicant will receive a determination from the Department regarding the status of the plan (approved or disapproved).
 - If not approved, the applicant will address the comments and resubmit three (3) corrected sets of plans to the department.

Please Note:

To avoid delays and hardships the applicant is advised to have the "*Erosion & Sedimentation & Pollution Control*" (ES & PC) plan prepared by a Certified Licensed Professional and to ensure that the required checklist that is to accompany the submission of the "ES&PC" plan is current. The checklist form and format is revised on an annual basis and can be found on the Georgia Soil & Water Conservation Commission website at www.gaswcc.georgia.gov.

- Copy of “*Notice of Intent*” form submitted to the Georgia Environment Protection Division (EPD). The address to the Georgia Environmental Protection Division appears below:

**Georgia Environmental Protection Division
Northeast District Office
745 Gaines School Road
Athens, GA 30605-3129
Tel. # 706) 369-6376**

Please Note: The “NOI” may be submitted to Georgia Environmental Protection Division prior to or at the same time the ES & PC Plans are submitted to the Department for review.

- Copy of green “U.S. Postal Return Receipt Certified Mail” card.
- The submission and receipt of the “NOI” form and the U.S. Postal Return Receipt Certified Mail card to the Department will initiate the required “*Waiting Period*”, which consists of ***fourteen*** (14) days prior to the commencement of construction activities. Upon expiration of the waiting period, the Department can issue a “Land Disturbance” permit.

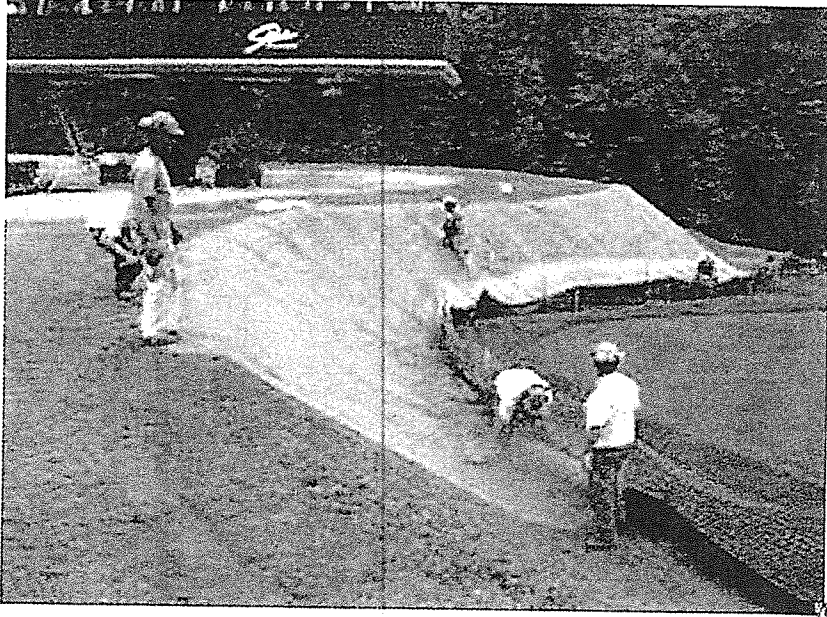
Step 2:

- In order to secure a “*Certificate of Occupancy*” (CO) from the Department, **all** construction activities related to the project require completion and the project has passed the final inspection conducted by the Department’s building inspector.

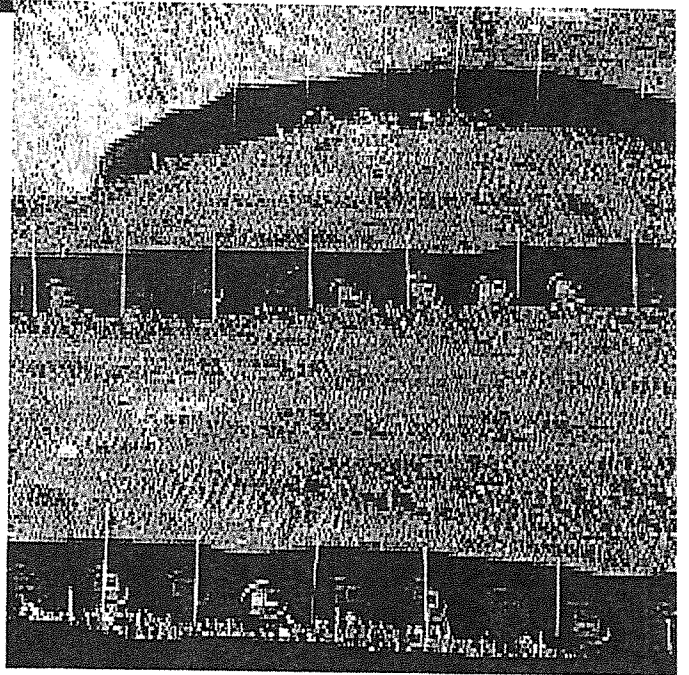
The applicant will be required to:

- Secure a “*Notice of Termination*” (NOT) form, from the *Georgia Environmental Protection Division* and submit said form to the Georgia Environmental Protection Division.
- Submit to the Department a copy of the “Notice of Termination” (NOT) form submitted to the Georgia Environmental Protection Division and the U.S. Postal Return Receipt Certified Mail card illustrating the “NOT” has been submitted to the Georgia Environmental Protection Division.

Please Note: Failure to adhere to the requirements, rules and regulations contained within this handbook, will result in the issuance of a court summons.



FORMS





Butts County Community Development Department
625 West Third Street
Jackson, GA 30233

Land Disturbance Application

Date _____

Permit # _____

Applicant's Name _____

Applicant's Tel. # _____

Applicant's E-Mail Address _____

Applicant's Address _____

City _____

State _____

Zip Code _____

Applicant Status: ___Owner ___Agent ___Contractor

Project Site Address or Map & Parcel _____

City _____

State _____

Zip Code _____

Lot #'s: _____

Zoning Designation: _____

Submission Checklist

- ___ Proof that all of the County's taxes are current (Butts County Tax Commissioner Office)
- ___ Four (2) sets of an "Erosion & Sediment Control Plan and Construction Site Plan
- ___ Two (2) sets of a Hydrology Studies
- ___ "Notice of Intent" form submitted to the Georgia Environment Protection Division (EPD)
- ___ Green - U.S. Postal Return Receipt Certified Mail Card
- ___ Payment of **Forty Dollars** (\$40.00) per acre - Payable to the Butts County.
- ___ Evidence that the payment of **Forty Dollars** (\$40.00) per acre was paid to the Georgia Environment Protection Division (EPD).

Description of Work:

☐ New

☐ Re-Permit

Project Dimensions:

Total Acreage _____

Disturbed Acreage _____

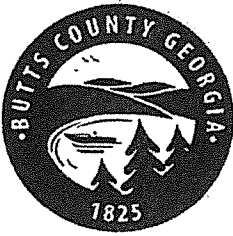
Certification:

I, _____, hereby certify
that all the above information is true and correct

X _____
Property Owner/Agent/Contractor Signature

Notary Public Signature and Stamp

Date



**Butts County Community Development
Department**
625 West Third Street
Jackson, GA 30233

Property Owner Authorization Form

Date: _____

Property Location: _____

____ I hereby authorize the person named as the Authorized Agent to both obtain a Land Disturbance Permit and Building Permit on behalf of the Owner.

____ I hereby authorize the person named as the Contractor to both obtain a Land Disturbance Permit and Building Permit on behalf of the Owner.

Authorized Agent

Name: _____

Address: _____

City _____ State _____ Zip Code _____

Tel: # _____ E-Mail Address: _____

Authorized Contractor

Name: _____

Address: _____

City _____ State _____ Zip Code _____

Tel: # _____ E-Mail Address: _____

Certification:

I, _____ as Owner of

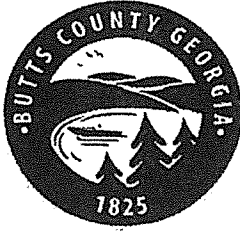
Project Address

hereby certify that all the above information is true and correct

X _____
Property Owner Signature

Notary Public Signature and Stamp

Date



**Butts County Community Development
Department
625 West Third Street**

**Tertiary Permittee
Land Disturbance Application**

Date _____

Permit # _____

Applicant's Name _____

Applicant's Tel. # _____

Applicant's E-Mail Address _____

Applicant's Address _____

City _____

State _____

Zip Code _____

Applicant Status: ___Owner ___Agent ___Contractor

Name of Common Development: _____

Project Site Address or Map & Parcel _____

City _____

State _____

Zip Code _____

Lot #'s: _____

Zoning Designation: _____

The following information and / or documents are required:

Submission Checklist

- ___ Proof that all of the County's taxes are current (Butts County Tax Commissioner Office)
- ___ **Three (3)** sets of an "Erosion & Sediment Control Plan and Construction Site Plan
- ___ **Two (2)** sets of a Hydrology Study
- ___ "Notice of Intent" form submitted to the Georgia Environment Protection Division (EPD)

_____ Green - U.S. Postal Return Receipt Certified Mail Card

Description of Work:

____ New

____ Re-Permit

Project Dimensions:

Total Acreage _____

Disturbed Acreage _____

Certification:

I, _____ hereby certify
that all the above information is true and correct

X _____
Property Owner Signature/Agent/Contractor

Notary Public Signature and Stamp

Date



**Butts County Community Development
Department
625 West Third Street**

Common Development Pre - Land Disturbance Application

Date _____

Property Owner's Name _____

Property Owner's Tel. # _____

Property Owner's E-Mail Address _____

Property Owner's Address _____

City _____

State _____

Zip Code _____

Applicant's Name _____

Applicant's Tel. # _____

Applicant's E-Mail Address _____

Applicant's Address _____

City _____

State _____

Zip Code _____

Applicant Status: ☐ Owner ☐ Agent ☐ Contractor

Name of Common Development: _____

Project Site Address or Map & Parcel _____

City _____

State _____

Zip Code _____

Lot #'s: _____

Zoning Designation: _____

Project Classification:

Non-Tertiary _____

Tertiary _____

X _____

Butts County Zoning Administrator

_____ Date