

# Monroe County Planning and Zoning Office

38 West Main Street, Forsyth, Georgia 31029 \* \* Po Box 189

Office: 478-994-7040 Email: Kfortner@monroecoga.org

www.monroecoga.org

## Land Disturbance Permit Policy Packet and Application

### 1. Introduction

This handbook has been developed to assist developers and individuals wishing to secure a Land Disturbance Permit, as they plan to initiate new development/construction projects and minor projects in unincorporated Monroe County. Reasons to apply for a Land Disturbance Permit:

- **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**
- **Minor projects such as clearing, dredging, grading, excavating, transporting and/or filing**

### 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 Monroe 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 Monroe County. The policy will be utilized in conjunction with the Erosion and Sedimentation Control Ordinance, Development Regulations, Zoning Ordinance, Watershed Protection, and other such codes and texts adopted by Monroe County.

The County Commission has charged the Planning and Zoning Office 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.
- **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.
- **Dredging**
- To dig, gather, or pull out with
- **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.
  
- **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 Monroe County Planning and Zoning Office 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/or construction activities have been completed and the developer is seeking the issuance of a "Certificate of Occupancy".
  
- **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.
- **Transporting**
- To carry or take from one place to another
- **Watershed District**
- Districts identified by Monroe County

***April 24, 1975, the Honorable George Busbee, Governor of the State of Georgia, signed into law as Act 599—listed below.***

***Erosion and Sedimentation (E&S) Act of 1975 (O.C.G.A—12-7-1 et. Seq.)***

**O.C.G.A—12-7-2 states:** "It is found that soil erosion and sediment deposition onto lands and into waters within the watersheds of this state are occurring as a result of widespread failure to apply proper soil erosion and sedimentation control practices in land clearing, soil movement and construction activities, and that such erosion and sediment deposition result in pollution of state waters and damage to domestic, agriculture, recreational, fish and wildlife, and other resource uses. It is, therefore, declared to be the policy of this state and the intent of this chapter to strengthen and extend the present erosion and sediment control activities and programs of this state and to provide for the establishment and implementation of a state-wide comprehensive soil erosion and sediment control program to conserve and protect land, water, air and other resources of this state."

**The following is a step-by-step process to guide an applicant through the permitting process for land disturbance activities.**

**Step 1:**

**The applicant is required to submit the following to Monroe County Planning and Zoning Office:**

- *Land Disturbance Application* (Enclosed).
- **Five (5)** copies of Hydrology Studies (not required for Tertiary Permits)
- **Five (5)** 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. Construction Plans are not required for Tertiary Permits.
- Proof that *Notice of Intent* and associated fees were sent to EPD.

The *Erosion & Sedimentation & Pollution Control Plan* and *Construction Site Plan* should 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.

**The applicant is required to submit the following to Georgia Environmental Protection Division:**

- 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](http://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	West Central District Office 2640 Shurling Drive Macon, GA 31211-3576
Telephone Number	(478) 751-6612



### **Step 1:**

- Payment of any required fees. In addition to the \$40 per disturbed acre for nontertiary permits, there is a local permitting fee of \$1 per acre of the project area for all project types.
- 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 NRCS for plan review purposes.
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### **Step 2:**

Upon completion of the plan review process, the applicant will receive a determination from the Department regarding the status of the plan.

### **Step 3:**

Upon evidence that Steps #1-3 have been successfully completed, the Land Disturbance Permit will be issued.

Subdivisions require another layer of approval. Please refer to the Development Regulations for the plans required and the fee schedule.

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 submit a *Notice of Termination* to the Georgia EPD, with a copy Monroe County Planning and Zoning Office.

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### **Additional Notes:**

- ⇒ Failure to adhere to these requirements, rules and regulations will result in the issuance of a court summons.
- ⇒ Land Disturbance Permit fee is \$10.00

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# 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 \_\_\_\_\_

Description of Work: \_\_\_\_\_

Total Acres: \_\_\_\_\_ / **Disturbed Acres:** \_\_\_\_\_

### Submission Checklist (Check all the apply)

- \_\_\_\_\_ Payment of (\$10.00) for Land Disturbance Permit—Payable to Monroe County
- \_\_\_\_\_ Five (5) sets of a Hydrology Studies (not required for Tertiary Permits)
- \_\_\_\_\_ "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 Monroe County
- \_\_\_\_\_ Evidence that the payment of **Forty Dollars** (\$40.00) per acre was paid to the Georgia Environment Protection Division (EPD)

**Land Disturbance 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

\*\*\*\*\*

**FOR OFFICE USE ONLY**

This application meets the requirements set forth by Monroe County, Georgia and is granted a  
PERMIT for land disturbing activities. *This permit expires one year from the date of approval.*

\_\_\_\_\_  
Kelsey Fortner, Zoning Officer  
Monroe County, Georgia

\_\_\_\_\_  
Date