

MEMORANDUM

TO: Land Disturbance and Development Permit Applicants

FROM: Jerry Weitz, Consulting Planner

DATE: February 8, 2023

RE: Land Disturbance and Development Permitting – guide to applications

This memorandum is a detailed guide for applicants who wish to apply for a land disturbance permit and/or development. Please review this memo prior to filing, as it should answer many of your questions.

Regulatory Framework

The regulations you need to consult for land disturbance and development are as follows: (see links on this planning and zoning page):

Comprehensive Plan including Capital Improvements Element
Zoning Ordinance and Official Zoning Map
Subdivision and Land Development Ordinance
Stormwater Management
Stream Buffer Ordinance
Soil Erosion Ordinance

The working assumption for most projects is that there will be a requirement for both a land disturbance permit (via the soil erosion ordinance) and a development permit (via the zoning ordinance). In almost every instance, when both a land disturbance (vis soil erosion ordinance) permit and a development permit (zoning ordinance) are required, the two are applied for simultaneously and reviewed and issued simultaneously. This usually means that the applicant needs to complete two different permit applications. It may be that a project is exempt from a land disturbance permit but still requires a development permit.

Plan sheet components include site plan, three-phase soil erosion control plans, grading plan, and stormwater management. In some cases, tree protection must also be addressed. The city requires said plans to show proposed building footprints and other proposed site features. Note: the city requires a 50-foot buffer (includes state mandated 25-foot buffer) and a 75-foot impervious surface setback (includes 50-foot buffer) from all perennial stream banks.

To determine if a land disturbance permit is required see the Soil Erosion, Sedimentation and Pollution Control Ordinance, of the Hoshton City Code, available for download from the city's page. Note that projects that are less than one acre of land disturbance and which are not within 200 feet of a stream are exempt from the

requirement to obtain a land disturbance permit. Even if exempt, a project still must follow soil erosion best management practices.

In most cases, a development permit is also required. You will normally submit for both a land disturbance permit and a development permit simultaneously. Development permitting requirements are specified in the subdivision and land development ordinance, Article IX. A separate application form and submission is required even though land disturbance and development permits for the same site are considered and processed together. There is a separate application package for development permits.

In some cases, where the applicant desires, the city allow a separate application for land disturbance permit to be made without fulfilling allows an applicant to receive approval for clearing and grading (land disturbance) prior to the applicant having all utility plans finalized (i.e., development permit).

Land Disturbance Permit Submission Requirements: (Complete applications are required). Submit all materials in hard copy with pdf file copy to Hoschton City Hall, 79 City Square Hoschton, Georgia 30548.

Note: the city may at its discretion require a pre-application meeting to discuss stormwater options and feasibility of runoff reduction via infiltration, as specified in the city's stormwater management ordinance.

- Land Disturbance Permit application form completed
- City soil erosion fee: \$100.00 per disturbed acre. Make checks payable to City of Hoschton (Res. 21-14)
- Local NPDES fee: \$40.00 per disturbed acre (city share). Make checks payable to City of Hoschton (may be included in same check as soil erosion fee) (Res. 21-14)
- Erosion, Sedimentation, and Pollution Control Checklist; Amended annually, be sure to use most recent version. (2021): This is available from the city or download "plan review checklist" at: <https://gaswcc.georgia.gov/documents-list> (note: pdf and xls versions are available)
- Copy of Notice of Intent (NOI) filed online with the State Environmental Protection Division (EPD)
<https://geos.epd.georgia.gov/GA/GEOS/Public/GovEnt/Shared/Pages/Main/Login.aspx> (for a video of how to apply, go to: <https://epd.georgia.gov/complete-process-submitting-notice-intent-noi-using-geos>)
- Copy of receipt for payment to State for NPDES fees. (\$40.00 per disturbed acre: state share)
- For projects that have land disturbance of 50 acres or more, a separate letter of approval from the Georgia Environmental Protection Division is required.
- Plans: 8 complete sets of plans if also simultaneously applying for a Development Permit; 4 sets of soil erosion, sedimentation, and pollution control plans if only applying for a Land Disturbance Permit.

- Hydrology Report: 1 electronic copy.
- Land disturbance bond: \$3,000 per disturbed acre (Required prior to permit issuance, not at time of application)
- Stormwater inspection and maintenance agreement. For more information, see the city's stormwater management ordinance.

External Reviews and Processing:

The city is a local issuing authority (LIA). The city sends plans to the Georgia Soil and Water Conservation Commission for review, as well as the city's consulting engineer, Engineering Management, Inc., for review of water, sewer, stormwater, and roads.

If reviews are needed, it is the applicant's responsibility to submit to the following agencies:

1. Jackson County Public Development (review in some cases where the county maintains or owns the road);
2. Georgia Department of Transportation (for state routes);
3. West Jackson fire district (for fire code reviews).
4. Town of Braselton (for coordination purposes or if town utilities or roads serve the project)