

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Clean Eagle RNG, LLC

Request Rezone from Agricultural Residential 1 (AR-1) and Highway Business (H-B) to Planned Industrial Development (PID)

Proposed Use Natural gas facility

Size 22.45± acres

Zoning Current: Agricultural Residential 1 (AR-1) and Highway Business (H-B) | Proposed: Planned Industrial Development (PID)

Location **4212 Roy Parks Road** | Tax parcel 15024 000008

Commission District Three

Planning Commission Date December 16, 2024

Staff Recommendation **Denial**, as the proposed use is inconsistent with the future land use designation of “Rural Scenic Nodes and Corridors” in the Comprehensive Plan.

Record Number HZON24-0036

Planning Commission Recommendation..... **Denial**

Vote: 4-0 (Sosebee absent)

Excerpts from the minutes of the January 21, 2025 meeting

Applicant’s Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request.

Steve Gilliam, 340 Jesse Jewel Parkway, Gainesville presented the request.

Ryan Aubuchon, 201 Helios Way, Houston, Texas, presented the request. The applicant is requesting to rezone a 22.45± acre property zoned both Agricultural Residential 1 (AR-1) and Highway Business (H-B) to Planned Industrial Development (PID) for the purpose of establishing a natural gas processing facility. The subject property was rezoned in 2009. At that time, approximately 15 of the 22± acres were

rezoned from Highway Business (H-B) to Agricultural Residential IV (AR-IV) for permitted uses and this acreage was left undisturbed. The remaining 7± acres were rezoned from Agricultural Residential IV (AR-IV) to Highway Business (H-B, 17.50) for a shooting range.

Mel Lara, Houston, Texas from Certarus phoned in to present the request.

Nick Martin, Casper, Wyoming from Certarus phoned in to present the request.

Brian Thompson, Freeport, Florida from Certarus phoned in to present the request.

Dave Addington, Calgary, Canada from Certarus phoned in to present the request.

Public Forum:

Faye Pass, 4176 Roy Parks Road, Gainesville, spoke in favor. Ms. Pass is the executor of her mother's estate, who currently owns the subject property at 4212 Roy Parks Road and lives next door to the property. She mentioned that she met with Clean Eagle and had no objections to their request. Additionally, she states that she does not believe that there will be any adverse impacts to the community.

Planning Commission Comments:

Mr. Hunt inquired whether there had ever been an accident involving a rupture. Ms. Lara responded that there have been no fires and outlined the protocols in place for handling such incidents. Ms. Pilcher asked about the method of gas transportation, and Mr. Aubuchon clarified that the natural gas is transported in a gaseous state. Mr. Thompson provided additional details on evacuation procedures and incident command protocols. Mr. Hunt questioned the evacuation distance required if a tanker vehicle were on fire. Mr. Aubuchon stated that their standard is 300 feet but emphasized that they would follow all first responders' guidelines. Ms. Pilcher asked how many trailers would be onsite and if any additional storage would be present. Mr. Addington explained that only two trailers would be active onsite at any given time and further described the facility's evacuation radius. Mr. Hunt asked why the company chose this specific location in Hall County, and Mr. Aubuchon explained that it was selected as the optimal location within their pipeline network. Mr. Varner highlighted that the proposed site is near two churches and an elementary school, emphasizing the importance of emergency planning in scenarios where a train might delay fire personnel from reaching the facility. The Planning Commission and the applicant discussed emergency response planning within the community, but the applicant acknowledged they had not yet consulted Hall County Fire Department and did not have an answer at this time.

Motion: A motion to deny was made by Stan Hunt and seconded by Gina Pilcher. Vote: 4-0 (Sosebee absent)

Excerpts from the minutes of the December 16, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request, stating that the applicant wishes to table the request until January 21, 2025.

Motion: A motion to table to Tuesday, January 21, 2025 was made by Gina Pilcher and seconded by Johnny Varner. Vote: 3-0 (Hunt and Sosebee absent)

Excerpts from the minutes of the November 18, 2024 meeting

Applicant's Presentation:

Katie Greenway, Planning and Zoning Administrator, presented a summary of the request, stating that the applicant wishes to table the request until December 16, 2024.

Motion: A motion to table to December 16, 2024 was made by Stan Hunt and seconded by Gina Pilcher. Vote: 5-0

Staff recommends Denial of the applicant's request. However, if the Planning Commission sees fit to approve this application, Staff recommends the following conditions:

1. The property shall be developed in accordance with the site plan and as described in the project narrative and other application documents, modified as necessary for compliance with conditions herein and development standards enforced at the time of site plan approval.
2. Acoustical sound walls must be installed as part of the facility. These walls will be constructed according to the scenario outlined in Exhibit B of the application documents within the Noise Mitigation Study by Behrens and Associates, Inc.
3. Within Hall County, truck traffic on Highway 53/Dawsonville Highway will be limited to that section between McEver Road and the Hall/Forsyth county line, and must utilize I-985 to travel from Highway 53/Mundy Mill Road and GA-60/Candler Road.
4. The facility will be responsible for limiting truck traffic/access to and from Roy Parks Road via GA-60 (Candler Road) only.
5. The facility will be responsible for limiting truck traffic during school hours in the area. No trucks may be entering or leaving the facility during the hours of 6:45-7:45 am and 2:45-4:00 pm, Monday through Friday.
6. The facility driveway must meet all traffic engineering requirements of both Hall County Engineering and the Georgia Department of Transportation.
7. To provide additional screening of the site, green mesh fabric must be installed on the fencing adjacent to Roy Parks Road.

8. A 50 foot frontage strip must remain undisturbed, with the exception of those areas cleared in order to construct access to the facility. Where necessary, additional plantings will be installed to provide adequate screening of the site. Final review of the landscape plan shall be subject to the approval of the Director of Planning and Zoning, or their designee.
9. No variances or development exceptions are granted as part of this request that are not explicitly granted by Board approval. The development shall be compliant with the Official code of Hall County, as well as any other agencies or reviewing departments, including, but not limited to the Fire Marshal and Hall County Engineering.
10. All conditions of zoning shall be made a part of any plats or construction plans created for the subdivision.

The following should be considered as exceptions to the Official Code of Hall County, and shall warrant further determination by the Board should it choose to approve the submitted narrative and site plan:

1. **7.6.9.E – Waste-related Energy Recovery or Production** - No structure or facility used in the recovery or production process may be within 200 feet of any property line
 - The proposed facility encroaches into the required 200 foot buffer along all property lines.

Summary Analysis

The applicant is requesting to rezone a 22.45± acre property zoned both Agricultural Residential 1 (AR-1) and Highway Business (H-B) to Planned Industrial Development (PID) for the purpose of establishing a natural gas facility.

The subject property was approved for rezoning in 2009. At that time, approximately 15 of the 22± acres were rezoned from Highway Business (H-B) to Agricultural Residential IV (AR-IV) and this acreage was left undisturbed. The remaining 7± acres rezoned from Agricultural Residential IV (AR-IV) to Highway Business (H-B) were rezoned to allow an outdoor shooting range. Ten Ring Sporter Range opened in 2010 and closed in 2017 according to Business License records.

The surrounding properties are zoned Agricultural Residential 1 (AR-1), and most are developed. Development includes single-family residences, a church, an elementary school, and a Dollar General store. Additionally, the subject property abuts the Norfolk Southern rail line along its western property line. Along the eastern boundary, the Liberty Utilities Corporation (“Liberty”) natural gas pipeline system runs underground. There are also several nearby industrial developments along Candler Road and Roy Parks Road including a concrete plant and quarry, and a paving company within a half mile.

Per the submitted narrative, the applicant proposes to use the property as a decanting station to inject renewable natural gas (RNG) into the onsite pipeline and to unload natural gas from this pipeline. This injection facility will process compressed natural gas (CNG) from the Eagle Point landfill in Ball Ground, Georgia, which will be trucked to the subject property for decompression and injection into the Liberty pipeline.

Per the narrative and site plan, development will be confined to the 6.63± acres in the southeast corner of the property, preserving the remaining 15.7± acres as forest and undeveloped land to provide a buffer along Candler Road to the west and the adjacent residential properties to the north. Two gated access points on Roy Parks Road are proposed and the entire facility area (6.63± acres) would be fenced. Fencing along the Roy Parks Road frontage will include green mesh for additional screening. The applicant states that final site plans will prioritize preserving existing vegetation and wooded areas as shown in the 3D renderings. Development is proposed to maintain a 50 foot setback from Roy Parks Road, 20 feet from the eastern property line, 1,000 feet from the northern boundary, and 50 to 300+ feet from the western property line. A 799 square foot office is proposed with 4 parking spaces which meets the parking standard of 3.5 spaces for each 1,000 square feet of gross floor area.

The Unified Development Code section 7.6.9.E Waste-related Energy Recovery or Production, requires that no structure or facility used in the recovery or production process may be within 200 feet of any property line. The proposed facility encroaches into the required 200 foot buffer along all property lines. The applicant proposes a buffer along the eastern property line of 20 feet, and states that the subject property is being sold by the adjacent eastern property owner who has submitted a letter in support of the application.

The applicant has provided a description of potential noise concerns and mitigation efforts, potential odor, lighting, fencing, signage and operational parameters. A noise mitigation study provides the anticipated sound impacts from the facility's operation, as well as outlining the benefits of adding acoustical sound walls of various heights and lengths. A traffic assessment prepared by Civil & Environmental Consultants, Inc. dated November 27, 2024 concludes that the proposed facility will have no significant impacts on the operations of the adjacent study intersections and roadways. In an effort to bypass the more congested areas of Gainesville, the applicant's proposed truck route from Eagle's Point Landfill consists of Browns Bridge Road (GA-369) to US-19 (GA-400) North to Highway 53 East to McEver Road South to I-985 North to Candler Road (GA-60) South to Roy Parks Road.

Per the narrative and submitted utility letter, water will be provided by the City of Gainesville. There will be an on-site sewage management system and stormwater basin to serve the site.

Based on the future land use plan, staff finds the requested zoning designation *is not consistent* with the Hall County Comprehensive Plan future land use designation of "Rural Scenic Nodes and Corridors." The intent of this future land use designation is to preserve the county's rural roadways, which are characterized by significant natural, historic, and cultural features, as well as scenic and pastoral views. To balance preservation with necessary growth, new development along these minor road corridors and intersections should focus on low-intensity, small-scale commercial uses that serve nearby communities, alongside agricultural uses of all scales.

Zoning Analysis

When considering a zoning amendment to the zoning maps, the Planning Commission must study the need and justification for the change based on a determination of the facts applicable to the particular case, and the following general lines of inquiry must be considered:

- a. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; **The property's future land use designation is Rural Scenic Nodes and Corridors, which supports low-intensity, small-scale commercial uses**

that serve nearby communities, alongside agricultural uses of all scales. The proposed development is not compatible with these uses.

- b. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; **It is difficult to anticipate the extent that a Planned Industrial Development (PID) with the specific use of a natural gas facility will adversely affect adjacent properties, although noise and light mitigation systems as proposed may reduce the impact.**
- c. Whether the property to be affected by the zoning proposal has reasonable economic use as currently zoned. **The property appears to have reasonable economic use as currently zoned Agricultural Residential 1 (AR-1) and Highway Business (H-B).**
- d. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, or utilities; **The proposed use should not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, schools, police protection, fire protection public facilities, or emergency medical service.**
- e. Whether the zoning proposal is in conformity with the policy and intent of the land use plan; **The proposed use is inconsistent with the Comprehensive Plan future land use designation of Rural Scenic Nodes and Corridors, which supports low-intensity, small-scale commercial uses that serve nearby communities, alongside agricultural uses of all scales.**
- f. The extent to which property values are diminished by the existing zoning restrictions; **Staff is unable to determine the extent to which property values are diminished by the existing zoning restrictions.**
- g. The extent to which the destruction of the subject property's value under the existing zoning promotes the health, safety, morals or general welfare of the public; **Staff is unable to comment on the impact of property values without a full market analysis. Multiple factors impact property value including construction types, proposed uses, and maintenance. Often it is difficult to determine the effect of a development on adjacent properties until the development is completed.**
- h. The relative gain to the public as compared to the hardship imposed upon the individual property owner; **Staff has not identified a hardship imposed on the property owner as the property is currently zoned.**
- i. The length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property; **The parcel is partially developed with a shooting range on the Highway Business (H-B) zoned portion of the property which is no longer in operation.**
- j. Whether there are other existing or changing conditions affecting the use or development of the property which give supporting grounds for either approval or disapproval of the zoning proposal; **Several industrial uses including a paving company, concrete plant and quarry are within a half-mile of the site.**

- k. Whether the change would create an isolated district unrelated to the surrounding districts; **The proposed zoning is a Planned Industrial Development (PID). Per the Hall County Unified Development Code, Planned Development Districts are to be utilized as a "floating zone" which shall mean that areas will not be pre-designated as planned development districts but rather each such designation shall result from a specific and separate application for amendment.**
- l. Whether the present zoning district boundaries are illogically drawn in relation to existing conditions in the area; **There is no evidence that the present zoning district boundaries are illogically drawn.**
- m. Whether the change requested is out of scale with the needs of the county as a whole or the immediate neighborhood; **The proposal is not out of scale with the needs of the county as a whole.**
- n. Whether it is impossible to find adequate sites for the proposed use in districts permitting such use and already appropriately zoned; **There are other properties within the county that support industrial uses based on the Future Land Use map, though the location of the Liberty Pipeline is essential for the proposed business.**
- o. Whether the need for rezoning could be handled instead by a variance request to the [Planning Commission]; **The request could not be handled alternatively as a variance.**
- p. Whether there would be an ecological or pollution impact resulting from major modifications to the land if the request is granted; **Any land disturbance activities on the property shall be required to go through the land development permitting process and as a result are subject to local, state, and federal regulations. As a result, there should not be an ecological or pollution impact resulting from any modification to the land if the request is granted.**
- q. Whether there is reasonable evidence based upon existing and anticipated land use that would indicate a mistake was made in the original zoning of the property; **There is no indication that a mistake was made in the original zoning.**

The intent of a Planned Development District (PD) is to permit for the development of property which allows for greater flexibility in development standards and site planning considerations; Is in the best interest of Hall County in terms of its long range development plans; and Encourages a mixture of uses which without proper design and planning might not be compatible with surrounding uses or zoning districts. A Planned Industrial Development (PID) is designed to consist of land which has been designated for a planned, organized and controlled industrial use or for multiple but compatible industrial uses in a planned industrial park. The standards must be designed to encourage the formation and continuance of a compatible environment for the planned industrial uses and the surrounding land uses.

11.2.6.E - Submission requirements

1. Any person or persons requesting a change in the official zoning map or use subject to approval of the county commission must file an application with a plat or map of the property attached thereto, together with payment of such fees set forth in this Sec 11.2. to cover administrative and advertising costs, in the Planning and Zoning Department office. Such

person or persons or their authorized agent must appear in person at the public hearing held to consider the district change. **The proposal meets the requirement, and the applicant understands that someone must be present at both the Hall County Planning Commission meeting and the voting meeting of the Hall County Board of Commissioners.**

2. All applications for a change of zoning classification or use subject to approval of the county commission shall include:
 - a. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal does provide a narrative outlining the intent of the request; however, the applicant has not prepared a response to each of the criteria listed in 11.2.6.E.2**
 - b. A narrative statement identifying the existing and proposed use of the property and addressing each of the criteria set forth in this Sec. 11.2. **The proposal meets this requirement.**
 - c. For any application for a slow rate land treatment system as defined in 7.6.9.D.1, additional requirements apply. **This standard is not applicable to the applicant's request.**
3. For any application proposing the development of 100 or more residential dwelling units, a traffic impact study must be submitted prior to consideration of the application by the County Commission. At the applicant's expense, the traffic impact study must be prepared by a professional engineer in accordance with requirements established by the Hall County Engineering Department. The Engineering Department must review the traffic impact study and forward any comments to the County Commission. **This standard is not applicable to the applicant's request.**

Development Support and Constraints

Hall County Environmental Health

In an email dated October 15, 2024, Emily McGahee stated "Must meet all Environmental Health commercial septic system permitting requirements. Further determination will be made during the civil plan review process. A detailed business plan must be submitted to Hall County Environmental Health for review. Additional items, including, but not limited to: recorded plat, soil evaluation, and septic system installation may be required after review of business plan. "

Hall County Fire Marshal

In an email dated October 17, 2024, John Hornick, NPQ Fire Inspector 1, Plans Review Lieutenant commented:

1. Obtain all applicable local, state and federal permits.
2. Meet all applicable requirements of the International Fire Code 2018 edition including any state modifications 120-3-3.
3. Meet all applicable National Fire Protection Agency standards.
4. If approved may require modifications during the Hall County development review process.

Hall County Public Works and Utilities

In a memorandum dated October 17, 2024, from Director of Public Works and Utilities, Bill Nash, stated the following:

Engineering:

This site may require a stormwater management report should the site plan indicate the proposed development meets stormwater thresholds for impervious surfaces and/or disturbed acreage. Must follow all development requirements.

Traffic:

Driveway to meet traffic engineering requirements Recommend access in and out of Roy Parks Road be conditioned to be via SR6D (Candler Road) only.

Utilities:

Hall County has no sanitary sewer in the area.

Georgia Department of Transportation

In an email dated October 17, 2024, Veronica Chavers, D1TO Civil Engineer 3, stated that GDOT coordination is required due to the proximity to State Route 332.