

Beth Garmon

Director of Planning and Zoning

Hall County, Georgia

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Mailing P.O. Box 1098
Address: Gainesville, GA 30503

RE: HZON24-0036 Clean Eagle RNG, LLC - 4212 Roy Parks Road - Rezone to PID

Dear Beth,

The Clean Eagle RNG, LLC team and I appreciate your advice and assistance on the above-mentioned rezoning application. As discussed on Monday, December 16, 2024, this letter is to request that the Clean Eagle, RNG, LLC rezoning application currently scheduled for the December 16, 2024, Planning Commission Hearing date, be tabled to the Planning Commission Hearing scheduled for Tuesday, January 21, 2025, with the coinciding Hall County Board of Commissioners Public Hearing on Thursday, February 27, 2025.

Please let me know if you need anything further to allow for the rescheduling. Thank you for your consideration.

With cordial regards, I remain,

Sincere

Steven P. Gilliam

Cc:

Lauren Rowe (

Ryan Aubuchon (

Tyler Henson

Mel Lara (

Brian Thompson (

Kyle Ross (

Street Address:

Smith Gilliam Williams & Miles, P.A. 340 Jesse Jewell Parkway, Suite 300 Gainesville, GA 30501

Hall County - Planned Industrial Development Conditions

- 1. The property shall be developed in accordance with the Conceptual Series Pelan (the "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 Series Pelan approval. The development shall be controlled by the Plan attached to the Narrative. The Plan is considered conceptual in nature, and as such may require minor modifications during the engineering and development process. Modifications and other improvements that do not conflict with specific standards and requirements of these conditions may be made by the Developer so long as such modifications do not change the land use or reduce any established exterior buffers or setbacks.
- Accoustical 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 will be limited to that section between McEver Road and the Hall/Forsyth county line, and <u>during normal operations, trucks</u> must utilize I-985 to travel from Highway 53/Mundy Mill Road and GA-60/Candler Road. <u>Trucks may be rerouted onto approved hazmat routes during abnormal operating conditions caused by natural disasters, weather, construction, or other incidents that cause the approved trucking route to be impassable.</u>
- 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 trailers 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 unless due to abnormal operating conditions caused by natural disasters, construction, or other incidents that cause delays beyond the facility's control.
- 6. The facility driveway must meet all traffic engineering requirements of both Hall County Engineering and the Georgia Department of Transportation.
- 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

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Commented [LV1]: The staff report indicated that a 20-foot buffer along the east side of the development does not meet the 50-foot side setback requirement under 17.260.020.B.4. However, under Section 6.1.6D of the 11/14/24 draft of the Unified Development Code, this setback requirement is not imposed, and instead, those for I-1 apply (20 foot setback for side yards). "The development controls for the district must be detailed, including lot coverage, setbacks, building heights, and lot sizes. If standards are not specifically proposed, then the applicable standards in the Light Industrial (I-1) district in Sec. 5.5, including screening and buffer requirements, apply."

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 subdivisionthat are required for permitting purposes.

Commented [LV2]: We are not subdividing the parcel in connection with the rezoning efforts.



January 16, 2025

Website: 01.21.2025 Item 3

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Mailing Address: P.O. Box 1098 Gainesville, GA 30503

Hall County Planning and Development Department 2875 Browns Bridge Road Gainesville, GA 30504

Reference:

Narrative Regarding Rezoning Application to Planned Industrial Development

4212 Roy Parks Road, Gainsville, GA 30507 (the "Property")

Parcel ID No. 15024 000008

Dear Hall County Planning and Development:

On September 20, 2024, Clean Eagle RNG LLC ("Clean Eagle") submitted its application to rezone the Property from H-B and AR-IV to a Planned Industrial Development for the development and use of the Property as an unloading/loading facility to inject renewable natural gas into and take natural gas from the Liberty pipeline system (the "Injection Facility").

The rezoning application was initially scheduled for the November 18th Planning Commission Hearing. Following discussions with the County and Commissioners, it was agreed to table the application to the December 16th hearing date to work on a proposed trucking route that addressed the County's traffic concerns. Thereafter, a mutually agreed-upon route was developed, which restricted truck traffic on Highway 53 to the segment between McEver Road and the Hall/Forsyth County line, and on I-985 from Highway 53/Mundy Mill Road to GA-60/Candler Road. While Clean Eagle was prepared to present its application at the December 16th Planning Commission Hearing date, a question arose as to a quorum to be able to progress the application forward. The rezoning application was subsequently tabled to the Planning Commission Hearing scheduled for Tuesday, January 21, 2025.

During the rezoning process period, Hall County adopted a new Unified Development Code ("2024 UDC") on November 14, 2024. The County has applied the 2024 UDC standards to Clean Eagle's rezoning application in the Staff Report issued on January 9, 2025, including those outlined in Section 7.6.9.E regarding a Waste-related Energy Recovery facility. However, Clean Eagle recommends that the Unified Development Code in effect on the date of its application be applied to the rezoning of the Property, as it more closely aligns with the County's Comprehensive Plan designation of "Rural Scenic Nodes and Corridors". Attached as Exhibit A is a preliminary site plan that applies the 200-foot setback requirements of Section 7.6.9.E of the 2024 UDC. This initially results in:

- An additional 2.84 acres that will be included in the development (6.63 acres versus 9.47 acres)
- At least an additional 3.19 acres of tree clearing (3.07 acres versus 4.32-6.26 acres)
- Instead of 55' buffer from LOD to Stream the LOD will be encroaching on the stream buffer. Limits of grading from stream to buffer will drop from 136' to 29'.
- One CNG fill station had to be removed to accommodate the new UDC setback requirements as
 well as avoid impact to the stream. This results in less trucks available to support loading
 operations to service affected customers and businesses in the event of local outages.

The original site plan better aligns with the intent of the 2024 UDC and Comprehensive Plan. It minimizes the environmental impact and preserves the existing forested, unimproved land, as shown in the 3D renderings in the application. The original site design also provides a larger natural buffer between the neighboring properties and Roy Parks Road, preserving the rural character of the area.

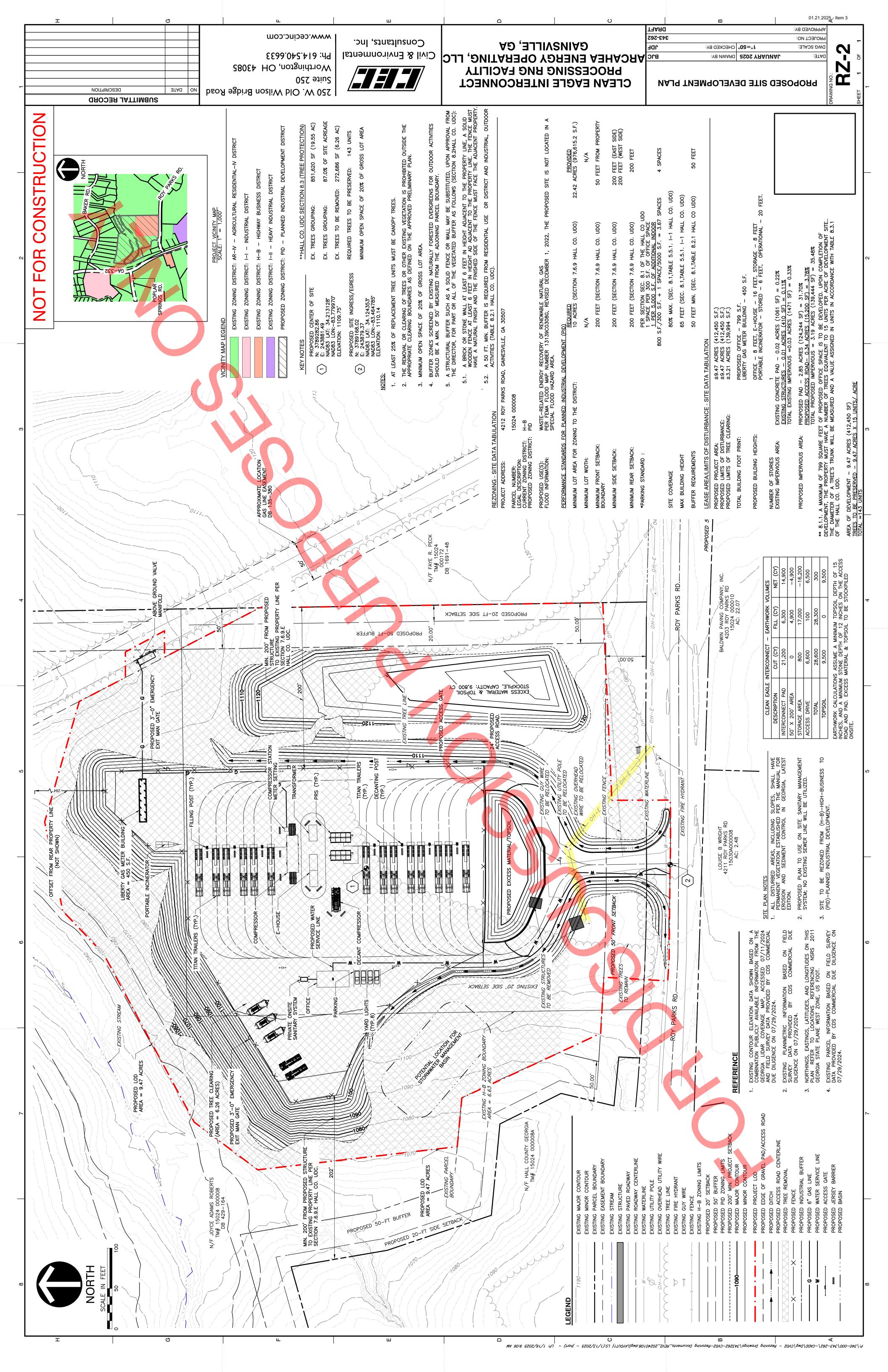
If it is recommended by the Board of Commissioners that the 2024 UDC apply to the rezoning application, the provisions of Section 7.6.9E would not apply to the Property. The Injection Facility does not process or convert landfill gas; this occurs at a separate facility in Forsyth County, Georgia. Clean renewable pipeline specification quality natural gas is then trucked from the Forsyth facility to the Property, where it is offloaded and injected into the Liberty pipeline. No filtration, processing, combustion, gasification, or landfill gas recovery takes place on the Property. Therefore, the rezoning should be treated as a Planned Industrial Development with the applicable standards in the Light Industrial (I-1) district applying.

Sincerely

Attorney

Steven P. Gilliam

¹ Note this is for discussion purposes only. In addition to finalizing this site plan, the sound study would need to be updated to address the new layout to determine the location for the proposed acoustical sound walls.



Hall County - Planned Industrial Development Conditions

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November 22, 2024

Hall County Planning and Development Department 2875 Browns Bridge Road Gainesville, GA 30504

Reference: Narrative Regarding Rezoning Application to Planned Industrial Development

4212 Roy Parks Road, Gainsville, GA 30507 (the "Property")

Parcel ID No. 15024 000008

Dear Hall County Planning and Development:

As a follow up to our preapplication meeting on November 5, 2024, Clean Eagle RNG LLC ("Clean Eagle") would like to provide additional details on (1) the selection of Liberty Utilities Corp. ("Liberty") to distribute the renewable natural gas ("RNG"), (2) the selection of this project site in Hall County, (3) the proposed noise mitigation efforts, and (4) the proposed trucking schedule. Unless otherwise defined herein, capitalized terms used herein will have the meanings ascribed to those terms in the Rezoning Narrative submitted with the initial application.

- (1) Attached as Exhibit A is the Rextag map, which shows the main gas transmission lines near the RNG Facility. Clean Eagle used this map to identify potential pipeline connections for transporting the RNG produced at the Facility. Clean Eagle initially reached out to Southern Company (labeled as Atlanta Gas and Light on Exhibit A) for a permanent pipeline interconnect as this was the closest to the RNG Facility. Natural gas utilities need to conduct a detailed system capacity study before a new production source of natural gas is added to their existing natural gas pipeline. As a result of this study, Southern Company was not able to accept the full volume of RNG produced at the RNG Facility. The next closest pipelines considered were Liberty and Williams (labeled as Transco on Exhibit A). Williams and Clean Eagle were unable to find a feasible location to inject into their system. The locations that were identified were farther away from the RNG Facility, unavailable for sale, within high residential areas, insufficient property sizes, and/or proposed significant land development challenges.
- (2) Initially Liberty identified two potential locations to accept RNG from the RNG Facility: (1) 2578 2582 White Sulphur Road, Gainesville, GA, and (2) 766 Cleveland Hwy, Gainesville, GA. However, after Liberty conducted a detailed system study, these locations were not equipped to handle the anticipated RNG volumes and would require extensive pipeline upgrades. To avoid these infrastructure upgrades and the construction disruption to the neighboring community, Liberty concluded that Clean Eagle's injection point needed to be along their two main transmission lines. At that point, the Property was identified as the best location to accept Clean Eagle's RNG since the parcel was listed for sale, was adjacent to two Liberty transmission lines that had ample

¹ Note that the Renaissance pipeline pictured thereon was never constructed, nor are there any current plans to Street Addommence construction.

capacity to accept our RNG production, and did not face the same challenges at the locations listed above. In addition to the local hiring benefits detailed in the Narrative, the Injection Facility will utilize local contractors and subcontractors for the construction and continued operation thereof. Lastly, the Injection Facility will also support the local community by providing emergency compressed natural gas relief to customers and businesses in the event of a pipeline outage or natural disaster, ensuring a temporary supply until local utility services can be restored.

- (3) Clean Eagle received a preliminary noise study prepared by Behrens and Associates, Inc. that demonstrates that without any noise mitigation the proposed project is slightly above the current ambient levels today for local residents. To further mitigate the potential noise impact in accordance with its good neighbor policy, Clean Eagle proposes to install the sound walls depicted on Exhibit B appended hereto. The noise mitigation measures will be confirmed once the final design of the site layout is completed during the detailed engineering phase.
- (4) Certarus will limit truck traffic Monday through Friday from 6:45 7:45am and 2:25 4pm to align with school zone time frames and avoid high traffic times. Certarus will use this time for shift change, safety meetings, team updates and trainings, etc.

Sincerely

Steven P. Gilliam

Attorney