



## **STAFF SUMMARY for former DRI #2096**

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**Re: former DRI #2096 Banks Solid Waste  
Management Facility Rezone Request**

### Description

The property is approximately 1.3 miles south of the City of Madison on the intersection Indian Creek Road and Aqua Road. The proposal is to establish a private regional municipal solid waste facility that will receive wastes from outside of Morgan County as well as be available for local use. The site has 518 acres, of which 212 acres would be used in the facility with the remaining 305 acres used for green space. The area proposed for the cells would contain approximately 180 acres. The applicant intends to provide a composting facility for yard and food wastes as well as providing containers for recyclable materials for offsite processing. The proposed development is almost adjacent to DRI #1704 Patillo Industrial Park which is just to the north, across the railroad tracks.

Staff estimates the maximum average daily amount of municipal solid waste the site will receive is approximately 1,288 tons. This calculation is based on the number and type of vehicles provided in the traffic study along with combined with the maximum load permitted based on discussions with several landfill operators. The figure does not include materials brought by the private individuals/businesses/contractors.

The proposal before the Morgan County Planning Commission and the Morgan County Board of Commissioners is a rezone request of the property from AR Agricultural Residential to I2 Heavy Industrial. The request actually involves one lot and a portion of an adjacent lot, henceforth referred to as the property. The proposed use described in the application will also require a conditional use hearing if the rezone request is approved. The plans would also require a variance to allow for the cells to rise above the existing grade by 200 feet. The conditional use request and variance request will be heard concurrently if this rezone request is approved. Additional details will be available if that occurs, and staff can respond to that information at that time.

### Evaluation

#### Environmental/Historic Resources

The proposed location is between the Little Indian Creek and Four Mile Branch, which joins with the Little Indian Creek on the site. The City of Madison uses Little Indian Creek as a discharge for processed waste water from the Little Indian Creek Water Reclamation Facility. To protect the stream and other important water resources, the City of Madison updated various watershed protection plans, culminating in the current 2009 Watershed Protection Plan. This plan is for the service area of Madison, which extends beyond city limits and includes this area. The City of Madison anticipated industrial use in the vicinity and that all industrial uses would meet or exceed the environmental responsibility exercised by the City. For ongoing monitoring purposes, thorough baseline of the current area has been established.

The property has approximately 38.9 acres of wetlands on the site and approximately 53.9 acres are within the flood plain. (Much of the wetlands are within the flood plain.) The applicant proposes to cross these, as well as Little Indian Creek, to reach the proposed borrow pits. (Site Plans: See Document pages 1 and 2). If the applicant does not receive the necessary state and federal approval to cross these sensitive areas, trucks hauling soil from the borrow pits will have to access public

roads to reach the landfill cells. The application does not provide specific details regarding mitigation plans for the wetlands/floodplain areas.

The site is 1.72 miles from a groundwater recharge area. Per the Rules of Georgia Department of Natural Resources Environmental Protection Division Chapter 391-3-4 Solid Waste Management Section 391-3-4-.05(J), a new regional municipal solid waste landfill cannot be established within 2 miles of an area designated as a ground water recharge area. A local municipal solid waste landfill could operate provided appropriate liners and leachate systems were installed. This understanding of the regulation is based on discussions with Joe Dunlop, Program Coordinator with the Georgia Department of Community Affairs' (DCA) Environmental Assistance Program. The expressed intent to serve a regional purpose appears to be in conflict; which could be resolved by receiving only local municipal solid wastes. (See Hydro Map)

### **Transportation**

There are three types of vehicular traffic discussed in the traffic report. The first is staff vehicles which are the personal passenger vehicles of the employees. The second are route trucks, which are garbage trucks that are of one body and do not use trailers. The last are transfer trucks, which are tractors hauling dumpsters as trailers from transfer sites. Both route trucks and transfer trucks are considered truck traffic. The traffic study's review on the proposed project's impact on service levels includes data from the traffic study done for the nearby #DRI 1704 Patillo Industrial Park. According to the traffic report, approximately 148 vehicle trips (128 truck trips) expected per day for the site: 20 employee vehicle trips; 48 route truck trips; and 80 transfer truck trips.

**Inbound Traffic.** All traffic from I-20 and north of Madison along 441 would go through Exit 114 and turn an immediate right onto Indian Creek Road. (75% of expected inbound traffic) This is expected to generate 48 additional truck trips through the area of Exit 114 and Indian Creek Road. The remaining 25% of inbound traffic coming from the south would use Pierce Dairy Road generating an additional 16 truck trips.

**Outbound Traffic.** Exiting vehicles would use three routes to exit the site. The applicant estimates that 50% of exiting traffic could go through Madison via US 441 bypass/downtown or traveling along I-20 East via Pierce Dairy Road. This would generate 32 additional truck trips through the Exit 114 area. The traffic study estimates that 25% of the exiting traffic will use US 441 to go south via Pierce Dairy Road, resulting in 16 additional truck trips per day. The final exit route would take Indian Creek Road to Aqua Road to Monticello Road. From there the traffic would go to Exit 113 and go west onto I-20. This would generate 16 more daily truck trips.

**Indian Creek Road.** Indian Creek Road would receive a total of 48 additional truck trips per day. This will require the road to be substantially upgraded in both the City and the County. Signalization has been discussed before with the Georgia Department of Transportation (GDOT) which indicated it will likely not be signalized in the future due to its proximity to I-20 east's exit and on ramps. Per the letter of intent, the operator will fund improvements to Indian Creek Road.

**Pierce Dairy Road.** Pierce Dairy Road could receive a total of 64 more daily truck trips. According to the submitted traffic study the intersection would fail without signalization. Currently, GDOT has authorized signalization, though additional improvements would be required for the intersection. The intersection of Pierce Dairy Road and US 441 is also a point of concern in the 2007 Morgan County Multi-Modal Transportation Plan. According to Table 6.6 the intersection had

the 5<sup>th</sup> highest number of crashes in Morgan County from 2003-2005. It is also considered deficient due to the lanes not having at least 12 feet and each side with 2 foot shoulders. (Section 8.1)

The City of Madison has not currently budgeted nor is anticipated revenue available to signalize the intersection of Pierce Dairy Road and US 441. The applicant does not indicate if they are willing to have the operator pay for this improvement as well.

**Main Street/Bypass.** Approximately 51 additional daily truck trips and 8 staff vehicle trips are estimated to travel through Madison either along the bypass or through downtown along GA 83 or US 441 on a typical operating day according. These figures include outbound and inbound traffic. Traffic through the City of Madison has almost returned to pre-bypass levels and the lack of a western bypass is an outstanding transportation concern which has yet to be addressed. For example, the annual average daily traffic trips (AADT) collected by GDOT for South Main Street near Hill Park was 16,260 AADT in 1991. In 1992, after the bypass opened, the AADT was 9,900 but has steadily risen to 14,790 AADT in 2007. (See Document Page 3, from the Madison Major Thoroughfare Plan for additional information) An alarming and known component of this growth is the increased truck traffic through the center of Madison's historic district, as documented as part of the Madison Major Thoroughfare Plan (see Document Page 4), which cannot be mitigated nor limited by the City until there is a state-approved alternative route for GA 83.

Additional traffic through Madison would also exacerbate a number of safety concerns highlighted in the 2007 Major Thoroughfare Plan. Of 24 crash sites in Madison, 11 are located on Main Street (US 441). Of special concern is the intersection of GA 83, US 441, and Ward Road, commonly referred to as the Triangle. (Section 5) The City has begun the first steps to remedy the Triangle by including it on the current Capital Improvement Elements (CIE) and begun to collect impact fees to improve these intersections. The proposed regional municipal waste facility will not contribute to this planned traffic solution since it is outside City Limits despite having a potential impact on the Triangle.

Staff notes that this discussion and related figures may or may not include trucks bringing in dirt, removing leachate or similar site-related ancillary uses. Also not included are private individuals/businesses/contractors bringing their own wastes to the site in personal vehicles or trailers. The potential operator of the site is not listed, so staff cannot be certain what transfer stations or areas would be sources of municipal wastes. The Institute of Transportation Engineers does not have figures listed for solid waste management facilities in the Trip Generation Manual, 7<sup>th</sup> Edition to use as an independent estimate for transportation figures.

**Railroad.** The applicant does not indicate if they intend to use the railroad as a transportation option to the site, though the letter of intent states that it could be used to take materials from the proposed location. If the rezone is approved, this issue will hopefully be clarified during the conditional use hearing.

### **Economic**

**Tourism.** The proposal would have an adverse impact on Madison's leading economic component and Morgan County's the second leading economic sector – tourism. The proposal would adversely impact the appeal of Madison as a tourist destination and its pedestrian oriented downtown as trucks could travel straight through the Historic District's walking tours and the National Register District. For travelers simply using the eateries, gas stations and hotels near Exit 114 (US 441 and I-20), the additional truck traffic at could make access more difficult. Any reduction to the appeal of Madison

could also reduce the interest in staying the night in Madison, which could strain the hotel/motel tax. The potential for an increase in nuisances, odors and litter as well as increased truck volume near our city entrance and primary tourism exit cannot be understated.

**Property Values.** If approved, the request has the potential to negatively affect property values in the immediate vicinity and beyond. While not every landfill reduces property values, one of the chief detriments a solid waste management facility can introduce is a “stigma effect” or a worsening of the areas reputation. As a community that depends heavily on its reputation for economic health, this “stigma effect” could reduce the appeal and value of property in the City, (See “A Survey Approach for Demonstrating Stigma Effects in Property Value Litigation”), resulting in a direct impact to both the City and County tax base. While the City of Madison occupies only 2.4% the land in Morgan County, it provides 27.8% of the property tax base along with the bulk of the point sales for general sales tax, SPLOST and LOST. Morgan County should carefully consider the impact on this tax base.

**Future Economic Development.** While the proposed use will certainly make tremendous investment into the property, the impact pales in comparison to the potential economic development alternatives. Using the last three industrial developments in a new structure since 2000 as an extrapolation:

- Seachem – 200,000 sq ft/16 acres; \$5,013,300 land value – 31 employees
- Amtico – 100,000 sq ft/17 acres; \$5,145,170 land value – 20 employess
- C. R. Bard – 100,000 sq ft/27 acres; \$5,445,438 land value – 15 employees

These three properties are worth more than \$15 million and would occupy only 11.5% of the area of the proposed landfill.

The greatest economic loss would be long term economic opportunity for the community’s future. The site is unique - located on good rail access, close proximity to the interstate and several state highways, close to a waste water treatment plant, and immediate access to natural gas. Following an average of the existing development pattern, this prime 518-acre site could serve 26 additional facilities yield \$135,200,000 land value for the tax base and create 572 jobs. This is important to the City as the site is identified in the Joint Comprehensive Plan as part of the greater Madison area and will rely on City services in the utility service delivery area. As a single use development, the former proposed Ford plant would have even exceeded this tax base impact and yielded more than 2,000 jobs, as well as ancillary development. In comparison, proposed development is anticipated to yield far less; an employment gain of 10 to 20 jobs at the cost of a site formerly considered for 2,000 jobs shows this to be a poor exchange. Given continued industrial prospects (one as late as 3/31/10) and the intent to build the Patillo Industrial Park nearby, the area south of Madison’s core has tremendous long-term economic development potential.

**Reuse.** Even if an industry were to come to the site and later close, the building left behind could later be reused, like Rema-Tip-Top occupying the former Ivex site. A regional landfill would be unsuitable for reuse and would require 30 years of monitoring after it closed. Allowing a regional municipal waste management facility would be sacrificing a prime economic land for waste storage.

### **Utilities/Infrastructure**

The City of Madison has made no guarantee regarding water or waste water treatment as of the date of this report. It is the City of Madison’s policy to not address utility requests in Morgan County until county zoning has been secured.

If the zoning is approved, the future request may have two impacts on City Utility Service. First the applicant may request waste water treatment of the leachate produced onsite. If the City does not provide this service, the proposed development would need to process the material on site or send it to another waste water treatment facility. Second, concerns over well water quality are likely to prompt requests in the immediate area for the City of Madison to provide water service beyond its current service area.

There are two possible benefits to the City of Madison. The proposal could reduce city transport costs from the transfer station currently in operation or allow for wastes to simply be deposited directly to the site. The second is that if the operation is approved and does eventually complete the onsite infrastructure needed, gas could be siphoned from the site and put directly into the City of Madison gas system providing an additional supply at a potentially lower cost as the current supply comes from the Gulf Coast region. For example, the Oak Grove Landfill in Barrow County currently provides gas to a municipal provider.

#### **Compliance with the 2004 Northeast Georgia Comprehensive Waste Management Plan**

The applicant uses the Map of Suitable Locations (Document Page 5) as a supporting document. This map was incorporated into the 2004 Regional Waste Management Plan, from an earlier 1997 Regional Waste Management Plan Update. This document no longer appears to be extant.

As such, staff cannot verify the accuracy of this map since conditions have changed in the past 13 years and state and local criteria change regularly. Notably, the City has a waste water treatment facility nearby and there is an increase in the number of residences using private wells in the area. Madison Lakes is a new residential development in the area as well. Page 9-18 of the 2004 Comprehensive Waste Management Plan (Documents Page 6) provides a list of suitability criteria. Unfortunately, the document does not indicate how weighted criteria (including distance requirements, required mitigation or other issues) are to be considered. Exclusionary criteria appear to prohibit a site from consideration when they are present. Of particular concern is the listing of private wells as “ranked” and the number of new private wells in the area.

#### **2004 Joint Comprehensive Plan**

The request is not in concert on at least two points with 2004 Joint Comprehensive Plan. First is this request does not create clean industry with well paying jobs, which is the expressed intent of the community regarding future industrial land use.

Second, while the rezone is appropriate to the Industrial Mega Site as shown on the Future Land Use Map the proposed use seems best described as Transport/Communications/Utilities. The definition is included below along with the definition of an Industrial Mega-Site.

***Industrial Mega-Site*** classification specifically identifies a new industrial development area that should be reserved as a “mega-site” for one or more very large industrial developments. There are several such mega-site industrial areas identified in the State of Georgia that have similar characteristics to this area of Morgan County (more than 500 acres of land, water/sewer infrastructure capability, rail access, interstate access, etc.). For the area classified as ***Industrial Mega-Site***, it is important to restrict future industrial development to only that which is consistent with the mega-site designation. Piecemeal development of this area with smaller industries will detract from the unique mega-site potential and will result in undesirable land use patterns. Additionally, zoning requirements for megasite development should include very large setback or buffer areas from surrounding streets and/or properties

and access to mega-site development should be designed so as to minimize conflicts with local traffic.

***Transportation/Communication/Utilities:*** This category includes such uses as roads, power generation plants, railroad facilities, radio towers, public transit stations, telephone switching stations, airports, port facilities and other similar uses.

While zoning can be indicative of whether or not a use complies with the Comprehensive Plan, the specific use is the final determinant. A regional municipal solid waste management facility is not involved in any form of production or even the distribution of manufactured items. It is an end point, part of service provided to store the unwanted by-products of consumption.

### **Screening/Buffer**

There are several concerns with the effectiveness of the screening vegetative buffer. The applicant has removed timber at various locations on the western and southern edge of the property in recent months reducing the effectiveness of the vegetative buffer. The proposed location for the cells is at the highest point on the property. Adequate height limitations and buffers are will reduce the visual impact, but this seems at odds with the potential variance request and actions thus far by the applicant. At a minimum, the variance should be moot, as there are no 250' trees to provide mitigation of the visibility from the interstate of state highways.

### **Other**

**2008 Solid Waste Management Report.** According to the 2008 Solid Waste Management Annual Report produced by the DCA the Northeast Georgia Regional Commission area has less than ten years of remaining municipal solid waste capacity left. (Document Pages 7 and 8) The 2009 report is being written currently and will be available in the near future after it is presented to the Georgia Assembly. There are several potential new or expanding solid waste sites that may change this forecast. There is a planned municipal waste incinerator (DRI #2081 Plant Granite) in Elbert County. It has been approved by the local elected body but still needs approval from the appropriate state and/or federal agencies. Oak Grove Landfill in Barrow County is pursuing approval from the state for both vertical and horizontal expansions.

**Parcels.** The revised property boundaries should be legally combined recorded prior to a decision by the Morgan County Commissioners to ensure the area under discussion is absolutely clear.

### **Conclusion**

The request is detrimental to Madison and Morgan County. As currently proposed, the development:

- 1) would literally waste uniquely valuable, situated and irreplaceable future industrial land for a use that appears to conform more closely to Transport/Communications/Utilities and would be best for the collective future of the community to be sited elsewhere;
- 2) would be in too close of proximity to a groundwater recharge area and provide a long-term hazard on a site containing wetlands, floodplains, two state waters and a treatment plant working to return clean water;
- 3) would necessitate significant transportation improvements where transportation infrastructure is already documented to be substandard as well as exacerbate truck traffic conditions;
- 4) would have a deleterious effect upon the city/county tourism industry and the currently stable tax base;
- 5) would trade 20 jobs for a significant long-term industrial build-out resulting in much more growth and community benefit.

To be clear, the City of Madison is supportive of industrial growth, future industrial development on this site, and a local waste management facility. However, this regional proposal for a non-industrial use appears to be ill-sited.