

**HALL COUNTY PLANNING COMMISSION
STAFF REPORT**

Applicant.....Hanson Aggregates Southeast, LLC

Request.....Rezone from AR-IV to I-II, and a Use subject to county commission approval

Proposed Use.....Expansion of Rock Quarry

Size.....113.24± acres

Location.....Located at the terminus of Dixieland Farm Road; a.k.a. 3483 Young Drive and 3351 Dixieland Farm Road; Tax Parcels 15025 000023(pt) and 15025 000063

Commission District.....One

Planning Commission DateJanuary 20, 2010

Staff Recommendation**Approval**, with conditions

Applicant Proposal

The Applicant is seeking to rezone 113.24± acres to I-II and a Use subject to county commission approval for a quarry. This request is to expand an existing facility that has been in operation since 1953. It would be necessary for the Applicant to seek a road abandonment from the Hall County Board of Commissioners for a portion of Dixieland Farm Road with a separate application.

There are two tracts of land involved in making up this acreage. One tract consists of 42.24 acres, the second is a total of 136.98 acres but only 71 acres of the total 136.98 acres is included with this application.

Tract 15025 000063

The southern and western boundaries of the property would be fenced with a six ft. high chain link fence. An undisturbed buffer of 200 ft. in width would be located along the southern boundary and an undisturbed buffer of 100 ft. in width would be located along the western boundary. The southern boundary would also have a landscaped berm approximately 300 ft. in width and 15 ft. above the current ground level.

No buildings or new construction will be take place on the property. All access shall be through the existing entrance to the Gainesville Quarry.

Tract 15025 000023(part)

The southern and eastern boundaries of the property would be fenced with a six ft. high chain link fence. An undisturbed buffer of 200 ft. in width would be located along the southern boundary. The southern boundary would also have a landscaped berm approximately 300 ft. in width and 15 ft. above the current ground level although in the southeast corner of the property the application is proposing a buffer reduction to allow for the construction and installation of a storm water basin.

An undisturbed buffer of 100 ft. in width would be located along the eastern boundary. The eastern boundary would also have a 10 ft. high vegetated sloped berm to help restrict views.

History and Existing Land Use

This application was previously considered by the Hall County Commission on May 22, 2003 and was denied. The Superior Court has remanded this application back to Hall County for reconsideration.

The quarry has been in existence since 1953. It was rezoned to I-II on June 15, 1982. An additional 40-acre tract was approved on June 23, 1990.

The subject properties have historically been used agriculturally. The quarry property extends west to the railway right-of-way and Candler Road. Located to the north is the main portion of the quarrying operation. Properties to the south are zoned R-II and developed with site-built homes. A 15-acre tract found west of Cook Drive was approved for a cement factory by the Hall County Commission in 2000. East of the property are large acreage tracts having frontage on Roy Parks, Cobb and Mabry Roads. There are several active poultry farms among these parcels.

Comprehensive Plan

The property was located within the "Rural Residential" land use district in both the 1997 and 2000 updates to the Hall County Comprehensive Plan. The 2004 (amended 2005) adaptation of the Hall County Comprehensive Plan identifies this property and immediately surrounding property as "Residential".

The residential land use category is characterized by single-family residential development at moderate densities.

Residential includes areas containing or planned for single family residential development and limited non-residential uses. Residential development intensity is dictated by minimum lot size based upon infrastructure provision.

Development Support and Constraints

Public Facilities

The property is located 2.7± miles from the nearest emergency service/fire station.

Analysis

- The current and past Comprehensive Plans designated the subject area as residential. The proposed use is incompatible with that land use designation.
- Quarries provide a necessary product. Consideration of an expansion request should weigh the impacts of expansion, versus the impacts of creating a new facility somewhere else.
- The quarry operation has been in existence since 1953. It has received two approvals for rezoning to continue and expand the operation in 1982 and 1990. The current request is a continuation of that trend.
- The rezoning request is only the first step in receiving full approval to expand the quarry operation. The Applicant will need to apply to the Georgia Environmental Protection Division (EPD), to include the property in the Gainesville Quarry mine permit. Erosion, sediment control and storm water management will also be addressed by EPD. A plan to reclaim the property once mining of the property has been completed is a further requirement.
- The buffers being proposed should help alleviate potential problems with adjacent property owners.
- While this expansion may be appropriate, potential future development in the vicinity, and the general development of Hall County may suggest that no additional expansion be approved in the future.

Staff Recommendation

The staff recommends approval of the request, subject to the following conditions.

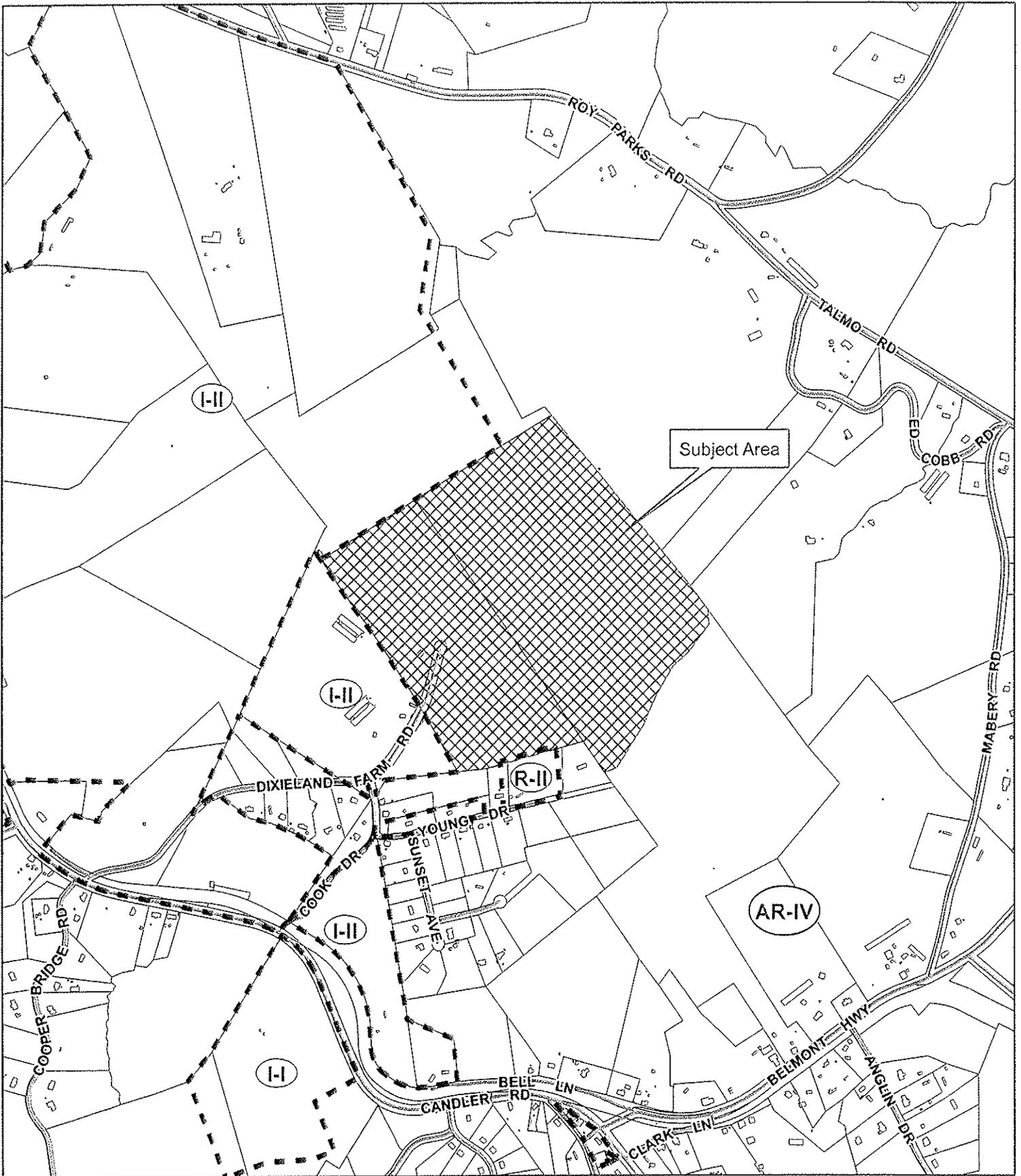
Staff Recommendation

The staff recommends approval of the request, subject to the following conditions.

1. The development is approved according to the general layout shown in the submitted plans, and the terms outlined in the application submitted. The following conditions **only** are approved and shall apply to the development of the property.
2. The Applicant shall construct and maintain a 500 ft. buffer along the entire southern boundary of the subject property as shown on the site plan submitted, of which 300 ft. shall be bermed at a height of at least 15ft. The southernmost 200 ft. shall be undisturbed except for required water detention facilities.
3. The Applicant shall construct and maintain a 100 ft. buffer along the entire western and eastern external boundaries of the subject property as shown on the site plan submitted and shall construct a visual barrier berm in accordance with the detail set forth on sheet three of the site plan.
4. The Applicant shall plant a vegetated buffer as defined in section 17.260.020 of the Hall County Zoning Regulations at the highest point of all berms abutting exterior property lines. The vegetated buffer shall be a minimum of 30 ft. wide, or the maximum width of the berm if berm is less than 30 ft. wide.
5. A six-foot chain link fence shall be installed around the entire perimeter between this property and all external property boundaries. The fence shall be located exterior to the planted vegetated buffer.

6. Danger signs shall be placed at 15 ft. intervals along the entire perimeter of the fence.
7. All buffers, buffer vegetation, fencing and signs shall be inspected by the property owner on a quarterly basis for needed repairs/maintenance. Repairs and maintenance must be completed within 30 days of inspection. Inspection and maintenance records must be provided to the Hall County Planning Director on a quarterly basis.
8. Prior to the issuance of any permits, Hanson shall donate 3.6± acres as shown in the survey submitted with this application along with \$5,000 to the Cross Plains Baptist Church for Church related purposes, excluding any residential use.
9. Prior to the issuance of any permits, Hanson shall donate \$200,000 to Hall County Government to go toward costs associated with extending City of Gainesville water to adjacent residences located along Young Drive, Sunset Drive, and Kim Drive. As well as Dixieland Farm Road between Candler Road and Cook Drive.
10. Within 90 days of this approval Hanson shall commence construction of at least two (2) monitoring wells to monitor groundwater levels at locations recommended by an independent hydrology expert. That location is subject to review and approval by Hall County Planning/Engineering staff. Hanson shall provide data to the Hall County Engineer on a quarterly basis.
11. There shall be no blasting in the subject area prior to January 1, 2012.
12. Hanson shall place a seismograph in the existing subdivision south of the rezoned property at a location determined by an independent monitoring contractor. The data shall be provided to the subdivision and the Hall County Engineer on a quarterly basis.
13. Access to the Gainesville Quarry is limited to the existing main entrance off Candler Road with the exception of maintenance vehicles required to monitor and maintain the buffer.
14. The property owner must construct at their expense a new cul-de-sac on Dixieland Farm Rd. to County standards.
15. A road abandonment application for Dixieland Farm Rd. must be submitted to Hall County for consideration by the Board of Commissioners prior to the issuance of any permits for the property.
16. The construction of the new cul-de-sac on Dixieland Farm Rd. and any other road improvements or requirements of the Hall County Engineering Department are the financial responsibility of the Applicant/developer.
17. It is understood that this facility manages erosion and stormwater runoff under guidelines from its NPDES permit from the EPD. Hanson will however be required to obtain Land Disturbing Activity Permits from Hall County for construction of the dirt berm and planted vegetated buffer and any other non-mining related activities required by zoning conditions. Hall County Engineering may perform onsite inspections to insure that appropriate Best Management Practices (BMP's) are in place and that sediment does not migrate offsite.
18. Hours of operation for the subject property for mining operations are restricted to: (The term mining operations shall include the operation of heavy equipment such as loaders and excavators, rock breakers, rock crushers, conveyors and similar heavy equipment. Mining operations shall not include equipment maintenance or the use of pumps to keep the pit dewatered.)
 - a. For the months of March through November 7 a.m. to 8 p.m., Monday through Friday.
 - b. For the months of December through February 8 a.m. to 5 p.m. Monday through Friday.
 - c. Mining operations on Saturdays shall be restricted to 8 a.m. to 5 p.m. during all months.

- d. There shall be no mining operations on Sunday.
 - e. Further, blasting shall only be conducted on the subject property between the hours of 10 a.m. and 5 p.m. , Monday through Friday during all months.
19. All conditions of zoning shall appear on any plats created for the development.



Subject Area

Rezone – Expansion of Gainesville Quarry

Applicant: Hanson Aggregates

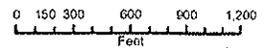
Request: Rezone from AR-IV to I-II – Expansion of Gainesville Quarry - Use subject to Hall County Commission Approval

Tax Parcel(s) #: 15025 000063 & 15025 000023

Location(s): 3351 Dixieland Farm Rd. Gainesville, GA 30507

3483 Young Drive Gainesville, GA 30507

Commission District 1 PC Mtg. Date: 1/20/2010



- Zoning Boundary
- City Limits
- Subject Area
- Structure

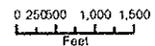




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Rezone – Expansion of Gainesville Quarry

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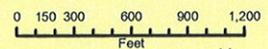
Commission Approval

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Hanson Aggregates Southeast, LLC

Gainesville Quarry – Hall County

Re-zoning Application

Introduction

Hanson Aggregates Southeast LLC (Hanson) operates the Gainesville Quarry off Candler Road in southeast Hall County. The Gainesville Quarry started operations in 1953 and covers some 428 acres, all of which are zoned Heavy Industrial I-II. The industrial activity at the Gainesville Quarry can be divided into the extraction of stone from the quarry and the crushing, sizing and washing of the stone at the processing plant to make the saleable products.

For a quarry to remain in business it must have the ability to add additional property over time to be able to continue the production of stone for sale. Hanson has developed a long range plan for the Gainesville Quarry to ensure a continued source of stone meeting County and Department of Transportation (DOT) specifications for construction in the area. This long range plan is based on Hanson incorporating additional property contiguous to its existing I-II property solely for extraction and buffering purposes. Implementation of the long range plan and use of the majority of these properties will not occur for several years and the use will be gradual and spread over ten to fifteen years or so.

Most of the stone sold from this quarry goes directly to the Gainesville market for asphalt and concrete paving, road base, and similar uses. There are effectively only two quarries that supply the Hall County market, so this quarry supplies a very large part of the crushed stone material used in the Hall County market by city and county governments and the DOT. By adding this buffer and extraction property to the existing quarry Hanson will be able to continue to supply these materials instead of having to search for a new quarry site on which it could not only put extraction operations, but also processing operations and asphalt and concrete plants. Hanson does not believe that developing an alternative quarry site would be acceptable to the local community or the Hall County Government and suggests that it is in the public interest for it to continue to supply these important infrastructure materials from Hanson's existing location.

Prior Proposal to Rezone Property

In March 2003 Hanson submitted an application to rezone three tracts of land totaling 123 acres adjacent to the Gainesville quarry from Agricultural Residential AR-IV to Heavy Industrial I-II. The Planning Staff issued a recommendation to approve the application with conditions and the Planning Commission voted to approve the application with conditions at their meeting on May 5, 2003. At their meeting on May 22, 2003 the Hall County Commission voted unanimously to deny the rezoning application. Subsequent to the decision by the Hall County Commission to deny the rezoning application Hanson filed suit against the Hall County Commission (03-CV-1616B) and that matter has been remanded to reconsider the denial of the application.

Current Proposal to Rezone Property

Hanson has modified the 2003 rezoning application to take into account the conditions placed on the original application by the Hall County Planning Commission, comments raised by the neighbors, local community, and Hall County Commissioners during the prior rezoning process and the issues raised during settlement discussions with the county legal staff.

Hanson is applying to the Hall County Planning Commission and to the Hall County Commission to have the zoning changed on two properties from Agricultural Residential AR-IV to Heavy Industrial I-II so these additional properties can be incorporated into the long range development plan for the Gainesville Quarry.

Property I. D.	Total Acres	Acres to be Rezoned	Current Zoning	Requested Zoning	Owner
15025 000013	42 Acres	42 Acres	AR IV	I-II	Hanson
15025 000023	137 acres	71 acres	AR IV	I-II	W. Lancaster et al

Selection of a location for a quarry is unlike that for any other industry. The primary factor used to determine the location of a quarry is geology. A quarry has to be located on a deposit of good rock that will be able to supply washed and sized stone to meet the specification standards of the Georgia Department of Transportation and Hall County. Most of the major users of stone in Hall County, such as builders and contractors also often require stone that meets the Georgia Department of Transportation specification.

Tract 15025 000063

Hanson purchased the 42.24 acre tract, which is located east of the natural gas transmission line that crosses Dixieland Farm Road, in 2003. The property is currently zoned Agricultural-Residential AR-IV and was used as a poultry farm previously, but has been idle for the past ten years or so. The only structure on the property is a rental house.

If the property is rezoned it will be incorporated into the long term mine plan for the Gainesville Quarry. The southern and western boundaries of the property will be fenced with a six foot high chain link fence to stop people accidentally wandering on to the mine property. An undisturbed buffer 200 feet in width will be located along the southern boundary along with an undisturbed buffer 100 feet in width located along the western boundary. These buffer areas are a mixture of overgrown pastureland and mixed woodland. Beyond the southern buffer area a landscaped berm will be constructed within an area approximately 300 feet in width. The berm will have sloped sides and rise to a height of 15 feet above the current ground level. The berm will help restrict views into the area of operations and cut down on the transmission of noise. The interior of the property will be used for the extraction of stone that will be transported to the existing processing plant located elsewhere within the Gainesville Quarry. It should be noted that due to the topography of the area and the location of the residences none of the proposed mining activity will be visible to any of the surrounding residences prior.

Initial development of the property will commence at the northern end of the property to be rezoned and will consist of ground clearing and preparation, berm construction, stormwater management, etc. These activities will commence in July 2012. By the following year initial mining activities will commence at the northern property that was previously cleared and prepared for mining.

Current access to the property from Dixieland Farm Road will be closed and all access to the public highway will be through the existing entrance to the Gainesville Quarry.

Tract 15025 000023

Hanson has leased approximately 71 acres of the 137 acres of tract 15025 000023, which is the northern portion of the property to be rezoned. The leased property is currently zoned Agricultural-Residential AR-IV and the land use is woodland. The property used to be open agricultural land but over the past twenty years or so the fields have become overgrown with trees and the whole property is now mixed woodland. Timber was last harvested from the property in 2004.

The intended use for the property once it is rezoned is set forth below. The southern and eastern boundaries of the property will be fenced with a six foot high chain link fence to stop people accidentally wandering on to the mine property. An undisturbed buffer 200 feet in width will be located along the southern boundary along with an undisturbed buffer 100 feet in width located along the eastern boundary. These buffer areas are mostly mixed woodland. Beyond the southern buffer area a landscaped berm will be constructed within an area approximately 300 feet in width. The berm will have sloped sides and rise to a height of 15 feet above the current ground level. The berm will help restrict views into the area of operations and cut down on the transmission of noise. In the southeast corner of the property the berm will be reduced in width and the undisturbed buffer area reduced to allow for the construction and installation of a stormwater basin to manage the stormwater runoff from the undisturbed buffer areas and the outside slopes of the berm. Beyond the buffer in the east a 10 foot high vegetated sloped berm will be constructed to help restrict views into the area of operations and cut down on the transmission of noise. The interior of the property will be used for the extraction of the stone that will be transported to the existing processing plant located elsewhere within the Gainesville Quarry. It should be noted that due to the topography of the area and the location of the residences none of the proposed mining activity will be visible to any of the surrounding residences.

Initial development of the property will commence at the northern end of the property to be rezoned and will consist of ground clearing and preparation, berm construction, stormwater management, etc. These activities will commence in July 2012. By the following year initial mining activities will commence at the northern property which was previously cleared and prepared for mining.

Current access to the property from Dixieland Farm Road will be closed and all access to the public highway will be through the existing entrance to the Gainesville Quarry.

Other Protection Measures

Following the 2003 denial of the rezoning request Hanson met on several occasions with many of the surrounding property owners to listen to their comments and concerns as they related to the rezoning application. The current rezoning request addresses the concerns that were raised at those meetings.

The main concerns included increasing the undisturbed set back along the southern boundary of the property, protection of surrounding residents wells, blasting issues, access, and fencing.

These issues are dealt with below.

One of the concerns was that the rezoning and subsequent mining of the property would have an adverse effect on groundwater supplies and resident's water wells. In late 2003 Hanson sent invitations to 54 residents surrounding the property to be rezoned inviting them to participate in a well inventory. 30 residents responded, providing information on their well or that they were hooked up to rural water supplies. Following the analysis of the well information Hanson proposes to implement a water well replacement - arbitration program, for those residents within 2500 feet of the limit of the excavation of the quarry in the area to be rezoned. The details of the water well replacement - arbitration program are fully explained in the conditions of rezoning filed herewith. Any resident within 2500 feet of the limit of the excavation of the quarry in the area to be rezoned that has not had their well surveyed can ask Hanson to survey their well at any time in the future. The results of the survey shall form the baseline information for a particular well against which any future surveys will be compared.

Several residents expressed concern that blasting could cause damage to their homes. Hanson proposes to implement a pre-blast survey and damage arbitration program, the details of which are fully explained in the Appendix. At the time of the prior rezoning application in 2003 Hanson agreed to install seismographs to monitor ground vibration at the Williams residence just south of the southern boundary on Cooke Drive and at the Cohen residence to the east of the area to be rezoned. Both seismographs were installed and since they were installed there have been no recorded violations of the Georgia blasting standards.

Compatibility with Surrounding Property

In June 2006 Hall County Commission voted to approve the rezoning of 32 acres of AR-IV land to I-II. The property that was rezoned I-II lies immediately west of the property subject to this rezoning request. The subject property is thus surrounded by I-II zoned land on both the northern and western sides.

The majority of the property to the south and west of the subject property is zoned Agricultural-Residential AR-IV. The physical use of that land includes woodland, pastureland, residential use and vacant land. A portion of the southern area to be rezoned abuts a parcel of property zoned Residential R-II which is located on Young Drive. Hanson, being aware of the Residential R-II tract to the south of the area to be rezoned and the sub division in the AR-IV zoned area to the south is proposing to provide larger buffers than are required by the Zoning Ordinance. Hanson will provide a 200 foot undisturbed buffer along the common property line and inside this buffer will be a vegetated earthen berm within an area approximately 300 feet in width.

Compliance with Regulation 17.380.060

The property to be rezoned is currently used as idle agricultural land or woodland. The request to rezone the land will allow the land to be developed to increase its economic value to the property owners and increase the tax base to Hall County.

The rezoning request, if granted, will not place any additional burden on Hall County to provide services. The property, once rezoned, will be incorporated into the existing Gainesville Quarry operation and no additional burden will be placed on the road system of Hall County. No new entrances to the property will be established. There will be no increase in truck traffic on the county roads if this rezoning application is approved.

The rezoning request, if granted, will not adversely impact property values in the surrounding area. Tract 15025 000013 which is adjacent to property zoned Industrial I-II, sold in 2006 for a price compatible with similar sized parcels of vacant land in the general area. The proximity of the tract to property zoned Industrial I-II did not affect the sales price. The Gainesville Quarry has been established on its existing footprint since 1953 and has not adversely affected surrounding property values.

The rezoning request, if granted, will ensure a continued supply of crushed stone is available to Georgia Department of Transportation for construction and maintenance of the road system, to various branches of the Hall County government and City of Gainesville for construction and maintenance projects and to the many developers and contractors in Hall County to build, expand, and maintain the infrastructure of schools, hospitals, shops and houses we have all come to expect in this County. Without a continued supply of locally available crushed stone the cost of construction of the infrastructure we come to expect will increase significantly.

The location of the Gainesville Quarry is governed by the geology of the property and not by conventional industrial sighting criteria. It would be almost impossible to find an alternative location to relocate this operation that has the required geology as well as the correct Industrial I-II zoning. Clearly it makes more sense to allow the operation to expand onto property that has the correct geology and can meet the zoning requirements through this rezoning.

The rezoning request will not constitute spot zoning since the contiguous properties to the north and west are already zoned Industrial I-II and property to the southwest, although not contiguous is also zoned Industrial I-II.

Once the rezoning request has been approved Hanson will apply to Georgia Environmental Protection Division (EPD) to include the rezoned property in the Gainesville Quarry mine permit. Plans submitted to EPD for approval will not only include the set backs, buffers and berms included in the rezoning application package but will also include provisions for handling stormwater runoff, erosion and sediment control to minimize any impact to the property as it is incorporated into the development of the Gainesville Quarry. All discharges from the property will be routed through sediment basins that are incorporated into the existing NPDES discharge permit. In addition Hanson will have to provide EPD with a plan to reclaim the property once mining of the property has been completed.

Erosion, sediment control and stormwater management will be addressed by Hanson through a modification of the surface mining permit issued by Georgia Environmental Protection Division pursuant to the Georgia Surface Mining Act. The modification of the surface mining permit has to be approved by Georgia Environmental Protection Division before any land disturbing activities can commence. The Georgia Surface Mining Act provides a more stringent control of erosion, sediment control and stormwater management than local regulations and includes a compliance inspection program by Georgia Environmental Protection Division. Erosion, sediment control and stormwater management provisions of the Georgia Surface Mining Act supersede local stormwater management regulations.

As part of the rezoning application Hanson requests that if the Board of Commissioners votes to approve the rezoning as outlined, at the same time they also vote to approve the abandonment of that portion of Dixieland Farm Road that is located within the area to be rezoned. Hanson will provide the right of way for the construction of a cul-de-sac, built to County standards, at the western property line. The Quit Claim Deed for the right of way will be recorded in the Hall County Clerk of Courts office.

The proposed use of the property once rezoning is approved does not include the construction of any houses or buildings on the property. Access to the public highway will be through the existing property that comprises the Gainesville Quarry.

Community Support

In discussions with the community it became apparent that Cross Plains Baptist Church would like more property to increase the size of its cemetery. Hanson will provide the church with about four acres of additional property for their cemetery. A copy of the plat is included in the rezoning application.

Hanson - Proposed conditions

IN RE APPLICATION OF HANSON AGGREGATES SOUTHEAST, LLC. FOR REZONING

Case No.

**Conditions Applicable to Rezoning Pursuant to Application by Hanson
Aggregates Southeast, LLC. ("Hanson").**

The following conditions shall apply to and become a part of the approval of the rezoning requested by Hanson pursuant to Case No. _____.

SITE PLANS AND BUFFERS

1. The rezoning is approved according to the general layout and site plan attached hereto and these conditions. Among other requirements, Hanson shall maintain a 500-foot buffer along the southern boundary of the rezoned property as shown on the site plan, of which the southernmost 200 feet shall be undisturbed, except except for such water detention facilities as may be required to meet environmental regulations. Hanson shall maintain a 100 foot buffer along the eastern boundary of the rezoned property as shown on the site plan and shall construct a visual barrier berm in accordance with the detail set forth on Sheet 3 of the site plan and shall landscape it in accordance with such detail.

2. All conditions of this rezoning shall appear on or be referenced in any plats for development.

COMMUNITY SUPPORT

3. Hanson will donate approximately 3.6 acres as set forth in the attached survey to Cross Plains Baptist Church for use by the church for the community at large. The property donated by Hanson shall be restricted to church uses, including a cemetery, and shall not otherwise be developed for any use, including any residential use. Hanson shall also pay \$5,000 to the church to defray any impacts on it as a result of this rezoning.

WATER AND WELLS

4. Hanson will contribute \$200,000 to pay a portion of the construction and other costs to extend the City of Gainesville water lines along what is known as the Belmont Line, or to extend lines from existing points near Dixieland Farm Road to residences south of there. This obligation is expressly conditioned on the construction or extension of such lines and Hanson shall not be obligated to pay such sum unless and until such construction or

extension is substantially complete. Nothing herein shall require any resident to utilize City water. The \$200,000 contribution by Hanson set forth herein shall be the limit of Hanson's obligation under this paragraph and shall expire if not utilized within five years of the acceptance of these conditions. Hanson shall have no obligation hereunder unless and until the conditions set forth above are met.

5. Upon request by a property a property owner within 2500 feet of the open pit limits on the site plan for the rezoned property, Hanson shall have an independent professional conduct a survey of any well located on property contiguous to the eastern boundary of the rezoned property and within 2500 feet of any blasting on the rezoned property. After such survey Hanson shall provide such property owner with a report on his well as a basis for evaluating any claim of potential damage to his well caused by Hanson in the future.

6. Within 90 days of entering into this agreement, Hanson shall commence construction of at least one monitoring well to monitor groundwater levels at a location to be agreed to be recommended by an independent hydrology expert. Hanson shall identify the proposed location to the Planning Department, which may, but is not required to, recommend an alternative location, in which event Hanson will construct the monitoring well where proposed by the Planning Department. Hanson will monitor water levels on that well to see if mining appears to be having any adverse effect on groundwater levels. Hanson will provide data from this monitoring well to the County on a quarterly or such other periodic basis as the Planning Director shall require from time to time.

7. If a property owner along the eastern boundary of the rezoned property believes that mining activities have cause the output of a well within 2500 of blasting or pit operations on the rezoned property to decrease substantially, or its water quality to be impacted, he or she shall give written notice to Hanson outlining their complaint and shall ask Hanson to investigate the matter and take such action as is appropriate to the concern. If the property owner's well has gone dry (not including a mechanical malfunction of the pump or system), Hanson shall use its best efforts to provide a suitable substitute water source to the property owner at Hanson's sole expense. Further, if the property owner wishes to have a new well drilled, Hanson shall advance the cost of doing so, or pay such cost directly to the contractor so long as the property owner signs a secured undertaking to repay Hanson if Hanson is ultimately found not to be the cause of the well doing dry.

8. If the property owner and Hanson are not able to agree on the reason for the well going dry, or otherwise to resolve their dispute, and the property owner so elects, the dispute shall be submitted to a qualified

professional hydro-geologist mutually agreed to by the parties for resolution by binding arbitration. If the property owner presents any competent evidence from a qualified witness (i.e. hydrologist, engineer, or similarly qualified expert) that the quantity or quality of his or her well water was adversely impacted by mining operations, Hanson shall have the burden of proving by a preponderance of the evidence that its mining operations were not the likely cause of the decline in quality or quantity of water from the well. Unless Hanson meets its burden of proof, the arbitrator shall have the power to grant such relief as is appropriate after hearing the evidence, including, but not limited to, directing Hanson to drill the property owner a new well of comparable quality and quantity to what the property owner had when the well was originally inspected pursuant to this undertaking. If Hanson is found to have damaged the well it shall pay all costs of the arbitration and the cost of a new well or well repair. Otherwise, the arbitrator shall have the power to apportion the costs of the arbitration between the parties at his discretion. In all cases where he finds a party has refused or brought a claim unreasonably he shall assess the costs of arbitration against such party. Lawyers shall not be used by either party in the arbitration, unless the property owner elects to be represented by counsel, in which event any party may use counsel. Nothing herein shall require a property owner to use arbitration and they shall preserve all judicial remedies unless they invoke arbitration.

BLASTING ISSUES

9. There shall be no blasting on the rezoned property prior to January 1, 2012. Provided, however, that Hanson shall have the right to apply to the Board of Commissioners for relief from this limitation if it can show that there was an unanticipated failure in the existing pit in which it is now operating which reasonably necessitates use of the rezoned property before the expiration of the five year period herein.

10. Hanson shall place a seismograph in the existing subdivision south of the rezoned property at a location determined by an independent monitoring company to be appropriate for monitoring vibration levels experienced in that subdivision. The data from such seismograph shall be available for inspection by a designated representative of such subdivision, or the County, on reasonable notice.

11. At its expense, Hanson shall cause a qualified engineer or seismic consultant to conduct a pre-blast survey of any structure located within 2500 feet of any rezoned property proposed for blasting when requested to do so by such structure's owner. The survey shall consist of a thorough inspection and documentation of the condition of the structure, embodied in a report with pictures, narrative and other information necessary to support it. One copy of

the report shall be given to the property owner.

(a) If any person within 2500 feet of any blasting believes that blasting by Hanson has damaged their property they shall be entitled to arbitration of such claim at their election. Arbitration shall be invoked by sending notice of the claim to Hanson and demanding arbitration.

(b) Hanson shall review the claim, and if the parties are unable to agree on a resolution they shall select a qualified engineering or blasting professional to arbitrate the claim. Lawyers shall not be used by either party in the arbitration, unless the property owner elects to be represented by counsel, in which event any party may use counsel.

(c) The arbitrator shall be entitled to award such damages to the property owner as may be necessary to repair any damage and pay any other costs incurred by the property owner to repair any property damage caused by Hanson. If Hanson is found at fault it shall pay all costs of the arbitration. Otherwise, the cost of arbitration shall be split equally between the parties.

(d) Nothing herein shall require a property owner to use arbitration and they shall preserve all judicial remedies unless they invoke arbitration.

ACCESS AND ROAD ISSUES

12. There shall be no access to the rezoned property from Dixieland Farm Road, except for such access as may be utilized on an infrequent basis by normal sized passenger vehicles, not including dump trucks or similar vehicles. Access by equipment for the purpose of constructing or maintaining any structure, berm, or pond shown on the site plan shall be permitted for those limited purposes. Customer access shall be limited to the current access off of Candler Road, or such additional access from Hanson's other property (not the property rezoned herein) as may be lawful in the future.

13. The proposed cul-de-sac on the site plan shall be constructed to County standards at Hanson's expense. Hanson shall provide any additional right of way needed for the construction of the proposed cul-de-sac at its expense. All road improvements or requirements of the Hall County Engineering Department are the financial responsibility of Hanson.

14. Any necessary road abandonment shall be completed through a favorable vote of the Board of Commissioners and a Quit Claim deed properly filed in the office of the Hall County Clerk of Court. A failure of the Board of

Commissioners to abandon any right of way shall not invalidate or otherwise impair any rezoning approval to which these conditions apply, but shall relieve Hanson of any conditions herein that cannot be met because of the failure of the County to abandon the necessary roadway or right of way, including but not limited to the construction of the proposed cul de sac.

FENCING

15. The southern and eastern boundaries of the rezoned property shall be fenced wherever it is contiguous with property owned by another person using a six-foot high chain link fence. Hanson shall be entitled to put the fence on the inside boundary of any buffer area, or along the property line.

16. Hanson Aggregates Southeast hereby submits these conditions of rezoning and agrees that they may be imposed by the Board of Commissioners of Hall County upon approval of Hanson's rezoning request.

This ____ day of _____, 2010.

Hanson Aggregates Southeast, LLC.

By: _____
Its: _____