

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

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File Number: 5-H-02-UR **Related File Number:**
Application Filed: 4/8/2002 **Date of Revision:**
Applicant: GENERAL SHALE PRODUCTS CORP.
Owner:

PROPERTY INFORMATION

General Location: North side of Millertown Pk., east of Harris Rd.
Other Parcel Info.:
Tax ID Number: 50 210 & 217 **Jurisdiction:** County
Size of Tract: 107 acres
Accessibility: Access is via Millertown Pk., an arterial street with a pavement width of 19' to 21' within a 40' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant / mining operation
Surrounding Land Use:
Proposed Use: Mining and mineral extraction expansion (Total site area 107 acres -- expansion area 48 acres) **Density:**
Sector Plan: Northeast County **Sector Plan Designation:**
Growth Policy Plan: Rural Area
Neighborhood Context: The site is located on the north side of Millertown Pk., east of Silver Creek Rd. The surrounding property is all zone A agricultural. Existing development in the area consists of single family dwellings and a church. Growth through the development process has been very limited in this general area until very recently.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Mining has occurred on a portion of this site for over 30 years

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

Surveyor:

No. of Lots Proposed: No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

MPC ACTION AND DISPOSITION

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request to expand the existing mining operation to an area of not more than the 24.72 acres as presently permitted by the State of Tennessee, subject to 13 conditions

Staff Recomm. (Full):

1. Meeting all requirements of the Knox County Health Dept.
2. Approval of the development plan and mining permit by the Knox County Commission.
3. Reducing the area to be mined in a manner such that none of the excavated area will be visible by an individual standing on Millertown Pike.
4. Providing MPC staff with a plan prepared by a registered landscape architect showing the final grading of the entire 107 acre site, creating slopes that will not exceed a 2 to 1 slope. The plan will include the State of Tennessee approved reclamation plan that specifies the type and rate of use of ground cover plant materials and the proposed soil amendments that will be necessary to stabilize and support the landscaping of this site within two years after commencing the reclamation program. As part of this plan a cost estimate is to be prepared that projects all costs associated with the implementation of the reclamation plan.
5. Posting a bond with the Knox County Executive's Office to cover the cost differential between the \$600.00 per acre bond being held by the State of Tenn. and the cost projected in the reclamation of the site per the estimate contained in the landscape architect's reclamation plan.
6. Commencing vegetative reclamation of the previously mined portion of the site within six months after approval of this request of the Knox County Commission. Excluded from the area to be reclaimed will be a maximum of four acres to be used for stockpiling, the existing roadway access, the existing sediment basins and a two hundred foot transition area between the old and new mine areas. This reclamation is to be in accordance with the State of Tenn. approved reclamation plan as supplemented by previously required landscaping/reclamation plan and is to be completed within 24 months after Knox County Commission's approval date. If the reclamation of the site has not been completed in that time, all operations on the site must cease until the reclamation is completed. The reclamation process will not be considered complete until the bonds are released by the State of Tenn. and Knox County.
7. If for any reason mining activity ceases on the new portion of the site for a period of one year, reclamation of the entire remaining site will commence and will be completed within 24 months.
8. Meeting all requirements of the Air Quality Permit as issued by the Knox County Dept. of Air Pollution Control.
9. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation dealing with the mining operation and water quality permits.
10. Meeting all requirements of the Knox County Dept. of Engineering and Public Works.
11. Obtaining approval of another Use on Review if the mining area is to be expanded or if it takes more than fifteen years to mine the permitted area as depicted on the approved development plan.
12. Meeting all applicable requirements including Sections 4.10 and 4.50 of the Knox County Zoning Ordinance.
13. Submission of a revised development plan that includes the landscape architects grading and reclamation plan to MPC staff for review and approval prior to commencing any grading on the expanded portion of this site.

Comments: General Shale Products Corp. is proposing to expand an existing mining operation located on Millertown Pk. The total site contains approximately 107 acres which includes the expansion area. The expansion tract contains 47 acres. The State of Tennessee has already approved a mining permit for 24.72 acres of the expansion site. However, mining cannot commence on the site until MPC and The Knox County Commission approve this request. This plan was approved by MPC in July, 20001.

However, the Knox County Commission did not approve the proposed plan of operation

The mining plan as submitted by the applicant addresses every point raised in the Knox County Zoning Ordinance. The plans as submitted meet the requirements of Section 4.50 of the Zoning Ordinance for a surface mining operation. Dust control has been an issue that has been raised by area residents. The Knox County Dept. of Air Pollution Control has issued an Air Quality Permit which establishes performance standards that General Shale must meet.

Secondly, the Tennessee Dept. of Environment and Conservation has approved a reclamation plan, and the required bonds have been posted. Due to the issues raised when this matter was considered in 2001 by MPC and County Commission, staff will require that an additional plan be prepared that will graphically depict the final grading of the site and incorporate the State approved reclamation plan. This plan will propose the type and rate of use of the proposed ground cover materials and the type and rate of application of soil amendments that will be necessary to support the landscape. Staff will require this plan be submitted and made part of this approval before excavation commences on the site. This plan will contain a cost estimate to implement the reclamation plan. This cost estimate will then serve as the basis for a bond that will be required to be posted locally.

As a condition of approval in 2001, the MPC required the reclamation process to get underway within 6 months after the approval of the expanded area by Knox County Commission. Reclamation will have to be completed in a timely manner. If this is not done, staff will require that mining operations cease until the reclamation is completed. Staff will recommend the applicant be required to commence reclamation of all of the previously mined area on the eastern portion of the site (CLT Map 050 parcel 210) excluding 4 acres to be maintained as a storage area, the existing driveway and access points to the western parcel (CLT MAP 050 parcel 217) and the existing sediment ponds. Due to the need to transition from the old site to the new site, reclamation within 200' of western boundary of parcel 210 will be conducted at the time mining operations cease at this location. Due to the existing high-walls in the previously mined area, staff anticipates the reclamation process will necessitate extensive grading. The existing hill sides will most likely be graded down in order to provide the required slopes in the reclaimed areas.

In order to lessen visual impact of the proposed mining operation, staff will place a condition on the approval that no portion of the expanded mining area will be visible by an individual standing on Millertown Pk. In order to maximize the use of the site the applicant will want to increase the size of the berm and install additional landscaping that will hide the operation. Staff will impose these conditions in order to enhance the compatibility of this use with the surrounding area.

The State has also issued a NPDES permit for this site. A NPDES permit addresses the quality of the water running off of this site. It establishes water quality standards which are checked on a periodic basis by the State. A drainage plan will have to be approved by the Knox County Dept. of Engineering and Public Works to control the rate at which stormwater leaves this site. If the detention standards required by the State are less than those required by Knox County, the County standards will have to be met.

The current surface mine has been operating at this location for over 30 years. General Shale does not intend to change its operating methods if this plan is approved. The material will be removed by trucks using their present route which is east on Millertown Pk., south on Brandville Rd., to Rutledge Pk., to the processing plant. They state the operation will generate a total of 15 truck trips per day for the removal of material. These truck trips occur during the operating hours of 7:30 AM to 4:30 PM. Most of the traffic generated by this facility will be occurring at non-peak times.

The Northeast County Sector Plan designates this area for low density residential use, and the ridge is designated for slope protection. The sector plans do not identify specific areas for surface mining. The mining areas referenced in the Northeast Sector land use plan are the zinc mines in the Mascot area. A surface mining operation falls into a class of land uses which are not readily accepted within a community. However, mining needs to occur where the raw material is available. In this case, the mining operation has been ongoing for the past 30 years. Part of the site is designated a slope protection area in the Sector Plan. Restoration of this site to a natural appearance will take many years after mining ceases. Staff would prefer to see the expansion of an existing facility rather than the opening of a new facility. The staff will support the expansion of this facility because the plans and materials submitted show the operation can meet the requirements for a surface mining operation contained in the Knox County Zoning Ordinance, and with the conditions proposed by staff minimal additional impact on the surrounding area. Containing new mining impacts at a site where mining is already established is more consistent with the Sector Plan's slope protection policy than the alternative of encouraging mining at a new site.

An appraiser has reported that property values in the area have seen significant increases while the existing mining activity has been in operation. Additionally, the expansion of the mining area will not

draw substantial additional traffic to the area. The amount of traffic to and from the facility will remain at its present level of about 15 truck trips spread between the hours of 7:30 AM and 4:30PM.

As exhibits to this use on review request, staff has supplied the members of the Metropolitan Planning Commission (MPC) with a copy of all materials submitted by the applicant supporting their position. Additionally, we have provided MPC with a packet of information prepared by the opposition to this request which states their point of view regarding this matter.

MPC Action: Approved as Modified

MPC Meeting Date: 6/13/2002

Details of MPC action:

1. Meeting all requirements of the Knox County Health Dept.
2. Approval of the development plan and mining permit by the Knox County Commission.
3. None of the excavated area will be visible from Millertown Pike.
4. Providing MPC staff with a plan prepared by a registered landscape architect showing the final grading of the entire 107 acre site, creating slopes that will not exceed a 2 to 1 slope. The plan will include the State of Tennessee approved reclamation plan that specifies the type and rate of use of ground cover plant materials and the proposed soil amendments that will be necessary to stabilize and support the landscaping of this site.
5. General Shale will post a bond in the amount of \$2,000 per acre for the excavated area in the existing site and in the expansion site with the Knox County Executive's Office and such bond shall remain in place until the bond held by the State is released at which time the bond will be released by Knox County.
6. Commencing vegetative reclamation of the previously mined portion of the site, as hereinafter described, within six months after approval of this request by the Knox County Commission. The initial reclamation activity of the initial area to be reclaimed as defined and shown on Exhibit 1 to the supplemental material submitted by General Shale is to be in accordance with the State of Tennessee approved reclamation plan as supplemented by previously required landscaping/reclamation plan and is to be completed within 24 months after Knox County Commission's approval date. If the initial reclamation of the site, which includes grading and seeding, has not been completed in that time, all operations on the site must cease until it is completed.
7. If for any reason mining activity ceases on the new portion of the site for a period of one year, reclamation activity on the entire remaining site will commence and will be completed within 24 months.
8. Meeting all requirements of the Air Quality Permit as issued by the Knox County Dept. of Air Pollution Control.
9. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation dealing with the mining operation and water quality permits.
10. Meeting all requirements of the Knox County Dept. of Engineering and Public Works.
11. Obtaining approval of another Use on Review if the mining area is to be expanded or if it takes more than fifteen years to mine the permitted area as depicted on the approved development plan.
12. Meeting all applicable requirements including Sections 4.10 and 4.50 of the Knox County Zoning Ordinance.
13. Submission of a revised development plan that includes the landscape architects grading and reclamation plan to MPC staff for review and approval that demonstrates compliance with all the conditions of the permit prior to commencing any grading on the expanded portion of this site

Summary of MPC action: APPROVE the request to expand the existing mining operation to an area of not more than the 24.72 acres as presently permitted by the State of Tennessee, subject to 13 conditions

Date of MPC Approval: 6/13/2002

Date of Denial:

Postponements: 5/9/02

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: County Commission

Date of Legislative Action: 6/24/2002

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved surface mining permit

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Approved 13 conditions plus condition regarding park when reclaimed land is developed as a subdivision

Date of Legislative Appeal:

Effective Date of Ordinance: