



September 21, 2021

To Planning Commission:

Re: In Support of 2021Z-092PR-00, Item Number 29

Thank you for the opportunity to comment on the request by Councilmember Dave Rosenberg to rezone the property located at 7848 McCrory Lane, approximately 385 south of High 70 (42.24 acres). The Harpeth Conservancy (“HC”) supports Councilmember Rosenberg’s request and the staff’s recommendation to approve a rezone from an AR2a to a R80.

HC is a twenty-year old, science-based conservation organization that seeks to employ scientific expertise and collaborative relationships to develop, promote and support broad community stewardship and action. HC’s vision is clean water and healthy ecosystems for Rivers in Tennessee championed by the people who live here.

HC has long been involved in issues related to the McCrory quarry, known by the local community as the Hutton Lake. In 2006 and 2007 we worked with stakeholders to defeat an attempt to modify the Tennessee State Scenic Rivers Act to allow a construction & debris (“C&D”) landfill to be located on the property. Due to recent legislation, we are concerned the existing zoning of AR2a will be inadequate to protect our State Scenic Harpeth River from potential contamination due to the interconnectivity between the groundwater of the quarry and the Harpeth River. We offer the following comments as to why we support the rezoning of the land.

### **R80 Classification Lessens the Risk of Water Quality Contamination of the Harpeth River**

The current AR2a permit allows medical, transportation, waste management, and recreational uses, all of which are not permitted under a R80 classification. HC is particularly concerned with the waste management use. The owner has already received a state permit to allow them to fill the quarry solely with soil and rock and has previously proposed a plan to drain the quarry and charge tipping fees to fill the quarry. HC is concerned with monitoring and potential contamination from a commercial operation for filling the quarry. With this property rezoning to an R80, there would be less risk of contaminated rock and soil being used to fill the quarry.

The current legal obstacles preventing the owners from draining the quarry and filling it with construction and demolition waste are their agreed upon SP disallowing fill of the quarry (BL2006-1297), the Jackson Law requiring a Metro Council vote prior to any fill operation, and a truck restriction on McCrory Lane. The owner’s lobbyists are pushing for legislation that would pre-empt these legal protections. The legislation has already passed the Senate but was held up in the House until 2022. If passed, HB871 would nullify local restrictions and SPs. Without these protections, the owners under AR2a zoning could proceed with their plan. Since

any new SPs could be negated by this bill, HC supports this zoning change as the best method to protect the State Scenic Harpeth River. Under R80 zoning, commercial operations are prohibited, so the owner's ability to fill the quarry is significantly limited.

### **Environmental Constraints on the Property**

We support the staff's report that points out multiple environmental constraints on this property: the former rock quarry filled with water, slopes of greater than 20% around the site, and floodplains to the southeast of the property. Any potential contamination within the quarry will undoubtedly end up within the Harpeth River, especially given the permit does not require a liner that would protect the river from groundwater contamination if filled. We believe a R80 rezoning, by not allowing the commercial aspect, helps to minimize the chance of contamination.

### **Conclusion**

Harpeth Conservancy strongly supports Councilmember Rosenberg's request and the staff's recommendation for the planning commission to approve a rezone from an AR2a to a R80.

Best,



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K. Grace Stranch  
Vice President and COO  
gracestranch@harpethriver.org  
615-498-4148