1. September 15, 2020 Meeting Agenda
   Documents:
   09152020AGENDA.PDF

1.I. September 15, 2020 Final Agenda
   Documents:
   09152020AGENDA.DOCX_FINAL.PDF

2. September 15, 2020 Agenda Material
   Documents:
   09152020 AGENDA MATERIAL.PDF
The Georgia Conflict of Interest in Zoning Action Statue (O.C.G.A. §§ 36-67A-1 et seq.) requires disclosure of certain campaign contributions made by applicants for rezoning actions and by opponents of rezoning application. A rezoning applicant or opponent of a rezoning application must disclose contributions or gifts which in aggregate total $250.00 or more if made within the last two years to a current member of Effingham County Planning Board, Board of Commissioners, or other Effingham County official who will consider the application. The campaign contribution disclosure requirement applies to an opponent of a rezoning application who publishes his or her opposition by appearance before the Planning Board or Board of Commissioners or by any other oral or written communication to a member or members of the Planning Board or Board of Commissioners. Disclosure must be reported to the Board of Commissioners by applicants within ten (10) days after the rezoning application is filed and by opponents at least five (5) days prior to the first hearing by the Planning Board. Any person knowing failing to comply with these requirements shall be guilty of a misdemeanor.

**PLEASE TURN OFF YOUR CELL PHONE**

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<td>Consideration of a Resolution to approve the agenda</td>
<td></td>
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<tr>
<td>American Flag</td>
<td></td>
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<tr>
<td>IV Agenda Approval</td>
<td>Consideration to approve the September 1, 2020 regular Commission meeting minutes</td>
<td></td>
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## EFFINGHAM COUNTY BOARD OF COMMISSIONERS
### (TENTATIVE) COMMISSION MEETING AGENDA

**Effingham County Administrative Complex**
**Commission Meeting Chambers**
**601 North Laurel Street, Springfield GA 31329**
**September 15, 2020 – 5:00 PM**
(Also aired via teleconference
Dial - 1-650-419-1505 Access Code – 106822973)

| 05 | **Second Reading**<br>**Consideration to approve the Second Reading of an application by Kern & Co., LLC as agent for Old Pines, LLC to rezone 741.60 total acres located off of Old Augusta Road from AR-1/R-1 to I-1 (Heavy Industrial) Map# 465 Parcel# 6 and Map# 477 Parcel# 15 in the Fifth District**<br>Postponed 08/18/2020 |
| IX | **New Business** |
| 01 | **Reorganization<br>Tim Callanan**<br>Consideration to approve reorganization of the Development Services Department |
| 02 | **Resolution<br>Christy Carpenter**<br>Consideration to approve a Resolution to amend the FY2020-2021 budget |
| 03 | **Award<br>Christy Carpenter**<br>Consideration to approve to accept a Grant Award from the Georgia Secretary of State SecureTheVote/HAVA CARES Act |
| 04 | **Application<br>Christy Carpenter**<br>Consideration to approve to ratify a submittal of an application to the U.S. Department of Health and Human Services (HHS) to receive a Phase 2 CARES Act Provider Relief Fund payment |
| 05 | **Agreement<br>Charlie George**<br>Consideration to approve a Master Agreement with EOM Operations for Professional Services |
| 06 | **Task Order<br>Charlie George**<br>Consideration to approve a Task Order Request with EOM Operations for Civil Engineering Consulting Scope Services |
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### Effingham County Board of Commissioners

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<td>14 Second Reading</td>
<td>Consideration to approve the Second Reading of an application by Devin Deskins for a Variance Use located at 224 Long Bridge Road to allow for a camper as a temporary residence while the existing home is being remodeled Map# 427 Parcel# 41 in the Fourth District</td>
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<td>15 Public Hearing</td>
<td>The Planning Board recommends approving an application by Chipola Engineering Group, agent for Barton Alderman to rezone 11.31 acres out of a 156.51 acre parcel located at GA Hwy 21 and Ralph Station Road from AR-1 to B-3 Map# 429 Parcel# 6 in the Fourth District</td>
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<td>III Pledge to the American Flag</td>
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<td>IV Agenda Approval</td>
<td>Consideration of a Resolution to approve the agenda</td>
<td>Approved w/ removal of NB# 2</td>
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<td>V Minutes</td>
<td>Consideration to approve the September 1, 2020 regular Commission meeting minutes</td>
<td>Approved as read</td>
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<td>VI Public Comments</td>
<td>Agenda Items ONLY</td>
<td>Stated by Chairman</td>
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**Tim Callanan**
Consideration to approve a revised Purchase and Sale Contract for a property located at 216 Shady Oaks Drive, Guyton to allow for an extension
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### X Reports from Administrative Staff & Commissioners
Chief Deputy Bush
S. Johnson
Chairman Corbitt
Comm. Deloach
Comm. Floyd
T. Callanan

### XI Executive Session
Discussion of Personnel, Property and Pending Litigation
No executive session held

### XII Executive Session Minutes
No minutes to be approved
No minutes to be approved

### XIII Planning Board 6:00 PM

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- Approved w/ stipulations

### 14 Second Reading

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- Approved 2nd Reading

### 15 Public Hearing

The Planning Board recommends approving an application by **Chipola Engineering Group**, agent for Barton Alderman to rezone 11.31 acres out of a 156.51 acre parcel located at GA Hwy 21 and Ralph Station Road from AR-1 to B-3 Map# 429 Parcel# 6 in the Fourth District

- Approved w/ stipulations

### 16 Second Reading

Consideration to approve the Second Reading of an application by **Chipola Engineering Group**, agent for Barton Alderman to rezone 11.31 acres out of a 156.51 acre parcel located at GA Hwy 21 and Ralph Station Road from AR-1 to B-3 Map# 429 Parcel# 6 in the Fourth District

- Approved 2nd Reading

### 17 Public Hearing

The Planning Board recommends approving an application by **YEVOC, LLC** for a Variance located on Old Augusta Road to eliminate the required 25 foot buffer along the western property line to maximize usable land and to install a drainage ditch Map# 477 Parcel# 1 in the Fifth District

- Approved w/ stipulations

### 18 Second Reading

Consideration to approve the Second Reading of an application by **YEVOC, LLC** for a Variance located on Old Augusta Road to eliminate the required 25 foot buffer along the western property line to maximize usable land and to install a drainage ditch Map# 477 Parcel# 1 in the Fifth District

- Approved 2nd Reading

---

**XIV Adjournment**

8:01 pm
Members Present:
Wesley Corbitt
Reginald Loper
Forrest Floyd
Phil Kieffer
Roger Burdette
Jamie Deloach

September 15, 2020 – 5:00 PM
(Also aired via teleconference
Dial - 1-650-419-1505 Access Code – 106822973)

Page 6 of 6
The Georgia Conflict of Interest in Zoning Action Statue (O.C.G.A. §§ 36-67A-1 et seq.) requires disclosure of certain campaign contributions made by applicants for rezoning actions and by opponents of rezoning application. A rezoning applicant or opponent of a rezoning application must disclose contributions or gifts which in aggregate total $250.00 or more if made within the last two years to a current member of Effingham County Planning Board, Board of Commissioners, or other Effingham County official who will consider the application. The campaign contribution disclosure requirement applies to an opponent of a rezoning application who publishes his or her opposition by appearance before the Planning Board or Board of Commissioners or by any other oral or written communication to a member or members of the Planning Board or Board of Commissioners. Disclosure must be reported to the Board of Commissioners by applicants within ten (10) days after the rezoning application is filed and by opponents at least five (5) days prior to the first hearing by the Planning Board. Any person knowing failing to comply with these requirements shall be guilty of a misdemeanor.

**PLEASE TURN OFF YOUR CELL PHONE**

<table>
<thead>
<tr>
<th>Items of Business</th>
<th>Action Requested of Commissioners</th>
<th>Previous Action of Commissioners</th>
<th>Action Taken</th>
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<tbody>
<tr>
<td>I Call to Order</td>
<td>5:00 P.M.</td>
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<td>II Invocation</td>
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<td>III Pledge to the</td>
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<td>American Flag</td>
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<td>IV Agenda Approval</td>
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<td>V Minutes</td>
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<td>VI Public Comments</td>
<td>Agenda Items ONLY</td>
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<td>VII Correspondence</td>
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<td>VIII Old Business</td>
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<td>01 Discussion</td>
<td>Discussion of the COVID-19 plan</td>
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<td>04 Public Hearing</td>
<td>The Planning Board recommends</td>
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and Map# 477 Parcel# 15 in the Fifth District

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<tr>
<td><strong>05 Second Reading</strong></td>
<td>Consideration to approve the Second Reading of an application by Kern &amp; Co., LLC as agent for Old Pines, LLC to rezone 741.60 total acres located off of Old Augusta Road from AR-1/R-1 to I-1 (Heavy Industrial) Map# 465 Parcel# 6 and Map# 477 Parcel# 15 in the Fifth District</td>
<td>Postponed 08/18/2020</td>
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<tr>
<td><strong>IX New Business</strong></td>
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<tr>
<td><strong>01 Reorganization</strong></td>
<td>Tim Callanan</td>
<td>Consideration to approve reorganization of the Development Services Department</td>
</tr>
<tr>
<td><strong>02 Resolution</strong></td>
<td>Christy Carpenter</td>
<td>Consideration to approve a Resolution to amend the FY2020-2021 budget</td>
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<td><strong>03 Award</strong></td>
<td>Christy Carpenter</td>
<td>Consideration to approve to accept a Grant Award from the Georgia Secretary of State SecureTheVote/HAVA CARES Act</td>
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<td><strong>04 Application</strong></td>
<td>Christy Carpenter</td>
<td>Consideration to approve to ratify a submittal of an application to the U.S. Department of Health and Human Services (HHS) to receive a Phase 2 CARES Act Provider Relief Fund payment</td>
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<tr>
<td><strong>05 Agreement</strong></td>
<td>Charlie George</td>
<td>Consideration to approve a Master Agreement with EOM Operations for Professional Services</td>
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<td><strong>06 Task Order</strong></td>
<td>Charlie George</td>
<td>Consideration to approve a Task Order Request with EOM Operations for Civil Engineering Consulting Scope Services</td>
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<td><strong>07 Agreement</strong></td>
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<td>Consideration to approve Amendment No. 3 of an Agreement between Effingham County EOM Operations for public works operation management services</td>
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<tr>
<td><strong>08 Change Order</strong></td>
<td>Charlie George</td>
<td>Consideration to approve Change Order No. 1 with McClendon Enterprises related to the projects under Local Maintenance Improvement Grant (LMIG) 2020 projects</td>
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<td><strong>09 Proposal</strong></td>
<td>Charlie George</td>
<td>Consideration to approve a Proposal from EOM Operations for Watershed Monitoring</td>
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<td><strong>10 Proposal</strong></td>
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<td>Consideration to approve a Proposal from EOM Operations to perform Municipal separate storm sewer system (MS4) related task to assure compliance</td>
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<td><strong>11 Resolution</strong></td>
<td>Stephanie Johnson</td>
<td>Consideration to approve a Resolution to appoint Lisa Mock to the Tax Assessor Board</td>
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</table>
| **12** Appointment  
Stephanie Johnson | Consideration to approve to appoint a voting delegate to participate in the ACCG 2021 Policy Agenda adoption |
| **13** Contract  
Tim Callanan | Consideration to approve a revised Purchase and Sale Contract for a property located at 216 Shady Oaks Drive, Guyton to allow for an extension |
<p>| X Reports from Administrative Staff &amp; Commissioners | |
| XI Executive Session | Discussion of Personnel, Property and Pending Litigation |
| XII Executive Session Minutes | No minutes to be approved |
| <strong>XIII</strong> Planning Board | 6:00 PM |
| 01 Public Hearing | The Planning Board recommends approving an application by Patrick Patel, agent for Caroline Starling to rezone 0.17 acres out of 13.1 acres located at 1398 Old River Road from AR-1 to B-2 Map# 304 Parcel# 27 in the First District |
| 02 Second Reading | Consideration to approve the Second Reading of an application by Patrick Patel, agent for Caroline Starling to rezone 0.17 acres out of 13.1 acres located at 1398 Old River Road from AR-1 to B-2 Map# 304 Parcel# 27 in the First District |
| 03 Public Hearing | The Planning Board recommends approving an application by Ronald O. Diederich to rezone a 2 acre parcel and an adjacent 6.40 acre parcel located on U.S. Highway 80 from AR-1 to B-2 Map# 329 Parcel# 36, 37 in the First District |
| 04 Second Reading | Consideration to approve the Second Reading of an application by Ronald O. Diederich to rezone a 2 acre parcel and an adjacent 6.40 acre parcel located on U.S. Highway 80 from AR-1 to B-2 Map# 329 Parcel# 36, 37 in the First District |
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<td>07 Public Hearing</td>
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**EFFINGHAM COUNTY BOARD OF COMMISSIONERS**  
**(TENTATIVE) COMMISSION MEETING AGENDA**

Effingham County Administrative Complex  
Commission Meeting Chambers  
601 North Laurel Street, Springfield GA 31329  
**September 15, 2020 – 5:00 PM**  
(Also aired via teleconference  
Dial - **1-650-419-1505** Access Code – **106822973**)

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| **XIV Adjournment** |   |
Staff Report

Subject: Madrac Farms Update
Author: Stephanie D. Johnson
Department: County Administration (Clerk’s office)
Meeting Date: September 15, 2020
Item Description: Discussion of the COVID-19 plan for the Madrac Farms Pumpkin Patch event to be held October 1st – November 15th

Summary Recommendation: Section 42-8 of the Effingham County Code of Ordinances requires: Any gathering or assemblage of persons in any public square or park of the county shall be unlawful without permission previously obtained from the county commission; and any public assemblage or procession in any street, square, or thoroughfare within the corporate limits of the county shall be unlawful without such permission. This item was previously approved by the Board of Commissioners at the July 7, 2020 meeting.

Executive Summary/Background: The property associated to this request is located at 580 Ralph Rahn Road Map# 411 Parcel# 24 lying in the Fourth District. The Board of Commissioners approved to grant an Assemblage Permit to Melissa Reagan to hold a public gathering for the dates indicated above on July 7, 2020 with the following stipulations:
1. Off street parking shall be provided.
2. All COVID-19/CDC guidelines shall be followed, if applicable at the time.

The commission further required the applicant to appear before the board on September 15, 2020 with a plan to comply with the CDC guidelines related to COVID-19.

Alternatives for Commission to Consider:
1. This item is to discuss and receive an update from the applicant. However, should the board require additional information it is within their scope to do so.

Recommended Alternative: Alternative 1

Other Alternatives: N/A

Department Review: County Administration and Development Services

Funding Source: N/A

Attachments:
1. COVID-19 2020 Plan
2. Assemblage Permit (approved 7/7/2020)
Overview

Madrac Farms operates its annual pumpkin patch on approximately 10 acres of farm land, with an additional three-acre parking lot. During the fall season we have seen between 6,000 and 10,000 guests over a six-week period. During the 2019 and 2017 seasons (closed 2018 season), we were only open on the weekends, due to our other full-time jobs. Guests have experienced picking a pumpkin from the vine for almost 10 years at our farm – a totally unique experience for South Georgia. Each year we have expanded the farm to continue to provide this distinct experience for children and their families. Our mission is to help families Make Memories - with an agricultural flare.

Children come here to learn about farming, but they come to have fun too. In addition to growing pumpkins, corn, and other fall vegetables, we have several farm animals that live at the farm year-round. To help encourage learning about agriculture, we have added activities to keep kids entertained while here – a hayride, super slide, corn pit, and playground to name a few. These additions have helped foster the learning of agriculture for children in our area, as well as keep the farm and my family afloat through some difficult times. We hope to keep this tradition alive for many years to come.

Steps to combat the spread of COVID-19

- Open four days of the week, instead of two – to spread out the number of guests for the season
- All employees to wear masks as all sales stations
- Social distancing signs and markers in any areas where lines may form (sales stations)
- Encouraging face masks for guests with signs
- Hand sanitizer at sales stations, slide, playground, restrooms, and goat barn
- Encourage guests to bring their own cutting tools for picking pumpkins
- All tables in the picnic area 6-feet apart
- Encourage guests to bring in their own food and drink
- Hayride shut down due to social distancing rules
- Corn Pit shut down due to social distancing rules
- Face painting will NOT be offered this year

Guests typically spend two hours at the farm, but with us shutting down the hayride and corn pit, and not offering face painting from an outside vendor, we believe this time will be cut down to one hour. On average, we see about 100 guests per hour on the weekends, and 50-75 guests per hour during the week. One hundred people per hour, spread over 10 acres, allows for plenty of social distancing.

Governor Brian Kemp’s current State of Emergency order for Georgia states there is a ban on gatherings of more than 50 people, UNLESS there can be 6-feet between each person or family. With 10 acres of operational space, we believe the farm is outside of this mandate and can operate safely at this time. By expanding our operating days, encouraging social distancing and the wearing of masks, and offering hand sanitizer in all areas of the farm, we feel we can provide a safe and fun, learning experience this 2020 season.
APPLICANT NAME: Melissa Reagan
MAILING ADDRESS: 580 Ralph Rahn Rd, Rincon, GA
PHONE: 912-721-7051
PIN# (FOR SITE LOCATION): Map# 411 Parcel# 24

ASSEMBLAGE PERMIT
Effingham County, Georgia

Permission is hereby granted to Melissa Reagan to hold a public gathering in the County of Effingham on Oct. 1 - Nov. 15 at 9 a.m. - midnight. The gathering is to be held at said location known as Madrac Farms.

DESCRIPTION OF EVENT: Pumpkin Patch, Corn Maze, Hayride, Corn Pit, Slide, Playground, Produce Vendors

SPECIAL CONDITIONS: All Covid/CDC rules will be followed, if applicable at that time.

WILL ALCOHOL BE SERVED DURING THIS EVENT? [ ] YES [ ] NO
WILL FIREARMS BE UTILIZED DURING THIS EVENT? [ ] YES [ ] NO

The information contained in this permit has been submitted to and approved by the Effingham County Board of Commissioners. Any changes in the date, time or location of said assembly shall be approved by the Effingham County Board of Commissioners. This permit is to be carried by the person in charge of the activity and is to be presented upon request.

ZONING ADMINISTRATOR
EFFINGHAM COUNTY

DATE

DATE AUTHORIZED BY
EFFINGHAM COUNTY BOARD OF COMMISSIONERS:

* The applicant is required to appear before the Board of Commissioners on September 15, 2020 prior to start.

* Off street parking shall be provided.

* All COVID-19/CDC guidelines shall be followed, if applicable at the time.

CC: Effingham County Sheriff Department
Effingham County Emergency Medical Services
Volunteer Fire Department
Staff Report

Subject: Amendment to Accessory Building Requirements in Appendix C, Article III, and Article VI of the Code of Ordinances

Author: Teresa Concannon, AICP, County Planner
Department: Development Services
Meeting Date: September 15, 2020

Item Description: Consideration to approve the Second Reading of an amendment to Accessory Building Requirements in Appendix C, Article III, Section 3.3 – Accessory Buildings in residential districts and Article VI, Section 6.2.3 – Accessory Structures

Summary Recommendation: Staff has reviewed Accessory Building Requirements, and recommends approval of the Second Reading of revised ordinance language to remove conflicting and unclear requirements.

Executive Summary/Background:
- Accessory Building Requirements in Appendix C, Article III, Section 3.3 – Accessory Buildings in residential districts and Article VI, Section 6.2.3 – Accessory Structures provide duplicate, conflicting & unclear requirements for the placement of accessory structures in residential districts.
- Development Service staff receive frequent queries about accessory building requirements. More than 75 building permits have been issued for pole barns, storage sheds, and other accessory buildings this year.
- The County Attorney has reviewed and approved the ordinance as to form.

Alternatives for Commission to Consider
1 – Approve the Second Reading of the Amendment to Accessory Building Requirements in Appendix C, Article III, and Article VI.
2 – Take no action.

Recommended Alternative:
Alternative 1

Other Alternatives: N/A

Department Review: Development Services; County Attorney

Funding Source: N/A

Attachments:
1. Appendix C, Article III, Section 3.3 and Section 6.2.3 revision.
STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO PART II, APPENDIX C, ARTICLE III AND
ARTICLE VI OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND PART II, APPENDIX C, ARTICLE III AND ARTICLE VI OF THE EFFINGHAM COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

WHEREAS, Effingham County continues to experience unprecedented growth from new development; and

WHEREAS, it is incumbent upon the County to continue to update, enhance, and improve the County’s Code of Ordinances; and

WHEREAS, the existing language in Article III – General Provisions, Section 3.3 – Accessory Buildings in residential districts and in Article VI – Exceptions and Modifications, Section 6.2.3 Accessory Structures provide duplicate, conflicting & unclear requirements for the placement of accessory structures in residential districts; and

WHEREAS, Board of Commissioners of Effingham County desires to provide consistent and fair guidelines for the development of properties within the County’s jurisdictions; and

NOW THEREFORE, the Board of Commissioners of Effingham County has revised the existing Zoning Ordinance sections regarding the requirements for the construction of Accessory Structures.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

The text of section 3.3 is deleted in its entirety and replaced with the following:

3.3 Accessory Structures in residential districts

Accessory structures in residential districts may be erected in any required court within any side or rear yard provided they conform to the following:

Maximum Height: one and a half story or 15 feet above finished grade in the R and PD-R districts; 35 feet in AR-1 and AR-2 districts
An accessory structure shall not be less than five feet from the rear property line and not less than 10 feet from interior side setback lines.

An accessory structure shall not be less than 10 ft from a principal structure.

The text of section 6.2.3 is deleted in its entirety and replaced with the following:

6.2.3 Accessory Structures

An accessory structure less than 10 feet from a principal structure must be connected thereto by a breezeway or similar structure and will be considered as a component of the principal structure and comply with all yard setbacks for a principal structure.

No more than two accessory structures are allowed on one lot in any R or PD-R district, including a private garage.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ___ day of ____________, 20__.  

BOARD OF COMMISSIONERS, 
EFFINGHAM COUNTY, GEORGIA  

BY: ________________  
Wesley M. Corbitt, Chairman

ATTEST:  
____________________  
Stephanie D. Johnson, County Clerk

FIRST READING ________________

SECOND READING ________________
Staff Report


Author: Charles George, P.E., County Engineer

Department: Development Services

Meeting Date: September 15, 2020

Item Description: Consideration to approve the Second Reading of a new ordinance for Surface Mine Operations – Road Maintenance Requirements, in Appendix C, Article III of the Code of Ordinances.

Summary Recommendation: Staff has developed a new ordinance for Surface Mine Operations - Road Maintenance Requirements, and recommends approval of the Second Reading of the ordinance.

Executive Summary/Background:
- The Board of Commissioners has discussed the need for road maintenance requirements for surface mines, to prevent debris spillage from haul trucks onto county roads.
- Staff met with Commissioners and developed the ordinance establishing road maintenance requirements to ensure public safety.
- The County Attorney has reviewed and approved the ordinance as to form.

Alternatives for Commission to Consider
1 – Approve the Second Reading of a new ordinance on Surface Mine Operations – Road Maintenance Requirements in Appendix C, Article III.
2 – Take no action.

Recommended Alternative:
Alternative 1

Other Alternatives: N/A

Department Review: Development Services; County Attorney

Funding Source: N/A

Attachments:
1. Appendix C, Article III, Section 3.46 Surface Mine Operations – Road Maintenance Requirements
STATE OF GEORGIA
EFFINGHAM COUNTY

AMENDMENT TO ARTICLE III SECTION 3.17
OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE III SECTION 3.17 OF THE EFFINGHAM
COUNTY ZONING ORDINANCE AND TO REPEAL ALL OTHER ORDINANCES IN
CONFLICT HEREWITH.

WHEREAS, Effingham County continues to experience unprecedented growth from new
development; and

WHEREAS, it is incumbent upon the County to continue to update, enhance, and improve the
County’s Code of Ordinances; and

WHEREAS, a new Ordinance needs to be adopted to provide language to require Surface Mine
Operators/Owners to prevent debris spillage onto County Roads due to Surface Mine Operations and
to perform routine maintenance cleaning of the access sections of County Roads due to haul trucks
depositing soils and other deleterious materials at the entrance and adjacent road surfaces used by the
public; and

WHEREAS, the Board of Commissioners of Effingham County desires to provide consistent and
fair guidelines for the development of properties within the County’s jurisdictions; and

NOW THEREFORE, the Board of Commissioners of Effingham County establishes maintenance
of access roads requirements for Surface Mine Operations to ensure public safety.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting
assembled and pursuant to lawful authority thereof:

A new section 3.17.5 Surface Mine Operations – Road Maintenance Requirements, is
inserted, as follows:

Section 3.17.5 – Surface Mine Operations- Road Maintenance Requirements
(a) Definitions
(1) Surface Mine Operations means large commercial or industrial excavations and the
transport of loose sands, clays, silts, dirt, or other bulk-type materials via haul trucks
from an existing or proposed surface mining facility to and from adjacent County roads.
(2) *Surface Mine Operator* means any person, firm, business(s), company(s), or corporation(s) engaged in the excavating, collection, distribution, or hauling of sands, clays, silts, dirt or other bulk-type soil materials.

(b) Standards for Operations

(1) Prevention of contamination, drainage, damage.

a. Violation to Contaminate Roads. Contamination of public roads with mud, dirt or debris from surface mine operations is prohibited. This includes the tracking, spilling, dropping, washing, carrying or dumping of any material, dirt, or mud onto any public road in Effingham County from any vehicle or equipment entering or exiting a surface mine, or any vehicle having previously entered or exited from a surface mine.

b. Contamination of Rights of Way. No surface mine operator shall allow dirt, mud, or other debris resulting from their operations to accumulate upon the right of way of any public road to such an extent that it becomes a nuisance, a hazard to persons travelling upon said roads, or that it creates an unsightly condition upon the public right of way.

c. Interference with Drainage. No surface mine operator, or his transportation partners, customers, etc., shall allow dirt, mud, or other deleterious materials resulting from the surface mine operations, to accumulate in ditches and drainage areas on public rights of way, or on private property, to such an extent that the usual flow of water or run-off is stopped, disturbed, changed, or interrupted.

d. Damage to Public Road. No surface mine operator or his transportation partners, customers, etc., shall damage any portion of a County road or right of way or cause a road to become impassable or unsafe to normal passenger traffic.

e. Clean Up. In the event materials from the haul trucks from the surface mine operations do cause tracking, spilling, dropping, washing, carrying, or dumping of debris and other deleterious material onto any public road in Effingham County, the surface mine operator is to immediately commence with the necessary cleanup of the debris material from the road surfaces and/or drainage systems.

f. Failure to comply with the provisions of this section constitutes a violation of this article.

(c) Enforcement

(1) Violations. Each violation of the requirements of this article shall be punishable by a fine of $300.00. Each day any violation under this article continues shall be considered a separate offense.

(2) Road Ban Order. In the event there is an ongoing violation of the provisions of this article, or if a road is deemed to be unsafe or impassable due to the surface mine operations, the County Manager, or their designee, may issue a road ban requiring all uses of County roads to cease until such time as the operator comes into compliance with this article or the road conditions improve. In the event of inclement weather, a
temporary road ban order may be placed upon the surface mine operator if the public road is unsafe or impassable by designation of the County Manager or their designee.

(3) Withholding Future Permits. The County will not accept or approve additional notifications or issue permits where a company, firm, or individual has an unresolved violation or has received notice of violation, until the violation has been addressed to the satisfaction of the County. The firm may submit a corrective action plan with a timeline to complete or remediate any violations or payment of any and all fines. The County Manager or their designee will determine if subsequent permits shall be authorized if a violation is pending.

(4) In addition to, or in lieu of, any other civil remedy, the County may seek civil fines in Effingham County Magistrate, State, or Superior Court up to the maximum amounts authorized by this article for any violations.

(d) Minimum Requirements for Operating a Surface Mine Using a County Road Access

(1) Entrance drive/road into surface mine property is to be paved from edge of existing road (paved or unpaved) to County right of way or to radius point. Pavement is to be at minimum 8” thick graded aggregate base course with 3” thick asphalt surface course.

(2) Pavement section is to be 24 ft minimum width at County right of way, with a 30 ft radius on each side.

a. Figure 1 of this section illustrates the surface mine entrance road requirements.

\[ Figure 1 \text{ Surface Mine Entrance Road Requirements} \]

(3) A driveway culvert is to be installed if the right of way contains a roadside ditch or drainage swale, to allow for the continuation of drainage control along the right of way.
(4) The surface mine operator must install a sign facing the County road. The sign will include the following information:
   a. Surface mine company name
   b. Surface mine company phone number
   c. Surface mine’s EPD permit number

(5) “Trucks Entering Road” signs are also to be installed at locations to be determined by the County Engineer. A “Stop” sign is to be placed in the right of way to control trucks entering a County road from the surface mine operation.

(6) Surface mine operator to maintain and keep clean the paved section within the County right of way, and the immediate area of the County road at the surface mine entrance.

(7) Access into the surface mine property is to be secured with a locked gate that prevents access during non-business hours.

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

This ___ day of ____________, 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

BY: ________________________________
CHAIRMAN

ATTEST:

___________________________
STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK

FIRST READING ________________
SECOND READING ________________
Staff Report

Subject: Rezoning Application from AR-1/R-1 to I-1
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: September 15, 2020
Item Description: Consideration to approve an application for re-zoning by Kern Coleman Co, agent for Old Pines LLC consisting of 741.6 acres, on Old Augusta Road owned by Old Pines, LLC from AR-1 and R-1 to I-1

Background
On July 27, 2020, an application was submitted to the Planning Board by Old Pines LLC for re-zoning of 741.6 acres to I-1 Heavy Industrial of two parcels: Parcel No. 15 (Map No. 477) currently zoned AR-1 and Parcel No. 6 (Map No. 465) currently zoned R-1 bounded by Old Augusta Road and Chimney Road. County staff recommended approval of the re-zoning request with provided the following stipulations:

1. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual, and Chapter 34 - Flood Damage Prevention.
2. All wetland impacts must be approved and permitted by USACE, and the Approved Jurisdictional Determination must be submitted during the development plan review process.
3. Development plans must meet the requirements of Section 5.12 I-1 Industrial Districts.
4. A traffic study must be submitted during the development plan review process, per Effingham County Traffic Study Requirements.
5. A site plan must be submitted before construction, showing the final layout of all buildings and roads, and the distance from all buildings to neighboring subdivisions.
6. Businesses operating in the development must comply with Section 30-37 Sound Level Limitations
7. All trucks serving businesses in the development must comply with Section 74-8 Designated Truck Routes.
8. Access to Goshen Road Extension is restricted for use only as a temporary construction entrance, until the main road is in place.
9. The 300’ buffer between industrial and residential zoning districts must maintain existing trees and shrubs, include additional landscaping required by Section 3.4 Buffers, and include a berm or fence to screen neighboring residential areas from directional light generated inside the development.
10. No operating traffic resulting from this development is permitted onto Chimney Road or Goshen Road Extension.

During the Planning Board Public Hearing, numerous comments were heard from citizens in attendance in opposition to the re-zoning in regards to traffic, noise, lights, use of the property,
concerns of de-valuation of residential property, etc. After the public hearing comments were heard, the Planning Board voted to deny the re-zoning application.

At the August 18, 2020 Board of Commissioners meeting, County Staff presented the re-zoning application to Commissioners with the staff’s recommendation of approval and the Planning Board’s recommendation for denial. After deliberation by the commissioners and comment’s received from the public, the Commissioners voted to table the application to the September 15, 2020 Board of Commissioner’s meeting with instruction to the County staff to review the application and the comments received during the meeting to develop conditions to the application for consideration by the Board.

Staff Recommendation:
At the direction of the Board of Commissioners of Effingham County at the August 18, 2020 meeting, and based on the comments presented by the citizens of Effingham County at that meeting, the County Staff has developed specific conditions to be presented to the Board of Commissioners for their consideration.

As you are aware, the Official Code of Effingham County, Georgia, Appendix C- Zoning, Article 3.7A.1 states “in deciding any application for an amendment to the zoning classification of a parcel of property or to the zoning map, the Board of Commissioners may, on their own motion or upon the recommendation of the planning Board or the zoning administrator, grant the application subject to certain conditions deemed necessary by the Board to promote & protect the health, safety, morality, and welfare of the County and to further the purposes of this ordinance. Such provisions shall be imposed for the benefit of the community to prevent or lessen any negative impact expected to result from the zoning reclassification or zoning map amendment.

Further, Article 3.7A.2 states” Conditions that may be adopted include, but are not limited to, conditions as to buffers, preservation of existing vegetation and tree cover, maximum density and/or number of lots, minimum lot size setback restrictions and property use restrictions. Such restrictions shall be binding upon the applicant and any successors in title.”

As stated above, Effingham County staff recommends the following Conditions to be considered based on the comments and concerns presented by the citizens at the public hearing held on August 18, 2020:

1. TRAFFIC – There shall be no entrance or exit from the property being rezoned on to Chimney Road. Only personal vehicles are allowed to use Goshen Road Extension for entering and exiting the facility. The entrance to the facility from Goshen Road Extension shall be designed to prevent access of all trucks including but not limited to, delivery trucks, box trucks, container trucks, and trucks pulling tractor trailers. Emergency vehicles shall be allowed to enter and exit the property from Goshen Road Extension.
A Traffic Study shall be submitted during the development plan review process pursuant to Effingham County’s Traffic Study requirements.

All trucks serving the business in the development shall comply with Official Code of Effingham County, Georgia, Chapter 74, Section 74-8 “Designated Truck Routes”.

2. SAFETY- The truck entrance to the property shall be located on Old Augusta Road. In order to address the dangers presented by the development’s truck traffic parking or staging/queuing on Old Augusta Road, a dedicated 12 foot wide paved entrance lane for purposes of truck staging/queuing shall be located within the property boundary lines. No trucks or any other vehicles are allowed to queue on Old Augusta Road.

8 foot high minimum chain-link security fencing shall be installed on the perimeter of each truck court.

3. VISUAL – Buildings on the property are to have building height restrictions consisting of maximum heights no greater than 50 foot above the finished floor elevation.

A 300 foot buffer consisting of a 250 foot natural buffer with a 50 foot wide by 12 foot high earthen berm with vegetation on the property bordering on Chimney Road. Property Owner/Applicant and its successors and assigns shall perpetually maintain the earthen berm and vegetation.

Buildings on the northern side of the property shall be oriented such that loading dock doors do not face Chimney Road.

4. NOISE – Facility operations shall be in compliance with Official Code of Effingham County, Georgia, Chapter 30, Article I, Section 30-36 and Section 30-37, with maximum decibel levels between the hours of 7:00 a.m. and 9:00 p.m. not in excess of 70 decibels as measured at the outward most edge of the required 300 foot buffer on Chimney Road (70 decibels is the specified limits designated for commercial business, 60 for residential). In addition, between the hours of 9:00 PM and 7:00 AM, the decibel levels at the outward edge of the 300 foot buffer shall not exceed 60 decibels.

Property Owner/Applicant shall perform a noise attenuation and abatement study during the design development phase to validate the effectiveness of the 300 foot vegetated buffer and berm system proposed by the Property Owner/Applicant to attenuate noises to the above specified limit. Study shall be provided to Effingham County’s Director of Development Services for approval during the design review process.

5. LIGHTS – Overhead lighting shall be in accordance with the Official Code of Effingham County, Georgia, Article 5.12.4.4. Direct glare from incandescent exposed lighting shall not be visible from adjoining streets or properties. All exterior lighting shall be downward facing and shielded.
All exterior lighting shall be attached to sides of buildings or pole mounted lights that do not exceed 26 feet in height. Property Owner/Applicant shall provide a photometric plan with the design review application to verify the light levels generated from the development at the outward most edge of the required 300 foot buffer on Chimney Road do not exceed 0.01 footcandles (this is the equivalent as the illumination as a full moon).

6. USES – The rezoning of the property is conditioned on the property being used for Warehousing or the permitted uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1 – LI – Light Industrial. No other uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1A – “HI – Heavy Industrial” or Article 5.12.1B “HI-Heavy Industrial conditional uses” shall be allowed.

7. SIGNAGE – All traffic directional signage shall be in accordance with the Official Code of Effingham County, Georgia, Chapter 62, Article II, Section 62-33 and Appendix C, Article III, Paragraph 3.38, and public roadway signage shall be limited to placement on Old Augusta Road only. Signage shall indicate that truck traffic from the facility shall use designated Truck Route – Old Augusta Road Only. A monument-type sign on Old Augusta Road identifying the facility is allowed but is to be submitted to Effingham County Development Services for approval and recommendation to the Board of Commissioners.

8. DESIGN – Site Development Plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management local Design Manual and Chapter 34- Flood Damage Prevention.

   All wetland impacts shall be approved and permitted by USACE, and the approved Jurisdictional Determination shall be submitted during the development plan review process.

   A site plan shall be submitted prior to construction showing the final layout of all buildings and roads, and the distance from all buildings to neighboring properties.

The conditions enumerated above are in addition to all other applicable requirements found in the Official Code of Effingham County, Georgia, state laws, and federal laws.

Failure to comply with any of the Conditions for approval of the subject property at any time may result in the following:

   a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocations of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, Owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of subject property, the Revocation of any concurrency; and/or

   b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, and/or any other zoning approval; and/or
c. A requirement of the development to conform with the standards found in the Code of Effingham County at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
d. Referral to Code Enforcement.

Alternatives for Commission to Consider:
1. To approve the request for rezoning and remove the conditions that were previously recommended to the Board on August 18th, 2020 and accept the staff’s recommendation of the new Conditions presented.

2. Keep the recommendations from Staff as previously presented on August 18 and reject the new recommendations as presented.

3. Reject the previous recommendations of conditions and reject the new recommendations presented today.

Recommended Alternative:
Approve Alternate 1.

Other Alternatives:
Take no action.

Department Review: Engineering

Funding Source: None

Attachments:
1. Rezoning Application
2. Georgia Ports Authority Email
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant  Kern & Co., LLC - Chad Zittrouer

Property owner(s)  Old Pines, LLC

Telephone Number  (912) 354-8400

Mailing Address  P O Box 15179 - Savannah, GA 31416

Property location  Old Augusta Road

Present zoning  AR-1 / R-1

Proposed zoning  I-1

Present land-use  Agricultural / Forestry

Proposed land-use  Warehouse / Distribution

Tax Map #  465-6 / 477-15  Parcel #  Lot #

Total Acres  741.6  Acres to be rezoned  741.6

Lot characteristics

Water  Effingham County  Sewer  Effingham County

Proposed access  Old Augusta Road

Justification  Similar uses south and east of the property, restricted to Old Augusta truck access.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North  AR-1

South  I-1

East  AR-1

West  PD
1. Describe the current use of the property you wish to rezone.
   
   Agricultural / Forestry

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?
   
   No, industrial growth is occurring in the nearby area and the adjacent Old Augusta Road has been improved for industrial traffic

3. Describe the use that you propose to make of the land after rezoning.
   
   Warehouse/Distribution

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   
   Agricultural / Forestry

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?
   
   Substantial buffers and preservation areas along with access to Old Augusta Road

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
   
   Old Augusta Road was constructed with the intent of industrial development along the roadway. Minimal water-sewer demand and minimal impact on schools.
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 1/7/2019, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2505 page 602-604.

Owner’s signature

Owner’s signature

Owner’s signature

4
STATE OF GEORGIA  
COUNTY OF EFFINGHAM  

LIMITED WARRANTY DEED  
(NO TITLE SEARCH PERFORMED)  

KNOW ALL MEN BY THESE PRESENTS THAT, NECKENIG LAND COMPANY, LLC, herein referred to as Grantor, for and in consideration of the sum of FIVE AND 00/100 ($5.00) DOLLARS AND NO OTHER CONSIDERATION to it paid by OLD PINES, LLC, a South Carolina limited liability company, hereinafter referred to as Grantee, in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, subject to the rights, easements and restrictions hereafter set out or reserved in the deed unto OLD PINES, LLC, its successors and assigns forever, the following described property:

SEE EXHIBIT “A” ATTACHED HERETO  
AND INCORPORATED HEREIN BY REFERENCE

Less and excepting: All that certain lot, tract or parcel of land containing 49.60 acres, more or less, being conveyed to Coastal Water Company, Inc. by Deed recorded April 27, 1993 with the Effingham County Clerk's Office In Book 331 at Page 113.

This being the identical property conveyed to Neckenig Land Company, LLC by deed of Hansjoachim Neckenig as Trustee of Trust under agreement with Hansjoachim Neckenig as Grantor dated April 16, 1999, as amended (also known as the “Qualified Domestic Trust Agreement”), recorded August 18, 2016 in the Office of the Clerk of Superior Court for Effingham County in Book 2362 at Page 314.

Parcel Number: 04650006

Grantee Address: C. Lamar Comalender  
c/o Milliken Forestry Company, Inc.  
245 Stoneridge Drive  
Columbia, SC 29210

This conveyance is made subject to any and all existing reservations, easements, rights of way, zoning ordinances, setback lines, and restrictions or protective covenants that may appear of record, on the recorded plat(s), or on the premises.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto OLD PINES, LLC, its successors or assigns forever. The Grantor’s successors and assigns do warrant and forever defend all and singular said premises unto the said Grantee, its successors or assigns, against Grantor and Grantor’s successors or assigns lawfully claiming or to claim the same or any part thereof, but to no others.
WITNESS Hand and Seal this 13th day of December, in the year of our Lord 2018.

Signed, Sealed and Delivered in the Presence of:

Witness 1

Witness 2/Notary

NECKENIG LAND COMPANY, LLC

By:

COUNTRY/STATE OF SC

COUNTY/PROVINCE OF Lexington

ACKNOWLEDGMENT

I, the undersigned Notary Public for the aforementioned State, do hereby certify that the within named Grantor(s) personally appeared before me, and having satisfactorily proven to be the person(s) whose name(s) is/are subscribed above, has/have acknowledged the due execution of the within Deed.

SWORN to before me this 13th day of December, 2018

Notary Public
My Commission Expires: 7/18/22
GOSHAN TRACT:

All that certain lot, tract or parcel of land situated, lying and being in the 9th G. M. District of Effingham County, Georgia, containing 650.0 acres, more or less, being irregular in shape, more particularly described as follows:

Commencing at a point formed by the intersection of the Northern eight-of-way line of the North bound line of Georgia Highway No. 21 with the Southeastern eight-of-way line of Chimney Road, then proceeding Northeastwardly along the Southeastern eight-of-way line of Chimney Road for a distance of 1800 feet by its intersection with the Northeastern corner of Parcel 1 of the John W. Chandler Trust which is the point of beginning, then proceeding Southwesterly along the Southeastern eight-of-way of Line Chimney Road to a point formed by its intersection with the Western boundary line of Old Augusta Road, then proceeding Southwesterly along the Western eight-of-way line of Old Augusta Road to a point formed by its intersection with the Northern boundary line of lands now or formerly owned by Union Gap Corporation, then proceeding westerly along the Northern boundary line of lands now or formerly owned by Union Gap Corporation to its Northeastern corner formed by its intersection with lands owned by the Grantee, then proceeding Southwesterly along the Western boundary line of lands now or formerly owned by Union Gap Corporation to its Southeastern corner formed by its intersection with the Southern boundary line of lands now or formerly owned by Union Gap Corporation, then proceeding Southeastwesterly along the Southern boundary line of lands now or formerly owned by Union Gap Corporation to a corner formed by its intersection with the Western boundary line of lands now or formerly owned by Enea Alkons, then proceeding Southwesterly along the Western boundary line of lands now or formerly owned by Enea Alkons to a corner formed by its intersection with the Southern boundary line of lands now or formerly owned by Enea Alkons, then proceeding Southwesterly along the boundary line of lands now or formerly owned by Enea Alkons to a corner formed by its intersection with the Southern boundary line of lands now or formerly owned by Twenty-One Centre, a General Partnership, then proceeding North 57 degrees 30 minutes West along an eight-of-way line being the Northeastern boundary line of lands owned by Twenty-One Centre, a General Partnership and County the Grantor a distance of 996.01 feet to a corner formed by its intersection with the Southeastern boundary line of Twenty-One Centre, then proceeding North 59 degrees 39 minutes 13 seconds West along a line a distance to a point on that line from said point in a Northeast direction to the Southeastern corner of Parcel 2 of the John W. Chandler Trust shall cause the property herein described to contain 650.0 acres, then proceeding from said point Northeastwardly to a point formed by its intersection with the Southeastern corner of Parcel 2 of the John W. Chandler Trust, then proceeding Northeastwardly along the Northeastern boundary line of Parcel 1 and 2 of the John W. Chandler Trust to the point of beginning.

The property hereinbefore described containing 650.0 acres, more or less, is bounded on the East by Old Augusta Road, by lands now or formerly owned by Union Gap Corporation and by lands now or formerly owned by Enea Alkons and further on the East by Old Augusta Road, on the Southeast by Tract 2 and 4 of the John W. Chandler Trust, and further, on the Southeast by lands now or formerly owned by Twenty-One Centre, a General Partnership, by lands of the Grantor and by Parcel 1 and 2 of the John W. Chandler Trust, and on the Northwest by Chimney Road.

EXHIBIT "A"
STATE OF GEORGIA
COUNTY OF EFFINGHAM

LIMITED WARRANTY DEED
(NO TITLE SEARCH PERFORMED)

KNOW ALL MEN BY THESE PRESENTS THAT, NECKENIG LAND COMPANY, LLC, herein referred to as Grantor, for and in consideration of the sum of FIVE AND 00/100 ($5.00) DOLLARS AND NO OTHER CONSIDERATION to it paid by OLD PINES, LLC, a South Carolina limited liability company, hereinafter referred to as Grantee, in the State aforesaid, the receipt of which is hereby acknowledged, has granted, bargained, sold and released, subject to the rights, easements and restrictions hereinafter set out or reserved in the deed unto OLD PINES, LLC, its successors and assigns forever, the following described property:

SEE EXHIBIT "A" ATTACHED HERETO
AND INCORPORATED HEREBY BY REFERENCE

Less and excepting: All that certain lot, tract or parcel of land containing 49.60 acres, more or less, being conveyed to Coastal Water Company, Inc. by Deed recorded April 27, 1993 with the Effingham County Clerk’s Office In Book 331 at Page 113.

This being the identical property conveyed to Neckenig Land Company, LLC by deed of Hansjoachim Neckenig as Trustee of Trust under agreement with Hansjoachim Neckenig as Grantor dated April 16, 1998, as amended (also known as the “Qualified Domestic Trust Agreement), recorded August 18, 2016 in the Office of the Clerk of Superior Court for Effingham County in Book 2362 at Page 314.

Parcel Number: 04650006

Grantee Address: C. Lamar Comalender
c/o Milliken Forestry Company, Inc.
245 Stoneridge Drive
Columbia, SC 29210

This conveyance is made subject to any and all existing reservations, easements, rights of way, zoning ordinances, setback lines, and restrictions or protective covenants that may appear of record, on the recorded plat(s), or on the premises.

TOGETHER with all and singular, the rights, members, hereditaments and appurtenances to the said premises belonging or in anywise incident or appertaining; to have and to hold all and singular the premises before mentioned unto OLD PINES, LLC, its successors or assigns forever. The Grantor’s successors and assigns do warrant and forever defend all and singular said premises unto the said Grantee, its successors or assigns, against Grantor and Grantor’s successors or assigns lawfully claiming or to claim the same or any part thereof, but to no others.
WITNESS Hand and Seal this 13 day of December, in the year of our Lord 2018.

Signed, Sealed and Delivered in the Presence of:

Witness 1

Witness 2/Notary

NECKENIG LAND COMPANY, LLC

By:

COUNTRY/STATE OF SC

COUNTY/PROVINCE OF Lexington

ACKNOWLEDGMENT

I, the undersigned Notary Public for the aforementioned State, do hereby certify that the within named Grantor(s) personally appeared before me, and having satisfactorily proven to be the person(s) whose name(s) is/are subscribed above, has/have acknowledged the due execution of the within Deed.

SWORN to before me this 13 day of December, 2018

Notary Public
My Commission Expires: 7/18/21
GOSHAN TRACT:

All that certain lot, tract or parcel of land situated, lying and being in the 9th 0
W. District, Effingham County, Georgia, containing 650.0 acres, more or less, being
irregular in shape more particularly described as follows:

Commencing at a point formed by the intersection of the Northern right-of-way line of
the North bound lane of Georgia Highway No. 21 with the Southwestern right-of-way line
of Chimney Road, then proceeding Northwesterly along the Southwestern right-of-way
line of Chimney Road to a point formed by its intersection with the Northwestern
corner of Parcel 1 of the John W. Chandler Tract which is the point of beginning, then
proceeding Northwesterly along the Southwestern right-of-way of the Chimney Road to
a point formed by its intersection with the Western boundary line of Old Augusta Road,
then proceeding Southwesterly along the Western right-of-way line of Old Augusta Road to
a point formed by its intersection with the Northern boundary line of lands now or formerly
owned by Union Camp Corporation, then proceeding westerly along the Northern
boundary line of lands now or formerly owned by Union Camp Corporation to its
Northwestern corner formed by its intersection with lands owned by the Grantor, then
proceeding Southwesterly along the Western boundary line of lands now or formerly
owned by Union Camp Corporation to its Southwestern corner formed by its intersection with
the Southern boundary line of lands now or formerly owned by Union Camp Corporation,
then proceeding Southwesterly along the Southern boundary line of lands now or
formerly owned by Union Camp Corporation to a corner formed by its intersection with the
Western boundary line of lands now or formerly owned by Anna Alkna, then
proceeding Southwesterly along the Western boundary line of lands now or formerly owned by
Anna Alkna to a corner formed by its intersection with the Southern boundary line of
lands now or formerly owned by Anna Alkna, then proceeding Southwesterly along the
boundary line of lands now or formerly owned by Anna Alkna to a corner formed by its
intersection with the Western right-of-way line of Old Augusta Road, then
proceeding Southwesterly along the Western right-of-way line of Old Augusta Road to
a point formed by its intersection with the Northern boundary line of Tract 4 of the
G. C. Kelsey Estate, then proceeding Southwesterly along the Southeastern right-of-way line of
Tract 3 of the G. C. Kelsey Estate to a corner formed by its intersection with the
Southeastern boundary line of Tract 1 of the G. C. Kelsey Estate, then
proceeding Southwesterly along the Southeastern boundary line of Tract 1 of the
G. C. Kelsey Estate to a corner formed by its intersection with the
Southeastern boundary line of property owned by Twenty-One Centre, a General Partnership, then
proceeding Southwesterly, 57 degrees 35 minutes 50 seconds West along a line being the
Northeastern boundary line of lands owned by Twenty-One Centre, a General Partnership
and lands of the Grantor a distance of 199.01 to a corner formed by its intersection with a
point on lands owned by the Grantor, then proceeding Southwesterly, 15 degrees 13
minutes 15 seconds East along a line a distance to a point so that an
extension thereof from said point in a Northwest direction to the Southeastern corner of Parcel
2 of the John W. Chandler Tract shall cause the property herein described to contain
650.0 acres, then proceeding from said point Northwesterly to a point formed by its
intersection with the Southwestern corner of Parcel 2 of the John W. Chandler Tract,
then proceeding Northwesterly along the Northeastern boundary line of Parcel 1 and
2 of the John W. Chandler Tract to the point of beginning.

The property hereinbefore described containing 650.0 acres, more or less, is bounded on
the East by Old Augusta Road, by lands now or formerly owned by Union Camp Corporation
and by lands now or formerly owned by Anna Alkna and further on the East by Old
Augusta Road, on the Northeast by Tracts 2 and 4 of the G. C. Kelsey Estate, and
further, on the Southwest by lands now or formerly owned by Twenty-One Centre, a
General Partnership, by lands of the Grantor and by Parcels 1 and 2 of the John W.
Chandler Tract, and on the Northwest by Chimney Road.

EXHIBIT "A"
Developments of Regional Impact

DRI #3130

DEVELOPMENT OF REGIONAL IMPACT
Initial DRI Information

This form is to be completed by the city or county government to provide basic project information that will allow the DRC to determine if the project appears to meet or exceed applicable DRI thresholds. Refer to both the Rules for the DRI Process and the DRI Tiers and Thresholds for more information.

Local Government Information

Submitting Local Government: Effingham
Individual completing form: Teresa Concannon
Telephone: 912-754-8063
Email: tconcannon@effinghamcounty.org

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project: Old Augusta Industrial Park
Location (Street Address, City, State, Zip Code): Old Augusta Road S 12° 19' N 81 D 11' 25' W
GMS Coordinates, or Legal Land Lot Description:

Brief Description of Project: Approximately 4,500,000 SF Warehouse Development with associated infrastructure improvements

Development Type:
- [ ] Hotels
- [ ] Mixed Use
- [ ] Petroleum Storage Facilities
- [ ] Wastewater Treatment Facilities
- [ ] Commercial
- [ ] Airports
- [ ] Water Supply Intakes/Reservoirs
- [ ] Wholesale & Distribution
- [ ] Migrations & Recreational Facilities
- [ ] Multimodal Terminals
- [ ] Hospitals and Health Care Facilities
- [ ] Post-Secondary Schools
- [ ] Truck Stops
- [ ] Housing
- [ ] Waste Handling Facilities
- [ ] Any other development types
- [ ] Industrial
- [ ] Quarries, Asphalts & Cement Plants
- [ ] Other

Project Size (8 of units, feet, area, etc.): Approximately 4,500,000 SF Warehouse / Distribution

Developer: Old Augusta Land Company, LLC
Mailing Address: PO Box 1628
City/Springfield, State: GA Zip: 31339
Telephone: 912-657-7377
Email: wilson@georgiaprospectscompany.com

Is property owner different from developer(s)?
- [ ] Yes
- [ ] No

If yes, property owner:
- [ ] Old Pines, LLC

Is proposed project entirely located within your local government's jurisdiction?
- [ ] Yes
- [ ] No

If no, in what additional jurisdictions is the project located?
- [ ] Yes
- [ ] No
Is the current proposal a continuation or expansion of a previous DRI?
If yes, provide the following information:

- Project Name:
- Project ID:
- The initial action being requested of the local government for this project:
  - [ ] Variance
  - [ ] Allowance
  - [ ] Rezoning
  - [ ] Permits
  - [ ] Other

Is this project a phase or part of a larger overall project?
If yes, what percent of the overall project does this project/phase represent?

- Estimated Project Completion Date: Overall project: 2024
- Estimated Project Completion Date: This project/phase: 2024
Developments of Regional Impact

DRI #3130

DEVELOPMENT OF REGIONAL IMPACT
Additional DRI Information

This form is to be completed by the city or county government to provide information needed by the RDC for its review of the proposed DRI. Refer to both the Rules for the DRI Process and the DRI Tiers and Thresholds for more information.

Local Government Information

Submitter/Loc. Government: Effingham
Individual completing form: Teresa Concanon
Telephone: 912-574-6063
Email: tconcanon@effinghamcounty.org

Project Information

Name of Proposed Project: Old Augusta Industrial Park
DRI ID Number: 3130
Developer/Project: Old Augusta Landle Company, LLC
Telephone: 912-577-7377
Email(s): wilson@oldaugustalandco.com

Additional Information Requested

Has the RDC identified any additional information required in order to proceed with the official regional review process? (If no, proceed to Economic Impacts.)

- [ ] Yes
- [ ] No

If yes, has that additional information been provided to your RDC and, if applicable, GRTA?

- [ ] Yes
- [ ] No

If no, the official review process can not start until this additional information is provided.

Economic Development

Estimated Value at Build-Out: $400,000,000

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development: $4,846,000

- [ ] Yes
- [ ] No

Is the regional workforce sufficient to fill the demand created by the proposed project?

- [ ] Yes
- [ ] No

Will this development displace any existing uses?

- [ ] Yes
- [ ] No

If yes, please describe (including number of units, square feet, etc):

Water Supply

Name of water supply provider for this site: Effingham County

What is the estimated water supply demand to be generated by the project, measured in Millions of Gallons Per Day (MGD)? 0.075

http://apps.dca.ga.gov/DRI/AdditionalForm.aspx?driid=3130
DRI Additional Information Form

Old Business 04
September 15, 2020

Old Business 04
September 15, 2020

Wastewater Disposal

Name of wastewater treatment provider for this site:
Effingham County

What is the estimated sewage flow to be generated by the project, measured in Millions of Gallons Per Day (MGD)?
0.073

Is sufficient wastewater treatment capacity available to serve this proposed project?
O (not selected) Yes No

If no, describe any plans to expand existing wastewater treatment capacity:

Is a sewer line extension required to serve this project?
O (not selected) Yes No

If yes, how much additional line (in miles) will be required? 0.5 miles

Land Transportation

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day? (If only an alternative measure of volume is available, please provide.)
AM Peak - 4,600; PM Peak 4,850

Has a traffic study been performed to determine whether or not transportation or access improvements will be needed to serve this project?
O (not selected) Yes No

Are transportation improvements needed to serve this project?
O (not selected) Yes No

If yes, please describe below: Access/Decol & Dedicated left turn lane

Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?
<6,000 tons

Is sufficient landfill capacity available to serve this proposed project?
O (not selected) Yes No

If no, describe any plans to expand existing landfill capacity:

Will any hazardous waste be generated by the development?
O (not selected) Yes No

If yes, please explain:

Stormwater Management

What percentage of the site is projected to be impervious surface once the proposed development has been constructed?

Describe any measures proposed (such as buffers, detention or retention ponds, pervious parking areas) to mitigate the project's impacts on stormwater management. Preserved buffers and wetlands areas, as well as stormwater detention facilities.

Environmental Quality

Is the development located within, or likely to affect any of the following:

http://apps.dca.ga.gov/DRI/AdditionalForm.aspx?drid=3130

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7/22/2020
### Old Business 04

September 15, 2020

<table>
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<td>6. Floodplains?</td>
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<tr>
<td>7. Historic resources?</td>
<td></td>
</tr>
<tr>
<td>8. Other environmentally sensitive resources?</td>
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</table>

If you answered yes to any question above, describe how the identified resource(s) may be affected.

County ordinances for Flood Damage Prevention, as well as Wetlands Protection, will be followed to mitigate any impact to the affected wetlands and floodplains.

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Teresa Concannon

From: scott.macpherson <inspector151s@yahoo.com>
Sent: Monday, July 20, 2020 10:49 AM
To: Teresa Concannon
Subject: EXTERNAL:Re: Old Augusta Rd rezoning

Dear, Mayor, Council, Zoning Commissioners and County Officials,

My name is Scott MacPherson, I am a long time Resident at 349 Chimney Road. The purpose of this email is to express the effects of the re-zoning of 741.6 acres from R-1 to I-1 (residential to Industrial).

First and foremost, I am not opposed to the re-zoning, in fact I personally think this is a safe alternative to the unknown product of a residential neighborhood. I am respectfully requesting that Effingham County Planners and elected official help protect and preserve Chimney Road during the approval process.

After review of the concept;

1. Please set conditions on the 300’ buffer to mandate that the buffer remains UNDISTURBED to preserve the natural tree buffer and it's undergrowth. (this will help with noise, appearance and maintain Chimney Road’s natural and attractive road.
2. Also please consider setting conditions that traffic will NEVER be permitted to have access to Chimney Road in the future.

Additionally;

1. I recommend Chimney Road's GVWR (gross vehicle weight rating) be limited to prohibit tractor trailer travel and signage posted (Chimney and 21 intersection is not safe for additional traffic).
2. Please consider limiting the warehouse use to "storage / shipping & receiving only" vs "manufacturing" (manufacturing is a whole different product that is also industrial but that is not the type of development that Effingham needs... manufacturing is more noise, odor, smoke discharge etc... we don't need to smell like Garden City).

I personally feel that this proposed development is the best case scenario for Chimney Road residents and also for Effingham County. A potential residential development would generate the need for additional County employees, budget, benefits and first responder’s, vehicles and equipment. The crime, medical calls and nuisance complaints will far exceed that of an Industrial development.

Finally, I respectfully request this re-zoning to be APPROVED with the conditions listed above and protections put in place to segregate and protect the existing residential, safe, family surroundings of Chimney Road and other neighborhoods affected.

Thank you for your consideration and feel free to share and distribute this email. If needed, I can be contacted at 912-414-2419.

Respectfully,

Scott MacPherson
349 Chimney Road
Rincon Ga, 31326

On Thursday, July 16, 2020, 01:20:26 PM EDT, Scott MacPherson <inspector151s@yahoo.com> wrote:
Received, thank you!

I will look it over and send you an email that maybe you can attach for planning and counsel to consider.

Thanks again, you've been very informative and helpful 😊

Sent from my iPhone

On Jul 16, 2020, at 11:30 AM, Teresa Concannon <TConcannon@effinghamcounty.org> wrote:

Here is the rezoning application, location map, and concept drawing. Please let me know if you have additional questions.

Teresa

<image001.png>

This e-mail is for the sole use of the intended recipient(s) and may contain confidential or privileged information. Any unauthorized review, use, distribution or disclosure is prohibited. If you are not the intended recipient, please reply to the sender and destroy all original copies of this message.

<11a. Kern - Property Exhibit 7-1-20.pdf>

**** This is an EXTERNAL email. Please do not click on a link or open ANY attachments unless you are confident it is from a trusted source and you are expecting this email. *****
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(Note: Not to be used on legal documents)
DEVELOPMENT OF REGIONAL IMPACT REPORT

Prepared for
Effingham County, Georgia
DRI #3130
Old Augusta Industrial Park
July 23, 2020

Prepared by:
Coastal Regional Commission
1181 Coastal Dr. SW
Darien, GA
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1. APPLICATION INFORMATION

1.1 Jurisdiction
Effingham County, Georgia
DRI # 3130
Old Augusta Industrial Park

1.2 Applicant
Old Augusta Land Company, LLC
P.O. Box 1628, Springfield, GA 31329
wilson@georgiaexportscompany.com
912-657-7377

2. PROJECT DESCRIPTION

2.1 Summary
The DRI submittal involves the construction of nine warehouse facilities, totaling approximately 4.5 million square foot of warehouse space. The proposed project also includes associated infrastructure improvements.

According to the DRI submittal, the estimated value at build out is $400 million. The project is projected to generate $4,848,000 in estimated annual local tax revenues.

3. PARCEL DATA

3.1 Size of Property
The project size has a total site acreage of 740.76.

3.2 General Location
The property is located in the Southeast Georgia region, referred to as the Coastal Region, consisting of ten counties and thirty-five communities. Effingham County is in the northern part of the coastal region, northwest of Savannah.

The DRI project is located along Old August Road, east of GA-21 in Effingham County, GA.

The subject property is located in the Effingham County, Georgia.

According to the United States Census Bureau, the 2019 population of Effingham County was estimated to be 64,296.
4. LAND USE INFORMATION

4.1 Site Map
The site plan for use of the property is attached.

4.2 Built Features
The project site is currently vacant.

4.3 Future Development Map Designation (Character Area)
According to the Effingham County Future Land Use Map from their Comprehensive Plan, the project site is currently located in an Agriculture area. The project site is transitioning to Industrial.

The DRI area to be transitioned to Industrial, shown in purple, is within close proximity to the GA-21/I-95 Interchange.

The Industrial area category in Effingham County, GA is for land dedicated to manufacturing facilities, processing plants, factories, warehousing and wholesale trade facilities, mining or mineral extraction activities, or other similar uses.

Future Zoning Consideration: I-1 – Heavy Industrial

4.4 Zoning District
According to Effingham County, the property is currently zoned AR-1 Agriculture for parcel 477-15 (east side of project area at Old Augusta Road) and zoned R-1 Residential for parcel 465-6 (west side of project area at Chimney Road). The proposed zoning for the DRI site is I-1 for Heavy Industrial.

5. CONSISTENCY AND COMPATIBILITY ANALYSIS

5.1 Consistency with the Comprehensive Plan
The Effingham County Comprehensive Plan was adopted in 2019. The Future Land Use Map designates the DRI property for Agriculture.

The proposed development type for the DRI site is designated as Industrial.

The applicant’s DRI submittal for the Old Augusta Industrial Park differs from the Future Land Use Map as defined by the Comprehensive Plan. However, the proposal is in line with the proposed zoning consideration of I-1 – Heavy Industrial as the initial action being requested of the local government for this project is rezoning.
6. CONSISTENCY WITH REGIONAL PLAN OF COASTAL GEORGIA

6.1 Regional Development Map and Defining Narrative

The Regional Development Map illustrates the desired future land use patterns from the regions' Areas Requiring Special Attention and the regions' Projected Development Patterns using the following categories:

a. Conservation  c. Developed
b. Rural  d. Developing

The Regional Future Development Map illustrates the area as Developing which is consistent with the proposed DRI development.

6.2 Guiding Principles of the Regional Plan

Guiding Principles identify those overarching values which are to be utilized and evaluated for all decisions within the region. This section provides the analysis of the consistency between the proposed DRI and the Guiding Principles in the Regional Plan.

6.3 Guiding Principles for Water and Wastewater

Seven guiding principles are identified in the Regional Plan for water and wastewater:

1. Require the use of green building strategies to minimize water demand.
2. Promote the use of a standardized protocol to forecast water needs to meet reasonable future water needs throughout region.
3. Promote use of purple pipe and grey water techniques and use of surface water in addition to groundwater where appropriate.
4. Promote water conservation through use of a tiered rate system.
5. Promote the use of the best available technology, dependent on soil type, for wastewater treatment.
6. Large areas of Coastal Georgia are beyond the reach of urban wastewater infrastructure, or centralized wastewater treatment facilities. To ensure sustainable communities, require proper siting, design, construction, use, and maintenance of decentralized wastewater treatment, or ISTS (Individual Sewage Treatment Systems).
7. Pursue regional coordination in provision of water and wastewater facilities.

6.4 Guiding Principles for Stormwater Management

Five guiding principles are identified in the Regional Plan for Stormwater Management:
1. Encourage development practices and sitings that do not significantly impact wetlands and habitat areas or allow for the preservation and conservation of wetlands and habitat areas through appropriate land use practices.
2. Promote the use of coast-specific quality growth principles and programs, such as the Green Growth Guidelines, Earthcraft Coastal Communities and the Coastal Supplement to the Georgia Stormwater Management Manual, to guide site planning and development.
3. Minimize impervious coverage wherever possible. The level of impervious cover in a development, rather than population density, is the best predictor of whether development will affect the quality of water resource.
4. Develop stormwater programs across the region.
5. Pursue State-level funding for regional water quality monitoring activities due to the statewide importance of coastal waters and estuaries.

6.5 Guiding Principles for Transportation

Seven guiding principles are identified in the Regional Plan for Transportation:

1. Provide the forum and the support to coordinate regional multi-modal transportation, including rail, airports, and public transportation, and also the planning and development of street connectivity and transit-oriented developments.
2. Promote the establishment of regional transportation compact(s) to provide a forum for local governments and MPO's to communicate and discuss transportation issues and decisions in the Coastal Region. These compacts do not replace the existing federal and State processes mandated in law, but provide a forum to communicate issues, ideas and discussions.
3. Promote coordination among agencies and jurisdictions in development of a region-wide, multi-modal transportation network, including transit, where applicable.
4. Encourage the coordination of transportation network improvements and land use planning.
5. Promote coordinated public infrastructure and school location planning with land use planning.
6. Maintain a human scale environment with context sensitive design practices.
7. Work to establish dedicated revenue source(s) for transportation improvements.
6.6 Guiding Principles for Historic and Cultural Resources

Eleven guiding principles are identified in the Regional Plan for Historic and Cultural Resources:

1. Encourage local governments to examine proposed development areas prior to development approval and require mitigation to significant resources.
2. Encourage development practices and sitings that do not significantly impact cultural and historical areas.
3. Maintain viewsheds of significant cultural and historic assets.
4. Maintain a range of landscapes and environments that provide diversity of habitats, species, resources and opportunities for recreation, commerce, community enjoyment and cultural practices.
5. Designate culturally and/or archaeological and/or historically significant resource management areas for potential acquisition and/or protection.
6. Educate residents and visitors regarding the statewide importance of this region's cultural and historic resources.
7. Encourage utilization and cooperation of museums, universities, foundations, non-government organizations, professional associations, and private firms to advise and monitor management.
8. Promote the establishment of partnerships for the development and utilization of incentives to restore, remediate or reuse cultural resources as appropriate.
9. Compile the traditional lore and knowledge of local people and integrate their understandings and practices into planning and development.
10. Encourage coordination among agencies and jurisdictions in developing and funding heritage conservation land uses and ensuring public access to publicly held and supported conservation areas.
11. Promote designation of Main Street and Better Home Town Communities.

6.7 Guiding Principles for Natural Resources

Twenty guiding principles are identified in the Regional Plan for Natural Resources:

1. Promote the protection, restoration, enhancement and management of natural resources.
2. Continue the traditional use of land and water (such as farming, forestry, fishing, etc.) as feasible, provided that any significant impacts on resources can be prevented or effectively mitigated.
3. Protect and enhance Coastal Georgia's water resources, including surface water, groundwater, and wetlands and ground water recharge areas.
4. Protect and enhance water quality, quantity and flow regimes.
5. Commit to investing in the protection of natural resources before any restoration and/or remediation is needed.
6. Encourage the restoration and protection of wetlands to provide flooding, storm and habitat protection.
7. Maintain viewsheds of significant natural resources.
8. Enhance access to natural resources for recreation, public education, and tourist attractions as appropriate within the protection mission.
9. Encourage utilization of universities, foundations, and non-government organizations to advise, monitor, and enhance management.
10. Promote the establishment of partnerships and funding mechanisms for the development and utilization of incentives to restore, rehabilitate, protect or reuse natural resources as appropriate.
11. Encourage development practices and sitings that do not significantly impact environmentally sensitive areas.
12. Promote low impact design practices that protect natural resources.
13. Promote to local governments a program of monitoring installation and impacts of individual and community docks along the coast.
14. Promote the monitoring of cumulative impacts of waterfront development along the coast.
15. Maintain a range of landscapes and environments that provide diversity of habitats, species, resources and opportunities for recreation, commerce, community enjoyment and cultural practices.
16. Encourage the development and use of a method to place a value on ecosystem services.
17. Promote the identification of innovative funding sources and development of ecosystem services markets (e.g. carbon, storm buffers, traditional land and water uses).
18. Promote the Adopt-a-Wetland program in areas that can be used as reference sites and that are within projected development areas.
19. Encourage coordination among agencies and jurisdictions in developing and funding conservation land uses and ensuring public access to publicly held and supported conservation areas.
20. Encourage coordination among agencies in studying the impacts of climate change and sea level rising.

6.8 Guiding Principles for Regional Growth Management

Twenty-three guiding principles are identified in the Regional Plan for Growth Management:

1. Encourage development that enhances the desired character of each of the region’s cities and towns.
2. Avoid establishment of new land uses which may be incompatible with existing adjacent land uses.
3. Protect our military installations from land use changes that jeopardize their mission through creation or implementation of Joint Land Use Studies (JLUS).
4. Promote growth in those areas that can be efficiently served by infrastructure, such as water, wastewater and transportation.
5. Encourage infill development as an alternative to expansion.
6. Focus new development in compact nodes that can be served by public or community infrastructure providers.
7. Maintain and enhance the scenic character of our rural highways and county roads.

8. Encourage clustered developments, particularly in areas that are suitable and proposed for development, that maximize open spaces, protect natural, cultural and historic resources, preserve wildlife habitat, and include green, low impact development strategies.

9. Encourage local governments to allow green, low impact developments as an alternative to traditional development standards and develop incentives encouraging their use.

10. Limit development in sensitive areas located near marshes and waterways, to low impact development that maintains our coastal character, while recognizing and protecting the sensitive environment.

11. Strongly encourage that new developments have minimal impacts on vital wetlands, coastal hammocks, marshes, and waterways.

12. Discourage lot-by-lot water and wastewater treatment systems for multiple lot developments.

13. Promote green building techniques to maximize energy efficiency and water conservation and minimize post construction impacts on the environment.

14. Encourage the development of a "transfer of development rights" (TDR) program.

15. Encourage development and compliance with minimum uniform land use and development standards for all local governments to adopt within the region.

16. Encourage coordination among agencies and jurisdictions in land use planning, regulation, review and permitting.

17. Promote affordable housing options.

18. Encourage the placement of new schools near existing infrastructure.

19. Partner with state, federal, non-governmental organizations and local governments to provide guidance on critical natural areas, land conservation efforts, and land use practices within each jurisdiction. Provide assistance in all outreach efforts forthcoming from this initiative.

20. Pursue opportunities for continuing education as it relates to regional issues.

21. Encourage enactment of impact fees to defray costs of new development.

22. Consider planning and/or managing a catastrophic event.

23. Promote reduction, reuse and recycle practices.

6.9 Guiding Principles on Business and Industry

Fourteen guiding principles are identified in the Regional Plan for Business and Industry.

1. Promote strategic distributions of business and industry across the region consistent with natural, cultural, historic and industrial resource strategies and encourage partnerships and collaboration between economic development agencies.
2. Investigate ways to share costs and benefits across jurisdictional lines for both regional marketing and project support.
3. Incorporate community plans for the strategic use of land for manufacturing, distribution, etc., while recognizing and respecting natural resources and the unique differences between communities.
4. Coordinate with the Georgia Ports Authority (GPA) to identify their needs and identify mechanisms for the economic development industry to strengthen the GPA and its presence in logistics, distribution, and workforce development.
5. Leverage and incorporate the region’s military installations (Fort Stewart Army Base, Hunter Army Airfield and Kings Bay Naval Base) and the Federal Law Enforcement Training Center to recruit economic development projects.
6. Incorporate Herty Advanced Materials Development Center’s experience and position as a development center for the commercialization of materials and create incentives to retain a portion of pilot plant opportunities as new Georgia industries and to assist development authorities in increasing recruitment win rates.
7. Promote the historic nature, natural beauty and successful past and present performance of Coastal Georgia as a location site for film and clean high-tech industry and as a recruitment tool for opportunities.
8. Incorporate the Center of Innovation’s (COI) statewide logistics plan into a regional strategy to assist in the recruitment of companies and leverage as support for industry.
9. Coordinate federal, State and local economic development funding programs and initiatives that affect the coast.
10. Enhance workforce development by collaborating with business, industry, and planning of educational entities that provide necessary workforce skills.
11. Increase existing industry retention and expansion rates.
12. Promote downtown revitalization efforts to enhance job creation and location of business and offices within downtown areas.
13. Incorporate current and future needs for housing, infrastructure, and natural resource protection into economic development initiatives.
14. Encourage international economic developments that support strategic industry sectors.
15. Enhance economic development and tourism opportunities by increasing cross functional communication.

### 6.10 Guiding Principles for Agricultural Lands

Ten guiding principles are identified in the Regional Plan for Agricultural Lands.

1. Strongly discourage the conversion of prime farmland to urban uses as it represents a loss to the region’s landscape.
2. Wise use and protection of basic soil and water resources helps to achieve practical water quality goals and maintain viable agriculture.
3. Viable agriculture is the backbone of a functioning network of agriculture, open space, and natural areas and a range of strategies should be used to ensure the value of agricultural land.
4. Promote learning about culinary traditions and culture.
5. Encourage agricultural biodiversity.
6. Promote local food traditions and provide opportunity for education of where food comes and how our food choices affect the rest of the world.
7. Promote connecting producers of foods with consumers through events and farmers markets.
8. Promote biodiversity through educational events and public outreach, promoting consumption of seasonal and local foods.
9. Promote community gardens within urban settings.
10. Encourage regional tasting events of local foods, music, talks, forums, workshops, and exhibitions in favor of local agricultural products.

6.11 Guiding Principles for Communities for a Lifetime - Livable Communities

Twelve guiding principles are identified in the Regional Plan for Communities for a Lifetime/Livable Communities:

1. The CRC promotes the concept of Lifelong Communities – places where people of all ages and abilities have access to the public landscape and services which enable them to live healthy and independent lives.

2. For a Lifelong Community to be truly successful it must be a complete community. Complete communities include the direct characteristics that at a minimum meet the needs of the user population, but also provided for a greater civic good by including elements that are beneficial to the environment, sensitive to a broad population and embrace economically feasible regimes.

3. The region will encourage and promote the underlying issues that must be included in a Lifelong Community. The seven (7) basic tenets of a Lifelong Community are:
   a. Connectivity – the physical connection of streets, pedestrian networks and public spaces that promote ease of access, a direct coexistence with the existing urban fabric and barrier free mobility for all.
   b. Pedestrian access and transit – focuses on the access to public or privately supported methods of mass transit-oriented forms of mobility and focuses on pedestrian forms of mobility as a primary or equal method of transportation when compared to conventional vehicular modes.
   c. Neighborhood retail and services – proximity to vital and relevant supporting uses and services are necessary for a successful Lifelong Community. Mixture of uses, walkable streets and services oriented to a range of population needs is the context of this issue.
   d. Social interaction – social interaction with the full range of the population is a proven requirement of lifelong communities. Pedestrian accessible streets and dwellings, a full stratum of dwelling types, community programming elements and careful placement of improvements are key components in creating a socially vibrant community.
e. Dwelling types – a range of dwelling types within a walkable range is crucial to meet the social, economic and physical goals of a lifelong community. Creative architectural and planning solutions, a strong but flexible regulatory framework and policies that promote efficient and sustainable methods of construction are among the crucial requirements of this issue.

f. Healthy living – accessibility to fitness, education, cultural and health maintenance programming elements are vital to a successful lifelong community and are the primary concerns of this issue.

g. Environmental and Sustainable Solutions – the creation of a complete community includes provisions for the appropriate preservation of natural and cultural resources. Promotion of sustainable construction techniques, preservation of natural and cultural resources, innovative methods of power generation and integrated food production are among some of primary components related to successfully executing this issue.

4. The region will determine its “aging readiness” to provide programs, policies and services that address the needs of older adults.

5. The region will determine its “aging readiness” to ensure that communities are “livable” for persons of all ages.

6. The region will harness the talent and experience of older adults

7. To determine “age readiness,” local comprehensive plans should review:
   a. Demographics;
   b. Quantity, quality, and type of existing housing stock;
   c. Land use patterns; and
   d. Quantity, quality, and type of recreational needs.

8. Comprehensive plans will promote development patterns and design features to meet the needs of seniors.

9. Comprehensive plans and ordinances will promote Universal Design/Accessible Building Standards for buildings as well as recreational areas.

10. Comprehensive plans will include goals and objectives that specifically address the aging population.

11. Consider seniors and the elderly when reviewing site plans for new construction and/or renovations.

12. The region will ensure comprehensive plans permit basic services within walking distance recognizing it is a great convenience for all residents but an absolute necessity for an aging population.

6.12 Guiding Principles for Coastal Vulnerability and Resilience

Three guiding principles are identified in the Regional Plan for Coastal Vulnerability and Resilience.

1. The region believes that a community’s resilience is measured by its sustained ability to prepare for, respond to, and fully bounce back from crises.

2. The region’s strength is in our community’s resilience and in understanding the region’s vulnerabilities, and in taking positive collective actions to
limit the impact of a disruptive crisis, and recovering rapidly from disasters.

3. The region believes in collaborating with a wide range of community resilience experts, community leaders and private sector partners to work together to increase collective capacities to respond to adversity with increased resources, competence, and connectedness to one another.

7. REGIONAL RESOURCE PLAN AND RIR

7.1 The Regional Resource Plan
The Regional Resource Plan (RIR) identifies Cultural and Historic and Natural Resources of regional importance. The Regional Resource Plan provides recommended best development practices, protective measures and policies for local governments to use within one mile of a regionally important resource. The proposed site is within RIR area related to wetlands and floodplains.

7.2 Area Requiring Special Attention
The ARSA identifies areas requiring special attention, including:

Areas where rapid development or change of land uses are likely to occur, especially where the pace of development has and/or may outpace the availability of community facilities and services, including transportation.

The DRI site includes areas designated as floodplains. From the inspection of the effective Flood Insurance Rate Maps (FIRMs) developed by the Federal Emergency Management Agency (FEMA), a portion of the site is located inside Zone A, an area of high risk. Zone A, high risk, is inundated by the 1% annual chance flood, often referred to as the 100-year flood. A Floodplain Snapshot Map showing the designated floodplain impacts in the vicinity of the project location, accompanied by the relevant extract of FEMA’s FIRMs are attached.

7.3 Natural Resources
Green Infrastructure
The U.S. Environmental Protection Agency defines Green Infrastructure as management approaches and technologies that utilize enhance and/or mimic the natural hydrologic cycle processes of infiltration, evapotranspiration and reuse. This management approach attempts to keep stormwater on-site. It incorporates vegetation and natural resources as much as possible in development and redevelopment.

Green Infrastructure has a number of benefits, including reduced runoff, groundwater recharge, higher air quality, better aesthetics, reduces costs, lowers impacts on climate change, and provides environmental benefits that surpass improved water quality.

Coastal Georgia’s Green Infrastructure network is defined as a natural life support system of parks and preserves, woodlands and wildlife areas, wetlands and waterways, greenways, cultural, historic and recreational sites and other natural
areas all with conservation value. A potential impact as a result of premature or poorly planned conversion of land to other uses is the failure to adequately protect and conserve natural resources such as wetlands, flood plains, native vegetation, lakes, streams, rivers, natural groundwater aquifer recharge areas, and other significant natural systems. The river corridors, floodplains and tributary streams are considered to be critical green infrastructure components, as they supply key social, economic and environmental benefits for local communities and provide important habitats for wildlife.

Green infrastructure planning provides an alternative to what is common practice in many communities: conserving land on a piecemeal basis without the benefit of a large framework plan that allows a comprehensive approach to land conservation. Areas of protected open space should follow natural features for recreation and conservation purposes, including greenways that link ecological, cultural and recreational amenities.

Green Infrastructure shall be considered first in the planning process and in reviewing comprehensive plans, zoning, development review processes and performance standards.

Principles for green infrastructure include identifying what is to be protected in advance of development; providing for linkage between natural areas; and designing a system that operates at different functional scales, across political jurisdictions, and through diverse landscapes. Additional principles include sound scientific and land use planning practices, providing funding upfront as a primary public investment (for example, through a dedicated tax or other funding mechanism), emphasizing the benefits to people and nature, and using the green infrastructure as the planning framework for conservation and development. The concept of green infrastructure planning is based on a strategic approach to ensuring environmental assets of natural and cultural value are integrated with land development, growth management and built infrastructure planning at the earliest stage.

Greenspace or greenway land needs to be set aside for pedestrian, equestrian, and bicycle connections between schools, churches, recreation areas, city centers, residential neighborhoods, and commercial areas. Open-space, parks, trails, greenways, and natural undeveloped land are not individual but an integrated and organized system. Green infrastructure is as an interconnected system. Key physical, natural, ecological, landscape, historical, access and recreational assets contribute to the functionality of the green infrastructure network. The green infrastructure network weaves together a network of recreational and nature areas. Properly planned greenways provide efficient pedestrian linkages that can serve as alternative transportation to and from work, to services and other daily destinations. Greenway linkages serve as outdoor recreation for biking, walking, and jogging. Green infrastructure encourages the creation of transportation corridors and connections, which can foster ecotourism, tourism and outdoor recreation.
7.4 Wetlands

According to the additional information form for DRI #3130, the applicant does indicate the presence of wetlands on the site.

8. COMPREHENSIVE ECONOMIC DEVELOPMENT STRATEGY (CEDS)

8.1 Population and Employment Trends

<table>
<thead>
<tr>
<th>County</th>
<th>2000</th>
<th>2010</th>
<th>2020</th>
<th>2030</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effingham</td>
<td>37,535</td>
<td>52,250</td>
<td>80,563</td>
<td>112,062</td>
</tr>
</tbody>
</table>

*Source: U.S. Census; Georgia Office of Planning and Budget*

The county’s population is expected to grow from its 2000 level of 37,535 to 112,062 by 2030, according to the US Census and the Governor’s Office of Planning and Budget. The Coastal Region’s population in 2030 is projected to be 962,956, which is an increase from the 2000 level of 558,350.

Effingham County, is a growing county in the region and had a 2019 population estimate of 64,296 according to the US Census. The 2010 Census population of Effingham County in 2000 was 37,535.

The Coastal Georgia region supported 312,400 jobs in 2000, and is expected to support 435,050 jobs in 2030. The Effingham County unemployment rate in 2017 was 4.1 percent.

9. CRC Resources

9.1 Coastal Stormwater Supplement

The CRC applauds Effingham County for adopting the CSS Ordinance and/or ensuring the Coastal Stormwater Supplement (CSS) is implemented for stormwater management.

9.2 Regional Design Guidelines

The CRC recommends that the Effingham County ensure that new development creates an environment that contributes to the region’s character. Regional Design Guidelines for the development are appropriate to implement quality growth.

Character Region Area for this area is *Rural Ridge* and may utilize the Character Key for *Industrial Areas*.

For technical assistance contact Eric Landon, Director of Planning at elandon@crc.ga.gov or Russell Oliver, Senior Planner II at roliver@crc.ga.gov
LOCATION MAP AND CONCEPT PLAN
PROVIDED BY THE APPLICANT

DRI #3130

Old Augusta Industrial Park
EFFINGHAM COUNTY
FUTURE LAND USE MAP
& ZONING DISTRICTS MAP

DRI #3130

Old Augusta Industrial Park
PUBLIC COMMENTS

DRI #3130

Old Augusta Industrial Park
DRI #3130 Request for Review

Elizabeth Backe <ebacke@sgrc.us>
Russell Oliver; Sherry Davidson
Wednesday, July 8, 2020 at 10:16 AM
Show Details

Unsubscribe

Dear Mr. Oliver:

The planning staff of the Southern Georgia Regional Commission (SGRC) have reviewed the application for DRI#3130 Old Augusta Industrial Park. Thank you for forwarding this submittal to us. We have no adverse comments.

Sincerely,
Elizabeth Backe

Elizabeth Backe, AICP
Planning Director
SGRC: SOUTHERN GEORGIA REGIONAL COMMISSION
327 W Savannah Ave
Valdosta, GA 31601
229-333-5277 ext. 123
Fax 229-333-5312
ebacke@sgrc.us

The Southern Georgia Regional Commission is here to help our local governments – with Planning, Zoning, IT, GIS, Grants, Economic Development, and more. How can we assist your local government? Contact us today!
EFFINGHAM COUNTY
FLOOD MAP

DRI #3130

Old Augusta Industrial Park
July 27, 2020
Mr. Dave Burns
Chairman, Effingham County Planning Board
601 N. Laurel Street
Springfield, GA 31329

Dear Mr. Chairman,
The residents of south Rincon in the vicinity of Chimney Road are opposed to the pending Kern & Company and Mr. Chad Zittrouer’s rezoning request of property along Chimney Road. The present R1 is most in keeping with the surrounding neighborhoods and will ensure best use with the most positive economic impact to our community at large. Please retain the present R1 zoning status.

The residential developments along Chimney Road include Silverwood Plantation, Mill Creek Subdivision and Ridgecrest subdivision in addition to the apartments located on the southeastern corner of the proposed property will be negatively impacted by adjacent heavy industrial encroachment. Please reject the proposed rezoning and protect our community’s welfare.

The nearby homeowners object to the proposed rezoning action and encourage rejection of the application due to the following concerns:

- Decreased property value – industry moving into a residential area.
- I-1 zoning allows for many types of development that are completely averse to the present residential property. The proposed area will be surrounded by residences on all sides except for the one side – including a daycare.
- Traffic – the amount of traffic will increase, condition of roads and SAFETY.
- Safety – These warehouses will bring in lots of trucks and unfamiliar people to our residential areas. The safety of our children who travel this road daily and the safety of the school buses that travel this road are also a concern.
- Noise pollution will be increased greatly and hurt our community. Heavy truck traffic at these facilities will be 24 hours a day 7 days a week 365 days a year. The noise from this facility will affect all the homes of all the residents in this area.
- Light output from this heavy industrial site will be incomprehensible. Even with a 300 foot barrier during the fall and winter months the high intensity of the needed lighting will greatly affect the neighboring areas.
- Economic impact to the community will be negative. Keeping this area a residential development with the present R1 standard would greatly increase the overall economic activity in Effingham County.

In consideration of the above issues including risk to life, property, development and overall well-being, I recommend that the Effingham County Planning Board reject this application and retain the present R-1 zoning of the property under consideration along Chimney Road.

Respectfully,

Signature

Name

Address

Email contact

09/10/2020
Ridgecrest Subdivision Concerns:

1. Nighttime disturbance - Increased noise levels at all hours.
2. Safety - A lot of concern with buses stopping on Chimney to pick up students and increased traffic due to warehouse; also bringing in strangers to the area that don’t value our neighborhoods and our county.
3. Decreased property value and increased taxes to maintain roads -- Industry is moving into a residential area. We don’t want our residents to be forced out by industry and then not be able to sell; therefore, forcing the property to become rentals.
4. Increased traffic - Roads were not made to handle this much traffic.
5. Sewer and water concerns - Where is the run-off going to be when all the concrete gets poured? Chimney Road already has flooding issues during heavy rainfall.
6. What is Effingham County’s master plan for Old Augusta Road/Chimney road area? This is important for residents to know.

**We are a residential area and NOT an industrial park - We don’t want these warehouses.**
July 27, 2020

Mr. Dave Burns
Chairman, Effingham County Planning Board
601 N. Laurel Street
Springfield, GA 31329

Dear Mr Chairman,

The residents of south Rincon in the vicinity of Chimney Road are opposed to the pending Kern & Company and Mr. Chad Zittrouer’s rezoning request of property along Chimney Road. The present R1 designation is most in keeping with the surrounding neighborhoods and will ensure best use with the most positive economic impact to our community at large. Please retain the present R1 zoning status.

The residential developments impacted along Chimney Road include Silverwood Plantation, Mill Creek Subdivision and Ridgecrest subdivision in addition to the Apartments located on the Southeastern corner of the property proposed for I-1 development. All these communities will be negatively impacted by adjacent heavy industrial encroachment. Please reject the proposed rezoning and protect our community’s welfare.

In 2015, Rincon was voted Georgia’s best small town for young families. Heavy industrial development right next to homes is not compatible with this award. The proposed industrial use so close to homes will degrade the overall standard of living and reduce the overall economic well-being of south Effingham County.

The nearby homeowners object to the proposed rezoning action and encourage rejection of the application due to the following concerns:

- I-1 Zoning allows many types of development that are completely averse to the present adjacent residential property use.
- The property under consideration was previously denied multi-family housing zoning-a much less intensive use than the requested I-1 zoning.
- Noise Pollution will hurt our community. Heavy truck traffic will be 24/7/365 at these facilities. Noise levels of 107 Db is expected at an industrial site. Please note that 85 Db is the OSHA limit for hearing protection requirement. This noise can be expected to travel up to a mile affecting hundreds of homes and thousands of resident’s quality of life.
- Diesel exhaust from 24/7/365 truck movement at the proposed site will have long lasting health consequences for children and adults with compromised health. Should heavy manufacturing take place there will likely be significant risk from toxic materials kept on site.
- Heavy Truck Traffic is already a concern along Business 21. I-1 Zoning for the property along Chimney Road will add significantly to an existing problem.
• Light Pollution inherent with a heavy industry site is incompatible with nearby homes. The proposed 300’ barrier will not be an effective visual barrier during the fall and winter months. And high intensity lighting at heights required for large truck clearance will be too high to be mitigated year-round.

• Overall economic impact to the community will be negative if developed as warehouse space. Residential development in keeping with the present R1 standard will greatly increase overall economic activity in Southeastern Effingham County. Four to five hundred homes developed at this site will generate much greater economic impact that is well beyond the jobs created during the construction phase and have lasting positive affect.

• The proposed warehouses will create relatively low paying jobs and at a very low density compared to homeownership. Warehouse workers average less than $12.00 hour in Georgia whereas average household income in Effingham County is nearly $70,994.00.

In consideration of the above issues including risk to life, property, development and overall well-being, I encourage the Effingham County Planning Board to reject this application and retain the present R-1 zoning of the property under consideration along Chimney Road.

Respectfully,

Wade L. Britt
117 Lake Tomacheechee Drive
Rincon, GA 31326

cc: Ms. Jaunita Golden, Mr. Alan Zipperer, Mr. Brad Smith, Mr. Peter Higgins, Mr. Welsey Corbitt, Mr. Forrest Floyd, Mr. Roger Burdette, Mr. Jamie DeLoach, Mr. Reggie Loper, Mr. Phil Keiffer
Dear, Mayor, Council, Zoning Commissioners and County Officials,

My name is Scott MacPherson, I am a long time Resident at 349 Chimney Road. The purpose of this email is to express the effects of the re-zoning of 741.6 acres from R-1 to I-1 (residential to Industrial).

First and foremost, I am not opposed to the re-zoning, in fact I personally think this is a safe alternative to the unknown product of a residential neighborhood. I am respectfully requesting that Effingham County Planners and elected official help protect and preserve Chimney Road during the approval process.

After review of the concept;

1. Please set conditions on the 300' buffer to mandate that the buffer remains UNDISTURBED to preserve the natural tree buffer and it's undergrowth. (this will help with noise, appearance and maintain Chimney Road's natural and attractive road.
2. Also please consider setting conditions that traffic will NEVER be permitted to have access to Chimney Road in the future.

Additionally;

1. I recommend Chimney Road's GVWR (gross vehicle weight rating) be limited to prohibit tractor trailer travel and signage posted (Chimney and 21 intersection is not safe for additional traffic).
2. Please consider limiting the warehouse use to "storage / shipping & receiving only" vs "manufacturing" (manufacturing is a whole different product that is also industrial but that is not the type of development that Effingham needs... manufacturing is more noise, odor, smoke discahrge etc... we don't need to smell like Garden City).

I personally feel that this proposed development is the best case scenario for Chimney Road residents and also for Effingham County. A potential residential development would generate the need for additional County employees, budget, benefits and first responder's, vehicles and equipment. The crime, medial calls and nuisance complaints will far exceed that of an Industrial development.

Finally, I respectfully request this re-zoning to be APPROVED with the conditions listed above and protections put in place to segregate and protect the existing residential, safe, family surroundings of Chimney Road and other neighborhoods affected.

Thank you for your consideration and feel free to share and distribute this email. If neeeded, I can be contacted at 912-414-2419.

Respectfully,

Scott MacPherson
349 Chimney Road
Rincon Ga, 31326

On Thursday, July 16, 2020, 01:20:26 PM EDT, Scott MacPherson <inspector151s@yahoo.com> wrote:
Received, thank you!

I will look it over and send you an email that maybe you can attach for planning and counsel to consider.

Thanks again, you've been very informative and helpful 😊

Sent from my iPhone

On Jul 16, 2020, at 11:30 AM, Teresa Concannon <TConcannon@effinghamcounty.org> wrote:

Here is the rezoning application, location map, and concept drawing. Please let me know if you have additional questions.

Teresa

<image001.png>

This e-mail is for the sole use of the intended recipient(s) and may contain confidential or privileged information. Any unauthorized review, use, distribution or disclosure is prohibited. If you are not the intended recipient, please reply to the sender and destroy all original copies of this message.

<11a. Kern - Property Exhibit 7-1-20.pdf>

**** This is an EXTERNAL email. Please do not click on a link or open ANY attachments unless you are confident it is from a trusted source and you are expecting this email. *****
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the following questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL [ ] DISAPPROVAL [x]

Of the rezoning request by applicant (Kern & Co. for Old Pines, LLC - Map# 465-6 & 477-15) from AR-1 & R-1 to L-1 zoning.

Yes No ? 1. Is this proposal inconsistent with the county’s master plan?

Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No ? 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No ? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No ? 7. Are nearby residents opposed to the proposed zoning change?

Yes No ? 8. Do other conditions affect the property so as to support a decision against the proposal?
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After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL [ ] DISAPPROVAL [ √ ]

Of the rezoning request by applicant (Kern & Co. for Old Pines, LLC - Map# 465-6 & 477-15) from AR-1 & R-1 to I-I zoning.

Yes [ ] No [ ] 1. Is this proposal inconsistent with the county's master plan?

Yes [ ] No [ ] 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes [ ] No [ ] 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

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The Effingham County Planning Commission recommends:

APPROVAL________

DISAPPROVAL________

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The Effingham County Planning Commission recommends:

[ ] APPROVAL  [x] DISAPPROVAL

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Yes [x] 1. Is this proposal inconsistent with the county’s master plan?

Yes [x] 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes [x] 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes [x] 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes [x] 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes [x] 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes [x] 7. Are nearby residents opposed to the proposed zoning change?

Yes [x] 8. Do other conditions affect the property so as to support a decision against the proposal?
Charles George

From: Stacy Watson <SWATSON@gaports.com>
Sent: Thursday, September 03, 2020 2:42 PM
To: Charles George
Subject: EXTERNAL:RE: GPA's gate operation hours clarification per Wilson Burns
Attachments: Gates.pptx

Charles,

I’m good! Hope all is well with you too. It has been a while!

Our truck gates are open from 6AM to 6PM, Monday – Friday. On Saturday, the gates are open from 8AM to noon, then 1PM to 5PM. These are the only times trucks are allowed to enter or exit the Garden City facility.

We do work ships on a 24 hour basis, but as mentioned, truck gates are only open for times specified above. I have attached a slide that shows current gate times as well.

Let me know if you need further information.

Stacy

Stacy B. Watson
Director, Economic & Industrial Development | Georgia Ports Authority
swatson@gaports.com

GEORGIA PORTS

O: 912.964.3879 • C: 912.657.6639
www.gaports.com • Facebook • Twitter • LinkedIn • YouTube

From: Charles George <CGeorge@EffinghamCounty.org>
Sent: Thursday, September 3, 2020 2:33 PM
To: Stacy Watson <SWATSON@gaports.com>
Subject: GPA’s gate operation hours clarification per Wilson Burns

Stacy

Hope you are well. Have not seen or talked to you in a while.
Per conversations with Wilson Burns can you send me a memo/letter clarifying the operation hours of your Garden City terminal gates.

Tell Randy I said hello and thanks again

Charles L. George, P.E
Director of Development Services/County Engineer
Effingham County Board of Commissioners
3.0M RECORD FY2020 GATE MOVES

AVERAGE OVER 11,000 GATE MOVES/DAY:
SINGLE 35 MINUTES; DOUBLE 57 MINUTES

- 3 Gates: 50 Lanes with 31 Pre-check Lanes. 18 Portal Approach Lanes.
- Monday through Friday 6am to 6pm
- Saturday (Gate 4 only) 8am to Noon, 1pm to 5pm.
- August 29th - October 31st

Source: GPA Gate Operations. Average moves/lane times for July 2019-June 2020 Monday-Friday.
Staff Report

Subject: Kern Coleman, agent for Old Pines LLC - Second Reading
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: September 15, 2020
Item Description: Consideration to approve the Second Reading of an application for rezoning by Kern Coleman Co, agent for Old Pines LLC consisting of 741.6 acres, on Old Augusta Road owned by Old Pines, LLC from AR-1 and R-1 to I-1

Background
On July 27, 2020, an application was submitted to the Planning Board by Old Pines LLC for rezoning of 741.6 acres to I-1 Heavy Industrial of two parcels: Parcel No. 15 (Map No. 477) currently zoned AR-1 and Parcel No. 6 (Map No. 465) currently zoned R-1 bounded by Old Augusta Road and Chimney Road. County staff recommended approval of the re-zoning request with provided the following stipulations:

1. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual, and Chapter 34 - Flood Damage Prevention.
2. All wetland impacts must be approved and permitted by USACE, and the Approved Jurisdictional Determination must be submitted during the development plan review process.
3. Development plans must meet the requirements of Section 5.12 I-1 Industrial Districts.
4. A traffic study must be submitted during the development plan review process, per Effingham County Traffic Study Requirements.
5. A site plan must be submitted before construction, showing the final layout of all buildings and roads, and the distance from all buildings to neighboring subdivisions.
6. Businesses operating in the development must comply with Section 30-37 Sound Level Limitations
7. All trucks serving businesses in the development must comply with Section 74-8 Designated Truck Routes.
8. Access to Goshen Road Extension is restricted for use only as a temporary construction entrance, until the main road is in place.
9. The 300’ buffer between industrial and residential zoning districts must maintain existing trees and shrubs, include additional landscaping required by Section 3.4 Buffers, and include a berm or fence to screen neighboring residential areas from directional light generated inside the development.
10. No operating traffic resulting from this development is permitted onto Chimney Road or Goshen Road Extension.

During the Planning Board Public Hearing, numerous comments were heard from citizens in attendance in opposition to the re-zoning in regards to traffic, noise, lights, use of the property,
concerns of de-valuation of residential property, etc. After the public hearing comments were heard, the Planning Board voted to deny the re-zoning application.

At the August 18, 2020 Board of Commissioners meeting, County Staff presented the re-zoning application to Commissioners with the staff’s recommendation of approval and the Planning Board’s recommendation for denial. After deliberation by the commissioners and comments received from the public, the Commissioners voted to table the application to the September 15, 2020 Board of Commissioner’s meeting with instruction to the County staff to review the application and the comments received during the meeting to develop conditions to the application for consideration by the Board.

Staff Recommendation:
At the direction of the Board of Commissioners of Effingham County at the August 18, 2020 meeting, and based on the comments presented by the citizens of Effingham County at that meeting, the County Staff has developed specific conditions to be presented to the Board of Commissioners for their consideration.

As you are aware, the Official Code of Effingham County, Georgia, Appendix C- Zoning, Article 3.7A.1 states “in deciding any application for an amendment to the zoning classification of a parcel of property or to the zoning map, the Board of Commissioners may, on their own motion or upon the recommendation of the planning Board or the zoning administrator, grant the application subject to certain conditions deemed necessary by the Board to promote & protect the health, safety, morality, and welfare of the County and to further the purposes of this ordinance. Such provisions shall be imposed for the benefit of the community to prevent or lessen any negative impact expected to result from the zoning reclassification or zoning map amendment.

Further, Article 3.7A.2 states” Conditions that may be adopted include, but are not limited to, conditions as to buffers, preservation of existing vegetation and tree cover, maximum density and/or number of lots, minimum lot size setback restrictions and property use restrictions. Such restrictions shall be binding upon the applicant and any successors in title.”

As stated above, Effingham County staff recommends the following Conditions to be considered based on the comments and concerns presented by the citizens at the public hearing held on August 18, 2020:

1. TRAFFIC – There shall be no entrance or exit from the property being rezoned on to Chimney Road. Only personal vehicles are allowed to use Goshen Road Extension for entering and exiting the facility. The entrance to the facility from Goshen Road Extension shall be designed to prevent access of all trucks including but not limited to, delivery trucks, box trucks, container trucks, and trucks pulling tractor trailers. Emergency vehicles shall be allowed to enter and exit the property from Goshen Road Extension.
A Traffic Study shall be submitted during the development plan review process pursuant to Effingham County’s Traffic Study requirements.

All trucks serving the business in the development shall comply with Official Code of Effingham County, Georgia, Chapter 74, Section 74-8 “Designated Truck Routes”.

2. SAFETY- The truck entrance to the property shall be located on Old Augusta Road. In order to address the dangers presented by the development’s truck traffic parking or staging/queuing on Old Augusta Road, a dedicated 12 foot wide paved entrance lane for purposes of truck staging/queuing shall be located within the property boundary lines. No trucks or any other vehicles are allowed to queue on Old Augusta Road.

8 foot high minimum chain-link security fencing shall be installed on the perimeter of each truck court.

3. VISUAL – Buildings on the property are to have building height restrictions consisting of maximum heights no greater than 50 foot above the finished floor elevation.

A 300 foot buffer consisting of a 250 foot natural buffer with a 50 foot wide by 12 foot high earthen berm with vegetation on the property bordering on Chimney Road. Property Owner/Applicant and its successors and assigns shall perpetually maintain the earthen berm and vegetation.

Buildings on the northern side of the property shall be oriented such that loading dock doors do not face Chimney Road.

4. NOISE – Facility operations shall be in compliance with Official Code of Effingham County, Georgia, Chapter 30, Article I, Section 30-36 and Section 30-37, with maximum decibel levels between the hours of 7:00 a.m. and 9:00 p.m. not in excess of 70 decibels as measured at the outward most edge of the required 300 foot buffer on Chimney Road (70 decibels is the specified limits designated for commercial business, 60 for residential). In addition, between the hours of 9:00 PM and 7:00 AM, the decibel levels at the outward edge of the 300 foot buffer shall not exceed 60 decibels.

Property Owner/Applicant shall perform a noise attenuation and abatement study during the design development phase to validate the effectiveness of the 300 foot vegetated buffer and berm system proposed by the Property Owner/Applicant to attenuate noises to the above specified limit. Study shall be provided to Effingham County’s Director of Development Services for approval during the design review process.

5. LIGHTS – Overhead lighting shall be in accordance with the Official Code of Effingham County, Georgia, Article 5.12.4.4. Direct glare from incandescent exposed lighting shall not be visible from adjoining streets or properties. All exterior lighting shall be downward facing and shielded.
All exterior lighting shall be attached to sides of buildings or pole mounted lights that do not exceed 26 feet in height. Property Owner/Applicant shall provide a photometric plan with the design review application to verify the light levels generated from the development at the outward most edge of the required 300-foot buffer on Chimney Road do not exceed 0.01 footcandles (this is the equivalent as the illumination as a full moon).

6. USES – The rezoning of the property is conditioned on the property being used for Warehousing or the permitted uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1 – LI – Light Industrial. No other uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1A – “HI – Heavy Industrial” or Article 5.12.1B “HI-Heavy Industrial conditional uses” shall be allowed.

7. SIGNAGE – All traffic directional signage shall be in accordance with the Official Code of Effingham County, Georgia, Chapter 62, Article II, Section 62-33 and Appendix C, Article III, Paragraph 3.38, and public roadway signage shall be limited to placement on Old Augusta Road only. Signage shall indicate that truck traffic from the facility shall use designated Truck Route – Old Augusta Road Only. A monument-type sign on Old Augusta Road identifying the facility is allowed but is to be submitted to Effingham County Development Services for approval and recommendation to the Board of Commissioners.

8. DESIGN – Site Development Plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management local Design Manual and Chapter 34: Flood Damage Prevention.

All wetland impacts shall be approved and permitted by USACE, and the approved Jurisdictional Determination shall be submitted during the development plan review process.

A site plan shall be submitted prior to construction showing the final layout of all buildings and roads, and the distance from all buildings to neighboring properties.

The conditions enumerated above are in addition to all other applicable requirements found in the Official Code of Effingham County, Georgia, state laws, and federal laws.

Failure to comply with any of the Conditions for approval of the subject property at any time may result in the following:

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocations of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, Owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of subject property, the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, and/or any other zoning approval; and/or
c. A requirement of the development to conform with the standards found in the Code of Effingham County at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
d. Referral to Code Enforcement.

**Alternatives for Commission to Consider:**

1. To approve the Second Reading of the request to rezone.

2. To not approve the Second Reading.

**Recommended Alternative:**
Approve Alternate 1.

**Other Alternatives:**
Take no action.

**Department Review:** Engineering

**Funding Source:** None

**Attachments:**
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 465-6 & 477-15
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 465-6 & 477-15
AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, KERN & Co., LLC for OLD PINES, LLC, has filed an application to rezone two hundred-sixty-seven and forty-one hundredths (267.41) +/- acres from R-1 to I-1, and four hundred-seventy-three and forty-two hundredths (473.42) +/- acres from AR-1 to I-1, for a warehouse development; map and parcel number 465-6 & 477-15, located in the 5th commissioner district; and

WHEREAS, a public hearing was held on August 18, 2020 and notice of said hearing having been published in the Effingham County Herald on July 29, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 7/8/2020; and

IT IS HEREBY ORDAINED THAT two hundred-sixty-seven and forty-one hundredths (267.41) +/- acres, zoned R-1; and four hundred-seventy-three and forty-two hundredths (473.42) +/- acres; zoned AR-1; map and parcel number 465-6 & 477-15, located in the 5th commissioner district; is rezoned to I-1, for a warehouse development, with the following conditions:

1. TRAFFIC – There shall be no entrance or exit from the property being rezoned on to Chimney Road. Only personal vehicles are allowed to use Goshen Road Extension for entering and exiting the facility. The entrance to the facility from Goshen Road Extension shall be designed to prevent access of all trucks including but not limited to, delivery trucks, box trucks, container trucks, and trucks pulling tractor trailers. Emergency vehicles shall be allowed to enter and exit the property from Goshen Road Extension.

A Traffic Study shall be submitted during the development plan review process pursuant to Effingham County’s Traffic Study requirements.

All trucks serving the business in the development shall comply with Official Code of Effingham County, Georgia, Chapter 74, Section 74-8 “Designated Truck Routes”.

2. SAFETY - The truck entrance to the property shall be located on Old Augusta Road. In order to address the dangers presented by the development’s truck traffic parking or staging/queuing on Old Augusta Road, a dedicated 12 foot wide paved entrance lane for purposes of truck staging/queuing shall be located within the property boundary lines. No trucks or any other vehicles are allowed to queue on Old Augusta Road.

8 foot high minimum chain-link security fencing shall be installed on the perimeter of each truck court.

3. VISUAL – Buildings on the property are to have building height restrictions consisting of maximum heights no greater than 50 foot above the finished floor elevation.
A 300 foot buffer consisting of a 250 foot natural buffer with a 50 foot wide by 12 foot high earthen berm with vegetation on the property bordering on Chimney Road. Property Owner/Applicant and its successors and assigns shall perpetually maintain the earthen berm and vegetation.

Buildings on the northern side of the property shall be oriented such that loading dock doors do not face Chimney Road.

4. **NOISE** – Facility operations shall be in compliance with Official Code of Effingham County, Georgia, Chapter 30, Article 1, Section 30-36 and Section 30-37, with maximum decibel levels between the hours of 7:00 a.m. and 9:00 p.m. not in excess of 70 decibels as measured at the outward most edge of the required 300 foot buffer on Chimney Road (70 decibels is the specified limits designated for commercial business, 60 for residential). In addition, between the hours of 9:00 PM and 7:00 AM, the decibel levels at the outward edge of the 300 foot buffer shall not exceed 60 decibels.

Property Owner/Applicant shall perform a noise attenuation and abatement study during the design development phase to validate the effectiveness of the 300 foot vegetated buffer and berm system proposed by the Property Owner/Applicant to attenuate noises to the above specified limit. Study shall be provided to Effingham County’s Director of Development Services for approval during the design review process.

5. **LIGHTS** – Overhead lighting shall be in accordance with the Official Code of Effingham County, Georgia, Article 5.12.4.4. Direct glare from incandescent exposed lighting shall not be visible from adjoining streets or properties. All exterior lighting shall be downward facing and shielded.

All exterior lighting shall be attached to sides of buildings or pole mounted lights that do not exceed 26 foot in height. Property Owner/Applicant shall provide a photometric plan with the design review application to verify the light levels generated from the development at the outward most edge of the required 300 foot buffer on Chimney Road do not exceed 0.01 footcandles (this is the equivalent as the illumination as a full moon).

6. **USES** – The rezoning of the property is conditioned on the property being used for Warehousing or the permitted uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1 – LI – Light Industrial. No other uses listed in the Official Code of Effingham County, Georgia, Article 5.12.1A – “HI – Heavy Industrial” or Article 5.12.1B “HI-Heavy Industrial conditional uses” shall be allowed.

7. **SIGNAGE** – All traffic directional signage shall be in accordance with the Official Code of Effingham County, Georgia, Chapter 62, Article II, Section 62-33 and Appendix C, Article III, Paragraph 3.38, and public roadway signage shall be limited to placement on Old Augusta Road only. Signage shall indicate that truck traffic from the facility shall use designated Truck Route – Old Augusta Road Only. A monument-type sign on Old Augusta Road identifying the facility is allowed but is to be submitted to Effingham County Development Services for approval and recommendation to the Board of Commissioners.

8. **DESIGN** – Site Development Plans shall comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management local Design Manual and Chapter 34- Flood Damage Prevention.

   All wetland impacts shall be approved and permitted by USACE, and the approved Jurisdictional Determination shall be submitted during the development plan review process.

   A site plan shall be submitted prior to construction showing the final layout of all buildings and roads, and the distance from all buildings to neighboring properties.

The conditions enumerated above are in addition to all other applicable requirements found in the Official Code of Effingham County, Georgia, state laws, and federal laws.

**Failure to comply with any of the Conditions for approval of the subject property at any time may result in the following:**

a. The Issuance of a Stop Work Order; the Issuance of a Cease and Desist Order; the Denial or Revocations of a Building Permit; the Denial or Revocation of a Certificate of Occupancy; the Denial of any other Permit, License or Approval to any developer, Owner, lessee, or user of the subject property; the Revocation of any other permit, license or approval from any developer, owner, lessee, or user of subject property, the Revocation of any concurrency; and/or

b. The Revocation of the Official Map Amendment, Conditional Use, Requested Use, and/or any other zoning approval; and/or
c. A requirement of the development to conform with the standards found in the Code of Effingham County at the time of the finding of non-compliance, or the addition or modification of conditions reasonably related to the failure to comply with existing Conditions of Approval; and/or
d. Referral to Code Enforcement.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ______________, 20___

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: ______________________________
WESLEY M. CORBITT, CHAIRMAN

ATTEST: FIRST/SECOND READING: ______________

STEPHANIE D. JOHNSON
COUNTY CLERK
Staff Report

Subject: Reorganization of Development Services Department.
Author: Tim Callanan, County Manager
Department: County Manager
Meeting Date: September 15, 2020
Item Description: Reorganization of current authorized positions and addition of needed positions.

Summary Recommendation
The following changes are being requested based on a review of the organization structure of the department to better use staff and resources:
1. Downgrade the Zoning Administrator position to a Zoning Technician.
2. Approve Planning and Zoning Manager position and job description to oversee the planning, zoning and code enforcement functions of Development Services.
3. Move all GIS functions from the IT Department to the Development Services Department. The GIS employees will report to the Planning and Zoning Manager. This will relay real time information/changes to property allowing for prompt updates to maps, etc.

Executive Summary
A review of duties and responsibilities within the Development Services Department was conducted upon the resignation of the Zoning Administrator. The intent of the review was to determine how the department could be organized to better serve the citizens of Effingham County. The review revealed the need for an additional position to oversee the planning, zoning and code enforcement functions of the department, not only for supervision but to act as the lead and speaker for the Planning and Zoning functions for the Planning Board and the Board of Commissioners. The move of the GIS function from the IT Department to the Development Services Department will aid in ensuring maps, parcels, etc., are updated and available in a timely manner.

Background
- Review of department structure and workload determined need for reorganization to better use personnel and resources.
- Provide oversight to GIS personnel.

Alternatives
1. Recommend approval of reorganization of Development Services Department, moving the GIS function to the Development Services Department and new job description for Planning and Zoning Manager.
2. Recommend disapproval of the reorganization and provide staff with additional directions.

Other Alternatives: None

Department Review: County Manager, Director of Development Services, Director of Finance

Funding Source: No impact on funding.

Attachments:
1. Current Development Services Organizational Chart
2. Proposed Development Services Organizational Chart
3. County wide Organizational Chart
New Positions due to reorganization
Staff Report

Subject: FY21 Budget Amendment
Author: Christy Carpenter, Finance Director
Department: Finance
Meeting Date: 09/15/2020
Item Description: Consideration to approve a Resolution to amend the FY2020-2021 budget.

Summary Recommendation:
Staff is requesting approval of an amendment to the FY2020-2021 budget.

Executive Summary:
Each year the Board of Commissioners proposes a tentative budget. During the year, the Board receives requests from agencies and department heads to adjust the budget. Additionally, other factors, such as revenue, may fluctuate thereby allowing the Board to direct that additional expenditures be made. Therefore, a formal budget resolution incorporating these factors is made to adjust the budget accordingly.

Background:
1. Georgia Law 6-81-3. Requires the establishment of fiscal year; requirement of annual balanced budget; adoption of budget ordinances or resolutions generally; budget amendments; uniform chart of accounts. Section (b)(1) notes that each unit of local government shall adopt and operate under an annual balanced budget for the general fund, each special revenue fund, and each debt service fund in use by the local government. The annual balanced budget shall be adopted by ordinance or resolution and administered in accordance with this article.

The budget amendment attached reflects the following changes:

   a. Moving two GIS positions from Department 136 (IT) to Department 272 (Development Services)

Alternatives for Commission to Consider:
1. Approve the Resolution for budget amendment for 2020-2021
2. Provide Staff with Direction

Recommended Alternative:
Staff recommends Alternative number 1 – Approval of the FY21 Budget Amendment

Other Alternatives: N/A

Department Review: County Manager, Finance, IT, Development Services
Funding Source: As approved by the Board of Commissioners
Attachments:
1. 2020-2021 Budget Amendment Resolution
RESOLUTION TO AMEND THE FY2020-2021 BUDGET

WHEREAS, the FY 2020-2021 budget of Effingham County was adopted on June 2nd, 2020 and; WHEREAS, it is necessary to further amend said budget to reflect desired changes and;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the County Effingham, Georgia that the following amendment be made:

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<th>DEPT</th>
<th>TRAVEL AND OTHER AMEND</th>
<th>ACCT NO.</th>
<th>AMOUNT</th>
<th>DESCRIPTION</th>
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<td>136</td>
<td>IT</td>
<td>SALARIES</td>
<td>100-1535-136-51-1100</td>
<td>(56,394.00)</td>
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<td>WORKMEN'S COMPENSATION</td>
<td>272-7401-024-51-2700-1</td>
<td>203.02</td>
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0.00 Net entries
The amendment is to move two GIS positions from Department 136 (IT) to Department 272 (Development Services).

Approved this _____ day of ___________ 2020.

Attest:

Stephanie D. Johnson, County Clerk

Wesley M. Corbitt, Chairman
Staff Report

Subject: SecureTheVote / HAVA CARES Act
Author: Christy Carpenter, Finance Director
Department: Finance Department
Meeting Date: 09-15-2020
Item Description: Consideration to accept a grant award from Georgia Secretary of State SecureTheVote / HAVA CARES Act.

Summary Recommendation:
Staff is requesting approval to accept a grant award from Georgia Secretary of State SecureTheVote / HAVA CARES Act.

Executive Summary:
On March 13, 2020, President Trump declared a national emergency related to the COVID-19 crisis. On March 14, 2020, Governor Kemp followed suit declaring a health state of emergency in Georgia. In reaction, Congress passed the Coronavirus Aid, Relief & Economic Security (CARES) Act. The President signed the act into effect on March 27, 2020. From these funds, Secretary Raffensperger has authorized for direct grants to be offered to the counties to directly address issues related to conducting elections in the current health environment. These grants are for the purpose of providing equipment and materials to make the voting process safer for voters, poll workers, and elections officials. There are two available programs for the grant reimbursement: 1) Personal Protective Equipment (PPE)/Sanitizing Disinfectant Supplies - This grant is intended to help counties purchase PPE. Examples of PPE include masks, gloves, shields, disinfectant materials, alcohol wipes, etc. These are for elections offices and polling locations. One specific rule around this grant is these supplies may not be used outside of an election environment. Therefore, materials purchased under this grant may not be shared with other county offices. 2) Secure Drop Boxes - This grant is intended to help counties purchase and install secure drop boxes. To accommodate the increased use of absentee ballots and allow voters to deliver them without having to interact with others. The State Elections Board passed a rule allowing secure drop boxes to receive absentee ballots. These funds will be used to reimburse Effingham County Elections for sanitizing disinfectant supplies for polling locations.

Background:
1. The awarded funding amount is $1,167.98.
2. This is a reimbursable grant with matching requirements and it is as follows:

<table>
<thead>
<tr>
<th>Activity</th>
<th>Program</th>
<th>State</th>
<th>EC Match</th>
<th>Total</th>
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<tbody>
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<td>Hand sanitizer, hand sanitizer wipes, face masks, cleaning cloths, alcohol and spray bottles</td>
<td>PPE</td>
<td>$1,167.98</td>
<td>$129.78</td>
<td>$1,297.76</td>
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Alternatives for Commission to Consider:
1. Approve the Secretary of State SecureTheVote / HAVA CARES Act grant award.
2. Do not approve the Secretary of State SecureTheVote / HAVA CARES Act grant award.
3. Provide Staff with Direction
**Recommended Alternative:**
Staff recommends Alternative number 1 – Approve the Secretary of State SecureTheVote / HAVA CARES Act grant award.

**Other Alternatives:** N/A

**Department Review:** Effingham County Board of Elections & Registration

**Funding Source:** Funding for the match has been provided through Dept. 008’s budget.

**Attachments:**
1. Secretary of State SecureTheVote / HAVA CARES Act Grant award.
Learn about the Provider Relief Fund

COVID-19 financial assistance for providers of health care services and support in a medical setting, at home, or in the community

July 2020
Provider Relief Fund: Key facts for providers

Qualified providers of health care, services, and support may receive Provider Relief Fund payments for healthcare-related expenses or lost revenue due to COVID-19. Separately, the COVID-19 Uninsured Program reimburses providers for testing and treating uninsured individuals with COVID-19.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Paycheck Protection Program and Health Care Enhancement Act (PPPCHE), the federal government has allocated

$175 billion

in payments to be distributed through the Provider Relief Fund (PRF)

These distributions do not need to be repaid to the US government, assuming providers comply with the terms and conditions

Click here to apply!
Who is eligible

Any provider of health care, services, and support in a medical setting, at home, or in the community is eligible for the Provider Relief Fund distributions, including:

- Hospitals
- Clinics
- Behavioral health services
- Case management
- Home and community-based social support
- Dental services
- Self directed providers
- Emergency services
- Home health
- Non-emergent medical transport
- Nursing services
- OB/GYN
- Pediatrics
- Primary care
- Other physician services
- Residential facilities
- Substance abuse facilities
- Agencies (foster care, services for people with intellectual or developmental disabilities)

Providers that choose to accept funds must attest to the terms and conditions of payments through the Provider Relief Fund Application and Attestation Portal.

Providers have 90 days to attest or reject funds through the portal. Not actively attesting within 90 days will be viewed as acceptance.

Health and Human Services will post the names of payment recipients and amounts on its public website for all providers that attest to PRF distributions.

Recipients of >$10,000 will be required to submit reports about the use of their PRF distributions.

Provider Relief Fund website
Phase 2: General Distribution 1 of 2

The PRF is currently allocating Phase 2 General Distribution funding for Medicare, Medicaid, Medicaid Managed Care, CHIP, and dental providers. The deadline for TIN validation is August 28, 2020 at 11:59pm ET.

6 actions for providers interested in receiving Phase 2 General Distribution funding:

Pre-payment process:
1. Determine eligibility
2. Validate Tax ID Number (TIN)
3. Apply for funding

Post-payment process:
4. Receive payment
5. Attest to payment
6. Report on use of funds
1 Determine eligibility 1 of 2

To be eligible to apply, the applicant must have either:

- Billed Medicare fee-for-service during the period of Jan.1, 2019-Dec. 31, 2019; or
- Be a Medicare Part A provider that experienced a change in ownership and billed Medicare fee-for-service in 2019 or 2020 that prevented the otherwise eligible provider from receiving Phase 1 General Distribution payment
- Billed Medicaid / CHIP programs or Medicaid managed care plans for health-related services between Jan.1, 2018-Dec.31, 2019; or
- Billed a health insurance company for oral healthcare-related services as a dental service provider; or
- Be a licensed dental service provider who does not accept insurance and has billed patients for oral healthcare-related services

For more detailed information on eligibility, please see FAQs. Providers that are not eligible for the Phase 2 General Distribution may be eligible for future distributions.
1 Determine eligibility 2 of 2

Additionally, to be eligible to apply, the applicant must meet all of the following requirements:

- Filed a federal income tax return for fiscal years 2017, 2018, 2019; or be exempt from filing a return
- Provided patient care after January 31, 2020 (Note: patient care includes health care, services and support, as provided in a medical setting, at home, or in the community)
- Did not permanently cease providing patient care directly or indirectly
- For individuals, reported on Form 1040 (or other tax form) gross receipts or sales from providing patient care

Please note: Receipt of funds from SBA and FEMA for coronavirus recovery or of Medicaid HCBS retainer payments does not preclude a healthcare provider from being eligible

For more detailed information on eligibility, please see FAQs. Providers that are not eligible for the Phase 2 General Distribution may be eligible for future distributions.
2 Validate Tax ID Number (TIN) 1 of 2

Tax ID Number (TIN) Validation

1. Provider registers in portal and enters TIN* HHS shares unrecognized provider TINs with 3rd party validators**

   **Timing: 7-10 business days**

2. Validator reviews provider information for eligibility (e.g. actively in practice, in good standing, etc.) and shares results with HRSA

   ***Timing: 7-10 business days***

3. HRSA accepts determination, updates portal, and notifies provider they can apply

   **Timing: 3-5 business days**

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1 *Process applies only to Medicaid / CHIP / Dental providers

**Validators are Medicaid / CHIP agencies, dental organizations, etc.

***Assumes validator responds within requested timeframe; majority of validators respond by requested deadline

Provider Relief Fund website
2 Validate Tax ID Number (TIN) 2 of 2

Application

4. Provider re-enters portal and completes application for payments

*Timing: 10-14 days*

Recognized TINs, from a state-provided 3rd party list, begin with Step 4

Depending on TIN validation, disbursements generally take 5-7 weeks

All providers who register before deadline will be considered
3 Apply for funding

Tax ID Number (TIN) Validation

- **Providers must apply** through the [Provider Relief Fund Application and Attestation Portal](#).

- Documentation required to submit the application includes:
  - Most recent **federal income tax return** for 2017, 2018, or 2019, unless exempt
  - **Quarterly Federal Tax Return** (IRS Form 941 for Q1 2020) or **Federal Unemployment Tax Return** (IRS Form 940), unless exempt
  - **Revenue worksheet** (if required by Field 15)

For more detailed information on how to apply, please see [application instructions](#).
Actions for providers

Phase 2 General Distribution 4 of 6

4 Receive payment

- Across General Distribution payments, providers may receive up to a total of 2% of reported revenue from patient care.
- Payments will be disbursed on a rolling basis, as information is validated.
- All Provider Relief Fund distributions will be paid to the Filing or Organizational TIN, and not directly to subsidiary TINs.

For more detailed information on receiving payment, please see FAQs.
5 Attest to payment

- Providers that receive PRF distributions must choose to accept or reject funds through the Provider Relief Fund Application and Attestation Portal within 90 days of receipt of payment.

- Providers must attest to meeting the terms and conditions of payment; if they do not attest within 90 days, they are assumed to have accepted payment and terms and conditions.

- If provider rejects payment, they must return funds to HHS within 15 calendar days and may still be considered for future distributions.

- Requirements from the PRF terms and conditions include (not exhaustive):
  - To be eligible, must have provided diagnosis, testing, or care for actual or possible COVID-19 patients on or after Jan.31, 2020 (Note: HHS broadly views every patient as a possible case of COVID-19 for purposes of eligibility).
  - Payment will be used to prevent, prepare for, and respond to coronavirus, and reimburse health care related expenses or lost revenues attributable to coronavirus.
  - Payment will not be used for expenses or losses that have been or will be reimbursed from other sources.
  - Recipient consents to public disclosure of payment.
6 Report on use of funds

- HHS will require recipients to submit future reports relating to the recipient’s use of PRF payments.
- PRF payments may be used to cover lost revenue attributable to COVID-19 or health-related expenses purchased to prevent, prepare for, and respond to coronavirus, including but not limited to:
  - Supplies
  - Equipment
  - Workforce training
  - Reporting COVID-19 test results to federal, state, or local governments
  - Building or constructing temporary structures for COVID-19 patient care or non-COVID-19 patients in a separate area
  - Acquiring additional resources, including facilities, supplies, or staffing to expand or preserve care delivery
  - Developing and staffing emergency operation centers

For additional information, please see auditing and reporting FAQs. HHS will provide further clarity on reporting requirements and timeline in August 2020; please return to Provider Relief Fund website for updates.
Are you ready to apply?

Click here

For more information, please visit the Provider Relief Fund website
Acceptance of Terms and Conditions

If you receive a payment from funds appropriated in the Public Health and Social Services Emergency Fund for provider relief (“Relief Fund”) under Public Law 116-136 and retain that payment for at least 90 days without contacting HHS regarding remittance of those funds, you are deemed to have accepted the following Terms and Conditions. Please also indicate your acceptance below. This is not an exhaustive list and you must comply with any other relevant statutes and regulations, as applicable.

Your commitment to full compliance with all Terms and Conditions is material to the Secretary’s decision to disburse these funds to you. Non-compliance with any Term or Condition is grounds for the Secretary to recoup some or all of the payment made from the Relief Fund.

These Terms and Conditions apply directly to the recipient of payment from the Relief Fund. In general, the requirements that apply to the recipient also apply to subrecipients and contractors, unless an exception is specified.

Relief Fund Payment from $20 Billion General Distribution Terms and Conditions

• The “Payment” means the funds received from the Public Health and Social Services Emergency Fund (“Relief Fund”). The Recipient means the healthcare provider, whether an individual or an entity, receiving the Payment.

• The Recipient certifies that it billed Medicare in 2019; provides or provided after January 31, 2020 diagnoses, testing, or care for individuals with possible or actual cases of COVID-19; is not currently terminated from participation in Medicare or precluded from receiving payment through Medicare Advantage or Part D; is not currently excluded from participation in Medicare, Medicaid, and other Federal health care programs; and does not currently have Medicare billing privileges revoked.

• The Recipient certifies that the Payment will only be used to prevent, prepare for, and respond to coronavirus, and that the Payment shall reimburse the Recipient only for health care related expenses or lost revenues that are attributable to coronavirus.

• The Recipient certifies that it will not use the Payment to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse.

• The Recipient shall submit reports as the Secretary determines are needed to ensure compliance with conditions that are imposed on this Payment, and such reports shall be in such form, with such content, as specified by the Secretary in future program instructions directed to all Recipients. The Recipient shall also submit general revenue
data for calendar year 2018 to the Secretary when applying to receive a Payment, or within 90 days of having received a Payment.

- The Recipient consents to the Department of Health and Human Services publicly disclosing the Payment that Recipient may receive from the Relief Fund. The Recipient acknowledges that such disclosure may allow some third parties to estimate the Recipient’s gross receipts or sales, program service revenue, or other equivalent information.

- The Recipient certifies that all information it provides as part of its application for the Payment, as well as all information and reports relating to the Payment that it provides in the future at the request of the Secretary or Inspector General, are true, accurate and complete, to the best of its knowledge. The Recipient acknowledges that any deliberate omission, misrepresentation, or falsification of any information contained in this Payment application or future reports may be punishable by criminal, civil, or administrative penalties, including but not limited to revocation of Medicare billing privileges, exclusion from federal health care programs, and/or the imposition of fines, civil damages, and/or imprisonment.

- Not later than 10 days after the end of each calendar quarter, any Recipient that is an entity receiving more than $150,000 total in funds under the Coronavirus Aid, Relief, and Economics Security Act (P.L. 116-136), the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), or any other Act primarily making appropriations for the coronavirus response and related activities, shall submit to the Secretary and the Pandemic Response Accountability Committee a report. This report shall contain: the total amount of funds received from HHS under one of the foregoing enumerated Acts; the amount of funds received that were expended or obligated for each project or activity; a detailed list of all projects or activities for which large covered funds were expended or obligated, including: the name and description of the project or activity, and the estimated number of jobs created or retained by the project or activity, where applicable; and detailed information on any level of sub-contracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 allowing aggregate reporting on awards below $50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

- The Recipient shall maintain appropriate records and cost documentation including, as applicable, documentation described in 45 CFR § 75.302 – Financial management and 45 CFR § 75.361 through 75.365 – Record Retention and Access, and other information required by future program instructions to substantiate the reimbursement of costs under this award. The Recipient shall promptly submit copies of such records and cost documentation upon the request of the Secretary, and Recipient agrees to fully cooperate in all audits the Secretary, Inspector General, or Pandemic Response Accountability Committee conducts to ensure compliance with these Terms and Conditions.
The Secretary has concluded that the COVID-19 public health emergency has caused many healthcare providers to have capacity constraints. As a result, patients that would ordinarily be able to choose to receive all care from in-network healthcare providers may no longer be able to receive such care in-network. Accordingly, for all care for a presumptive or actual case of COVID-19, Recipient certifies that it will not seek to collect from the patient out-of-pocket expenses in an amount greater than what the patient would have otherwise been required to pay if the care had been provided by an in-network Recipient.

The following statutory provisions also apply:

**General Provisions in FY 2020 Consolidated Appropriation**

**SEC. 202. Executive Pay.** None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II.

**SEC. 210. Funding Prohibition for Gun Control Advocacy.** None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

**SEC. 503. Lobbying**

(a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative
relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 506. Prohibits Use of Federal Funds for Abortions.

(a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ‘‘health benefits coverage’’ means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507 Limitations on Abortion Funding Prohibition

(a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects
any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term “health care entity” includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Prohibits Use of Funds for Embryo Research

SEC. 508. Prohibits Use of Funds for Embryo Research

(a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term “human embryo or embryos” includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. Prohibits Promotion of Legalization of Controlled Substances

(a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 515. (b) Prohibits Asking Candidates for Federal Scientific Advisory Committees Their Political Affiliations; Prohibits Distribution of Intentionally False Information

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.
SEC. 520. Pornography.

(a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 521. Prohibits Funding ACORN or Its Affiliates or Subsidiaries. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 527. Prohibits Federal Funding for Needle Exchange Except in Limited Circumstances. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

Government-wide General Provisions

SEC. 718. Propaganda. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 732. Privacy Act. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 742. Confidentiality Agreements.

(a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from
lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 743. Nondisclosure Agreements

(a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”. Provided, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or
to an authorized official of an executive agency or the Department of Justice, that are essential to reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding subsection (a) if it complies with the requirements for such agreement that were in effect when the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any agreement entered into during fiscal year 2014 which does not contain substantially similar language to that required in subsection (a).

SEC. 744. Unpaid Federal Tax Liability. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has any unpaid Federal tax liability that has been assessed, for which all judicial and administrative remedies have been exhausted or have lapsed, and that is not being paid in a timely manner pursuant to an agreement with the authority responsible for collecting the tax liability, where the awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

SEC. 745. Criminal Felony Limitation. None of the funds made available by this or any other Act may be used to enter into a contract, memorandum of understanding, or cooperative agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was convicted of a felony criminal violation under any Federal law within the preceding 24 months, where the awarding agency is aware of the conviction, unless a Federal agency has considered suspension or debarment of the corporation and has made a determination that this further action is not necessary to protect the interests of the Government.

Other Appropriations Provisions

42 U.S.C. 289d note No funds appropriated under this Act or subsequent Departments of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be used by the National Institutes of Health, or any other Federal agency, or recipient of Federal funds on any project that entails the capture or procurement of chimpanzees obtained from the wild. For purposes of this section, the term ‘recipient of Federal funds’ includes private citizens, corporations, or other research institutions located outside of the United States that are recipients of Federal funds.

Other Statutory Provisions
Trafficking in Persons
This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104)

a. Provisions applicable to a recipient that is a private entity.
1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not
   i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
   ii. Procure a commercial sex act during the period of time that the award is in effect; or
   iii. Use forced labor in the performance of the award or subawards under the award.
2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
   i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
   ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either-
      A. Associated with performance under this award; or
      B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376.

b. Provision applicable to a recipient other than a private entity.
We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity-
1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either
   i. Associated with performance under this award; or
   ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376

c. Provisions applicable to any recipient.
1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
   i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
   ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

**d. Definitions.** For purposes of this award term:

1. "Employee" means either:
   i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
   ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.

2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.

3. "Private entity":
   i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
   ii. Includes:
      A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b). 
      B. A for-profit organization.

4. “Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102)

**Whistleblower Protections**

You are hereby given notice that the 48 CFR section 3.908, implementing section 828, entitled “Pilot Program for Enhancement of Contractor Employee Whistleblower protections,” of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) applies to this award.

**Human Subjects Protections**

If any activities under this project will involve human subjects in any research activities, you must provide satisfactory assurance of compliance with the participant protection requirement of the HHS/OASH Office of Human Research Protection (OHRP) prior to implementation of those research components. This assurance should be submitted to the OHRP in accordance with the appropriate regulations.

**Fraud, Abuse and Waste:**

The HHS Inspector General accepts tips and complaints from all sources about potential fraud, waste, abuse, and mismanagement in Department of Health and Human Services' programs.
Your information will be reviewed promptly by a professional staff member. Due to the high volume of information that they receive, they are unable to reply to submissions. You may reach the OIG through various channels.

Internet: https://forms.oig.hhs.gov/hotlineoperations/index.aspx
Phone: 1-800-HHS-TIPS (1-800-447-8477)
Mail: US Department of Health and Human Services
Office of Inspector General
ATTN: OIG HOTLINE OPERATIONS
PO Box 23489
Washington, DC 20026
For additional information visit https://oig.hhs.gov/fraud/report-fraud/index.asp
Staff Report

Subject: CARES Act Provider Relief Fund
Author: Christy Carpenter, Finance Director
Department: Finance Department
Meeting Date: 09-15-2020
Item Description: Consideration to ratify a submittal of an application to the U.S. Department of Health and Human Services (HHS) to receive a Phase 2 CARES Act Provider Relief Fund payment

Summary Recommendation:
Staff is requesting for ECBOC to ratify and affirm a submittal of an application to the U.S. Department of Health and Human Services (HHS) to receive a Phase 2 CARES Act Provider Relief Fund payment.

Executive Summary:
The U.S. Department of Health and Human Services (HHS) is distributing payments in the Phase 2 General Distribution of the Provider Relief Fund as part of ongoing efforts to offer financial relief to providers impacted by coronavirus disease (COVID-19).

As part of the application, HHS is collecting tax forms and revenue data in order to determine a payment that is approximately 2% of annual revenue from patient care. If a provider has already received a payment that is approximately 2% of their annual revenue from patient care, they will not receive additional payments.

The payment must be used to prevent, prepare for, and respond to coronavirus, and shall reimburse the recipient only for health care related expenses or lost revenues that are attributable to coronavirus.

Background:
1. Program eligibility and allocation of funds are determined by HHS, subject to adjustment (as may be necessary) and available funding.
2. Application deadline was September 13, 2020.
3. No cost share requirement.

Alternatives for Commission to Consider:
1. Ratify and affirm a submittal of an application to HHS to receive a Phase 2 CARES Act Provider Relief payment.
2. Do not ratify and affirm a submittal of an application to HHS to receive a Phase 2 CARES Act Provider Relief payment.
3. Provide staff with direction

Recommended Alternative:
1. Staff recommends Alternative number 1 – Ratify and affirm a submittal of an application to HHS to receive a Phase 2 CARES Act Provider Relief payment.

Other Alternatives: N/A
Department Review: Emergency Medical Services
Funding Source:
There is no cost share requirement and these are payments to healthcare providers, not loans, and will not need to be repaid.

Attachments:
1. CARES Act Provider Relief Fund Information
2. HHS Acceptance of Terms & Conditions
Learn about the Provider Relief Fund

COVID-19 financial assistance for providers of health care services and support in a medical setting, at home, or in the community

July 2020
Provider Relief Fund: Key facts for providers

Qualified providers of health care, services, and support may receive Provider Relief Fund payments for healthcare-related expenses or lost revenue due to COVID-19. Separately, the COVID-19 Uninsured Program reimburses providers for testing and treating uninsured individuals with COVID-19.

Through the Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Paycheck Protection Program and Health Care Enhancement Act (PPPCHE), the federal government has allocated $175 billion in payments to be distributed through the Provider Relief Fund (PRF).

These distributions do not need to be repaid to the US government, assuming providers comply with the terms and conditions.

Provider Relief Fund website
Who is eligible

Any provider of health care, services, and support in a medical setting, at home, or in the community is eligible for the Provider Relief Fund distributions, including:

- Hospitals
- Clinics
- Behavioral health services
- Case management
- Home and community-based social support
- Dental services
- Self directed providers
- Emergency services
- Home health
- Non-emergent medical transport
- Nursing services
- OB/GYN
- Pediatrics
- Primary care
- Other physician services
- Residential facilities
- Substance abuse facilities
- Agencies (foster care, services for people with intellectual or developmental disabilities)

Providers that choose to accept funds must attest to the terms and conditions of payments through the Provider Relief Fund Application and Attestation Portal.

Providers have 90 days to attest or reject funds through the portal. Not actively attesting within 90 days will be viewed as acceptance.

Health and Human Services will post the names of payment recipients and amounts on its public website for all providers that attest to PRF distributions.

Recipients of >$10,000 will be required to submit reports about the use of their PRF distributions.

Provider Relief Fund website
Phase 2: General Distribution 1 of 2

The PRF is currently allocating Phase 2 General Distribution funding for Medicare, Medicaid, Medicaid Managed Care, CHIP, and dental providers. The deadline for TIN validation is August 28, 2020 at 11:59pm ET

6 actions for providers interested in receiving Phase 2 General Distribution funding

**Pre-payment process**
1. Determine eligibility
2. Validate Tax ID Number (TIN)
3. Apply for funding

**Post-payment process**
4. Receive payment
5. Attest to payment
6. Report on use of funds
1 Determine eligibility 1 of 2

To be eligible to apply, the applicant must have either:

- **Billed Medicare fee-for-service** during the period of Jan.1, 2019-Dec. 31, 2019; or
- **Be a Medicare Part A provider that experienced a change in ownership** and billed Medicare fee-for-service in 2019 or 2020 that prevented the otherwise eligible provider from receiving Phase 1 General Distribution payment
- **Billed Medicaid / CHIP programs or Medicaid managed care plans** for health-related services between Jan.1, 2018-Dec.31, 2019; or
- **Billed a health insurance company for oral healthcare-related services** as a dental service provider; or
- **Be a licensed dental service provider who does not accept insurance and has billed patients for oral healthcare-related services**

For more detailed information on eligibility, please see FAQs. Providers that are not eligible for the Phase 2 General Distribution may be eligible for future distributions.
1 Determine eligibility 2 of 2

Additionally, to be eligible to apply, the applicant must meet all of the following requirements:

- Filed a **federal income tax return** for fiscal years 2017, 2018, 2019; or be exempt from filing a return
- **Provided patient care** after January 31, 2020 (Note: patient care includes health care, services and support, as provided in a medical setting, at home, or in the community)
- **Did not permanently cease** providing patient care directly or indirectly
- For individuals, reported on **Form 1040** (or other tax form) gross receipts or sales from providing patient care

Please note: Receipt of funds from SBA and FEMA for coronavirus recovery or of Medicaid HCBS retainer payments does not preclude a healthcare provider from being eligible

**For more detailed information on eligibility, please see FAQs. Providers that are not eligible for the Phase 2 General Distribution may be eligible for future distributions**
Actions for providers
Phase 2 General Distribution 2 of 6

2 Validate Tax ID Number (TIN) 1 of 2

Tax ID Number (TIN) Validation

1. Provider registers in portal and enters TIN* HHS shares unrecognized provider TINs with 3rd party validators**

   Timing: 7-10 business days

2. Validator reviews provider information for eligibility (e.g. actively in practice, in good standing, etc.) and shares results with HRSA

   Timing: 7-10 business days***

3. HRSA accepts determination, updates portal, and notifies provider they can apply

   Timing: 3-5 business days

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*Process applies only to Medicaid / CHIP / Dental providers
**Validators are Medicaid / CHIP agencies, dental organizations, etc.
***Assumes validator responds within requested timeframe; majority of validators respond by requested deadline
2 Validate Tax ID Number (TIN) 2 of 2

Application

4. Provider re-enters portal and completes application for payments

*Timing: 10-14 days*

Recognized TINs, from a state-provided 3rd party list, begin with Step 4

Depending on TIN validation, disbursements generally take 5-7 weeks

All providers who register before deadline will be considered
Actions for providers
Phase 2 General Distribution 3 of 6

3 Apply for funding

Tax ID Number (TIN) Validation

- Providers must apply through the Provider Relief Fund Application and Attestation Portal

- Documentation required to submit the application includes:
  - Most recent federal income tax return for 2017, 2018, or 2019, unless exempt
  - Quarterly Federal Tax Return (IRS Form 941 for Q1 2020) or Federal Unemployment Tax Return (IRS Form 940), unless exempt
  - Revenue worksheet (if required by Field 15)

For more detailed information on how to apply, please see application instructions
4 Receive payment

- Across General Distribution payments, providers may receive up to a total of 2% of reported revenue from patient care

- Payments will be disbursed on a rolling basis, as information is validated

- All Provider Relief Fund distributions will be paid to the Filing or Organizational TIN, and not directly to subsidiary TINs

For more detailed information on receiving payment, please see FAQs
5 Attest to payment

- Providers that receive PRF distributions must choose to accept or reject funds through the Provider Relief Fund Application and Attestation Portal within 90 days of receipt of payment.

- Providers must attest to meeting the terms and conditions of payment; if they do not attest within 90 days, they are assumed to have accepted payment and terms and conditions.

- If provider rejects payment, they must return funds to HHS within 15 calendar days and may still be considered for future distributions.

- Requirements from the PRF terms and conditions include (not exhaustive):
  - To be eligible, must have provided diagnosis, testing, or care for actual or possible COVID-19 patients on or after Jan.31, 2020 (Note: HHS broadly views every patient as a possible case of COVID-19 for purposes of eligibility).
  - Payment will be used to prevent, prepare for, and respond to coronavirus, and reimburse health care related expenses or lost revenues attributable to coronavirus.
  - Payment will not be used for expenses or losses that have been or will be reimbursed from other sources.
  - Recipient consents to public disclosure of payment.
6 Report on use of funds

- HHS will require recipients to submit future reports relating to the recipient’s use of PRF payments
- PRF payments may be used to cover lost revenue attributable to COVID-19 or health-related expenses purchased to prevent, prepare for, and respond to coronavirus, including but not limited to:
  - Supplies
  - Equipment
  - Workforce training
  - Reporting COVID-19 test results to federal, state, or local governments
  - Building or constructing temporary structures for COVID-19 patient care or non-COVID-19 patients in a separate area
  - Acquiring additional resources, including facilities, supplies, or staffing to expand or preserve care delivery
  - Developing and staffing emergency operation centers

For additional information, please see auditing and reporting FAQs. HHS will provide further clarity on reporting requirements and timeline in August 2020; please return to Provider Relief Fund website for updates.
Are you ready to apply?

Click here

For more information, please visit the Provider Relief Fund website
Acceptance of Terms and Conditions

If you receive a payment from funds appropriated in the Public Health and Social Services Emergency Fund for provider relief ("Relief Fund") under Public Law 116-136 and retain that payment for at least 90 days without contacting HHS regarding remittance of those funds, you are deemed to have accepted the following Terms and Conditions. Please also indicate your acceptance below. This is not an exhaustive list and you must comply with any other relevant statutes and regulations, as applicable.

Your commitment to full compliance with all Terms and Conditions is material to the Secretary’s decision to disburse these funds to you. Non-compliance with any Term or Condition is grounds for the Secretary to recoup some or all of the payment made from the Relief Fund.

These Terms and Conditions apply directly to the recipient of payment from the Relief Fund. In general, the requirements that apply to the recipient also apply to subrecipients and contractors, unless an exception is specified.

Relief Fund Payment from $20 Billion General Distribution Terms and Conditions

• The “Payment” means the funds received from the Public Health and Social Services Emergency Fund (“Relief Fund”). The Recipient means the healthcare provider, whether an individual or an entity, receiving the Payment.

• The Recipient certifies that it billed Medicare in 2019; provides or provided after January 31, 2020 diagnoses, testing, or care for individuals with possible or actual cases of COVID-19; is not currently terminated from participation in Medicare or precluded from receiving payment through Medicare Advantage or Part D; is not currently excluded from participation in Medicare, Medicaid, and other Federal health care programs; and does not currently have Medicare billing privileges revoked.

• The Recipient certifies that the Payment will only be used to prevent, prepare for, and respond to coronavirus, and that the Payment shall reimburse the Recipient only for health care related expenses or lost revenues that are attributable to coronavirus.

• The Recipient certifies that it will not use the Payment to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse.

• The Recipient shall submit reports as the Secretary determines are needed to ensure compliance with conditions that are imposed on this Payment, and such reports shall be in such form, with such content, as specified by the Secretary in future program instructions directed to all Recipients. The Recipient shall also submit general revenue
data for calendar year 2018 to the Secretary when applying to receive a Payment, or within 90 days of having received a Payment.

- The Recipient consents to the Department of Health and Human Services publicly disclosing the Payment that Recipient may receive from the Relief Fund. The Recipient acknowledges that such disclosure may allow some third parties to estimate the Recipient’s gross receipts or sales, program service revenue, or other equivalent information.

- The Recipient certifies that all information it provides as part of its application for the Payment, as well as all information and reports relating to the Payment that it provides in the future at the request of the Secretary or Inspector General, are true, accurate and complete, to the best of its knowledge. The Recipient acknowledges that any deliberate omission, misrepresentation, or falsification of any information contained in this Payment application or future reports may be punishable by criminal, civil, or administrative penalties, including but not limited to revocation of Medicare billing privileges, exclusion from federal health care programs, and/or the imposition of fines, civil damages, and/or imprisonment.

- Not later than 10 days after the end of each calendar quarter, any Recipient that is an entity receiving more than $150,000 total in funds under the Coronavirus Aid, Relief, and Economics Security Act (P.L. 116-136), the Coronavirus Preparedness and Response Supplemental Appropriations Act (P.L. 116-123), the Families First Coronavirus Response Act (P.L. 116-127), or any other Act primarily making appropriations for the coronavirus response and related activities, shall submit to the Secretary and the Pandemic Response Accountability Committee a report. This report shall contain: the total amount of funds received from HHS under one of the foregoing enumerated Acts; the amount of funds received that were expended or obligated for each project or activity; a detailed list of all projects or activities for which large covered funds were expended or obligated, including: the name and description of the project or activity, and the estimated number of jobs created or retained by the project or activity, where applicable; and detailed information on any level of sub-contracts or subgrants awarded by the covered recipient or its subcontractors or subgrantees, to include the data elements required to comply with the Federal Funding Accountability and Transparency Act of 2006 allowing aggregate reporting on awards below $50,000 or to individuals, as prescribed by the Director of the Office of Management and Budget.

- The Recipient shall maintain appropriate records and cost documentation including, as applicable, documentation described in 45 CFR § 75.302 – Financial management and 45 CFR § 75.361 through 75.365 – Record Retention and Access, and other information required by future program instructions to substantiate the reimbursement of costs under this award. The Recipient shall promptly submit copies of such records and cost documentation upon the request of the Secretary, and Recipient agrees to fully cooperate in all audits the Secretary, Inspector General, or Pandemic Response Accountability Committee conducts to ensure compliance with these Terms and Conditions.
The Secretary has concluded that the COVID-19 public health emergency has caused many healthcare providers to have capacity constraints. As a result, patients that would ordinarily be able to choose to receive all care from in-network healthcare providers may no longer be able to receive such care in-network. Accordingly, for all care for a presumptive or actual case of COVID-19, Recipient certifies that it will not seek to collect from the patient out-of-pocket expenses in an amount greater than what the patient would have otherwise been required to pay if the care had been provided by an in-network Recipient.

The following statutory provisions also apply:

**General Provisions in FY 2020 Consolidated Appropriation**

**SEC. 202. Executive Pay.** None of the funds appropriated in this title shall be used to pay the salary of an individual, through a grant or other extramural mechanism, at a rate in excess of Executive Level II:

**SEC. 210. Funding Prohibition for Gun Control Advocacy.** None of the funds made available in this title may be used, in whole or in part, to advocate or promote gun control.

**SEC. 503. Lobbying**

(a) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used, other than for normal and recognized executive-legislative relationships, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

(b) No part of any appropriation contained in this Act or transferred pursuant to section 4002 of Public Law 111–148 shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative
relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.

(c) The prohibitions in subsections (a) and (b) shall include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

SEC. 506. Prohibits Use of Federal Funds for Abortions.

(a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.

(b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.

(c) The term ‘‘health benefits coverage’’ means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement.

SEC. 507 Limitations on Abortion Funding Prohibition

(a) The limitations established in the preceding section shall not apply to an abortion—

(1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State’s or locality’s contribution of Medicaid matching funds).

(d)(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects
any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term ‘‘health care entity’’ includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan.

Prohibits Use of Funds for Embryo Research

SEC. 508. Prohibits Use of Funds for Embryo Research

(a) None of the funds made available in this Act may be used for—

(1) the creation of a human embryo or embryos for research purposes; or

(2) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act (42 U.S.C. 289g(b)).

(b) For purposes of this section, the term ‘‘human embryo or embryos’’ includes any organism, not protected as a human subject under 45 CFR 46 as of the date of the enactment of this Act, that is derived by fertilization, parthenogenesis, cloning, or any other means from one or more human gametes or human diploid cells.

SEC. 509. Prohibits Promotion of Legalization of Controlled Substances

(a) None of the funds made available in this Act may be used for any activity that promotes the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established by section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

SEC. 515. (b) Prohibits Asking Candidates for Federal Scientific Advisory Committees Their Political Affiliations; Prohibits Distribution of Intentionally False Information

(b) None of the funds made available in this Act may be used to disseminate information that is deliberately false or misleading.
SEC. 520. Pornography.

(a) None of the funds made available in this Act may be used to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any Federal, State, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

SEC. 521. Prohibits Funding ACORN or Its Affiliates or Subsidiaries. None of the funds made available under this or any other Act, or any prior Appropriations Act, may be provided to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

SEC. 527. Prohibits Federal Funding for Needle Exchange Except in Limited Circumstances. Notwithstanding any other provision of this Act, no funds appropriated in this Act shall be used to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law.

Government-wide General Provisions

SEC. 718. Propaganda. No part of any appropriation contained in this or any other Act shall be used directly or indirectly, including by private contractor, for publicity or propaganda purposes within the United States not heretofore authorized by the Congress.

SEC. 732. Privacy Act. None of the funds made available in this Act may be used in contravention of section 552a of title 5, United States Code (popularly known as the Privacy Act), and regulations implementing that section.

SEC. 742. Confidentiality Agreements.

(a) None of the funds appropriated or otherwise made available by this or any other Act may be available for a contract, grant, or cooperative agreement with an entity that requires employees or contractors of such entity seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from
lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

SEC. 743. Nondisclosure Agreements

(a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this SEC. 743. (a) No funds appropriated in this or any other Act may be used to implement or enforce the agreements in Standard Forms 312 and 4414 of the Government or any other nondisclosure policy, form, or agreement if such policy, form, or agreement does not contain the following provisions: “These provisions are consistent with and do not supersede, conflict with, or otherwise alter the employee obligations, rights, or liabilities created by existing statute or Executive order relating to (1) classified information, (2) communications to Congress, (3) the reporting to an Inspector General of a violation of any law, rule, or regulation, or mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety, or (4) any other whistleblower protection. The definitions, requirements, obligations, rights, sanctions, and liabilities created by controlling Executive orders and statutory provisions are incorporated into this agreement and are controlling.”: Provided, That notwithstanding the preceding provision of this section, a nondisclosure policy form or agreement that is to be executed by a person connected with the conduct of an intelligence or intelligence-related activity, other than an employee or officer of the United States Government, may contain provisions appropriate to the particular activity for which such document is to be used. Such form or agreement shall, at a minimum, require that the person will not disclose any classified information received in the course of such activity unless specifically authorized to do so by the United States Government. Such nondisclosure forms shall also make it clear that they do not bar disclosures to Congress, or
to an authorized official of an executive agency or the Department of Justice, that are essential to
reporting a substantial violation of law.

(b) A nondisclosure agreement may continue to be implemented and enforced notwithstanding
subsection (a) if it complies with the requirements for such agreement that were in effect when
the agreement was entered into.

(c) No funds appropriated in this or any other Act may be used to implement or enforce any
agreement entered into during fiscal year 2014 which does not contain substantially similar
language to that required in subsection (a).

SEC. 744. Unpaid Federal Tax Liability. None of the funds made available by this or any other
Act may be used to enter into a contract, memorandum of understanding, or cooperative
agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that has
any unpaid Federal tax liability that has been assessed, for which all judicial and administrative
remedies have been exhausted or have lapsed, and that is not being paid in a timely manner
pursuant to an agreement with the authority responsible for collecting the tax liability, where the
awarding agency is aware of the unpaid tax liability, unless a Federal agency has considered
suspension or debarment of the corporation and has made a determination that this further action
is not necessary to protect the interests of the Government.

SEC. 745. Criminal Felony Limitation. None of the funds made available by this or any other
Act may be used to enter into a contract, memorandum of understanding, or cooperative
agreement with, make a grant to, or provide a loan or loan guarantee to, any corporation that was
convicted of a felony criminal violation under any Federal law within the preceding 24 months,
where the awarding agency is aware of the conviction, unless a Federal agency has considered
suspension or debarment of the corporation and has made a determination that this further action
is not necessary to protect the interests of the Government.

Other Appropriations Provisions

42 U.S.C. 289d note No funds appropriated under this Act or subsequent Departments of Labor,
Health and Human Services, and Education, and Related Agencies Appropriations Acts shall be
used by the National Institutes of Health, or any other Federal agency, or recipient of Federal
funds on any project that entails the capture or procurement of chimpanzees obtained from the
wild. For purposes of this section, the term ‘recipient of Federal funds’ includes private citizens,
corporations, or other research institutions located outside of the United States that are recipients
of Federal funds.

Other Statutory Provisions
**Trafficking in Persons**

This award is subject to the requirements of Section 106 (g) of the Trafficking Victims Protection Act of 2000, as amended (22 U.S.C. 7104)

**a. Provisions applicable to a recipient that is a private entity.**

1. You as the recipient, your employees, subrecipients under this award, and subrecipients' employees may not
   i. Engage in severe forms of trafficking in persons during the period of time that the award is in effect;
   ii. Procure a commercial sex act during the period of time that the award is in effect; or
   iii. Use forced labor in the performance of the award or subawards under the award.

2. We as the Federal awarding agency may unilaterally terminate this award, without penalty, if you or a subrecipient that is a private entity –
   i. Is determined to have violated a prohibition in paragraph a.1 of this award term; or
   ii. Has an employee who is determined by the agency official authorized to terminate the award to have violated a prohibition in paragraph a.1 of this award term through conduct that is either-
      A. Associated with performance under this award; or
      B. Imputed to you or the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376.

**b. Provision applicable to a recipient other than a private entity.**

We as the Federal awarding agency may unilaterally terminate this award, without penalty, if a subrecipient that is a private entity-

1. Is determined to have violated an applicable prohibition in paragraph a.1 of this award term; or
2. Has an employee who is determined by the agency official authorized to terminate the award to have violated an applicable prohibition in paragraph a.1 of this award term through conduct that is either
   i. Associated with performance under this award; or
   ii. Imputed to the subrecipient using the standards and due process for imputing the conduct of an individual to an organization that are provided in 2 CFR part 180, "OMB Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement)," as implemented by our agency at 2 CFR part 376

**c. Provisions applicable to any recipient.**

1. You must inform us immediately of any information you receive from any source alleging a violation of a prohibition in paragraph a.1 of this award term
2. Our right to terminate unilaterally that is described in paragraph a.2 or b of this section:
   i. Implements section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), and
   ii. Is in addition to all other remedies for noncompliance that are available to us under this award.
3. You must include the requirements of paragraph a.1 of this award term in any subaward you make to a private entity.

**d. Definitions.** For purposes of this award term:

1. "Employee" means either:
   i. An individual employed by you or a subrecipient who is engaged in the performance of the project or program under this award; or
   ii. Another person engaged in the performance of the project or program under this award and not compensated by you including, but not limited to, a volunteer or individual whose services are contributed by a third party as an in-kind contribution toward cost sharing or matching requirements.
2. "Forced labor" means labor obtained by any of the following methods: the recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery.
3. "Private entity":
   i. Means any entity other than a State, local government, Indian tribe, or foreign public entity, as those terms are defined in 2 CFR 175.25.
   ii. Includes:
      A. A nonprofit organization, including any nonprofit institution of higher education, hospital, or tribal organization other than one included in the definition of Indian tribe at 2 CFR 175.25(b).
      B. A for-profit organization.
4. “Severe forms of trafficking in persons," "commercial sex act," and "coercion" have the meanings given at section 103 of the TVPA, as amended (22 U.S.C. 7102)

**Whistleblower Protections**
You are hereby given notice that the 48 CFR section 3.908, implementing section 828, entitled “Pilot Program for Enhancement of Contractor Employee Whistleblower protections,” of the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2013 (Pub. L. 112-239, enacted January 2, 2013) applies to this award.

**Human Subjects Protections**
If any activities under this project will involve human subjects in any research activities, you must provide satisfactory assurance of compliance with the participant protection requirement of the HHS/OASH Office of Human Research Protection (OHRP) prior to implementation of those research components. This assurance should be submitted to the OHRP in accordance with the appropriate regulations.

**Fraud, Abuse and Waste:**
The HHS Inspector General accepts tips and complaints from all sources about potential fraud, waste, abuse, and mismanagement in Department of Health and Human Services' programs.
Your information will be reviewed promptly by a professional staff member. Due to the high volume of information that they receive, they are unable to reply to submissions. You may reach the OIG through various channels.

Internet: https://forms.oig.hhs.gov/hotlineoperations/index.aspx
Phone: 1-800-HHS-TIPS (1-800-447-8477)
Mail: US Department of Health and Human Services
Office of Inspector General
ATTN: OIG HOTLINE OPERATIONS
PO Box 23489
Washington, DC 20026
For additional information visit https://oig.hhs.gov/fraud/report-fraud/index.asp
Staff Report

Subject: Master Agreement for Professional Services - EOM
Author: Charlie George, County Engineer
Department: Engineering
Meeting Date: September 15, 2020
Item Description: Consideration to approve the Master Agreement for Professional Services submitted by EOM

Summary Recommendation: Approval of the Master Services Agreement submitted by EOM

Executive Summary/Background:
Effingham County has contracted with EOM as the County’s Engineering Management, Operations, and Maintenance Consultant. The current contract expired June 1, 2020. The Master Agreement specified herein provides for the renewal of this contract with updates to the services being provided and associated costs. The following are the Base Scope of Services tasks and their associated costs:

Civil Engineering: $282,600 (annual)

- Plan Reviews
- CIP Program Management
- Annual CRS Certifications
- Monthly Progress Reports and Attendance at County meetings

All other Civil Engineering Tasks requested by the County will be based on Hourly Rates with submittal of Proposals outlining the specific scopes and fees

Operations, Maintenance and Management Services: $2,248,800 with monthly payments of $187,000 from August 2020 to June 2021

Services provided under this task are similar to the previous annual contract

Alternatives for Commission to Consider

1. Approve the proposed Master Services Agreement and associated fees as outlined
2. Do not approve the proposal as submitted

Recommended Alternative:
Approval of Alternate 1,

Other Alternatives:
Department Review: Engineering
Funding Source: General Fund.
Attachments:
1. EOM Operations Master Services Agreement
Master Agreement for Professional Services

THIS AGREEMENT is made and entered into this ________ day of June, 2020, by and between The Board of Commissioners of Effingham County, a political subdivision of the State of Georgia, (hereinafter “Owner”), whose address for any formal notice is 601 N. Laurel Street, Springfield, GA 31329, and EOM Operations, a Division of EOM Public Works LLC, a limited liability company existing under the Laws of the State of Georgia and domiciled in Bryan County, Georgia, (hereinafter “Consultant”), whose address for any formal notice is 480 Edsel Drive, Suite 100, Richmond Hill, GA 31324.

Owner and EOM agree:

1  GENERAL CONDITIONS

1.1 This agreement shall be governed by and interpreted in accordance with the Laws of the State of Georgia.

1.2 This Agreement shall be binding upon the successors and assigns of each of the parties, but neither party will assign this Agreement without prior written consent of the other party. Consent shall not be unreasonably withheld.

1.3 All notices shall be in writing and transmitted by certified mail to the addresses noted in this Agreement. Electronic communication (e-mail) may be used for general communication between Owner and Consultant.

1.4 This Agreement sets forth the general terms and conditions which shall govern the relationship and performance of Owner and Consultant. Consultant shall provide services as set forth in the Agreement and subsequent amendments including Task Orders.

1.5 This Agreement may be modified only by written agreement signed by both parties. Wherever used, the terms “Owner” and “Consultant” shall include their respective officers, agents, directors, elected or appointed officials, and employees.

1.6 From time to time Owner may request that Consultant provide services. Each request shall be documented in a Task Order consistent with the format of Exhibit A to this Agreement, and, upon acceptance by Owner and Consultant, shall be considered an amendment to this Agreement.

1.7 Upon execution of this Agreement, Owner and Consultant shall designate specific individuals to act as Owner’s and Consultant’s representatives with respect to the services performed or furnished under this Agreement. Such individual shall have authority to transmit instructions, receive information, and render decisions with respect to materials, equipment, elements and systems pertinent to Consultant’s services.

2  SCOPE OF SERVICES
2.1 Each Task Order will describe services to be performed, compensation for those services and deliverables, if any, to be provided. Consultant shall not be obligated to perform any prospective Task Order unless and until Owner and Consultant agree as to the scope of services, compensation and time of performance. Each duly executed Task Order shall be subject to the terms and conditions of this Agreement.

2.2 Services described in a specific Task Order approved by Owner shall be commenced promptly and not later than the beginning date specified in the Task Order.

3 **OWNER’S RESPONSIBILITIES**

3.1 Owner shall provide Consultant with all access to Owner’s facilities relating to the services specified in each Task Order.

3.2 Owner shall maintain and renew warranties, guarantees, easements, permits, authorizations, and licenses that have been granted to the Owner, to the extent doing so is not a responsibility of Consultant hereunder.

3.3 The Owner agrees to not offer employment or other compensation to Consultant personnel working on this project for a period of two (2) years after the termination or expiration of this Agreement or said employee’s reassignment from this project.

3.4 Owner will provide to Consultant all data in Owner’s possession relating to the services specified in each Task Order. Consultant will reasonably rely upon the accuracy and completeness of the information provided by the Owner.

4 **OPINION OF PROBABLE COST**

4.1 Consultant’s opinion on probable construction costs, if included in services of a specific Task Order, shall be based on reasonable judgement as a professional engineer. Owner acknowledges Consultant has no control over cost of labor, materials, equipment, services furnished by others or over contractors’ methods of determining prices, or over competitive bidding or market conditions. Consultant cannot and does not warranty or guarantee that proposals, bids or actual construction costs will not vary from Consultant’s opinion of probable cost.

5 **STATUS DURING CONSTRUCTION**

5.1 If construction observation is included in services of a specific Task Order, the Consultant shall visit the project site at intervals appropriate to the stage of construction or as agreed in writing by the Owner and the Consultant in order to observe the progress and quality of work completed by Contractor. Visits and observations performed by Consultant are not intended to be an exhaustive check or a detailed inspection of Contractor’s work but rather allow Consultant to become familiar with the work in progress and to determine if the work is proceeding in accordance with the construction documents.
5.2 Consultant shall keep Owner informed of progress of work and shall notify Owner of any observed deficiencies in work.

5.3 Consultant shall not supervise, direct, control or have charge or authority over the Contractor’s work nor shall Consultant have authority over or be responsible for the means, methods, techniques, sequences or procedures of construction selected or used by any contractor, or the safety precautions and programs in connection with the work, security or safety at the site, nor failure of any contractor to comply with laws and regulations applicable to such contractor’s furnishing and performing of its work.

5.4 Consultant shall not be responsible for any acts or omissions of the Contractor, subcontractor, any entity performing any portions of the work, or any agents or employees of any of them. The Consultant does not guarantee the performance of the Contractor and shall not be responsible for the Contractor’s failure to perform its work in accordance with the construction contract documents or any applicable laws, codes, rules or regulations.

6 COMPENSATION AND PAYMENT

6.1 Consultant shall prepare invoices in accordance with the terms established in the specific Task Order and shall submit its invoices to Owner on a monthly basis.

6.2 All other compensation to Consultant is due on receipt of Consultant’s invoice and payable within fifteen (15) days.

6.3 Owner shall pay interest at an annual rate equal to nine percent (9%), said amount of interest not to exceed any limitation provided by law, on payments not paid and received within fifteen (15) calendar days, such interest being calculated from the due date of payment.

7 TERM

7.1 Subject to Owner’s annual fiscal year budget appropriation approval process, the initial term of this Agreement shall be for one (1) year commencing on July 1, 2020. Thereafter, subject to Owner’s annual fiscal year budget approval process, the Owner may renew the Agreement for an additional one (1) year, after which time this Agreement shall expire. Thereafter, the parties may negotiate a new Agreement which shall be subject to approval of both parties.

7.2 Either party may terminate this Agreement for material breach of this Agreement by the other party after giving written notice of the breach and allowing the other party a reasonable time to correct the breach. Excepting breaches by Owner for non-payment of Consultant’s invoices, neither party shall terminate this Agreement without giving the other party thirty (90) day’s written notice of intent to terminate.

8 INDEMNITY AND LIABILITY
8.1 Consultant hereby covenants and agrees to defend, indemnify and hold Owner harmless from and against any and all claims, demands, liabilities, fines, penalties, loss, damages (including without limitation economic loss, property damage or bodily injury, including death), costs and expenses, as well as Owner’s attorney’s fees and costs and expenses of litigation resulting from, arising out of, or related to Consultant’s negligence or negligent performance or non-performance of services under this Agreement, whether or not such negligence or negligent performance or non-performance of services be by Consultant or by any subcontractor of Consultant. Consultant’s indemnity obligations include payment of Owner’s costs in obtaining any court order or ruling requiring Consultant to honor its indemnity and liability obligations set forth in this Agreement.

9 INSURANCE

9.1 Consultant shall provide the following insurances throughout the term of this Agreement, and shall provide to Owner Certificates of Insurance demonstrating compliance with this provision:

9.1.1 Statutory Worker’s Compensation and Employer’s Liability Insurance, as required by the State in which the work is performed.

9.1.2 Comprehensive Automobile and Vehicle Liability Insurance with One Million Dollars ($1,000,000.00) combined single limits, covering claims for injuries to members of the public and/or damages to property of others arising from the use of EOM-owned or –leased motor vehicles, including onsite and offsite operations.

9.1.3. Commercial General Liability Insurance with limits of One Million Dollars ($1,000,000.00) per occurrence and in the aggregate, covering EOM’s indemnity obligations set forth in this Agreement, as well as claims for injuries to members of the public or damages to property of others arising out of any covered act or omission of EOM or any of its employees or subcontractors.

9.2 Owner will maintain the following insurances throughout the term of the Agreement, and shall provide Consultant with Certificates of Insurance to demonstrate compliance with this provision.

9.2.1 Property Damage Insurance for all property, including Owner owned vehicles and equipment, for the full fair market value of such property.

9.3 Owner and Consultant hereby waive all rights of subrogation against the other for all damages and claims for damages which are covered under any insurance policies required to be carried hereunder.

10 LABOR DISPUTES

10.1 In the event activities by Consultant employee groups or unions causes disruption in Consultant’s ability to perform services under this Agreement, Consultant may seek
appropriate injunctive court orders during any such disruption. Consultant shall offer services on a best efforts basis until any such disruptions cease, but Consultant cannot assure compliance with all contract conditions during such disruptions.

11  FORCE MAJEURE

11.1 Neither party shall be liable to the other for damages, delays or failure to perform its obligations under this Agreement if performance is made impractical, abnormally difficult or abnormally costly, which is beyond the responsible control of the party relying thereon as a result of: (i) fire, flood, strike, acts of God, acts of public enemy, acts of terrorism, war blockage, sabotage, electronic attack, insurrection, riot or civil disturbance or a pandemic event; (ii) change in law, regulation, rule, requirement, interpretation or statute adopted, promulgated, issued or otherwise specifically modified or changed by any local, state, federal or other government body; (iii) labor disputes, strikes, work slowdowns or work stoppages, but excluding labor disputes, strikes, work slowdowns or stoppages by employees or Consultant; (iv) the presence of Biologically Toxic Substances in the influent or the presence of hazardous wastes, materials or liquids in the influent or raw water supply which detrimentally affect the machinery, infrastructure or processes at the Project; and (v) loss or inability to obtain service from a utility necessary to furnish power for the operation and maintenance of the Project. The party invoking this Force Majeure clause shall notify the other party immediately by verbal communication and in writing of the nature and extent of the contingency immediately, and no later than ten (10) working days after its occurrence, and shall take reasonable measures to mitigate any impact of Force Majeure.

12.  INDEPENDENT CONTRACTOR

12.1 It is hereby agreed and understood that Consultant is entering into this Agreement as an independent contractor and that all of Consultant’s personnel engaged in work to be done under the terms of this Agreement are to be considered as employees of Consultant and under no circumstances shall they be construed or considered to be employees of Owner. Consultant shall supervise the performance of its own employees in providing services for Owner and shall have control over the manner and means by which the Services are performed, subject to the terms of this Agreement as well as any written and mutually agreed upon amendments thereto. Nothing in this Agreement will be interpreted as creating any relationship of principal and agent, partnership or joint venture between the parties. Neither Consultant nor Owner will represent in any manner to any third party that Consultant is an agent of, or affiliated with, Owner in any capacity other than as an independent contractor, and nothing in this Agreement shall be construed to be inconsistent with such status.

13  NO THIRD-PARTY BENEFICIARIES

13.1 This Agreement gives no rights or benefits to anyone other than Owner and Consultant and their officers, agents, directors, elected or appointed officials, and employees, and this Agreement has no third-party beneficiaries.
14 JURISDICTION

14.1 This Agreement shall be governed by and interpreted in accordance with the laws of the State of Georgia. In the event that any dispute or disagreement between the parties cannot otherwise be amicably resolved, the parties consent to jurisdiction and venue in the Superior Court of Effingham County, Georgia.

15 SEVERABILITY

15.1 If any of the provisions contained in this Agreement are held for any reason to be invalid, illegal or unenforceable, the enforceability of the remaining provisions shall not be impaired thereby. A party’s failure to require strict compliance with any provision of this Agreement shall not constitute a waiver or estoppel to later demand strict compliance with that or any other provision(s) of this Agreement.

16 ENTIRE AGREEMENT

16.1 Should any provisions of this Agreement or the execution thereof be declared or determined to be unlawful under any statute, ordinance, law, ruling or regulation, then, in such an event, the parties hereto agree that either of them may cancel this Agreement in its entirety, regardless of the remaining term or terms, and incur no penalty or liquidated damages whatsoever, or, in the alternative, may mutually agree to a modification of this Agreement as to make the same fully comply with all applicable laws.

16.2 This Agreement, together with all Appendices attached hereto, contains all representations and the entire understanding between the parties with respect to the subject matter of this Agreement. Any prior correspondence, memoranda or agreements, whether or not such correspondence, memoranda or agreements are in conflict with this Agreement, are intended to be replaced in total by this Agreement and its Appendices. The parties mutually declare there are no oral understandings or promises not contained in the Agreement, which contains the complete, integrated, and final agreement between the parties.

17 EMPLOYMENT OF UNAUTHORIZED ALIENS PROHIBITED – E-VERIFY AFFIDAVIT

17.1 Pursuant to O.C.G.A §13-10-91, Owner shall not enter into a contract for the physical performance of services unless Consultant provides evidence on County-provided forms, attached hereto as Exhibits “B” and “C” affidavits regarding compliance with the E-Verify program to be sworn under oath under criminal penalty of false swearing pursuant to O.C.G.A §16-10-71, that Consultant and its subcontractors have registered with, are authorized to use and use the federal work authorization program commonly known as E-Verify, or any subsequent replacement program, in accordance with the applicable provisions and deadlines established in O.C.G.A §13-10-91, and that they will continue to use the federal work authorization program throughout the contract term.

In the event Consultant employs or contracts with any subcontractor(s) in connection with this Agreement, Consultant agrees to secure from such subcontractor(s)
attestation of the subcontractor’s compliance with O.C.G.A §13-10-91 and Rule 300-10-1-02 by subcontractor’s execution of the subcontractor affidavit, the form of which is attached hereto as “Exhibit C”, which subcontractor affidavit shall become part of the Consultant/subcontractor agreement, or evidence that the subcontractor is not required to provide such an affidavit because it is an individual licensed and in good standing in accordance with O.C.G.A §13-10-91. If a subcontractor affidavit is obtained, Consultant agrees to provide a completed copy to the Owner within five (5) business days of receipt from any subcontractor. Consultant and its subcontractors shall retain all documents and records of their respective verification process for a period of five (5) years following completion of the contract.

EOM agrees that the employee-number category designated below is applicable to Consultant. [Information only required if contractor affidavit is required pursuant to O.C.G.A §13-10-91.]

- 500 or more employees.
- 100 or more employees.
- Fewer than 100 employees.

Consultant hereby agrees that, in the event Consultant employs or contracts with any subcontractor(s) in connection with this Agreement and where the subcontractor is required to provide an affidavit pursuant to O.C.G.A §13-10-91, Consultant will secure from the subcontractor(s) such subcontractor(s) indication of the above employee-number category that is applicable to the subcontractor. The above requirements shall be in addition to the requirements of state and federal law, and shall be construed to be in conformity with those laws.

18 CONFLICT OF INTEREST

18.1 Consultant agrees that it shall not engage in any activity or conduct that would result in a violation of state or local ethics laws or regulations. Consultant certifies that to the best of its knowledge no circumstances exist which will cause a conflict of interest in performing the work.

19 NONDISCRIMINATION

19.1 In accordance with Title VI of the Civil Rights Act of 1964, as amended 42 U.S.C §2000d, section 303 of the Age Discrimination Act of 1975, as amended 42 U.S.C §6102, section 202 of the Americans with Disabilities Act of 1990, 42 U.S.C §12132, and all other provisions of Federal law, Consultant agrees that, during performance of this Agreement, Consultant, for itself, its assignees and successors in interest, will not discriminate against any employee or applicant for employment, any subcontractor, or any supplier because of race, color, creed, national origin, gender, age or disability. In addition, Consultant agrees to comply with all applicable implementing regulations and shall include the provisions of this paragraph in every subcontract for services contemplated under this Agreement.

20 WAIVER; SOVEREIGN IMMUNITY
20.1 No express or implied waiver shall affect any term or condition other than the one specified in such waiver, and that one only for the time and manner specifically stated. Nothing contained in this Agreement shall be construed to be a waiver of Owner’s sovereign immunity or any individual’s qualified, good faith or official immunities.

21 AUTHORITY

21.1 Both parties represent and warrant to the other party that the execution, delivery, and performance of this Agreement has been duly authorized by the responsible parties thereof. Both parties warrant that all required approvals have been obtained and the executing party below has such authority to bind the party.

Both parties indicate their approval of this Agreement by their signatures below.

<table>
<thead>
<tr>
<th>EOM OPERATIONS</th>
<th>The Board of Commissioners of Effingham County</th>
</tr>
</thead>
<tbody>
<tr>
<td>Authorized Signature:</td>
<td>Authorized Signature:</td>
</tr>
<tr>
<td>Name:</td>
<td>Name:</td>
</tr>
<tr>
<td>Title:</td>
<td>Title:</td>
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<tr>
<td>Date:</td>
<td>Date:</td>
</tr>
</tbody>
</table>
EXHIBIT A
SAMPLE TASK ORDER

DATE

The Board of Commissioners of Effingham County
ATTN: Charles George
601 N Laurel Street
Springfield, GA 31329

Re: XXX Services Task Order Request

Dear Mr. George,

EOM Operations, a full scale public works operations, engineering, and utilities construction firm is pleased to provide civil engineering consulting services as described below. The services described herein shall be performed in accordance with and shall be subject to the terms and conditions of the Master Agreement for Professional Services executed by and between Owner and Consultant on ____ day of ____ , 2020.

SCOPE SERVICES
EXCLUSIONS
COMPENSATION

Signatures below indicate the acceptance of the proposed Task Order items listed above.

The Board of Commissioners of Effingham County

By: ____________________________
Name: __________________________
Title: ____________________________
Date: ____________________________

EOM Operations

By: ____________________________
Name: __________________________
Title: ____________________________
Date: ____________________________

TASK ORDER NO. __________________________

COMMENCEMENT DATE __________________________

COMPLETION DATE __________________________

480 Edsel Drive, Ste 100
Richmond Hill, GA 31324

www.eomwoex.com

Ph: 912.445.0050
F: 912.756.9982
EXHIBIT B
CONTRACTOR AFFIDAVIT AND AGREEMENT

By executing this affidavit, the undersigned contractor verifies its compliance with O.C.G.A § 13-10-91, stating affirmatively that the individual, firm, or corporation that is contracting with Effingham County has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91, and shall agree to use this program for any newly hired employees throughout the duration of the contract.

The undersigned further agrees that, should it employ or contract with any subcontractor(s) in connection with the physical performance of services pursuant to this contract with Effingham County, contractor will secure from such subcontractors similar verification of compliance with O.C.G.A. § 13-10-91 on the Subcontractor Affidavit provided in Rule 300-10-01-.08 or a substantially similar form. The contractor further agrees to provide notice to the County of the identity of each subcontractor hired under the contract within five (5) business days of entering into a contract for hire. Such notice shall include a copy of the Subcontractor Affidavit for each subsequent subcontractor attesting to the subcontractor's name, address, user identification number, and date of authorization to use the federal work authorization program. Contractor further agrees to maintain records of such compliance and provide a copy of each such verification to the Effingham County within five (5) days of the time the subcontractor(s) is retained to perform such service.

___________________________________________
EEV/ Basic Pilot Program* User Identification Number

___________________________________________
Company Name

___________________________________________
BY: Authorized Officer or Agent                      Date
(Signature)

___________________________________________
Title of Authorized Officer or Agent

___________________________________________
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

____ DAY OF ________________________ 20

___________________________________________
Notary Public
My Commission Expires: _____________________ , 20

* As of the effective date of O.C.G.A. § 13-10-91, the applicable federal work authorization program is the "EEV/ Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).
EXHIBIT C
SUBCONTRACTOR AFFIDAVIT

By executing this affidavit, the undersigned subcontractor verifies its compliance with O.C.G.A. § 13-10-91, stating affirmatively that the individual, firm or corporation that is engaged in the physical performance of services under a contract with (name of contractor) on behalf of Effingham County has registered with and is participating in a federal work authorization program* [any of the electronic verification of work authorization programs operated by the United States Department of Homeland Security or any equivalent federal work authorization program operated by the United States Department of Homeland Security to verify information of newly hired employees, pursuant to the Immigration Reform and Control Act of 1986 (IRCA), P.L. 99-603], in accordance with the applicability provisions and deadlines established in O.C.G.A. § 13-10-91 and will agree to use this program for any newly hired employees throughout the duration of the contract. The subcontractor further agrees to provide a copy of the executed Subcontractor Affidavit to the contractor in order to be provided to the County within five (5) days entering into the contract for hire.

___________________________________________
EEV / Basic Pilot Program* User Identification Number

__________________________________________
Date of E-Verify Authorization

__________________________________________
Address

___________________________________________
BY: Authorized Officer or Agent                    Date
(Subcontractor Name)

___________________________________________
Title of Authorized Officer or Agent of Subcontractor

___________________________________________
Printed Name of Authorized Officer or Agent

SUBSCRIBED AND SWORN BEFORE ME ON THIS THE

_____ DAY OF ___________________________ 20

___________________________________________
Notary Public
My Commission Expires: ___________________, 20____

* As of the effective date of O.C.G.A. 13-10-91, the applicable federal work authorization program is the "EEV/Basic Pilot Program" operated by the U.S. Citizenship and Immigration Services Bureau of the U.S. Department of Homeland Security, in conjunction with the Social Security Administration (SSA).
June 3, 2020

The Board of Commissioners of Effingham County
ATTN: Charles George
601 N Laurel Street
Springfield, GA 31329

Re: Civil Engineering Consulting Scope Services Task Order Request

Dear Mr. George,

EOM Operations, a full scale public works operations, engineering, and utilities construction firm is pleased to provide civil engineering consulting services as described below. The services described herein shall be performed in accordance with and shall be subject to the terms and conditions of the Master Agreement for Professional Services executed by and between Owner and Consultant on _____ day of ______, 2020.

BASE SCOPE SERVICES

Listed by priority

- **PLAN REVIEW** – Plan review of residential subdivisions and commercial and industrial sites. This includes the review of clearing and grading plans, storm drainage systems, hydrology reports, geotechnical reports, roadway systems, sanitary sewer systems, potable water systems, and reuse water systems for compliance with Effingham County’s, State and Federal Design Standards and Specifications. Plan review includes: sketch plan (excluding zoning issues), clearing and grading plans and civil site development plans review for the infrastructure listed above. Services will include one observational inspection for final plat approval, which includes a report recommendation and one observational inspection for bond release, which includes a report with recommendation. Review shall be based on electronic plan submissions provided by County staff. Any additional inspections will be charged on an hourly bases.

- **CAPITAL IMPROVEMENT PROGRAM MANAGEMENT** - Assist County staff with identifying, evaluating and prioritizing capital improvement projects, including assisting with the creation of the scope of work for each project. Identify the scope of design and construction work needed for SPLOST, LMIG, OSS LMIG and special projects. This includes preliminary project assessments and scope development; and preparation of opinions on preliminary project budgets. EOM will identify possible grant funding programs and make recommendations to County Staff.

- **ANNUAL CRS RECERTIFICATION** - Manage the County’s annual National Flood Insurance Program Community Rating System recertification. EOM will provide community education related to floodplain management services that will consist of preparing literature, drafting content for notification letters/mailers, documentation, and
presentations to a maximum of two events annually. Services exclude GIS parcel research, reproduction, publishing expenses and postage.

- **REPORTING** - Provide monthly progress reports for inclusion in Board of Commissioner packets.
- **COMMISSION MEETINGS** - Attend Planning Board and Board of Commissioner’s meetings as necessary to participate in technical discussions or provide project updates on agenda items involving EOM services.
- **STAFF MEETINGS** - Attend regular meetings with County staff to provide technical assistance and guidance. Meetings to occur bi-weekly and as requested by County staff but shall not exceed more than one staff meeting per week.

**COMPENSATION**

$282,600

*One-Twelfth (1/12) of the base scope fee shall be invoiced on the first of the month that services are provided.*

**EXCLUSIONS**

- Residential development plan reviews greater than 20 acres and/or more than 6 lots per acre.
- Commercial development plan reviews that are greater than 50 acres, more than one building, campuses, master site plans.
- Water and Sewer Extension forms and submittals.
- Review and evaluation of Traffic Impact Studies.
- Reviewing and updating existing County’s specifications, ordinances, standards and procedures related to site development, civil engineering, and construction.
- Review of any site development located in sensitive areas which will require additional technical assistance to evaluate.
- Review of site development of any commercial or industrial facilities which handle hazardous materials, or require any specialized pre-treatment facility or component which will require specialized technical staff to review.
- Review of surface and sub-surface mines sites, landfills, and contaminated or brownfield sites.
- Review of any structural component of any site development.
- Review of any septic systems.
- Grant applications.

**OUT OF SCOPE HOURLY SERVICES**

- **PRIVATE DEVELOPMENT CONSTRUCTION INSPECTIONS** - Additional inspections, such as pre-construction conference, road construction, utility infrastructure installation, drainage construction, erosion and sedimentation control, CCTV observations, and documentation control.
- **CAPITAL PROJECT MANAGEMENT** – Inspection and management of the design and construction work related to the infrastructure of the capital improvement projects.
which includes managing design contracts, attending progress meetings, coordinating survey, basic Local, State and Federal permitting, management of ROW acquisition, assisting with the development of bid documents, project budgets, pre-bid meetings, addendums, bid review and approval recommendations, preconstruction meetings, periodic site meetings, review pay requests, final inspection and project close-out.

- **FLOODPLAIN MANAGEMENT** - Review of elevation certificates, review of LOMRs and LOMAs, and addressing public floodplain questions. County 5 year Community Rating System recertification is excluded from the scope of services.
- **GRANT APPLICATIONS** - Preparation of grant applications and submission.
- **LOCAL, STATE AND FEDERAL PERMITTING ASSISTANCE** - Provide permitting administration for programs, including but not limited to, GUPS, GDOT encroachment permits, GPAS, water and sewer extension forms, logging permits, landfill permits/inspections, and others.
- **RESEARCH, INVESTIGATION, INSPECTION** – Research, investigation and/or inspection for infrastructure inquiries; citizen concerns; past, present or future projects; programs; polluted sites and/or plumes; and other issues not contained in the base scope services.
- **DESIGN SERVICES**
- **LONG TERM PLAN PLANNING** - Long term planning for water and sewer capacity, transportation and risk assessments.
- **REVIEW AND REVISION OF COUNTY STANDARDS** – Reviews, revisions, additions or creations of County’s specifications, ordinances, standards and procedures related to site development, civil engineering and construction.

**ADDITIONAL OUTSIDE OF BASE SCOPE SERVICES**

Additional outside of base scope services shall be billed at the hourly rates listed below and shall be invoiced the month following the month in which services occurred.

<table>
<thead>
<tr>
<th>Role</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Floodplain Manager / Senior Professional Engineer</td>
<td>$150.00/HR</td>
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<tr>
<td>CIP Program Manager / Senior Professional Engineer</td>
<td>$140.00/HR</td>
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<tr>
<td>Program Manager / Professional Engineer</td>
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<td>Construction Engineer</td>
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<tr>
<td>CADD Operator</td>
<td>$70.00/HR</td>
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<tr>
<td>Clerical</td>
<td>$45.00/HR</td>
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<tr>
<td>Utility Locator</td>
<td>$70.00/HR</td>
</tr>
</tbody>
</table>
Signatures below indicate the acceptance of the proposed Task Order items listed above.

The Board of Commissioners of Effingham County

By: _______________________________  By: _______________________________
Name: ____________________________  Name: ____________________________
Title: _____________________________  Title: _____________________________
Date: _____________________________  Date: _____________________________

EOM Operations

TASK ORDER NO.  _______________________________
COMMENCEMENT DATE  _______________________________
COMPLETION DATE  _______________________________
AMENDMENT No. 3
AGREEMENT
For
OPERATIONS, MAINTENANCE AND MANAGEMENT SERVICES

This Amendment No. 3 (hereinafter referred to as “Amendment”) is made by and between The Board of Commissioners of Effingham County (hereinafter referred to as “County”) and EOM Operations, a division of EOM Public Works, LLC (hereinafter referred to as “EOM”).

WHEREAS, the County and EOM entered into an Agreement for Public Works Operations Management Services dated June 20th, 2017 for Public Works Operations Management Services defined to include the County’s department of Public Works, Fleet Maintenance, Water Distribution and Wastewater Collections and Treatment (hereinafter referred to as the “Agreement”); and

WHEREAS, the parties desire to amend the provisions of the Agreement; and

NOW, THEREFORE, in consideration of the foregoing and the mutual promises in the Agreement, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as set forth below.

1. This Amendment renews the Agreement for Public Works Operations Management Services. The renewal term begins on August 1, 2020 and terminates on June 30, 2020 subject to the renewal provision in Paragraph 1 of Amendment 1 to Agreement for Public Works Operations Management Services.

2. This Amendment allows for an increase in the annual Base Fee to $2,248,800 for one additional full time employee in the water and sewer department as approved in the 2020-2021 Budget. The increase will not take effect until the August, 2020 monthly payment.

   The monthly payment schedule is as follows:
   July 2020: $181,500.00
   August 2020-Jun 2021: $187,400.00

3. In the event of any conflict or inconsistency between the Agreement and this Amendment, this Amendment shall control.

4. This Amendment shall be effective and binding on the date that the last authorized signature is affixed below.

Both parties indicate their approval of this Amendment by their signatures below.

EOM OPERATIONS

Authorized Signature ______________________
Name____________________________
Title______________________________
Date_____________________

Board of Commissioners of Effingham County

Authorized Signature ______________________
Name____________________________
Title______________________________
Date_____________________

New Business 07
September 15, 2020

09/10/2020
Staff Report

Subject: Change Order Request for LMIG 2020
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: September 15, 2020
Item Description: Consideration to approve Change Order No. 1 for the LMIG 2020 Contract for the following:

Change Order No. 1 - $400: Additional Road work consisting of Dixie Drive, Pitts Road, Church Street, Re-striping of Laurel Hill Road and Griffin Lakes Road

Summary Recommendation: County Engineering recommends approval of the Change Order. The LMIG 2020 allocation was $1,321,144.67 with 20 percent of that total being provided by the County. The Contract with McClendon Enterprises for the LMIG work totaled $913,476.27 leaving a balance of $407,668.40 being available for additional road to be considered. The County staff identified three additional existing roads needing repair with two roads in need of restriping to be considered for the remaining funding. These are:

1. Portion of Dixie Drive
2. Church Street in Clyo
3. Portion of Pitts Road
4. Courthouse Road between Little McCall and Conifer Road
5. Laurel Hill (re-striping)
6. Griffin Lakes Road (re-striping)

This costs for this additional work provided by the Contractor is $400,312.31 leaving a new remaining balance of $7,356.09 to be reserved for any contingencies in the contract

Alternatives for Commission to Consider

1. Approve the Staff Recommendation for Approval of the Change Order
2. Reject the Change Order recommendation

Recommended Alternative: Approve Alternate 1.

Other Alternatives: None

Department Review: Engineering

Funding Source: General

Attachments:
1. Change Order Document from Contractor
# Change Order # 1

**Project:** LMIG 2020  
**Contract Date:** September 2, 2020  
**Change Order Effective Date:** September 15, 2020  
**Change Order Issued to:** McClendon Enterprises  
Elabell, Georgia

## Item Details

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The original Contract Sum was $913,476.27  
Net change by previously authorized Change Orders is $0.00  
The Contract Sum prior to this Change Order was $913,476.27  
The Contract Sum will be increased by this Change Order $400,312.31  
The new Contract Sum including this Change Order will be $1,313,788.58  
The Contract Time will be increased by 0 days  
The Time allowed for completion is therefore **January 23, 2021**

**Owner:**  
Effingham County Board of Commissioners  
601 N. Laurel Street  
Springfield, GA 31329

**Contractor:**  
McClendon Enterprises  
Elabell, Georgia

By: [Signature]  
Date: [Date]

By: [Signature]  
Date: September 2, 2020
**PROJECT: DIXIE DRIVE**

**CONTRACTOR BID**

Date: 9/1/2020

**DESCRIPTION: ROAD REPAIR 1,000 FT**

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**PROJECT: COURTHOUSE ROAD**

**CONTRACTOR BID**

Date: 9/1/2020

**DESCRIPTION: ROAD REPAIR 3,750 LF**

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**PROJECT TOTAL**
## PROJECT: COURTHOUSE ROAD

### CONTRACTOR BID

Date: 9/1/2020

### DESCRIPTION: ROAD REPAIR 3,750 LF

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**CONTRACTOR BID**

**Date:** 9/1/2020

**DESCRIPTION: ROAD REPAIR 1,000 FT**

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## PROJECT: CHURCH STREET

### CONTRACTOR BID

**Date:** 9/1/2020

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<td>PROJECT TOTAL</td>
<td></td>
<td></td>
<td>$30,639.03</td>
</tr>
</tbody>
</table>

09/10/2020 Page 7 of 7
Staff Report

Subject: Proposal from EOM- Long Term Monitoring for Watershed Protection Plan
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: September 15, 2020
Item Description: Consideration to approve Engineering Proposal for the following:

Water Quality Monitoring and Analysis Services

Summary Recommendation: County Engineering recommends approval of the proposal totaling $26,800.00

Work involved consists of:
1. Water Quality Monitoring
2. Annual Reporting and Certification
3. Macro Invertebrate Sample Collection and Habitat Assessment

Alternatives for Commission to Consider
1. Approve the Staff Recommendation for Approval of the Proposal Submitted
2. Reject the Proposal recommendation as submitted

Recommended Alternative:
Approve Alternate 1.

Other Alternatives:
None

Department Review: Engineering

Funding Source: General

Attachments:
1. EOM Proposal
Effingham County Board of Commissioners
ATTN: Tim Callanan
601 N. Laurel St.
Springfield, GA 31329

Re: Long Term Monitoring for the Watershed Protection Plan

Dear Mr. Callanan,

EOM Operations (EOM) appreciates the opportunity to present this proposal for services regarding water quality monitoring and analysis services. These services shall be in compliance with the County’s Long Term Monitoring Program as related to the County’s Watershed Protection Plan. This proposal is for the 2020 monitoring period.

Attached to this letter you will find the proposed scope and fee for this project as Attachment A. If this proposal is acceptable, please sign below and return it to me at your convenience.

Please contact me if you have any questions at elarson@eomworx.com or 912-445-6034.

Sincerely,

[Signature]

Eric W. Larson, PE, CPSWQ, AICP, CFM
Regional Director

Approval: __________________________

Date: __________________________
PROPOSED SCOPE OF SERVICES/FEES

Task 1: Water Quality Monitoring
Water quality will be monitored as required according to the 2016 Watershed Protection Plan by EOM for 2020. The monitoring for all parameters except metals and bacteria will be performed four (4) times per year during three (3) dry weather days (no rain event over previous 72 hours) and one (1) wet weather day (at least 0.2 inches rainfall and at least 72 hours since the last storm event). The wet weather event will be collected as a composite of three grab samples collected over the storm hydrograph. Bacteria sampling, including fecal coliform and enterococci, will be based on a geometric mean (geomean) requiring the collection of four (4) samples over a thirty-day period. Bacteria sampling will be performed during the summer months to calculate two (2) geomeans per year. Metals will be monitored once annually during the wet weather event.

Task 2: Annual Reporting and Certification
As a part of implementing the WPP, a certification including summary of work and EPD’s Excel Watershed Assessment and Protection Plan Data Submittal Form will be completed and submitted to the County. The task also includes providing quarterly updates of the sampling progress along with results. The annual certification and report will be submitted to EPD by June 30, 2021.

Macro Invertebrate Sample Collection and Habitat Assessment
This is required twice every 5 years. The last sets of biological sampling were done in 2014, 2016 and 2018. The cost for this sampling is $10,450 and included in the total fee estimate below.

SCHEDULE
Water Quality Monitoring task (Task 1) will be completed for the 2020 calendar year on a quarterly basis. Annual Reporting and Certification task (Task 2) will be finalized and submitted to EPD by June 30, 2021.

FEE ESTIMATE
EOM proposes to perform the scope of work detailed above for a fee of $26,800. EOM shall bill $6,700 quarterly with the balance due upon submission of the annual report and certification.

ADDITIONS
- If updates to the Watershed Protection Plan are needed the additional cost for this scope is $5,600. The plan is required to be updated, with the last update being 2016. At this time, it is unknown when the next update will be needed; EOM will investigate with GA-EPD and advise the County of the need.
Staff Report

Subject: NPDES Phase II MS4 permit compliance
Author: Charlie George, County Engineer
Department: Engineering
Meeting Date: September 15, 2020

Item Description: Consideration to approve the proposal submitted from EOM associated with perform MS4 related tasks to assure compliance with the County’s municipal separate storm sewer system (MS4) permit and submittal of the County’s 2020 NPDES annual permit report.

Summary Recommendation: Approval of the proposal submitted by EOM totaling $21,300.

Executive Summary/Background:
Effingham County was designated as a Municipal Separate Storm Sewer System (MS4) in 2015. This proposal assists the County with completion of tasks associated with public education and outreach, training system inspections, illicit discharge screening and elimination, and other consulting services as needed.

Alternatives for Commission to Consider
1. Approve the proposal submitted for a fee of $21,300.00
2. Do not approve the proposal as submitted

Recommended Alternative:
Approval of Alternate 1,

Other Alternatives:
Department Review: Engineering

Funding Source: General Fund.

Attachments:
July 24, 2020

Tim Callanan, County Manager
Effingham County, GA
601 N. Laurel St.
Springfield, GA 31329

Re: Effingham County NPDES Phase II 2020 Municipal Separate Storm Sewer System (MS4) Permit Compliance

Dear Mr. Callanan,

EOM Operations (EOM) appreciates the opportunity to present this proposal for services related to the completion and submittal of the County’s 2020 National Pollutant Discharge Elimination System (NPDES) Phase II Municipal Separate Storm Sewer System (MS4) Permit Annual Report.

Attached to this letter you will find the proposed scope for this project as Attachment A. If this proposal is acceptable, please sign below and return it to me at your convenience.

Please do not hesitate to contact me at the number listed below or via email at kachtziger@eommgmt.com should you have any questions.

Sincerely,

Kristen Hudspeth Achtziger
Chief Operating Officer

Approval: ____________________________

Date: ____________________________
Attachment A

PROPOSED SCOPE OF SERVICES

Task 1.0 - Planning Meetings
EOM staff will meet with County staff to discuss project tasks and ensure all are properly planned. During this meeting EOM will provide the County an activity summary which will outline all tasks that will need to be completed prior to the December 31, 2020 deadline. The activity summary is a summary of the best management practices (BMPs) in the County's Stormwater Management Program (SWMP). In addition, a meeting will be scheduled prior to the end of the permit year to discuss the SWMP and ensure that all tasks are complete or scheduled for completion.

Task 2.0 – MCM A, BMP1 – Stormwater Presentations
EOM will prepare and present 3 educational opportunities utilizing lesson plans, books, etc.

Task 3.0 – MCM A, BMP 2 – Education through Media Outlets
EOM will prepare and distribute 4 general awareness informational topics to multiple media outlets.

Task 4.0 – MCM A, BMP 3 – Education through Website
EOM will make recommendations to IT for updates to the website to improve educational content and ease of use.

Task 5.0 – MCM A, BMP 4 – Educational Brochures
EOM will select an existing educational product from the County’s archives, US EPA, or GA EPD have it distributed in multiple public locations. Cost of printing will be billed to the County without markup.

Task 6.0 – MCM B, BMP 1 – Rivers Alive Clean-Up
EOM will coordinate, advertise, and oversee a stream clean up event.

Task 7.0 – MCM B, BMP 2 – Community Outreach Clean-up
EOM will coordinate, advertise, and oversee a litter clean up event.

Task 8.0 – MCM B, BMP 3 – Local Stormwater Advisory Committee
EOM will facilitate one annual meeting of a committee of the development community for the purposes of receiving input on the SWMP. During 2020, EOM will assist staff in creating the list of invitees to the panel and soliciting their participation. EOM will prepare the agenda and minutes for the meeting and distribute them to the panel.

Task 9.0 – MCM C, BMP 3 - Illicit Discharge Detection & Elimination (IDDE) Inspections
In accordance with the County’s approved SWMP, the County is required to complete Dry Weather Screening on 20% of the total number of outfalls within the County limits that outfall to Waters of the State annually.

Dry weather screening will be performed according to the County's dry weather screening procedures approved by the EPD. The EPD approved dry weather screening checklist will also be filled out for each outfall visited and inspected. The checklists will be delivered in a format that can be easily inserted into the County's NPDES Phase II 2020 Annual Report.
If a dry weather discharge is present, a visual observation of the flows odor, color, turbidity, and floatables will be noted. Also, a sample will be collected and tested per the County's approved IDDE Guidance Manual for temperature, pH level, chlorine, surfactants, and specific conductivity utilizing an in-situ water quality meter. Finally, a sample will be collected and analyzed for surfactants by a laboratory. If the in-situ measurement or visual observations indicated potential sewage, a fecal coliform grab sample will be collected and analyzed by a laboratory.

Task 9.1 – IDDE Source Tracing
Source tracing activities will need to be completed if the dry weather screening data indicates that there is a potential water quality impairment present. The County will be notified immediately if the in-situ parameters or laboratory results indicate that there is a potential illicit discharge prior to beginning any source tracing activities. EOM will not initiate source tracing activities without prior authorization of the County.

Source tracing will involve following the MS4 system "upstream" in an attempt to identify the source of the non-stormwater discharge. Please note that the NPDES Phase II permit requires that the County source trace 100% of the identified illicit discharges and notify the illicit discharger to cease the activity, if the source tracing clearly documents the source. In the event that the source cannot be definitively identified, the County is only required to document the activities undertaken and the findings. All the source tracing work should be performed according the EPD approved Source Tracing Procedures included in the County's SWMP.

Source tracing is considered out-of-scope. In the event that EOM performs a source tracing work effort, the estimated cost for EOM to conduct the work will be based on a "per source tracing exercise". If the illicit discharge source cannot be clearly identified within a three hour time frame, the work will be documented and provided to the County for approval of further investigation.

Task 10.0 – MCM C, BMP 4 – Illicit Discharge Education
EOM will assure one of the topics in Task 2.0 above is related to IDDE.

Task 11.0 – MCM D, BMP 3 & 4 – Erosion and Sediment Inspections and Enforcement
At the request of the County, EOM can conduct E&S inspections and conduct enforcement, in conjunction with the Code Enforcement department, at an hourly rate upon written authorization from the County.

Task 12.0 – MCM F, BMP 2 - MS4 Inspections
In accordance with the County's approved SWMP, the County shall inspect the MS4 system in urbanized areas at the rate of 20% of the total structure inventory annually. EOM will complete a visual inspection and record the data. The inspection records will be summarized in an excel spreadsheet and submitted with the Annual Report.

Task 13.0 – MCM F, BMP 5 – Employee training on facility pollution prevention
EOM will utilize existing training materials and conduct an employee training session for County employees involved in facility management, construction, or operations.

Task 14.0 – 2020 Annual Report Production for Delivery to EPD
After the December 31, 2020 deadline, EOM will contact County staff to collect information on programs implemented during the 2020 reporting period. This documentation will be used to develop the County's Annual Report for submittal to EPD by February 15, 2021. Prior to submittal, an electronic copy of the Annual Report will be provided to the County for review and comment. Once the County finds the report acceptable, EOM will submit the Annual Report to EPD.

**Task 14.1 – Address EPD Comments**
If EPD has comments on the Annual Report, EOM will address the comments on an hourly basis, in accordance with rate schedule below.

**Task 15.0 – Additional MS4 needs**
At this time, the County’s MS4 boundary is limited and fully developed. As such, services in MCM E and F have not been needed. Specifically, change in inventory mapping, lack of BMP facilities within the MS4 area, and documentation of BMP and facility inspections has not been required. In the event this becomes needed in the future, EOM can provide these services at an hourly rate upon written authorization from the County.

**SCHEDULE**

All compliance activities are scheduled to be completed by December 31, 2020. The Annual Report will be completed and ready to submit by February 15, 2021.

**FEE ESTIMATE**
EOM proposes to perform the scope of work detailed above for the fees outlined below:

<table>
<thead>
<tr>
<th>Tasks</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1.0 – Planning Meetings</td>
<td>$0</td>
</tr>
<tr>
<td>Task 2.0 – MCM A, BMP 1</td>
<td>$3,150</td>
</tr>
<tr>
<td>Task 3.0 – MCM A, BMP 2</td>
<td>$980</td>
</tr>
<tr>
<td>Task 4.0 – MCM A, BMP 3</td>
<td>$680</td>
</tr>
<tr>
<td>Task 5.0 – MCM A, BMP 4</td>
<td>$1,300</td>
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<tr>
<td>Task 6.0 – MCM B, BMP 1</td>
<td>$980</td>
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<tr>
<td>Task 7.0 – MCM B, BMP 2</td>
<td>$2,210</td>
</tr>
<tr>
<td>Task 8.0 – MCM B, BMP 3</td>
<td>$3,600</td>
</tr>
<tr>
<td>Task 9.0 – MCM C, BMP 3</td>
<td>$250</td>
</tr>
<tr>
<td>Task 9.1 – Source Tracing</td>
<td>Hourly if Required</td>
</tr>
<tr>
<td>Task 10.0 – MCM C, BMP 4</td>
<td>Incl. in Task 6.0</td>
</tr>
<tr>
<td>Task 11.0 – MCM D, BMP 3 &amp; 4</td>
<td>Hourly if Required</td>
</tr>
<tr>
<td>Task 12.0 – MCM F, BMP 2</td>
<td>$2,900</td>
</tr>
<tr>
<td>Task 13.0 – MCM F, BMP 5</td>
<td>$550</td>
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<tr>
<td>Task 14.0 – 2019 Annual Report Production</td>
<td>$4,700</td>
</tr>
<tr>
<td>Task 14.1 Address EPD Comments</td>
<td>Hourly if Required</td>
</tr>
<tr>
<td>Task 15.0 – Additional MS4 services</td>
<td>Hourly if Required</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$21,300</strong></td>
</tr>
</tbody>
</table>
## ADDITIONAL SERVICES HOURLY RATE SCHEDULE

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Engineering Division Director</td>
<td>$140.00 / hr.</td>
</tr>
<tr>
<td>Professional Engineer</td>
<td>$110.00 / hr.</td>
</tr>
<tr>
<td>Junior Engineer</td>
<td>$90.00 / hr.</td>
</tr>
<tr>
<td>Sr. Project Manager</td>
<td>$120.00 / hr.</td>
</tr>
<tr>
<td>Project Manager</td>
<td>$100.00 / hr.</td>
</tr>
<tr>
<td>Field Technician</td>
<td>$65.00 / hr.</td>
</tr>
<tr>
<td>Administrative Assistance</td>
<td>$45.00 / hr.</td>
</tr>
</tbody>
</table>
Staff Report

Subject: Tax Assessor Board Appointment
Author: Stephanie D. Johnson
Department: County Administration (Clerk’s office)
Meeting Date: September 15, 2020
Item Description: Consideration to approve a Resolution to appoint Lisa Mock to the Tax Assessor Board

Summary Recommendation: It is the policy of the Board of Commissioners to appoint qualified people to various boards and committees of the county. Staff proposes consideration of the board to appoint Lisa Mock as a representative for the First District replacing Mr. Quent Mikeal.

Executive Summary/Background: The Board of Assessor's consists of a five (5) member board. Each member serves a four (4) year term. Staff received an emailed letter of resignation from Mr. Quent Mikeal, dated July 29, 2020. Commissioner Floyd would like to appoint Lisa Mock to fulfill the term of office for this seat. According to our records the term is set to expire March 15, 2022.

Alternatives for Commission to Consider:
1. To approve a resolution to appoint Lisa Mock as a member to the Tax Assessor Board to fulfill the unexpired term of office.
2. To not approve the resolution of appointment for the Tax Assessor Board at this time.

Recommended Alternative: Alternative 1

Other Alternatives: To consider other individuals to serve on the Tax Assessor Board

Department Review: County Administration and Tax Assessor's Office

Funding Source: Cost for training, travel and Board Meetings are paid out of the Tax Assessors budget

Attachments:
1. Member Profile Application
2. Resolution_Mock
3. Letter of Resignation_Mikeal
AUTHORITIES/BOARDS/COMMITTEES
PROSPECTIVE MEMBER PROFILE

AUTHORITY/BOARD/COMMITTEE: Board of Tax Assessor's

NOMINEE: Lisa Mode

ADDRESS: 305 Old Louvile Court, Guyton, Georgia 31312

HOME PHONE: 912-163-6036  BUSINESS PHONE: 912-208-3855

COUNTY VOTING DISTRICT/MUNICIPALITY:

EMPLOYMENT/BUSINESS HISTORY

COMPANY NAME: Georgia Real Estate, LLC  YEARS: 2010 - 2020
POSITION: Broker/Owner
ADDRESS: PO Box 2935, Rincon, GA 31326

RESPONSIBILITIES:

Manager, Broker, Property Manager, Real Estate, Sales, Manager and Owner of Company, Investor,

COMPANY NAME: Georgia Industrial Commercial  YEARS: 2011 - 2014
POSITION: Broker, Associate Broker, Property Manager
ADDRESS: 1157 St. Springfield

RESPONSIBILITIES:

Broker, Associate, Property Manager, Agent, Trainer,
CIVIC/VOLUNTEER INVOLVEMENTS:

ORGANIZATION: Savannah Board of Realtors  YEARS OF ASSOCIATION: 24
POSITION OF LEADERSHIP: Adopt a Family Program, still a member since 2007

ORGANIZATION: Savannah Board of Realtors  YEARS OF ASSOCIATION: 24
POSITION OF LEADERSHIP: Property Committee - helped within 2002-2005

ORGANIZATION: Savannah Board of Realtors  YEARS OF ASSOCIATION: 24
POSITION OF LEADERSHIP: Lead the Ethics Committee - from 2007-2010

EDUCATION HISTORY:

HIGH SCHOOL: Twelve years

TRADE/VOCATIONAL:

COLLEGE:

GRADUATE/POST-GRADUATE:

PROFESSIONAL AFFILIATIONS/CERTIFICATIONS:

Member of the "Million Dollar Club / Distinguished Sales Society" for 23 years since 1998
RESOLUTION FOR APPOINTMENT TO THE EFFINGHAM COUNTY BOARD OF TAX ASSESSOR’S

WHEREAS, O.C.G.A § 48-5-290 authorizes the establishment of the county Board of Tax Assessors in each of several counties in the state; and

WHEREAS, the Board of Tax Assessors of Effingham County, Georgia is a duly constituted body pursuant to such authority; and

WHEREAS, the term of office for Lisa Mock, a duly appointed member of the Effingham County Board of Tax Assessors, will terminate effective March 30, 2022 and

WHEREAS, pursuant to Section A-6 of Appendix A of the Official Code of Effingham County, Georgia and upon the recommendation of the Effingham County Commissioner for District 1 who has commended to the Board of Commissioners the appoint/reappoint of Lisa Mock to the Effingham County Board of Tax Assessors beginning September 15, 2020 and terminating on March 30, 2022, said recommendation is hereby approved by the Board upon a motion made and carried.

NOW THEREFORE BE IT RESOLVED, the Effingham County Board of Commissioners appoints Lisa Mock to the Effingham County Board of Tax Assessor’s

This 15th day of September, 2020

EFFINGHAM COUNTY BOARD OF COMMISSIONERS

____________________________________
Wesley M. Corbitt, Chairperson

ATTEST:

____________________________________
Stephanie D. Johnson, County Clerk
Subject: Quent Mikeal Resignation

Dear Mr. Morgan,

Please accept this as formal notification of my resignation from Effingham County Board of Tax Assessors. My last day of work will be July 29, 2020.

I truly appreciate the experience and growth opportunities I have gained while working with you; my successor, like me, will be fortunate to be a part of your dynamic and supportive Board.

If I can help in any way to ease the transition, please let me know. I wish you and everyone on the Board continued success.

Sincerely,

Quent Mikeal, PhD
quent.mikeal@gulfstream.com

91 Screven St. Darien Ga. 31305
912-398-8981

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Staff Report

Subject: 2021 ACCG Policy Agenda Voting Delegate  
Author: Stephanie Johnson, County Clerk  
Department: Administration (Clerk’s Office)  
Meeting Date: September 15, 2020  
Item Description: Consideration to approve to appoint a voting delegate to participate in the ACCG 2021 Policy Agenda adoption

Summary Recommendation: Staff recommends approval of the appointment of one Commissioner to act as voting delegate.

Executive Summary/Background:
- The policy agenda is generally approved during the business session of the Legislative Leadership Conference in October of each year. This year due to COVID-19 the conference has been cancelled.
- The Policy Agenda includes the guiding principles, policy objectives and legislative priorities for the 2021 legislative session. It guides ACCG’s legislative action and allows ACCG members to speak with a unified voice for the counties in Georgia.
- Each County Commission appoints a voting delegate to cast their county’s vote.
- The voting delegate form must be completed and returned to ACCG no later than Friday, September 22, 2020.
- Provided for your information is a schedule of how the adoption process will flow.

Alternatives for Commission to Consider
1. Approval to appoint a board member as voting delegate.
2. Take no action.

Recommended Alternative: Staff recommends Alternative 1.

Other Alternatives: N/A

Department Review: Administration

Funding Source: No funding required.

Attachments:
1. Voting Delegate Form
2. Policy Agenda Approval Process & Voting Delegate Designation
3. 2021 Policy Agenda Schedule
2020 Voting Delegate Designation Form

2020 BUSINESS SESSION TO ADOPT THE POLICY AGENDA
VOTING DELEGATE

__________________________________________________________
County

__________________________________________________________
Name

__________________________________________________________
Title

__________________________________________________________
Email Address

__________________________________________________________
Signature of County Chair

__________________________________________________________
Date

Please complete the voting delegate form and return it no later than Sept. 22, 2020 to tdavis@accg.org as a scanned email attachment or fax it to 404.589.7813.

NOTE: If the county does not appoint a voting delegate, then the chair, sole commissioner, CEO or mayor of a consolidated government becomes the voting delegate. The chair, CEO or mayor may designate another member of the governing authority to vote in his or her stead – but not a county staff member after September 22.
MEMORANDUM

To: County Chairmen, Sole Commissioners, CEOs and Mayors of Consolidated Governments  
c/o County Clerks, Managers or Administrators  

From: Dave Wills, Executive Director  

Date: August 24, 2020  

Subject: 2021 Policy Agenda Approval Process & Voting Delegate Designation

While the 2020 ACCG Legislative Leadership Conference was cancelled at the direction of the ACCG Executive Committee, there are still critically important actions that must be taken by county officials in order to consider and approve the 2021 Policy Agenda. The Policy Agenda includes the Guiding Principles, Policy Objectives and Legislative Priorities for the 2021 legislative session. The Policy Agenda guides ACCG’s legislative action and allows ACCG members to speak with a unified voice for Georgia counties.

In accordance with the ACCG bylaws and policies adopted by the ACCG Board of Managers, the association has developed an alternative process for county officials to review and provide input into the Policy Agenda this year.

Please review the schedule provided to see the steps that will be taken this year to adopt the 2021 Policy Agenda. ACCG will provide more information to county officials for each of these actions as they get closer.

There are several opportunities for all county officials to have input into the process in the coming weeks by participating in the remaining policy committee meetings, reviewing the policy objectives and providing input into the legislative proprieties. Once the Policy Agenda is finalized, each county’s voting delegate will have a designated period of time to cast the county’s vote virtually.

In order for ACCG staff to set the stage for conducting the voting process as smoothly as possible, we need the name of your county’s voting delegate by September 22. Each county may designate one voting delegate. The voting delegate selected by the board or sole commissioner may be a member of the county staff if the board or sole commissioner if the voting delegate form is received by September 22. If the county does not appoint a voting delegate, then the chair, sole commissioner, CEO or mayor of a consolidated government becomes the voting delegate. The chair, CEO or mayor may designate another member of the governing authority to vote in his or her stead – but not a county staff member after September 22.

Voting credentials will be emailed to the voting delegates on September 24. The vote must be cast between September 24 – October 1

Please complete the voting delegate form and return it no later than September 22, 2020 to tdavis@accg.org as a scanned email attachment or fax it to 404.589.7813.

Your prompt attention to this matter is greatly appreciated.
# 2021 Policy Agenda Schedule

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sept. 1</td>
<td>Distribution of Policy Objective recommendations.</td>
</tr>
<tr>
<td></td>
<td>ACCG will send the Policy Objective recommendations approved by the Policy Committees to county officials for review. County officials also will receive an amendment form to submit recommended changes to the policy objectives and guiding principles for the Policy Council’s consideration.</td>
</tr>
<tr>
<td>Sept. 8</td>
<td>Deadline for county officials to submit amendments to proposed Policy Objectives and Guiding Principles recommended to the Policy Council.</td>
</tr>
<tr>
<td>Sept. 9</td>
<td>Policy Council meeting</td>
</tr>
<tr>
<td></td>
<td>The Policy Council will meet to finalize the Policy Objectives, Guiding Principles and list of legislative priority options for consideration by the membership.</td>
</tr>
<tr>
<td>Sept. 11</td>
<td>Distribution of Policy Council Report</td>
</tr>
<tr>
<td></td>
<td>ACCG will distribute the Policy Council Report containing the proposed policy objectives, guiding principles and the list of policy objectives that the membership will rank to determine the legislative priorities.</td>
</tr>
<tr>
<td>Sept. 15</td>
<td>ACCG Policy staff provides virtual briefing on the Policy Council Report</td>
</tr>
<tr>
<td>Sept. 15 – Sept. 22</td>
<td>County officials virtually rank policy objectives to determine the legislative priorities.</td>
</tr>
<tr>
<td>Sept. 18</td>
<td>Deadline for county officials to submit amendments to Policy Objective and Guiding Principle recommendations for consideration by the ACCG membership</td>
</tr>
<tr>
<td>Sept. 22</td>
<td>Deadline to submit name of someone other than the chair, sole commissioner, CEO or mayor to be the county’s voting delegate. Remember, if the county does not appoint a voting delegate, then the chair, sole commissioner, CEO or mayor of a consolidated government becomes the voting delegate. The chair, CEO or mayor may designate another member of the governing authority to vote in his or her stead – but not a county staff member after September 22.</td>
</tr>
<tr>
<td>Sept. 24</td>
<td>Distribution of the proposed 2021 Policy Agenda, including legislative priorities and proposed amendments to county officials. County voting delegates receive directions on how to cast the county’s vote.</td>
</tr>
<tr>
<td>Sept. 24 – Oct. 1</td>
<td>Voting Delegate cast the county’s vote on the proposed 2021 Policy Agenda and any proposed amendments.</td>
</tr>
<tr>
<td>Oct. 2</td>
<td>ACCG shares voting results with county officials.</td>
</tr>
</tbody>
</table>
Staff Report

Subject: Contract Extension – Arnold Property
Author: Tim Callanan, County Manager
Department: Administration
Meeting Date: September 15, 2020

Item Description: Consideration to approve an Extension Contract to Option to Purchase property at 216 Shady Oaks Drive, Guyton

Summary Recommendation: Staff recommends approval of the extension.

Executive Summary/Background:
In April 2020 Effingham County entered into a contract for purchase of property at 216 Shady Oaks Drive, Guyton, Georgia from Savannah Abrasives and Filter Sand Corp. The agreement specified a fixed due diligence period which expired August 31, 2020. Due to the complexities of resolving potential environmental issues on the site, the county has requested an extension of the due diligence period for an additional 45 days.

Our environmental attorney and county attorney have reviewed the extension agreement. A Brownfields application has been submitted and is pending with GA EPD. We expect a response within this due diligence period extension and are prepared to close upon approval of the application.

Alternatives for Commission to Consider
  1. Approve the extension of the due diligence period for purchase of property.
  2. Do not approve the amended recreation Fees.

Recommended Alternative: Staff recommends Alternative 1.

Other Alternatives: Provide Staff direction.

Department Review: Administration

Funding Source: None

Attachments:
  1. First Amendment To Purchase And Sale Contract.
PURCHASE AND SALE CONTRACT

1. THE UNDERSIGNED SELLER agrees to sell and the undersigned PURCHASER agrees to buy that certain real property (hereinafter referred to as the “Property”), in Effingham County, Georgia known as 3 acres, more or less, on the plat recorded in Effingham County land records in Plat Cabinet A, Slide 259-A with current street address of 216 Shady Oaks Drive, Guyton, Georgia (hereinafter referred to as “Contract”).

2. THE PURCHASE PRICE. Purchaser agrees to pay Seller at closing the purchase price of the Property of Twenty-Five Thousand Dollars ($25,000.00) in cash, certified check or wire transfer of immediately available funds.

3. CLOSING COSTS AND ATTORNEY: Purchaser will be responsible for all closing costs. The closing attorney shall be The Newberry Law Firm, P.C. Purchaser and Seller mutually agree to close at a time and place designated by Closing Attorney within five (5) working days after notification from the Closing Attorney that the sale is ready to close.

4. BROKER AND COMMISSION: Seller and Purchaser each represent to the other that there are no brokers involved in this transaction. Each party represents to the other that it has dealt with no broker, and will indemnify and hold the other party harmless from any and all claims for brokers’ commissions arising from its actions. No real estate broker shall have authority to bind any party hereto with respect to this Agreement.

5. EARNEST MONEY: There is no earnest money.

6. TITLE AND CLOSING DATE: Seller warrants that it presently has good and marketable title to the property and agrees to convey said property to the Purchaser at closing by a Limited Warranty Deed subject only to easements, restrictions and encumbrances as recorded.

It is expressly understood and agreed between the parties hereto that TIME IS OF THE ESSENCE of this Contract. The sale shall be closed on or before October 15, 2020 prior to which time Purchaser shall have the opportunity of having the title examined. Should any legal defect be found in the title, Seller shall be provided with a written statement thereof prior to above said date and given a reasonable time thereafter within which to correct the same; however in no event to exceed forty-five (45) days from the date of said notice of defect. Upon the expiration of forty-five (45) days, Purchaser has the option to void this Contract.

7. OCCUPANCY: shall be delivered to Purchaser at Closing.

8. INSPECTION AND DUE DILIGENCE: For and in consideration of ten dollars ($10.00) given to Seller, the receipt and sufficiency of which is hereby acknowledged, Seller does hereby grant Purchaser the option of terminating this Agreement, for any reason, for a two (2) month period from the date this Contract is signed by the last party (“Due Diligence Period). During the Due Diligence Period, Purchaser may conduct at Purchaser’s expense whatever evaluations, inspections, examinations, and testing, Purchaser deems appropriate to determine whether Purchaser’s option to terminate this Contract should be exercised. During the Due Diligence Period, Purchaser may also propose an amendment to this Contract to address any concerns of Purchaser with the Property. Upon receipt of such written notice or amendment, Seller shall (a) immediately cause such defects to be corrected prior to closing or (b) void this contract. If Seller does not take any action as set forth in (a) and (b) above, this Contract shall terminate.

9. RISK OF LOSS: Seller warrants that when the sale is consummated the improvements on the property will be in the same condition as they are on the date this contract is signed by Seller, normal wear and tear excepted; however, should the premises be destroyed or substantially damaged by fire or other hazards before the sale is consummated, then at the election of Purchaser or Seller: (a) this contract may be canceled, or (b) if not cancelled, Purchaser may consummate the sale and receive such insurance proceeds as are paid on the claim of loss. This election is to be exercised within twenty (20) days after the Purchaser has been notified in writing by Seller of the amount of the insurance proceeds, if any, that Seller will receive on the claim of loss.
10. NOTICES: Any notice, request, demand, instruction or other communication to be given to a party to this Contract shall be in writing and delivered personally or sent via a nationally recognized overnight courier service or by certified mail, return receipt requested, postage prepaid or telegram (which terms shall be deemed to include mailgrams or facsimile messages) to the following addresses:

TO SELLER: Robert Arnold, 116 South Pointe Drive, Rincon, Georgia 31326.
TO PURCHASER: County Administrator, 601 North Laurel Street, Springfield, Georgia 31329.

Notice shall be deemed to have been given on the date of hand delivery or telegram or on the date of depositing same in the mail via certified mail return receipt requested or with such nationally recognized overnight courier in accordance with the terms hereof. The addresses for purposes of this Contract may be changed by giving written notice hereunder. Unless and until notice of a change of address is given and received hereunder, the last address set forth herein shall be deemed to continue in effect for all purposes hereunder.

11. DEFAULT: In the event the sale is not consummated because of Seller’s inability, failure or refusal to perform any of the Seller’s covenants or conditions herein, Purchaser shall have all rights and remedies available at law including but not limited to reimbursement for all costs and expenses incurred because of Seller’s breach and the right to seek specific performance of this Contract. In the event the sale is not consummated because of Purchaser’s inability, failure or refusal to perform any of the Purchaser’s covenant herein, $1,000.00 shall be paid to Seller as full liquidated damages for such failure to close. It is hereby agreed that Seller’s damages in the event of a default by Purchaser hereunder are uncertain and impossible to ascertain, and that $1,000.00 constitutes a reasonable liquidation of such damages and is intended not as a penalty, but as full liquidated damages pursuant to O.C.G.A. Section 13-6-7, the parties acknowledging the difficulty of ascertaining Seller’s damages in such circumstances, whereupon neither party hereto shall have any further rights, claims or liabilities under this Contract, except for the provisions which are made to survive the termination of this Contract.

12. SELLER REPRESENTATIONS: Seller warrants and represents to Purchaser the following and shall affirm the same at (and as of the date of) Closing. Seller is the owner of good and marketable fee simple title to the Property as of the date of this Contract. The person executing this Contract on behalf of Seller is authorized to do so, and the person also has the requisite power and authority to approve the consummation of the transaction contemplated by this Contract.

13. ENTIRE AGREEMENT: This Contract constitutes the entire agreement between the parties, and shall be binding upon and inure to the benefit of heirs, executors, administrators and assigns of the respective parties hereto. All additions or modifications to this Contract shall be only in writing and signed by all parties and shall become an amendment to this Contract. There shall be no verbal agreements of any kind between parties.

14. SURVIVAL OF AGREEMENT: The following shall survive the closing of this contract: 1) any warranty of title and 2) any obligation which the parties agree shall or may be performed or fulfilled after closing.

15. SPECIAL STIPULATIONS: This Contract is not binding until it is approved by the Board of Commissioners of Effingham County, Georgia at a called meeting. Effingham County will pay the 2019 and 2020 real property tax bills at closing.

16. ACCEPTANCE: The above proposition is hereby accepted, on the _____ day of ______________, 2020.
WITNESS THE HAND AND SEAL OF THE UNDERSIGNED:

Signed this ____ day of ______________________, 2020.

SELLER:

SAVANNAH ABRASIVES & FILTER SAND CORP.

__________________________________________________ L.S.
ROBERT ARNOLD – CEO & SECRETARY
WITNESS THE HAND AND SEAL OF THE UNDERSIGNED:

Signed this ___ day of ______________________, 2020.

PURCHASER:

BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY

BY:

___________________________
Wesley Corbitt
Chairman

ATTEST:

___________________________
Stephanie Johnson
Effingham County Clerk
PURCHASE AND SALE CONTRACT

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It is expressly understood and agreed between the parties hereto that TIME IS OF THE ESSENCE of this Contract. The sale shall be closed on or before August 31, 2020 prior to which time Purchaser shall have the opportunity of having the title examined. Should any legal defect be found in the title, Seller shall be provided with a written statement thereof prior to above said date and given a reasonable time thereafter within which to correct the same; however in no event to exceed forty-five (45) days from the date of said notice of defect. Upon the expiration of forty-five (45) days, Purchaser has the option to void this Contract.

7. OCCUPANCY: shall be delivered to Purchaser at Closing.

8. INSPECTION AND DUE DILIGENCE: For and in consideration of ten dollars ($10.00) given to Seller, the receipt and sufficiency of which is hereby acknowledged, Seller does hereby grant Purchaser the option of terminating this Agreement, for any reason, for a two (2) month period from the date this Contract is signed by the last party (“Due Diligence Period”). During the Due Diligence Period, Purchaser may conduct at Purchaser’s expense whatever evaluations, inspections, examinations, and testing, Purchaser deems appropriate to determine whether Purchaser’s option to terminate this Contract should be exercised. During the Due Diligence Period, Purchaser may also propose an amendment to this Contract to address any concerns of Purchaser with the Property. Upon receipt of such written notice or amendment, Seller shall (a) immediately cause such defects to be corrected prior to closing or (b) void this contract. If Seller does not take any action as set forth in (a) and (b) above, this Contract shall terminate.

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12. SELLER REPRESENTATIONS: Seller warrants and represents to Purchaser the following and shall affirm the same at (and as of the date of) Closing. Seller is the owner of good and marketable fee simple title to the Property as of the date of this Contract. The person executing this Contract on behalf of Seller is authorized to do so, and the person also has the requisite power and authority to approve the consummation of the transaction contemplated by this Contract.

13. ENTIRE AGREEMENT: This Contract constitutes the entire agreement between the parties, and shall be binding upon and inure to the benefit of heirs, executors, administrators and assigns of the respective parties hereto. All additions or modifications to this Contract shall be only in writing and signed by all parties and shall become an amendment to this Contract. There shall be no verbal agreements of any kind between parties.

14. SURVIVAL OF AGREEMENT: The following shall survive the closing of this contract: 1) any warranty of title and 2) any obligation which the parties agree shall or may be performed or fulfilled after closing.

15. SPECIAL STIPULATIONS: This Contract is not binding until it is approved by the Board of Commissioners of Effingham County, Georgia at a called meeting. Effingham County will pay the 2019 and 2020 real property tax bills at closing.

16. ACCEPTANCE: The above proposition is hereby accepted, on the 16th day of June, 2020.
WITNESS THE HAND AND SEAL OF THE UNDERSIGNED:

Signed this 17 day of July, 2020.

SELLER:

SAVANNAH ABRASIVES & FILTER SAND CORP.

__________________________ L.S.
ROBERT ARNOLD – CEO & SECRETARY
WITNESS THE HAND AND SEAL OF THE UNDERSIGNED:

Signed this 11th day of June, 2020.

PURCHASER:

BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY

BY: Wesley Corbitt
Chairman

ATTEST: Stephanie Johnson
Effingham County Clerk
Rezoning (First District)
Teresa Concannon, AICP, Planner
Development Services
September 15, 2020
Patrick Patel, for Caroline Starling, requests to rezone 0.17 acres of a 13.1 acre parcel from AR-1 to B-2 to expand the parking area for an existing convenience store, located at 1398 Old River Road. Map# 304 Parcel #27

The Planning Board recommends approval of the request to rezone 0.17 acres from AR-1 to B-2, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The applicant wishes to add 0.17 acres from parcel 304-27 to the existing convenience store on parcel 304-28. 304-27 is zoned AR-1, and 304-28 is zoned B-2. The 0.17 acres must be rezoned to B-2 in order to combine with the convenience store parcel.
- At the August 24, 2020 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone 0.17 acres from AR-1 to B-2, with the following conditions:
  1. The lot must meet the requirements of the B-2 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  4. Recombination plat must be approved by the Zoning Administrator.
Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 0.17-acres from AR-1 to B-2, with the following conditions:
   1. The lot must meet the requirements of the B-2 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   4. Recombination plat must be approved by the Zoning Administrator.

2. Deny the request to rezone 0.17 acres from AR-1 to B-2.

Recommended Alternative: Alternative 1

Other Alternatives: N/A
Department Review: Development Services
FUNDING: N/A
Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent: Patrick Patel
Date: 7-13-20

Applicant email address: prrpatel521@yahoo.com

Property owner's email: prrpatel521@yahoo.com

Telephone Number: (863) 521-2231

Mailing Address: 28 Old Bridge Dr, Suite B, 31322

Property location: 1388 Old River Rd, Bloomingdale, GA

Present zoning: Residential AR-2

Proposed zoning: Commercial B-2

Present land-use: None

Proposed land-use: Park

Tax Map #: 084-304 Parcel #: 87-29 Lot #:

Total Acres: 17 Acres to be rezoned: 17

Lot characteristics:

Water: N/A Public N/A Private Sewer: N/A Public N/A Private

Proposed access:

Justification:

List the zoning of the other property in the vicinity of the property you wish to rezone:

North: Residential South: Commercial

East: Residential West: Residential

Rev 03062020

Tel: Pecontracting@gmail.com

912-536-6353
1. Describe the current use of the property you wish to rezone.

*not being used, plan to clear and use for additional parking*

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

*No*

3. Describe the use that you propose to make of the land after rezoning.

*Parking for new convenience store*

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

*New store under construction*

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

*Clean up overgrowth and vegetation*

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

*No*
EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date _____ Jun 19 2001, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book _____ page _____.

I hereby certify that I am the owner of the property being proposed for rezoning, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner's signature ______________ Print ______________
Owner's signature ____________________________ Print ____________________________
Owner's signature ____________________________ Print ____________________________

Sworn and subscribed before me this ____ day of _____.

Notary Public, State of _____

Rev 03062020
AUTHORIZATION OF PROPERTY OWNER

I, Caroline S. Starling, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a Rezoning application. I acknowledge and accept that I will be bound by the decision of the board of commissioners, including any conditions of the rezoning, if the application is approved.

Name of Applicant: Patrick F. Date:____

Address: 702 Bloomfield Rd

City: Bloomfield State: GA Zip Code: 31302

Telephone Number: 863 521 2231 Email: caroline.s.starling@gmail.com

Signature of Owner Owners Name (Print)

Personally appeared before me Caroline S. Starling (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

This Day 2nd of August 2020

(Notary Seal)

Notary Public

Rev 03062020
STATE OF GEORGIA  
)  
COUNTY OF EFFINGHAM  
)

ASSENT TO DEVISE

THIS INDENTURE, made and entered into on this 18th day of June, 2001, between CAROLINE SCHUMAN STARLING, as Executrix under the Last Will and Testament of NORMA M. SCHUMAN, late of Effingham County, Georgia, deceased, as Party of the First part, and CAROLINE SCHUMAN STARLING, individually, of Effingham County, Georgia, as Party of the Second Part;

WITNESSETH:

WHEREAS, NORMA M. SCHUMAN, who was also known as Norma W. Schuman, a resident of Effingham County, Georgia, died testate on February 20, 2001, and her Last Will and Testament was duly probated in Solemn Form in the Probate Court of Effingham County, Georgia, on March 20, 2001; and,

WHEREAS, the Party of the First Part, who is formerly known as Caroline M. S. Jones, is the duly named, qualified and acting Executrix pursuant to Item Five of said instrument; and,

WHEREAS, under Item Three of the Last Will and Testament the property hereinafter described was devised to the Party of the Second Part, who is formerly known as Caroline M. S. Jones, under the terms thereof; and,

WHEREAS, all debts and claims outstanding of the estate have been paid and satisfied (or adequate provision has been so made); and,

WHEREAS, the Party of the Second Part is entitled to have the said Executrix convey the said property to her to carry out the provisions of said Will;

NOW, THEREFORE, the Party of the First Part in consideration of the premises and to evidence assent to the vesting of said devise to the said Party of the Second Part, has granted and conveyed and does hereby grant and convey unto the said Party of the Second Part, her heirs and assigns, the following described property, to-wit:
SEE SCHEDULE A ATTACHED HERETO.

TO HAVE AND TO HOLD the said above described premises, together with all and singular the rights, members, improvements and appurtenances to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and benefit of the said Party of the Second Part, her heirs and assigns, in Fee Simple, and in as full and ample a manner as the same was possessed or enjoyed by the said Norma M. Schuman during her life.

IN WITNESS WHEREOF, CAROLINE SCHUMAN STARLING, as Executrix as aforesaid, has hereunto set her hand and seal the day and year above set forth.

CAROLINE SCHUMAN STARLING (L.S.)

CAROLINE SCHUMAN STARLING, Executrix of the Last Will and Testament of NORMA M. SCHUMAN

Signed, sealed and delivered in the presence of:

Alicia Morgan
WITNESS

Ada Ryan
NOTARY PUBLIC
SCHEDULE A

TRACT ONE:
All that certain lot, tract, or parcel of land situate, lying and being in the 1559th G.M. District, Effingham County, Georgia, containing 155.67 acres, more or less, and more particularly described on map or plat prepared by Paul D. Wilder, dated December 8, 1982, recorded in Plat Book M, page 81, in the office of the Clerk of Superior Court of Effingham County, Georgia. For a more particular description reference is hereby made to the aforesaid plat, which is incorporated herein and made a part hereof.

This being a portion of the same property devised by Last Will and Testament of J. C. Schuman to Jos. M. Schuman, recorded in Deed Book 256, page 27, aforesaid records.

TRACT TWO:
All that certain lot, tract, or parcel of land situate, lying and being in the 1559th G.M. District, Effingham County, Georgia, containing 14.10 acres, more or less, and more particularly described on map or plat prepared by Paul D. Wilder, dated December 8, 1982, recorded in Plat Book M, page 80, in the office of the Clerk of Superior Court of Effingham County, Georgia. For a more particular description reference is hereby made to the aforesaid plat, which is incorporated herein and made a part hereof.

This being a portion of the same property devised by Last Will and Testament of J. C. Schuman to Jos. M. Schuman, recorded in Deed Book 256, page 27, aforesaid records.

TRACT THREE:
All that certain lot, tract or parcel of land situate, lying and being in Effingham County, Georgia, known and designated as Lot 1, Block A, Meldrim Lake Acres Subdivision, on a map or plan dated November 13, 1969, recorded in Plat Book 5, page 7, aforesaid records. For a more particular description reference is hereby made to the aforesaid plat, which is incorporated herein and made a part hereof.

This being the same property conveyed by Warranty Deed from J. M. Schuman and Nathan Portman to J. M. Schuman and Norma W. Schuman, dated October 4, 1973, recorded in Deed Book 164, page 323, aforesaid records.
Effingham County, GA

Parcel ID: 03040027
Class Code: Residential
Taxing District: 01-County

Acres: 13.1

Owner: STARLING CAROLINE SCHUMAN
Physical Address: 210 SANYHILL RD
Assessed Value: Value $305218

Last 2 Sales:
Date: 6/18/2001
Price: 0
Reason: UI
Qual: U

(Note: Not to be used on legal documents)
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>DISAPPROVAL</th>
</tr>
</thead>
</table>

Of the rezoning request by applicant (Patrick Patel - Map# 304 Parcel# 27) from AR-1 to B-2 zoning.

Yes  No?  1. Is this proposal inconsistent with the county’s master plan?

Yes  No?  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No?  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No?  4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes  No?  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No?  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No?  7. Are nearby residents opposed to the proposed zoning change?

Yes  No?  8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020  Page 12 of 16
EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL__ DISAPPROVAL__

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EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL         DISAPPROVAL

Of the rezoning request by applicant (Patrick Patel - Map# 304 Parcel# 27) from AR-1 to B-2 zoning.

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Yes No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No? 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No? 7. Are nearby residents opposed to the proposed zoning change?

Yes No? 8. Do other conditions affect the property so as to support a decision against the proposal?
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ✓ DISAPPROVAL

Of the rezoning request by applicant (Patrick Patel - Map# 304 Parcel# 27) from AR-1 to B-2 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL DISAPPROVAL

Of the rezoning request by applicant (Patrick Patel - Map# 304 Parcel# 27) from AR-1 to B-2 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?
Subject:  Rezoning (First District) 2nd Reading Zoning Map Amendment  
Author: Teresa Concannon, AICP, Planner  
Department: Development Services  
Meeting Date: September 15, 2020  
Item Description: Patrick Patel, for Caroline Starling, requests to rezone 0.17 acres of a 13.1 acre parcel from AR-1 to B-2 to expand the parking area for an existing convenience store, located at 1398 Old River Road.  
Map# 304 Parcel #27  

Summary Recommendation  
The Planning Board recommends approval of the request to rezone 0.17 acres from AR-1 to B-2, with conditions.  

Executive Summary/Background  
• The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.  
• The applicant wishes to add 0.17 acres from parcel 304-27 to the existing convenience store on parcel 304-28. 304-27 is zoned AR-1, and 304-28 is zoned B-2. The 0.17 acres must be rezoned to B-2 in order to combine the acreage with the convenience store parcel.  
• At the August 24, 2020 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone 0.17 acres from AR-1 to B-2, with the following conditions:  

1. The lot must meet the requirements of the B-2 zoning district.  
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.  
3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.  
4. Recombination plat must be approved by the Zoning Administrator. Brad Smith seconded the motion. The motion carried unanimously.  

Alternatives for Commission to Consider  
1. Approve request to rezone 0.17-acres from AR-1 to B-2, with the following conditions:  
   1. The lot must meet the requirements of the B-2 zoning district.  
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.  
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.  
   4. Recombination plat must be approved by the Zoning Administrator.  
2. Deny the request to rezone 0.17 acres from AR-1 to B-2.  

Recommended Alternative: Alternative 1  
Other Alternatives: N/A  
Department Review: Development Services  
FUNDING: N/A  

Attachments:  
1. Rezoning application and checklist  
2. Ownership certificate/authorization  
3. Deed  
4. Plat  
5. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
304-60A
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
304-60A

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, PATRICK PATEL, has filed an application to rezone seventeen hundredths (0.17) +/- acres; from AR-1 to B-2 for a parking area; map and parcel number 304-27, located in the 1st commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT seventeen hundredths (0.17) +/- acres; map and parcel number 304-27, located in the 1st commissioner district is rezoned from AR-1 to B-2 with the following stipulations:

1. The lot must meet the requirements of the B-2 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
4. Recombination plat must be approved by the Zoning Administrator.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: _________________
WESLEY CORBITT, CHAIRMAN

ATTEST:

STEPHANIE JOHNSON
COUNTY CLERK
Summary Recommendation
The Planning Board recommends approval of the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The properties, in addition to an adjoining 4.25-acre parcel (329-38), which was rezoned to B-2 in 1983 to allow an auto garage, have been operated as a junkyard since before the establishment of zoning districts.
- Mr. Diederich has a contract to sell all three parcels. In order to complete the sale, the two AR-1 parcels must be rezoned to B-2.
- The junkyard is not a permitted use in B-2. The buyer will have to meet the B-2 zoning district requirements for permitted uses, or request a rezoning to suit business needs.
- At the August 24, 2020 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with the following conditions:
  1. Junk yard operations must cease, and lots must be cleared of vehicles, as verified by Effingham County Code Enforcement.
  2. Future use of the lots must meet the requirements of the B-2 zoning district.
  3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
    Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. **Approve** request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with the following conditions:
   1. Junk yard operations must cease, and lots must be cleared of vehicles, as verified by Effingham County Code Enforcement.
   2. Future use of the lots must meet the requirements of the B-2 zoning district.
   3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
2. **Deny** the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2.

**Recommended Alternative:** Alternative 1

**Other Alternatives:** N/A

**Department Review:** Development Services

**FUNDING:** N/A
Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent: Ronald Diederich
Date: 9/24/20

Applicant email address: DiederichRon@gmail.com
Phone #: 912 448-8519

Property owner(s): Ron Diederich

Telephone Number: 912 448-8519 or 912 661-3252

Mailing Address: P.O. Box 71, Melvin, GA 31318

Property location: Hwy 80, Eden

Present zoning: AR-1

Proposed zoning: B-2

Present land-use: Salvage Yard

Proposed land-use: Commercial

Tax Map #: 329
Parcel #: 36 x 37
Lot #:

Total Acres: 8.4
Acres to be rezoned:

Lot characteristics:

Water: Public

Sewer: Public

Proposed access: Hwy 80

Justification:
We have Contract to Sell 3 Adjoining Properties
One is B-2, others are AR-1, need to be all Same to complete sell.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North: AR-1 and B-2
South: AR-1

West: AR-1

Rev 03062020

09/10/2020
1. Describe the current use of the property you wish to rezone.

Salvage Yard

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Improving Vacant Land has been used as Salvage Yard for 40+ years.

3. Describe the use that you propose to make of the land after rezoning.

Commercial

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

Residential and Commercial.

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

Adjoining property is B2.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

No
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

7-1-92 4-4-91, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 315, page 269, page 231, 723.

I hereby certify that I am the owner of the property being proposed for rezoning, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ____________________________ Print ____________________________

Owner’s signature ____________________________ Print ____________________________

Owner’s signature ____________________________ Print ____________________________

Sworn and subscribed before me this 24th day of July, 2020

Notary Public, State of Georgia

Rev 03062020
AUTHORIZATION OF PROPERTY OWNER

I, **Ronald Diederich**, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a Rezoning application. I acknowledge and accept that I will be bound by the decision of the board of commissioners, including any conditions of the rezoning, if the application is approved.

Name of Applicant: **Ronald Diederich** Date:________

Address: **P.O. Box 74**

City: **Meldrim** State: **GA** Zip Code: **31318**

Telephone Number: **912-488-1519** Email: **DiederichRow@Gmail.com**

Signature of Owner: **Ronald Diederich** Owners Name (Print)

Personally appeared before me **Ronald Diederich** (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

This Day **24** of **July**

**Diane Proudfoot**

Notary Public

Rev 03062020
STATE OF GEORGIA 

COUNTY OF CHATHAM 

) 

WARRANTY DEED 

THIS INDENTURE made and entered into this _19__ day of July, 1992, between THOMAS W. CROSBY, of Chatham County 

Georgia, as Party of the First Part and RONALD O. DIETERICH 

of Chatham County, Georgia as party of the Second Part. 

WITNESSETH: THAT the said Party of the first Part for 

and in consideration of the sum of Ten and no/100------ 

($10.00) Dollars and other valuable considerations in hand 

paid at and before the sealing and delivery of these 

presents, the receipt and adequacy of which is hereby 

acknowledged, has granted, bargained, sold and conveyed, and 

by these presents does grant, bargain, sell and convey unto 

the said Party of the Second Part, his heirs, executors, 

administrators, successors and assigns, the following 

described property to-wit: 

AN UNDIVIDED ONE-HALF (½) INTEREST IN AND TO THE FOLLOWING 

PROPERTY: 

ALL that certain tract or parcel of land situate, lying 

and being in the 155th C.M. District of Effingham County, 

Georgia, comprising SIX and FOUR-TENTHS (6.4) acres near the 

Village of Eden, Georgia (formerly The Henry Edwards Tract) 

and being bounded as follows: North by lands now or formerly 

of Danny James; East by lands now or formerly of Mrs. T. C. 

Helmly, Jr.; South and West by lands now of formerly of the 

Estate of Mrs. Dan Elitch; All of which is more fully shown 

in that certain plat prepared by Lester Ackerman, Registered 

Land Surveyor, dated February 26, 1969, and recorded in the 

Office of the Clerk of the Superior Court of Effingham 

County, Georgia, in Plat Record Book 4, Page 153, which plat 

is incorporated herein and specifically made a part of this 

description. Being the same property as described in that 
certain Warranty Deed from Henry H. Edwards, Jr. to Thomas W. 
Crosby and Jewel W. Crosby dated March 7, 1969, and recorded 
in Deed Book 147 page 391 of the records of Effingham County, 

Georgia. 

TO HAVE AND TO HOLD the above described property 
together with all and singular, the rights, members, 
hereditaments and appurtenances unto the same belonging or 
in anywise appertaining, unto the said Party of the Second Part, 
his heirs, executors, administrators, successors and assigns, 
in FECK SIMPEL forever.
AND, the said Party of the First part, his heirs, executors, administrators, successors and assigns, will WARRANT and forever DEFEND the right and title to the above described property unto the said Party of the Second Part, his heirs, executors, administrators and assigns, against the claims of all persons whomsoever.

IN WITNESS WHEREOF, the Party of the First part has hereunto set his hand and seal the day and year first above written.

[Signature]
THOMAS W. CROSBY (L.S.)

Signed, sealed and delivered
in the presence of:

[Signature]
Audrey Budge

[Stamp]
Notary Public, Chatham County, Georgia

[Stamp]
H. M. P. SUTRELL, JR.

[Seal]
Notary Public, Chatham County, Ga.

[Seal]
By Commission No. 2337 Jan. 5, 1936
THIS INDENTURE, Made the 4th day of April, 1997, between TOM W. CROSBY of the FIRST PART, and RONALD O. DIEDERICH of the SECOND PART,

WITNESSETH: FIRST PARTY, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto SECOND PARTY, his heirs and assigns, the following described property, to-wit:

ALL that certain tract or parcel of land lying and being located, situated in the 1599th G.M. District, Effingham County, Georgia, near the Village of Eden, Georgia, on U. S. Highway 80, containing Two (2) acres, more or less, and is generally bounded as follows: Northwardly by U. S. Highway 80, with a frontage thereon of Sixty Hundred Fifty (650') feet, more or less; Eastwardly by property, now or formerly, owned by Ronald Diederich; Southwardly by property, now or formerly, owned by Thomas W. Crosby and Jewell W. Crosby; and Westwardly by property, now or formerly, owned by Harriett B. Bickel.

This being the same property conveyed by Henry J. Wilkins as Tax Commissioner and Ex Officio Sheriff of Effingham County, Georgia to Tom W. Crosby dated March 5, 1991 and recorded in the office of the Clerk of the Superior Court of Effingham County, Georgia, in Deed Book 291, page 230.

SCRIVENER HAS NOT EXAMINED TITLE AND DOES NOT CERTIFY SAME.

SUBJECT to restrictive covenants and easements of record.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements, and appurtenances thereof belonging or in any wise appertaining unto SECOND PARTY, his heirs and assigns, FOREVER IN Fee SIMPLE with full WARRANTY OF TITLE to said property against the claims of all persons whomever.

IN WITNESS WHEREOF, FIRST PARTY has hereunto set his hand and affixed his seal and delivered these presents, the day and year first above written.

TOM W. CROSBY (SEAL)

Signed, sealed and delivered in the presence of:

Unofficial Witness

Notary Public

Date:

GEO. EDWARD REDDICK

Page 9 of 17
STATE OF GEORGIA
COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 22\textsuperscript{nd} day of September, 1982, between GARY S. HARVEY of the FIRST PART, and RONALD DIEDRICH of the SECOND PART,

WITNESSETH: FIRST PARTY, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, does hereby grant, bargain, sell and convey unto SECOND PARTY, his heirs, successors and assigns, the following described property, to-wit:

ALL that certain tract or parcel of land situate, lying and being in the 1559th G.M. District of Effingham County, Georgia, containing Four and twenty-five hundredths (4.25) acres, more or less, and being bounded on the northeast by U. S. Highway 80; on the southeast by lands of Robert F. Smith, Jr.; on the southwest by lands of Maria Blitch and on the northwes

by lands of Henry Edwards estate.

Express reference is hereby made to a plat of said lands made by Paul D. Wilder, R.L.S., #1559, dated June 20, 1979 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 14, page 7, for better determining the metes and bounds of said lands herein conveyed.

TO HAVE AND TO HOLD said property, together with all and singular th

rights, members hereditaments, improvements, easements, and appurtenances

thereunto belonging or in any wise appertaining unto SECOND PARTY, his heirs, successors and assigns, FOREVER IN FEE SIMPLE with full WARRANTY OF TITLE to

said property against the claims of all persons whosoever.

IN WITNESS WHEREOF, FIRST PARTY has hereunto set his hand and affix
dhis seal and delivered these presents, the day and year first above written.

Signed, sealed and delivered
in the presence of:

[Signatures]

GARY S. HARVEY (SEA.

09/10/2020 Page 10 of 17
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(Nota: Not to be used on legal documents)

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Developed by Schneider Geospatial
EFFINGHAM COUNTY REZONING CHECKLIST

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The Effingham County Planning Commission recommends:

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<tr>
<th>APPROVAL</th>
<th>DISAPPROVAL</th>
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Of the rezoning request by applicant (Ronald O. Diederich - Map# 329 Parcel # 36 & 37) from AR-1 to B-2 zoning.

Yes No ? 1. Is this proposal inconsistent with the county’s master plan?

Yes No ? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No ? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No ? 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No ? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

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APPROVAL    DISAPPROVAL

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL _____ DISAPPROVAL _____

Of the rezoning request by applicant (Ronald O. Diederich - Map# 329 Parcel # 36 & 37) from AR-1 to B-2 zoning.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL  √    DISAPPROVAL

Of the rezoning request by applicant (Ronald O. Diederich - Map# 329 Parcel # 36 & 37) from AR-1 to B-2 zoning.

Yes [ ] No [x] 1. Is this proposal inconsistent with the county’s master plan?

Yes [x] No [ ] 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes [ ] No [x] 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes [ ] No [x] 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes [x] No [ ] 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes [ ] No [x] 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes [x] No [ ] 7. Are nearby residents opposed to the proposed zoning change?

Yes [x] No [ ] 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL

DISAPPROVAL

Of the rezoning request by applicant (Ronald O. Diederich - Map# 329 Parcel # 36 & 37) from AR-1 to B-2 zoning.

Yes ☐ 1. Is this proposal inconsistent with the county’s master plan?

Yes ☐ 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes ☐ 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes ☐ 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes ☐ 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes ☐ 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes ☐ 7. Are nearby residents opposed to the proposed zoning change?

Yes ☐ 8. Do other conditions affect the property so as to support a decision against the proposal?
Staff Report

Subject: Rezoning (First District) 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: Ronald O. Diederich requests to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, located on Hwy 80 in Eden.

Map# 329 Parcel #36 Map# 329 Parcel #37

Summary Recommendation
The Planning Board recommends approval of the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The properties, in addition to an adjoining 4.25-acre parcel (329-38), which was rezoned to B-2 in 1983 to allow an auto garage, have been operated as a junkyard since before the establishment of zoning districts.
- Mr. Diederich has a contract to sell all three parcels. In order to complete the sale, the two AR-1 parcels must be rezoned to B-2.
- The junkyard is not a permitted use in B-2. The buyer will have to meet the B-2 zoning district requirements for permitted uses, or request a rezoning to suit business needs.
- At the August 24, 2020 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with the following conditions:
  1. Junk yard operations must cease, and lots must be cleared of vehicles, as verified by Effingham County Code Enforcement.
  2. Future use of the lots must meet the requirements of the B-2 zoning district.
  3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2, with the following conditions:
   1. Junk yard operations must cease, and lots must be cleared of vehicles, as verified by Effingham County Code Enforcement.
   2. Future use of the lots must meet the requirements of the B-2 zoning district.
   3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

2. Deny the request to rezone a 2-acre parcel from AR-1 to B-2, and an adjacent 6.4-acre parcel from AR-1 to B-2.

Recommended Alternative: Alternative 1
Other Alternatives: N/A Department Review: Development Services FUNDING: N/A
Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Plat
5. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 329-36&37
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 329-36&37
AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, RONALD DIEDERICH, has filed an application to rezone eight and four hundredths (8.4) +/- acres; from AR-1 to B-2; map and parcel number 329-36&37, located in the 1st commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT eight and four hundredths (8.4) +/- acres; map and parcel number 329-36&37, located in the 1st commissioner district is rezoned from AR-1 to B-2 with the following stipulations:

1. Junk yard operations must cease, and lots must be cleared of vehicles, as verified by Effingham County Code Enforcement.
2. Future use of the lots must meet the requirements of the B-2 zoning district.
3. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________ , 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: ______________________________
WESLEY CORBITT, CHAIRMAN

ATTEST:

FIRST/SECOND READING: ______________

____________________________
STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: Bruce Steed & Lisa Howard, for George Wasden, request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a home. The recombined lots are located on Virginia Street, at Griffin Lakes. Map# 235A Parcel #3

Summary Recommendation
The Planning Board recommends approval of the request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts and frontage requirements are described in Appendix C, Article V-Uses Permitted in Districts.
- The lot measures approx. 100’ x 480’. AR-1 setbacks are 50’ front and 50’ rear. Rezoning to R-1 allows for setbacks of 35’ front and 25’ rear, leaving approximately 40’ for the construction of a stick-built home.
- At the August 24, 2020 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with the following conditions:
  1. Lot development must meet the requirements of the R-1 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with the following conditions:
   1. Lot development must meet the requirements of the R-1 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

2. Deny request to rezone 1.1-acres from AR-1 to R-1.

Recommended Alternative: Alternative 1

Other Alternatives: N/A
Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent_ Bruce Street, Lisa Howard_ Date_ 7-23-20_
Applicant email address_ stangb391@gmail_ Phone #_ 912-631-1213_
Property owner(s_ George P. Wassells_
Telephone Number_ N/A_
Mailing Address_ 3865 Fairfield Dr, Millen, GA 30442_
Property location_ Virginia Street_
Present zoning_ A1_
Proposed zoning_ R1_
Present land-use_ Nothing_
Proposed land-use_ to build a structure home_
Tax Map #_ 285A_ Parcel #_ 3_ Lot #_
Total Acres_ 1.1_ Acres to be rezoned_ 1.1_
Lot characteristics_ Vacant_
Water_ Public_ Private_ Sewer_ Public_ Private_
Proposed access_ Virginia Street_
Justification_ build a home_

List the zoning of the other property in the vicinity of the property you wish to rezone:

North_ A1_ South_ A1_
East_ A1_ West_ A1_

Rev 03062020

09/10/2020
1. Describe the current use of the property you wish to rezone.

   Vacant

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   No

3. Describe the use that you propose to make of the land after rezoning.

   Home site

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   Residential

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

   Lot unbuildable in current zoning, need to rezone to meet setbacks

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

   No
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 06/25/2009, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 01916 page 0325.

I hereby certify that I am the owner of the property being proposed for rezoning, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ___________________________ Print George Wassen

Owner’s signature ___________________________ Print ___________________________

Owner’s signature ___________________________ Print ___________________________

Sworn and subscribed before me this 21st day of July, 2020.

Notary Public, State of Georgia

Rev 03062020
AUTHORIZATION OF PROPERTY OWNER

I, George Wasden, being duly sworn upon his/her oath, being of sound mind and legal age deposes and states; That he/she is the owner of the property which is subject matter of the attached application, as is shown in the records of Effingham County, Georgia.

I authorize the person named below to act as applicant in the pursuit of a Rezoning application. I acknowledge and accept that I will be bound by the decision of the board of commissioners, including any conditions of the rezoning, if the application is approved.

Name of Applicant: Bruce Steed, Lisa Howard Date: 7-23-20

Address: 120 Edgewater Dr

City: Bloomingdale State: Ga Zip Code: 31302

Telephone Number: 912-631-1213 Email: stangle391@gmail.com

Signature of Owner

George Wasden Owners Name (Print)

Personally appeared before me George Wasden (Owner print)

Who swears before that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

This Day 21 of July, 2020

Signature of Notary Public

Rev 03062020
STATE OF GEORGIA  

COUNTY OF RICHMOND  

WARRANTY DEED  

THIS INDENTURE, made this 25th day of June, 2009, between GEORGE WASDEN, as Party of the First Part, and GEORGE RAY WASDEN, or his successor, as Trustee of the GEORGE R. WASDEN LIVING TRUST dated September 10, 2007, 739 Old Midville Road, Millen, Georgia 30442, as Party of the Second Part;  

WITNESSETH:  

That the Party of the First Part in consideration of the sum of Ten ($10.00) Dollars and other valuable consideration, cash in hand paid by the Party of the Second Part, the receipt and sufficiency of which is hereby acknowledged, does hereby grant, bargain, sell, convey and confirm unto the Party of the Second Part, its successors and assigns, the following described property, to-wit:  

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART THEREOF  

TO HAVE AND TO HOLD said property, together with all rights, ways and appurtenances thereto belonging, or in anywise appertaining, unto the Party of the Second Part, its successors and assigns, in fee simple, forever.  

AND the Party of the First Part does hereby warrant the title to said property and will forever defend the same against the lawful claims of all persons whomsoever.  

IN WITNESS WHEREOF, the Party of the First Part has hereunto set her hand and seal the day and year first above written.  

(SIGNATURES ON FOLLOWING PAGE)
SIGNED, SEALED AND DELIVERED in the presence of:

Witness

Notary Public

County, Georgia

My Commission Expires:

George Wasden
All that certain lot, tract or parcel of land lying and being in the 12th G.M. District of Effingham County, Georgia, being designated as Lot No. 3, Lot No. 4, Lot No. 5, Lot No. 6, Lot No. 7, Lot No. 8, Lot No.9 and Lot No. 10, Griffin Lakes Subdivision, as shown on that certain plat of survey prepared by Ray Bailey & Associates, Registered Land Surveyor, dated May, 1988, and recorded in Plat Book 1, Page 259, Effingham County Records, which plat of survey is by reference incorporated herein as a part of this description.

Parcel No.: 235A-10 & 235A-3
July 27, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Bruce Steed & Lisa Howard
Virginia Street, Guyton GA 31312
Pin #235A-3
Total Acres: 1.1 Acres to be rezoned: 1.1

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to R-1. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

A follow up review of the final plat will be conducted prior to signing. The following items must be submitted.

1. Completed Plat Review Application.
2. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
3. The following signature block should be used on all plats that require Health Department approval

   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

   ________________________________  ________________________________  ________________________________
   Signing Authority                    Title                                    Date
The plans and supporting documentation were not reviewed for general conformance with Rules of the Department of Public Health, Chapter 511-3-1. This review and subsequent approval do not relieve the owner, designer, and or contractor, nor their representatives, from their individual or collective responsibility to comply with the applicable code provisions of Rules of the Department of Public Health, Chapter 511-3-1. The review should not be construed as a check of every item in the plans or the construction. Failure of this office to note any conflict with said requirements does not relieve any entities from compliance. Additional requirements must be met for subdivisions.

This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

Darrell M. O’Neal, MPA
Environmental Health County Manager
Effingham County Health Department
## Level 3 Report

**County:** Effingham  
**Date:** December 18, 2019  
**Pin No.:**  
**Owner:** George Wassen Living Trust  
**Mailing Address:** 3825 Fairfield Drive, Millen, Georgia 30442  
**Site Location Address:** Virginia Street  
**Subdivision:**  
**Lot No.:**  
**Map Scale:** 1 inch = 100 feet

### soil properties

<table>
<thead>
<tr>
<th>SOIL SERIES</th>
<th>Slope %</th>
<th>Seasonal High Water Table from existing surface (inches)</th>
<th>Absorption Rate at Recommended Trench Depth (minutes/inch)</th>
<th>Recommended Trench Depth from existing surface (inches)</th>
<th>Suitability Code</th>
<th>Trench thickness (inches)</th>
<th>Recommended Height of Mound based on trench depth of 18 inches</th>
<th>24 inches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fuquay</td>
<td>1</td>
<td>48</td>
<td>20</td>
<td>24</td>
<td>A</td>
<td>B</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Silson</td>
<td>2</td>
<td>36</td>
<td>20</td>
<td>24</td>
<td>C</td>
<td>B</td>
<td>6</td>
<td>12</td>
</tr>
<tr>
<td>Leefield</td>
<td>0</td>
<td>24</td>
<td>0</td>
<td>0</td>
<td>C</td>
<td>B</td>
<td>18</td>
<td>24</td>
</tr>
</tbody>
</table>

**Suitability Code**

- **A:** These soils are suitable for installation of on-site systems with proper system design, installation and maintenance.
- **B:** Because of flooding, shallow seasonal water tables, soil horizons with very slow percolation rates, poorly drained areas, or impermeable drainage, these soils are not suitable for installation of a conventional on-site system without site modifications, special design or installation. Non-conventional systems and installation must be approved by the local Environmental Health Specialist.
- **C:** Because of soil limitations, these soils are unsuitable for installation of an on-site system.
- **D:** These soils commonly have percolation rates that are too slow for installation of a conventional on-site system without special design or installation. Non-conventional system design and installation must be approved by the local Environmental Health Specialist.

**Specific Notes:**

- Make sure the proposed setback is protected during construction of the home and is not allowed to become a storage area for fill dirt, or used for trash pits. Keep heavy equipment and vehicles away from the adsorption field area. Do not install adsorption fields during wet or rainy periods because surface water away from drain fields can be harmful and moveable.

**Disclaimer:** Recommendations are site specific and based on the original undisturbed soil unless otherwise stated. If the soil is disturbed from cutting operations, this report is null and void. Your local Department of Community Health has full authority in the permitting of on-site disposal systems. Make sure they are permitting differently than the Soil Classifier and will have the final say in their county.

Signed: R.N. Bradshaw

09/10/2020
Effingham County, GA

Parcel ID: 0235A003
Class Code: Residential
Taxing District: 01-County
Acres: 1.1

Owner: GEORGE R WASDEN LIVING TRUST
Physical Address: 3825 FAIRFIELD DR MILLEN GA 30442
Assessed Value: Value $20218

Date created: 7/23/2020

Developed by:

(Note: Not to be used on legal documents)
EFFINGHAM COUNTY REZONING CHECKLIST

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After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

**APPROVAL** \( \_ \_ \_ \) \( \_ \_ \_ \) **DISAPPROVAL**

Of the rezoning request by applicant (Bruce Steed & Lisa Howard - Map# 235A Parcel# 3) from AR-1 to R-1 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?
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CHECK LIST:

The Effingham County Planning Commission recommends:

[Signature]

APPROVAL DISAPPROVAL

Of the rezoning request by applicant (Bruce Steed & Lisa Howard - Map# 235A Parcel# 3) from AR-1 to R-1 zoning.

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APPROVAL ☐ DISAPPROVAL ☐

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DISAPPROVAL

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Yes ☑ No ☐ 1. Is this proposal inconsistent with the county’s master plan?

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Yes ☑ No ☐ 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes ☑ No ☐ 7. Are nearby residents opposed to the proposed zoning change?

Yes ☑ No ☐ 8. Do other conditions affect the property so as to support a decision against the proposal?
Staff Report

Subject: Rezoning (Third District) 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020

Item Description: Bruce Steed & Lisa Howard, for George Wasden, request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a home. The recombined lots are located on Virginia Street, at Griffin Lakes. Map# 235A Parcel #3

Summary Recommendation
The Planning Board recommends approval of the request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with conditions.

Executive Summary/Background
• The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts and frontage requirements are described in Appendix C, Article V-Uses Permitted in Districts.
• The lot measures approx. 100’ x 480’. AR-1 setbacks are 50’ front and 50’ rear. Rezoning to R-1 allows for setbacks of 35’ front and 25’ rear, leaving approximately 40’ for the construction of a stick-built home.
• At the August 24, 2020 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with the following conditions:
  1. Lot development must meet the requirements of the R-1 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 1.1-acres from AR-1 to R-1 to allow for construction of a stick-built home, with the following conditions:
   1. Lot development must meet the requirements of the R-1 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
2. Deny request to rezone 1.1-acres from AR-1 to R-1.

Recommended Alternative: Alternative 1

Other Alternatives: N/A
Department Review: Development Services

FUNDING: N/A
Attachments:
  1. Rezoning application and checklist
  2. Ownership certificate/authorization
  3. Deed
  4. Plat
  5. Aerial photograph
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 235A-3
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 235A-3

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, BRUCE STEED & LISA HOWARD, have filed an application to rezone one and ten hundredths (1.1) +/- acres; from AR-1 to R-1; map and parcel number 235A-3, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT one and ten hundredths (1.1) +/- acres; map and parcel number 235A-3, located in the 3rd commissioner district is rezoned from AR-1 to R-1 with the following stipulations:

1. Lot development must meet the requirements of the R-1 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________, 20____

BOARD OF COMMISSIONERS  
EFFINGHAM COUNTY, GEORGIA

BY: ______________________________  
WESLEY CORBITT, CHAIRMAN

ATTEST: ______________________________  
FIRST/SECOND READING: ______________

STEPHANIE JOHNSON  
COUNTY CLERK
Subject: Conditional Use (Third District)
Author: Teresa Concannon, AICP, Planner
Department Development Services
Meeting Date: September 15, 2020
Item Description: New Hope Apostolic Holiness Church requests a conditional use for a .643-acre cemetery, in AR-1, located at 525 Ardmore Oaky Rd. Map # 263 Parcel # 2

Summary Recommendation
The Planning Board recommends approval of the request for a conditional use for a .643-acre cemetery located at 525 Ardmore Oaky Road, with conditions

Executive Summary/ Background

- Article V - Uses Permitted in Districts, Sec. 5.1.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.6 in the agricultural residential (AR-1) district on a conditional basis upon approval by the county commissioners after review by the planning board.
  - Sec. 5.1.2.2 Cemeteries, when accessory to and on the same property as a permitted use in the agricultural residential district.
- Article III – General Provisions, Sec. 3.6 – Cemeteries, mausoleums, and crematories. No premises shall be used or occupied for the purposes of a cemetery or mausoleum in any district except multi-family residential, single-family residential, and agricultural residential districts and then only upon approval after a public hearing. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten feet to any highway right-of-way, nor closer than ten feet to any other property line. No premises shall be used or occupied for the purposes of a crematorium in any district except as a conditional use in a B-2 zoning district.
- This item was tabled at the July 27, 2020 Planning Board meeting, to allow the property owners time to resolve a boundary dispute.
- At the August 24, 2020 Planning Board meeting, Peter Higgins made a motion to approve the request for a conditional use for a .643-acre cemetery located at 525 Ardmore Oaky Road, with the following conditions:
  1. Plat be signed by Zoning Administrator and recorded by applicant.
  2. Fencing at least 4' in height around cemetery.
Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve the request for a conditional use for a .643-acre cemetery located at 525 Ardmore Oaky Road, with the following conditions:
   1. Plat be signed by Zoning Administrator and recorded by applicant.
   2. Fencing at least 4’ in height around cemetery.
2. Deny the request for a conditional use for a .643-acre cemetery.

Recommended Alternative: Alternative 1

Other Alternatives: N/A

Department Review: Development Services

Funding: N/A

Attachments:
1. Conditional Use application
2. Ownership certificate
3. Site plan
4. Aerial photograph
EFFINGHAM COUNTY
APPLICATION FOR A VARIANCE OR CONDITIONAL USE

DATE 05/19/2020

APPLICANT/AGENT NAME Beaulah Salmon / Robert Dixon

APPLICANT/AGENT EMAIL: angelhodges29@gmail.com

APPLICANT/AGENT PHONE #: 912-433-7351

PROPERTY OWNER(s): New Hope Apostolic Holiness Church

PROPERTY OWNER PHONE #: 912-433-7351 EMAIL: angelhodges29@gmail.com

MAILING ADDRESS 1130 Reedsville Rd. Clyo, Ga. 31323

PROPERTY LOCATION 585 Ardmore Oaky Rd. Springfield Ga. 31339

PHONE # 912-433-7351 EMAIL ADDRESS angelhodges29@gmail.com

MAP # PARCEL # 0263002

ZONING AR-1 ACREAGE 5.25

NAME OF DEVELOPMENT (IF APPLICABLE)

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED

DESCRIBE THE REQUESTED VARIANCE / CONDITIONAL USE
We would like to make a cemetery plot on
the property.
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date April 26, 2002, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 824, page 16.

Owner’s signature: Robert Deacon

Owner’s signature: ______________________________ (if applicable)

Owner’s signature: ______________________________ (if applicable)

*******************************************************************************

AUTHORIZATION OF PROPERTY OWNER

(Please complete this section if the owner is giving another person authority to act on their behalf)

I authorize the person named below to act as applicant/agent in the pursuit of a variance, conditional use, or rezoning of my property.

Name of Applicant/Agent: ______________________________

Address: ___________________________________________

Telephone #: __________________________ email: __________________________

Personally appeared before me __________________________ who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary: ___________________________ Seal

Date: ___________________________
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED

We would like for our church members to have some where to be paid to rest.

THE FOLLOWING ITEMS MUST BE SUBMITTED AT TIME OF APPLICATION:

☐ A COPY OF THE SITE PLAN THAT CLEARLY ILLUSTRATES THE REQUESTED VARIANCE OR CONDITIONAL USE IN RELATION TO THE AFFECTED SITE AND TO SURROUNDING PARCELS AND USES. A REPRODUCABLE COPY OF THIS PLAN, NO LARGER THAN 11” x 17”, MUST BE SUBMITTED.

☐ OWNERSHIP CERTIFICATE

☐ FILING FEE - $200.00

☐ IF DESIRED, ADDITIONAL NARRATIVE THAT EXPLAINS HOW AND WHY THE REQUESTED VARIANCE OR CONDITIONAL USE MEETS THE CRITERIA OF SECTION 7.1.8 & 7.1.6 OF THE EFFINGHAM COUNTY ZONING ORDINANCE.

SIGNATURE DATE June 26, 2020

**Please include a copy of the plat identifying existing structures and imply future structures**

******************************************************************************
OFFICIAL USE ONLY
******************************************************************************

DATE RECEIVED ________ TIME ________ ACCEPTED BY ____________

DATE APPROVED BY COUNTY COMMISSIONERS ____________
WARRANTYDEED

STATE OF GEORGIA

COUNTY

THIS INDENTURE, Made this 2nd day of January, one thousand nine hundred ninety-seven, in the year,

between

Eloise Wallace Goldwire, Charles A. Wallace, Nathaniel Wallace, Joseph L. Wallace and Lillian Wallace Robinson

of the County of Effingham, and State of Georgia, as party or parties of the first part, hereinafter called

Grantor, and

New Hope Apostolic Holiness Church

Whose Mailing Address is:

of the County of Effingham, and State of Georgia, as party or parties of the second part, hereinafter called

Grantee, and

WITNESSETH: that Grantor, for and in consideration of the sum of Ten Dollars and no/100 ($10.00) and other good and valuable considerations

in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee, all the following described property, to-wit:

1.00 ACRE, DIVIDED FROM THE PROPERTY OF EMMETT WALLACE ESTATE, EFFINGHAM COUNTY, GEORGIA; BEING MORE FULLY DESCRIBED IN SCHEDULE A ATTACHED HERETO AND MADE A PART HEREOF

Effingham County, Georgia
Real Estate Transfer Tax

Page 1 of 1

Date 1-1-07

Clerk of Superior Court

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in the SIMPLE.

AND THE SAID Grantee will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whomever.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed, the day and year above written.

Signed, sealed and delivered in the presence of:

Unofficial Witness

Prepared by: Elizabeth F. Thompson
RECORD & RETURN TO:
Elizabeth F. Thompson
329 Eisenhower Drive, Suite D
Savannah, Georgia 31406
Filing No:26-492

09/10/2020
Schedule A

ALL that certain lot, tract or parcel of land situate, lying and being in the 12th C.M. District of Effingham County, Georgia, being known and designated as a 1.00 ACRE, DIVIDED FROM THE PROPERTY OF EMMETT WALLACE ESTATE, as shown upon a plat prepared by Paul D. Wilder, R.L.S. #1559, dated September 4, 1996 and filed for record in Plat Book 1A, Page 31156, in the Office of the Clerk of the Superior Court of Effingham County, Georgia. Express reference is hereby made to said map or plat for better determining the metes, bounds and dimensions of the property herein conveyed.

This being a portion of the same property conveyed by Deed from Emmett Wallace to Joseph L. Wallace, Lillian Wallace Robinson, Nathaniel Wallace, Eloise Wallace Goldwire and Charles A. Wallace dated January 4, 1989 and filed for record in Record Book 262, Folio 736, in the Office of the Clerk of the Superior Court of Effingham County, Georgia. See Schedule B & C’s for extinguishment of life estates reserved in said deed.

This conveyance is executed and delivered subject to all valid restrictive covenants, easements and rights of way of record.

AND ALSO, Grantors grants to Grantee the right to reasonable use of the well on Grantors’ property so long as Grantee does not have a well. Said usage shall include access to said well. Said right to well usage shall continue until such time as Grantee completes construction of an approved well on the subject property.

See Schedule D for authority of Grantee to purchase said property.

File No: 96-462
STATE OF GEORGIA  
CHATHAM COUNTY

Warranty Deed

26  
This Indenture, made this 14th day of May, 1944, between

DAISY YOUNG, of Chatham County, Georgia, party

of the first part, and NEW HOPE APOSTOLIC HOLINESS CHURCH OF GOD OF SAVANNAH, GEORGIA, INCORPORATED, a Georgia Corporation with offices in Chatham County, Georgia, party

of the second part,

Witnesseth:

First party, for and in consideration of the sum of $10,000.00 and other valuable considerations, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto second party, its heirs, successors and assigns, the following described property, to-wit:

ALL that certain lot, tract or parcel of land, lying situate and being in the extended limits of the city of Savannah, in DeWitt Ward, Chatham County, Georgia, known and designated upon a map or plan of subdivision known as FEILER PARK, recorded in Subdivision Map Book "A", Folio 93, of the records of Chatham County, Georgia, as LOT NUMBER TWENTY-EIGHT (28), FEILER PARK, in said DeWitt Ward; said lot hereby conveyed having a frontage of Sixty-Four (64) feet on the North side of 58th Street, between Middleground Road and Florence Street, being located on the northwest corner of said Middleground Road and 58th Street, having a rectangular depth northwardly of One Hundred Five (105) feet, and being bounded on the North by Lot 20, Feiler Park, in DeWitt Ward; on the East by Middleground Road; on the South by said 58th Street; and on the West by Lot 20, Feiler Park, in DeWitt Ward; being the same property described in instrument recorded in Deed Book 56-I, Folio 99 of the records of Chatham County, Georgia.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, covenants, and appurtenances thereof, belonging or in any wise appertaining unto second party, its heirs, successors and assigns, FOREVER IN FEE SIMPLE with full WARRANTY OF TITLE to said property against the claims of all persons whatsoever.

IN WITNESS WHEREOF, first party has hereunto set her hand and seal on

the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

Daisy Young

(LS)

CLERK, SUPERIOR COURT, CHATHAM CO., GA.

09/10/2020
STATE OF GEORGIA

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 26th day of April, 2002, between ELOUISE WALLACE GOLDWIRE, CHARLES A. WALLACE, NATHANIEL WALLACE, JOSEPH L. WALLACE and LILLIAN WALLACE ROBINSON of the FIRST PART, and NEW HOPE APOSTOLIC HOLINESS CHURCH, a Religious organization organizing and existing under the laws of the State of Georgia of the SECOND PART,

WITNESSETH: FIRST PARTIES, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other valuable considerations, receipt whereof is hereby acknowledged, do hereby grant, bargain, sell and convey unto SECOND PARTY, its successors and assigns, the following described property,

to-wit:

ALL that certain tract or parcel of land situate, lying and being in the 12th O.M. District of Effingham County, Georgia, containing Five and Twenty-five Hundredths (5.25) acres, more or less, and being bounded on the northeast by lands now or formerly of Lee; on the southeast by the Ardsno-Oakley Road known as County Road #22; on the southwest by lands now or formerly of Jackson and on the northwest by lands now or formerly of Jackson.

Express reference is hereby made to the plat of said lands made by Harold R. Johnson, R.L.S. #1137 dated March 7, 2002 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet II, Slide 282 for better determining the metes and bounds of said lands herein conveyed.

Said plat showing a parcel of said land within the boundaries of the above described property belonging to New Hope Apostolic Holiness Church,

SUBJECT, to restrictive covenants and easements of record.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements, and appurtenances thereto belonging or in any wise appertaining unto SECOND PARTY, its successors and assigns, FOREVER IN FEE SIMPLE with full WARRANTY OF TITLE to said property against the claims of all persons whomsoever.

IN WITNESS WHEREOF, FIRST PARTIES have hereunto set their hands and affixed their seals and delivered these presents, the day and year first above written.

ELOUISE WALLACE GOLDWIRE
(Charles A. Wallace)
NATHANIEL WALLACE
JOSEPH L. WALLACE
LILLIAN WALLACE ROBINSON

[Seals and Signatures]

Notary Public
Date: 04-26-2002
LINE | BEARING | HORIZ DIST
--- | --- | ---
L1 | N23°39'00"W | 93.94' 
L2 | N58°16'06"E | 100.37' 
L3 | N31°40'31"W | 65.20'

SURVEYORS NOTE: PARCEL "A" IS A NON CONFORMING LOT WHICH CANNOT BE SOLD INDEPENDENTLY WITHOUT THE APPROVAL OF EFFINGHAM COUNTY

1. THE FIELD DATA WAS COLLECTED USING A TOPCON GS-92 TOTAL STATION, SOOKIA GR5, AND A TESLA DATA COLLECTOR.
2. THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY THE F.U.R.M. OFFICIAL FLOOD HAZARD MAPS.
3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.
4. TO THE BEST OF MY KNOWLEDGE, INFORMATION AND BELIEF ALL ANGLES, BEARINGS, MEASUREMENTS OF COURSES, DISTANCES AND MONUMENTS LOCATIONS ARE AS SHOWN, HAVE BEEN PROVEN BY LAND SURVEY AND IN MY OPINION THIS IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF GEORGIA LAW 1978.
5. THIS SURVEY COMPLIES WITH BOTH THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE OFFICIAL CODE OF GEORGIA ANNOTATED (ODGA) 15-6-67 IN THAT WHERE A CONFLICT EXISTS BETWEEN THESE TWO SETS OF SPECIFICATIONS THE REQUIREMENTS OF THE LAW PREVAIL.
6. WILLIAM MARK GLISSON, THE LAND SURVEYOR WHOSE SEAL IS ATTACHED HERETO DOES NOT GUARANTEE THAT ALL BASEMENTS WHICH MAY AFFECT THE PROPERTY ARE SHOWN, THE CERTIFICATION AS SHOWN HEREIN IS PURSUANT TO THE PROFESSIONAL OPINION BASED ON KNOWLEDGE, INFORMATION AND BELIEF AND BASED ON EXISTING FIELD EVIDENCE AND DOCUMENTARY EVIDENCE AVAILABLE.

AS REQUIRED BY SUBSECTION (C) OF O.C.C.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS. FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATIONS SIGNATURES, STAMPS, OR STATEMENTS HEREOF, SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES OR ANY PERSONS OF USER OF THIS PLAT AS TO INTENDED USE OF ANY PARCEL FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THIS RULE AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.C.A. SECTION 15-6-67.

WILLIAM MARK GLISSON - REGISTERED LAND SURVEYOR
GEORGIA PLS # 3316 - SOUTH CAROLINA PLIS # 31964
377 TUCKER ROAD, CLAXTON, GEORGIA 30417
RINCON: (912) 822 - 5283 CLAXTON: (912) 292 - 7092

SIGNED: 7/3/2020

FILE SURVEY DATE: 08/19/2020
qPublic.net™ Effingham County, GA

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Owner: CHURCH NEW HOPE

APPOSTOLIC HOLINESS
1130 REIDSVILLE RD
CLYO GA 31303

Physical Address: ARDMORE OAKY RD

Assessed Value: Value $35450

Last 2 Sales
Date: 4/26/2002
Price: $15000
Reason: UV
Qual: U

(Note: Not to be used on legal documents)

Date created: 7/1/2020
Last Data Uploaded: 7/7/2020 12:47:05 AM

Developed by Schneider Geospatial
Conditional Use (Third District) 2nd Reading Zoning Map Amendment

New Hope Apostolic Holiness Church requests a conditional use for a .643-acre cemetery, in AR-1, located at 525 Ardmore Oaky Road.

Map # 263 Parcel # 2

New Hope Apostolic Holiness Church requests a conditional use for a .643-acre cemetery, in AR-1, located at 525 Ardmore Oaky Road.

Executive Summary/ Background

- Article V - Uses Permitted in Districts, Sec. 5.1.2 Conditional uses. The following uses may be permitted in accordance with the provisions of section 7.1.6 in the agricultural residential (AR-1) district on a conditional basis upon approval by the county commissioners after review by the planning board.
  - Sec. 5.1.2.2 Cemeteries, when accessory to and on the same property as a permitted use in the agricultural residential district.

- Article III – General Provisions, Sec. 3.6 – Cemeteries, mausoleums, and crematories. No premises shall be used or occupied for the purposes of a cemetery or mausoleum in any district except multi-family residential, single-family residential, and agricultural residential districts and then only upon approval after a public hearing. No land for which a plat has not been recorded shall be used for any burials. The dead shall not be buried or placed closer than ten feet to any highway right-of-way, nor closer than ten feet to any other property line. No premises shall be used or occupied for the purposes of a crematorium in any district except as a conditional use in a B-2 zoning district.

- This item was tabled at the July 27, 2020 Planning Board meeting, to allow the property owners time to resolve a boundary dispute.

- At the August 24, 2020 Planning Board meeting, Peter Higgins made a motion to approve the request for a conditional use for a .643-acre cemetery located at 525 Ardmore Oaky Road, with the following conditions:
  1. Plat be signed by Zoning Administrator and recorded by applicant.
  2. Fencing at least 4’ in height around cemetery.

Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. **Approve** the request for a conditional use for a .643-acre cemetery located at 525 Ardmore Oaky Road, with the following conditions:
   1. Plat be signed by Zoning Administrator and recorded by applicant.
   2. Fencing at least 4’ in height around cemetery.

2. **Deny** the request for a conditional use for a .643-acre cemetery.

Recommended Alternative: Alternative 1

Other Alternatives: N/A

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Conditional Use application
2. Ownership certificate
3. Site plan
4. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 263-2

AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 263-2

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, NEW HOPE APOSTOLIC HOLINESS CHURCH, has filed an application for a conditional use to allow for a cemetery; map and parcel number 263-2, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on 7/29/2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 7/08/2020; and

IT IS HEREBY ORDAINED THAT a conditional use to allow for a cemetery; map and parcel number 263-2, located in the 3rd commissioner district is approved with the following stipulations:

1. Plat be signed by Zoning Administrator and recorded
2. Fencing at least 4’ in height around cemetery.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: ______________________________
WESLEY CORBITT, CHAIRMAN

ATTEST: ______________________________
FIRST/SECOND READING: _____________

STEPHANIE JOHNSON
COUNTY CLERK
Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: Johnny & Jennifer Wilcox Howard request to rezone 1.74 acres of a 14.93 acre parcel, from AR-1 to AR-2 for a home site, located at 2315 US Hwy 119, Guyton.
Map# 320 Parcels# 50B

Summary Recommendation
The Planning Board recommends approval of the request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicants wish to split a 1.74 acre parcel for a home site for a family member, and therefore must rezone it to AR-2.
- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
  1. The lot must meet the requirements of the AR-2 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  4. Subdivision plat must be approved by the Health Department and the Zoning Administrator. Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. The lot must meet the requirements of the AR-2 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   4. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 1.74 acres from AR-1 to AR-2.

Recommended Alternative: Alternative 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent  Johnny E & Jennifer S. Wilcox  Date  7/24/2020
Applicant email address  jaynshar01@yahoo.com  Phone #  843-321-2246
Property owner(s)  Johnny E & Jennifer S. Wilcox  Email  jaynshar01@yahoo.com
Telephone Number (843) 321-2246
Mailing Address  2315 HW 119 Guyton Ga 31312
Property location  2315 HW 119 Guyton Ga 31312
Present zoning  AR-1
Proposed zoning  AR-2
Present land-use  vacant
Proposed land-use  Residential - home site
Tax Map #  320  Parcel #  5013  Lot #
Total Acres  14.93  Acres to be rezoned  1.74
Lot characteristics  vacant
Water  Public  Private  Sewer  Public  Private
Proposed access  GA Hwy 119
Justification

List the zoning of the other property in the vicinity of the property you wish to rezone:

North  AR-1  South  AR-1
East  AR-1  West  AR-1
1. Describe the current use of the property you wish to rezone.
   
   **vacant**

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

3. Describe the use that you propose to make of the land after rezoning.
   
   **Home site for daughter**

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   
   **Residential**

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?
   
   **Consistent with surrounding usage**

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?
   
   **No**
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

1/10/20, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2567 page 286.

I hereby certify that I am the owner of the property being proposed for rezoning, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ____________________________ Print ____________________________

Owner’s signature ____________________________ Print ____________________________

Owner’s signature ____________________________ Print ____________________________

Sworn and subscribed before me this 20th day of July, 2020.

Kathleen Erin Dunnigan
Notary Public, State of Georgia

[Notary seal]
LIMITED
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF EFFINGHAM

THIS INDENTURE made this 8th day of January, 2020, between Johnny Oliver Guined and Ashley Donaldson Guined, as party of the first part, hereinafter called Grantor, and Johnny E. Wilcox, Jr., as party of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND NO/100 DOLLARS ($10.00) and other good and valuable considerations in hand paid, at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee.

All that certain lot, tract or parcel of land situate, lying and being in the 10th G.M. District, Effingham County, Georgia, being known as 14.93 acres, more or less, as shown and more particularly described on that certain map or plat made by Warren E. Poitthress, R.L.S. No. 1953, dated January 26, 2006 and recorded in Plat Cabinet C, Slide 127-FL in the records of the Clerk of Superior Court of Effingham County, Georgia. For a more particular description reference is hereby made to the aforesaid plat, which is specifically incorporated herein and made a part hereof.

Subject, however, to all valid restrictions, easements, and rights of way of record.

This being the same property conveyed by Warranty Deed from Bank of Newington to Johnny Oliver Guined and Ashley Donaldson Guined, dated October 19, 2016, recorded in Deed Book 2372, Page 852, aforesaid records.

TO HAVE AND TO HOLD the said tract or parcel of land, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee, forever in FEE SIMPLE.

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons by, through and under the above named Grantor.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed, sealed and delivered this 8th day of January, 2020, in the presence of:

Witness

Notary Public

EDWARD L NEWBERRY JR
Notary Public, Effingham County, GA
My Commission Expires June 22, 2020

(SEAL)
Johnny Oliver Guined

(SEAL)
Ashley Donaldson Guined

09/10/2020
July 30, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Johnny & Jennifer Wilcox
2315 Hwy 119, Guyton GA 31312
Pin #320-50B
Total Acres: 14.93 Acres to be rezoned: 1.74

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to AR-2. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

A follow up review of the final plat will be conducted prior to signing. The following items must be submitted.

1. Completed Plat Review Application.
2. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
3. The following signature block should be used on all plats that require Health Department approval

   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

    | Signing Authority | Title                  | Date          |
    |-------------------|------------------------|---------------|

09/10/2020
The plans and supporting documentation were not reviewed for general conformance with Rules of the Department of Public Health, Chapter 511-3-1. This review and subsequent approval do not relieve the owner, designer, and or contractor, nor their representatives, from their individual or collective responsibility to comply with the applicable code provisions of Rules of the Department of Public Health, Chapter 511-3-1. The review should not be construed as a check of every item in the plans or the construction. Failure of this office to note any conflict with said requirements does not relieve any entities from compliance. Additional requirements must be met for subdivisions.

This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>DISAPPROVAL</th>
</tr>
</thead>
</table>

Of the rezoning request by applicant (Johnny E. & Jennifer S. Wilcox - Map# 320 Parcel # 50B & ) from AR-1 to AR-2 zoning.

Yes No? 1. Is this proposal inconsistent with the county’s master plan?

Yes No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No? 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No? 7. Are nearby residents opposed to the proposed zoning change?

Yes No? 8. Do other conditions affect the property so as to support a decision against the proposal?
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ______ DISAPPROVAL ______

Of the rezoning request by applicant (Johnny E. & Jennifer S. Wilcox - Map# 320 Parcel # 50B & ) from AR-1 to AR-2 zoning.

Yes  No  1. Is this proposal inconsistent with the county’s master plan?

Yes  No  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

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Yes  No  7. Are nearby residents opposed to the proposed zoning change?

Yes  No  8. Do other conditions affect the property so as to support a decision against the proposal?
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The Effingham County Planning Commission recommends:

APPROVAL ___ DISAPPROVAL ___

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EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL √ DISAPPROVAL 

Of the rezoning request by applicant (Johnny E. & Jennifer S. Wilcox - Map# 320 Parcel # 50B &) from AR-1 to AR-2 zoning.

Yes No? 1. Is this proposal inconsistent with the county’s master plan?

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EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ________ DISAPPROVAL ________

Of the rezoning request by applicant (Johnny E. & Jennifer S. Wilcox - Map# 320 Parcel # 50B &) from AR-1 to AR-2 zoning.

Yes ☐ No ☑ 1. Is this proposal inconsistent with the county’s master plan?

Yes ☐ No ☑ 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes ☐ No ☑ 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes ☐ No ☑ 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes ☐ No ☑ 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes ☐ No ☑ 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes ☐ No ☑ 7. Are nearby residents opposed to the proposed zoning change?

Yes ☐ No ☑ 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020
Subject: Rezoning (Third District) 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: Johnny & Jennifer Wilcox Howard request to rezone 1.74 acres of a 14.93 acre parcel, from AR-1 to AR-2 for a home site, located at 2315 US Hwy 119, Guyton. Map# 320 Parcels# 50B

Summary Recommendation
The Planning Board recommends approval of the request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicants wish to split a 1.74 acre parcel for a home site for a family member, and therefore must rezone it to AR-2.
- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
  1. The lot must meet the requirements of the AR-2 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  4. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
   Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 1.74 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. The lot must meet the requirements of the AR-2 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   4. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 1.74 acres from AR-1 to AR-2.

Recommended Alternative: Alternative 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 320-50B
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 320-50B

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, JOHNNY & JENNIFER WILCOX HOWARD, have filed an application to rezone one and seventy-four hundredths (1.74) +/- acres; from AR-1 to AR-2; map and parcel number 320-50B, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT one and seventy-four hundredths (1.74) +/- acres; map and parcel number 320-50B, located in the 3rd commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. The lot must meet the requirements of the AR-2 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
4. Subdivision plat must be approved by the Health Department and the Zoning Administrator.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: WESLEY CORBITT, CHAIRMAN

ATTEST: FIRST/SECOND READING: ______________

STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Rezoning (Fourth District)
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020

Item Description: Shel Paulk for SD Clyde, LLC requests to rezone 6.41 acres from AR-1 to AR-2, to allow for subdivision into residential parcels, located on Courthouse Road at Clyde Road. Map# 390 Parcel# 2

Summary Recommendation
The Planning Board recommends approval of the request to rezone 6.41 acres from AR-1 to AR-2, to allow for subdivision into residential lots, with conditions.

Executive Summary/Background

- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.

- The applicant wishes to subdivide the 6.41 acre parcel into residential lots fronting on Courthouse and Clyde Roads. No new roads or public facilities/improvements are planned. The parcels will have a tree buffer requirement, to prevent erosion when individual lots are cleared for residential construction.

- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 6.41 acres from AR-1 to AR-2 to allow for subdivision into residential lots, with the following conditions:

1. The lots must meet the requirements of the AR-2 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. Lot clearing greater than 1-acre must meet LDA permit requirements.
4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
5. The plat must show that all lots contain a 5’ tree buffer along the side and rear lot lines.
6. Subdivision plat must be approved by the Health Department and the Zoning Administrator. Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. Approve request to rezone 6.41 acres from AR-1 to AR-2 for subdivision into home sites, with the following conditions:
   1. The lots must meet the requirements of the AR-2 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. Lot clearing greater than 1-acre must meet LDA permit requirements.
   4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   5. The plat must show that all lots contain a 5’ tree buffer along the side and rear lot lines.
   6. Subdivision plat must be approved by the Health Department and the Zoning Administrator.

2. Deny the request to rezone 6.41 acres from AR-1 to AR-2.

Recommended Alternative: Alternative 1

Other Alternatives: N/A

Department Review: Development Services  FUNDING: N/A

Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant  SD Clyde LLC  DATE  6-26-20

Applicant email address: spaulk@southernpridelawn.com Phone # 912-657-3753

Property owner(s)  SD Clyde LLC  email ✗

Telephone Number (912) 657-3753

Mailing Address  PO Box 279, Guyton, Ga 31312

Property location  Clyde Rd

Present zoning  AR-1

Proposed zoning  AR-2

Present land-use  Timber

Proposed land-use  Housing

Tax Map # 0290 Parcel # 00002 Lot #

Total Acres 6.41 Acres to be rezoned 6.41

Lot characteristics  Woodland

Water  Private Sewer  Private

Proposed access  Courthouse Rd & Clyde Rd

Justification  Dividing Property to sell 1/2 lots

List the zoning of the other property in the vicinity of the property you wish to rezone:

North  Timber  South  Residential

East  Residential  West  Agriculture

1
1. Describe the current use of the property you wish to rezone.

   Vacant Land

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   Yes

3. Describe the use that you propose to make of the land after rezoning.

   Residential Lots

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   Residential

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and development of adjacent and nearby property?

   Residential

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

   No
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date

12-5-19

on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2560 page 774-774.

I hereby certify that I am the owner of the property being proposed for rezoning, and I have answered all of the questions contained herein and know the same to be true and correct. I hereby acknowledge that I have reviewed the application checklist, and further acknowledge that any omission of the items above will cause a delay in the review of my request.

Owner’s signature ___________________________ Print ___________________________

Owner’s signature ___________________________ Print ___________________________

Owner’s signature ___________________________ Print ___________________________

Sworn and subscribed before me this 20th day of June, 2020

Notary Public, State of Georgia
STATE OF GEORGIA  

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 4th day of December, 2019, between KATHLEEN R. NEIDLINGER of the FIRST PART, and SD CLYDE, LLC of the SECOND PART,

WITNESSETH: FIRST PARTY, for and in consideration of the sum of Ten and no/100 ($10.00) Dollars and other valuable considerations, receipt whereof in hereby acknowledged, does hereby grant, bargain, sell and convey unto SECOND PARTY, its successors and assigns, the following described property, to wit:

ALL that certain parcel of land situate, lying and being in the 10th G.M. District of Effingham County, Georgia, containing Five and One Tenth (5.1) acres, more or less, and being bounded on the North by lands of Juanita Allen; on the East by lands of George L. Edwards; on the Southwest by County Road No. 391, and on the West by lands of Clyde N. Rahn Estate.

Express reference is hereby made to the plat of said lands made by Warren E. Poythress, R.L.S. #1953, dated July 11, 1990 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 24, Page 208, for better determining the metes and bounds of said lands herein conveyed.

This being the same property conveyed by Warranty Deed from Frank Simmons to Kathleen R. Neildinger dated July 30, 1990 and recorded in said Clerk’s Office in deed Book 263, Page 123.

ALSO, ALL that certain tract or parcel of land situate, lying and being in the 10th G.M. District of Effingham County, Georgia, being known as Parcel Ten (10), as shown and more particularly described on that certain map or plat made by Warren E. Poythress, R.L.S. #1953, dated July 26, 2004, recorded in Plat Cabinet “D”, Slide 54-A-1, in the records of the Clerk of the Superior Court of Effingham County, Georgia. For a more particularly incorporated herein and made a part hereof.

This being the same property conveyed by Jacquelyn R. Simmons as Executrix under the Last Will and Testament of Ruby L. Rahn, deceased, to Kathleen R. Neildinger dated November 5, 2010 and recorded in said Clerk’s Office in Deed Book 1982, Page 71.

SUBJECT, to the easements to Effingham County recorded in Deed Book 1256, Page 117.

SUBJECT, ALSO, to the easements to Savannah Electric and Power Company recorded in Deed Book 218, Page 665 and Deed Book 404, Page 188.

SUBJECT, ALSO, to the easements to Effingham County recorded in Deed Book 352, Page 634, Deed Book 360, Page 360, and Deed Book 1228, Page 114.

SUBJECT to restrictive covenants and easements of record.

TO HAVE AND TO HOLD said property, together with all and singular the rights, members, hereditaments, improvements, easements, and appurtenances thereunto belonging or in any wise appertaining unto SECOND PARTY, its successors and assigns, FOREVER IN FEE SIMPLE with full WARRANTY OF TITLE to said property against the claims of all persons whosoever.

IN WITNESS WHEREOF, FIRST PARTY has hereunto set her hand and affixed her seal and delivered these presents, the day and year first above written.

[Seal]

KATHLEEN R. NEIDLINGER

Signed, sealed and delivered in the presence of:

[Seal]

Official Witness

[Seal]

Official Witness - Notary Public

09/10/2020
https://search.gscca.org/Imaging/HTML5Viewer.aspx?id=74944663&key1=2580&key2=774&county=51&countyname=EFFINGHAM&userid=58882...
July 23, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: SD Clyde, LLC c/o Schel Paulk
    Clyde Road, Guyton GA 31312
    Pin #39-2
    Total Acres: 6.41 Acres to be rezoned: 6.41

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to AR-2. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

A follow up review of the final plat will be conducted prior to signing. The following items must be submitted.

1. Completed Plat Review Application.
2. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
3. The following signature block should be used on all plats that require Health Department approval
   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

<table>
<thead>
<tr>
<th>Signing Authority</th>
<th>Title</th>
<th>Date</th>
</tr>
</thead>
</table>

09/10/2020
The plans and supporting documentation were not reviewed for general conformance with Rules of the Department of Public Health, Chapter 511-3-1. This review and subsequent approval do not relieve the owner, designer, and or contractor, nor their representatives, from their individual or collective responsibility to comply with the applicable code provisions of Rules of the Department of Public Health, Chapter 511-3-1. The review should not be construed as a check of every item in the plans or the construction. Failure of this office to note any conflict with said requirements does not relieve any entities from compliance. Additional requirements must be met for subdivisions.

This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
**SURVEYOR'S CERTIFICATION**

As required by subsection(d) of O.C.G.A. Section 15-6-87, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by the purchaser or user of this plat as to intended use of any parcel. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-87.

Warren E. Pogthress, Registered Land Surveyor, No. 1953

---

**S.B. CLYDE SUBDIVISION**

LOCATED IN THE 10TH G. M. D.

EFFINGHAM COUNTY, GEORGIA

DATE: JULY 16, 2020
By Warren E. Pogthress
Registered Land Surveyor No. 1953
Address: 801 Rutledge Road
Savannah, Georgia 31407
Call Phone: 912-837-3299
Telephone: 912-837-3299
Equipment: Sokkis GRS2 - GPS
Survey: 300

**FINAL PLAT CLOSURE**

A 5' TREE BUFFER FOR ANY TREES 12' AND GREATER ALONG THE SIDE AND HALT LIST LINES.

09/10/2020

---

**S.B. CLYDE SUBDIVISION**

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A 5' TREE BUFFER FOR ANY TREES 12' AND GREATER ALONG THE SIDE AND HALT LIST LINES.

09/10/2020
Effingham County, GA

Parcel ID: 03900002  
Class Code: Residential  
Taxing District: 01-County  
County:  
Acres: 6.41  
(Note: Not to be used on legal documents)

Owner: SD CLYDE LLC  
Physical Address: 4258 HWY 17 N GUYTON GA 31312  
Assessed Value: Value $65000

Last 2 Sales  
Date: 12/4/2019  
Price: $65000  
Reason: LM  
Qual: Q  
Date: 4/4/2005  
Price: 0  
Reason: LM  
Qual: Q

Date created: 7/23/2020  
Developed by Schneider Geospatial
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

<table>
<thead>
<tr>
<th>APPROVAL</th>
<th>DISAPPROVAL</th>
</tr>
</thead>
</table>

Of the rezoning request by applicant (SD Clyde, LLC - Map# 390 Parcel# 2) from AR-1 to AR-2 zoning.

Yes No? 1. Is this proposal inconsistent with the county’s master plan?

Yes No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No? 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No? 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No? 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No? 7. Are nearby residents opposed to the proposed zoning change?

Yes No? 8. Do other conditions affect the property so as to support a decision against the proposal?
9.5  
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL  
DISAPPROVAL

Of the rezoning request by applicant (SD Clyde, LLC - Map # 390 Parcel #2) from AR-1 to AR-2 zoning.

Yes _No_? 1. Is this proposal inconsistent with the county’s master plan?

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Yes _No_? 7. Are nearby residents opposed to the proposed zoning change?

Yes _No_? 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020  
Page 11 of 15
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL. _____  DISAPPROVAL. _____

Of the rezoning request by applicant (SD Clyde, LLC - Map# 390 Parcel# 2) from AR-1 to AR-2 zoning.

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Planning Board Meeting – August 24, 2020
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ☑        DISAPPROVAL □

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Yes No? 1. Is this proposal inconsistent with the county’s master plan?

Yes No? 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

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Yes No? 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No? 7. Are nearby residents opposed to the proposed zoning change?

Yes No? 8. Do other conditions affect the property so as to support a decision against the proposal?
EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL [X] DISAPPROVAL

Of the rezoning request by applicant (SD Clyde, LLC - Map# 390 Parcel# 2) from AR-1 to AR-2 zoning.

Yes [x] 1. Is this proposal inconsistent with the county’s master plan?

Yes [x] 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes [x] 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes [x] 4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes [x] 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

[ ] 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

[ ] 7. Are nearby residents opposed to the proposed zoning change?

[ ] 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020

09/10/2020 Page 14 of 15
Summary Recommendation
The Planning Board recommends approval of the request to rezone 6.41 acres from AR-1 to AR-2, to allow for subdivision into residential lots, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to subdivide the 6.41 acre parcel into residential lots fronting on Courthouse and Clyde Roads. No new roads or public facilities/improvements are planned. The parcels will have a tree buffer requirement, to prevent erosion when individual lots are cleared for residential construction.
- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 6.41 acres from AR-1 to AR-2 to allow for subdivision into residential lots, with the following conditions:
  1. The lots must meet the requirements of the AR-2 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. Lot clearing greater than 1-acre must meet LDA permit requirements.
  4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  5. The plat must show that all lots contain a 5’ tree buffer along the side and rear lot lines.
  6. Subdivision plat must be approved by the Health Department and the Zoning Administrator.

Alternatives for Commission to Consider
1. **Approve** request to rezone 6.41 acres from AR-1 to AR-2 for subdivision into home sites, with the following conditions:
   1. The lots must meet the requirements of the AR-2 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. Lot clearing greater than 1-acre must meet LDA permit requirements.
   4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   5. The plat must show that all lots contain a 5’ tree buffer along the side and rear lot lines.
   6. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. **Deny** the request to rezone 6.41 acres from AR-1 to AR-2.

Recommended Alternative: Alternative 1
Other Alternatives: N/A  Department Review: Development Services  FUNDING: N/A
Attachments:
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 390-2
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 390-2

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, SHEL PAULK, has filed an application to rezone six and forty-one hundredths (6.41) +/- acres; from AR-1 to AR-2; map and parcel number 390-2, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT six and forty-one hundredths (6.41) +/- acres; map and parcel number 390-2, located in the 4th commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. The lots must meet the requirements of the AR-2 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. Lot clearing greater than 1-acre must meet LDA permit requirements.
4. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
5. The plat must show that all lots contain a 5’ tree buffer along the side and rear lot lines.
6. Subdivision plat must be approved by the Health Department and the Zoning Administrator.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ________________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: __________________________
    WESLEY CORBITT, CHAIRMAN

ATTEST: __________________________
FIRST/SECOND READING: _____________

STEPHANIE JOHNSON
COUNTY CLERK
Devin Deskin requests a variance to allow a camper as a temporary residence while the existing home is remodeled at 224 Long Bridge Road, Springfield.

Map # 427 Parcel #41

Summary Recommendation
The Planning Board recommends approval of the request to allow a camper as a temporary residence while the existing home is remodeled, with conditions.

Executive Summary/Background
- Appendix C, Article III, Section 3.21.1 prohibits camping and recreational equipment from being occupied for living purposes. Section 3.44 authorizes a camper or trailer to be used as a temporary dwelling when repairs to the primary residence are necessary due to damage caused by natural disaster or accidental fire. However, in the past, the use of campers as a temporary dwelling has also been authorized, through variance approval, for the construction of a new house.
- 9/19/2019, an electrical permit (#201901699) was issued to the applicant. On 11/14/2019, a Building Permit (#201901909) was issued for remodeling the existing home. On 4/6/2020, the rough-ins, framing, and insulation were inspected.
- 7/27/2020, the electrician withdrew from the permit. The applicant was notified, but has not added a new electrician to the electrical permit.
- 2/26/2020, Code Enforcement responded to a complaint about illegal occupation of a recreational vehicle at 224 Long Bridge Road, Springfield. No contact was made. 3/9/2020, Code Enforcement left a door hangar, and attempted to make contact by telephone. 3/26/2020, Code Enforcement made contact with Mrs. Deskins, and advised her of the remedies to comply with the violation.
- 6/23/2020, the case was forwarded to the Magistrate Court, as the Deskins’ had failed to apply for a variance.
- 7/23/2020, Mrs. Deskins appeared in Magistrate’s Court and was fined $108. She then submitted an application for a variance to allow a camper as a temporary residence while the home is remodeled.
- At the August 24, 2020 Planning Board meeting, Alan Zipperer made a motion to approve the request to allow a camper as a temporary residence while the existing home is remodeled, with the following conditions:
  1. Electrical permit must be renewed with the addition of a new electrician.
  2. The camper may be occupied for up to 90 days from the date of approval, and shall be removed from the property upon the issuance of a certificate of occupancy.
  Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. **Approve** request for a variance to allow a camper as a temporary residence, while the home is remodeled, with the following conditions:
   1. Electrical permit must be renewed with the addition of a new electrician.
   2. The camper may be occupied for up to 90 days from the date of approval, and shall be removed from the property upon the issuance of a certificate of occupancy.

2. **Deny** requests to allow a camper as a temporary residence,

**Recommended Alternative:** Alternative 1
Other Alternatives: N/A

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Variance application
2. Ownership certificate
3. Plats
4. Aerial photograph
EFFINGHAM COUNTY
APPLICATION FOR A VARIANCE OR CONDITIONAL USE

DATE 07/15/2020

APPLICANT/AGENT NAME: DEVIN DESKINS

APPLICANT/AGENT EMAIL: KADABEAHOMES@GMAIL.COM

APPLICANT/AGENT PHONE #: (912) 346-4966

PROPERTY OWNER(S): DEVIN DESKINS

PROPERTY OWNER PHONE #: (912) 346-4966 EMAIL KADABEAHOMES@GMAIL.COM

MAILING ADDRESS: 2241 LONG BRIDGE ROAD SPRINGFIELD, GA 31329

PROPERTY LOCATION: SAA

PHONE # SAA EMAIL ADDRESS SAA

MAP # 427-41 PARCEL # 04270041

ZONING AE-1 ACREAGE 4.28

NAME OF DEVELOPMENT (IF APPLICABLE) N/A

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED 3.21

DESCRIBE THE REQUESTED VARIANCE / CONDITIONAL USE
LIVE IN RV ON PROPERTY WHILE SHT IS BEING RENOVATED

(Expecting to be finished w/ renovation by 8/31/2020)
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED

__________________________________________________________________________

THE FOLLOWING ITEMS MUST BE SUBMITTED AT TIME OF APPLICATION:

☐ A COPY OF THE SITE PLAN THAT CLEARLY ILLUSTRATES THE REQUESTED VARIANCE OR CONDITIONAL USE IN RELATION TO THE AFFECTED SITE AND TO SURROUNDING PARCELS AND USES. A REPRODUCABLE COPY OF THIS PLAN, NO LARGER THAN 11” x 17”, MUST BE SUBMITTED.

☐ OWNERSHIP CERTIFICATE

☐ FILING FEE - $200.00

☐ IF DESIRED, ADDITIONAL NARRATIVE THAT EXPLAINS HOW AND WHY THE REQUESTED VARIANCE OR CONDITIONAL USE MEETS THE CRITERIA OF SECTION 7.1.8 & 7.1.6 OF THE EFFINGHAM COUNTY ZONING ORDINANCE.

SIGN ______________________ DATE 06/22/2020

**Please include a copy of the plat identifying existing structures and imply future structures**

************************************************************************************
OFFICIAL USE ONLY

DATE RECEIVED __________ TIME __________ ACCEPTED BY __________

DATE APPROVED BY COUNTY COMMISSIONERS __________
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 01/13/2019, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2530 page 401.

Owner’s signature ________________________________
Owner’s signature ________________________________ (if applicable)
Owner’s signature ________________________________ (if applicable)

*******************************************************************************

AUTHORIZATION OF PROPERTY OWNER
(Please complete this section if the owner is giving another person authority to act on their behalf)

I authorize the person named below to act as applicant/agent in the pursuit of a variance, conditional use, or rezoning of my property.

Name of Applicant/Agent: ________________________________
Address: ____________________________________________
Telephone #: __________________________ email: ________________

Personally appeared before me ____________________________
who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary: ________________________________ Seal
Date: ________________________________
WARRANTY DEED

STATE OF GEORGIA
COUNTY OF EFFINGHAM

This Indenture made this 13th day of June, 2019, between Charles J. Mock, of the County of Effingham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Devon James Deekins, as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits)

WITNESSETH that: Grantor, for and in consideration of the sum of TEN AND 00/100 DOLLARS ($10.00) Dollars and other good and valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto the said Grantee,

ALL that certain lot, tract or parcel of land situate, lying and being in the 11th G.M. District, Effingham County, Georgia, containing 4.28 acres, more or less, known and designated as PARCEL-1, that is shown and more particularly described by the plat of survey made by Paul D. Wilder, R.L.S. #13559, dated March 23, 1979, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Book 2, Slide 205, which is incorporated into this description by specific reference thereto.

This being the same property conveyed by Robert E. Swing to Charles J. Mock as evidenced by that certain Quit Claim Deed dated March 31, 2014 and recorded in Deed Book 224, page 158, aforesaid record.

SUBJECT, HOWEVER, to all restrictive covenants, easements and rights-of-way of record.

Said property has a current property tax identification number of 0470-041-000 with street address of 224 Long Bridge Road, Springfield, Georgia, 31329.

TO HAVE AND TO HOLD the said tract or parcel of land, with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in anywise appertaining, to the only proper use, benefit and behoof of the said Grantee forever in FEE SIMPLE

AND THE SAID Grantor will warrant and forever defend the right and title to the above described property unto the said Grantee against the claims of all persons whosoever.

IN WITNESS WHEREOF, Grantor has hereunto set Grantor's hand and seal this day and year first above written.

Signed this 13th day of June, 2019
in the presence of

[Signature]
Charles J. Mock
(Seal)

[Signature]
[Seal]

09/10/2020
Page 6 of 10
ERROR OF CLOSURE
FIELD DATA 1/31/21
MAGNITUDE ERROR OF A POINT
ADJUSTED BY COMPASS RULE
PLAT CLOSURE 1/11/323

EQUIPMENT USED:
20" TRANSIT
ELECTRONIC DISTANCE METER

REFERENCE:
SURVEYOR'S RECORD #, PAGE 477.

PLAT OF
10.00 ACRES, SURVEYED & DIVIDED
FOR H. C. MOOC, JR.

LOCATION: RINCON, BROAD
SCALE: 1 INCH = 200 FEET
DATE: MAR 02, 2020
FILE NO. 05-20-91
WILDER SURVEYING & MAPPING
RINCON, GEORGIA
Owner: DESKINS DEVIN JAMES
302 MERGANSER CT
SPRINGFIELD GA 31329

Physical Address: 224 LONG BRIDGE RD
Assessed Value: Value $175000

Last 2 Sales:
- Date: 3/31/2014, Price: 0, Reason: O, Qual: U

Parcel ID: 04270041
Class Code: Residential
Taxing District: 01-County

Acres: 4.28
(Note: Not to be used on legal documents)
Staff Report

Subject: Variance (Fourth District) 2nd Reading Zoning Map Amendment

Author: Teresa Concannon, AICP, Planner

Department: Development Services

Meeting Date: September 15, 2020

Item Description: Devin Deskin requests a variance to allow a camper as a temporary residence while the existing home is remodeled at 224 Long Bridge Road, Springfield. Map #427 Parcel #41

Summary Recommendation
The Planning Board recommends approval of the request to allow a camper as a temporary residence while the existing home is remodeled, with conditions.

Executive Summary/Background
- Appendix C, Article III, Section 3.21.1 prohibits camping and recreational equipment from being occupied for living purposes. Section 3.44 authorizes a camper or trailer to be used as a temporary dwelling when repairs to the primary residence are necessary due to damage caused by natural disaster or accidental fire. However, in the past, the use of campers as a temporary dwelling has also been authorized, through variance approval, for the construction of a new house.
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  2. The camper may be occupied for up to 90 days from the date of approval, and shall be removed from the property upon the issuance of a certificate of occupancy.

Brad Smith seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a variance to allow a camper as a temporary residence, while the home is remodeled, with the following conditions:
   1. Electrical permit must be renewed with the addition of a new electrician.
   2. The camper may be occupied for up to 90 days from the date of approval, and shall be removed from the property upon the issuance of a certificate of occupancy.

2. Deny requests to allow a camper as a temporary residence,

Recommended Alternative: Alternative 1
Other Alternatives:  N/A

Department Review:  Development Services

FUNDING:  N/A

Attachments:
  1. Variance application
  2. Ownership certificate
  3. Plats
  4. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 427-41
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 427-41

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, DEVIN DESKIN has filed an application for a variance to allow a camper as a temporary residence; map and parcel number 427-41, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT a variance to allow a camper as a temporary residence; map and parcel number 427-41, located in the 4th commissioner district, is granted with the following stipulations:

1. Electrical permit must be renewed with the addition of a new electrician.
2. The camper may be occupied for up to 90 days from the date of approval, and shall be removed from the property upon the issuance of a certificate of occupancy.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ______________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: ________________________________
WESLEY CORBITT, CHAIRMAN

ATTEST: ________________________________
FIRST/SECOND READING: ______________

STEPHANIE JOHNSON
COUNTY CLERK
Subject: Rezoning (Fourth District)  
Author: Teresa Concannon, AICP, Planner  
Department: Development Services  
Meeting Date: September 15, 2020  
Item Description: Chipola Engineering Group for Barton Alderman requests to rezone 11.31 acres of a 156.51 acre parcel from AR-1 to B-3 for development of a Love’s Travel Stop located at Hwy 21 and Rahn Station Road. Map # 429 Parcel # 6

Summary Recommendation
The Planning Board recommends approval of the request to rezone 11.31 acres of a 156.51 acre parcel from AR-1 to B-3 for development of a Love’s Travel Stop, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The proposed development will consist of a Love’s Country Store and interior restaurant, with ten (10) standard fueling positions, a fast food restaurant with drive-through, and six (6) truck bays for fueling.
- The scale of the Truck Stop development exceeds the threshold to be considered a Development of Regional Impact (DRI). Project information was submitted for review on the DRI submissions website. The Coastal Regional Commission determined that the project warranted regional review; requested comments from neighboring jurisdictions and relevant organizations and state agencies; and completed a report of findings.
- According to the DRI report, the project is consistent with the Regional Future Development Map, which shows the project site area as “developing”.
- Water and sewer will be provided by the City of Springfield, as the development is in the city’s service area.
- A Traffic Study has been completed, and new right-turn lanes are recommended for driveways #1 and #2 (see attached Project Trips) for the current speed limit of 55mph.
- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 11.31 acres of a 156.51 acre parcel from AR-1 to B-3 for development of a Love’s Travel Stop, with the following conditions:
  1. The lot must meet the requirements of the B-3 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  4. Right-turn lanes of 360’ for driveways #1 and #2 at the current speed limit of 55mph, per the June 2020 Traffic Impact Study prepared for Love’s Travel Stop and Country Store by Kimley Horn.

Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 11.31 acres from AR-1 to B-3 for future development of a Love’s Travel Stop with the following conditions:
   1. The lot must meet the requirements of the B-3 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
   4. Right-turn lanes of 360’ for driveways #1 and #2 at the current speed limit of 55mph, per the June 2020 Traffic Impact Study prepared for Love’s Travel Stop and Country Store by Kimley Horn.
2. **Deny** the request to rezone 11.31 acres from AR-1 to B-3.

**Recommended Alternative:** Alternative 1

**Other Alternatives:** N/A

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:**
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
6. DRI Information
7. Letter of opposition
8. Project Trips
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent __________ Chipola Engineering Group ____________________ Date __06/23/20___________

Applicant email address __________ jkite@chipolaeg.com __________ Phone # __ (850) 633-2304__________

Property owner(s) __________ Barton Alderman __________________________ email_________________________

Telephone Number (________)___________________________________________

Mailing Address __________ P.O. Box 532, Springfield, GA 31329______________

Property location __________ Rahn Station Road & Highway 21______________

Present zoning __________ AR-1, Agricultural Residential - Greater Than 5 Acres __________

Proposed zoning __________ B-3, Highway Commercial w/ Conditional Use - Truck Stop __________

Present land-use __________ Vacant ________________________________

Proposed land-use __________ Travel Stop w/ two Restaurants __________

Tax Map # __________ 429_________ Parcel # ___________000000000000000000_________ Lot # __________ 08_________

Total Acres __________ 156.51________________ Acres to be rezoned __________ 11.31__________

Lot characteristics __________ Wooded ________________________________

Water __________ X __ Public ________ Private __________ Sewer __________ X __ Public ________ Private

Proposed access __________ X __ Two paved entrances from Rahn Station Road

Justification __________ Provide service to surrounding residents and businesses.

List the zoning of the other property in the vicinity of the property you wish to rezone:

North __________ AR-1________________________ South __________ AR-1________________________

East __________ B-3_________________________ West __________ AR-1_________________________
1. Describe the current use of the property you wish to rezone.

   Current use of property is mixed pasture/woodlands and residential dwelling.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   No.

3. Describe the use that you propose to make of the land after rezoning.

   Proposed travel stop containing 10 auto fueling stations and 69 auto parking spaces, 6 truck bays and
   48 truck parking spaces, along with two restaurants.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?

   Surrounding area contains mixed uses such as residential, vacant woodland, gas station, industrial
   warehouses.

5. Describe how your rezoning proposal will allow a use that is suitable in view of the uses and
development of adjacent and nearby property?

   The proposed development will serve local residents traveling to and from Springfield along the Hwy 21
   corridor with safe and quality service as well as accommodations for truck traffic associated with nearby
   businesses/warehouses.

6. Will the proposed zoning change result in a use of the property, which could cause an excessive or
burdensome use of existing streets, transportation facilities, utilities, or schools?

   No.
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) own the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date ____________________________, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 1885 page 153.

Owner's signature: ____________________________ (912) 754-4547 bertaajz@yahoo.com

Owner's signature: ____________________________

Owner's signature: ____________________________

******************************************************************************

AUTHORIZATION OF PROPERTY OWNER

(Please complete this section if the owner is giving another person authority to act on their behalf)

I authorize the person named below to act as applicant in the pursuit of a variance, conditional use, rezoning of property or a site plan submittal.

Name of Applicant: Jason Kite

Address: 4420 Jackson Street, Marianna, FL 32448

Telephone #: (850) 633-2304 email: jkite@chipolaeg.com

Personally appeared before me ____________________________ who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary: ____________________________ Seal

Date: 7-6-20
STATE OF GEORGIA  )  
COUNTY OF CHATHAM  )

Return to:  David H. Dickey
        OLIVER MANER LLP
        P.O. Box 10186
        Savannah, GA 31412

TRUSTEES' DEED

THIS INDENTURE is made and entered into this 21st day of September, 2009,
by and between BARTON A. ALDERMAN and PENELope A. SCARPUCCI, as CO-
TRUSTEES OF THE RESIDUARY BYPASS TRUST created under the Last Will and Testament
of ALONZO F. ALDERMAN, as Parties of the First Part, and BARTON A. ALDERMAN, as
Party of the Second Part;

WITNESSETH:

WHEREAS, on April 14, 2009, an undivided 50% interest in and to that certain property
known as 288 Rahn Station Road, Springfield, Georgia was transferred to the RESIDUARY
BYPASS TRUST created under the Last Will and Testament of ALONZO F. ALDERMAN; and

WHEREAS, under Item IV (d) of the Last Will and Testament of ALONZO F. ALDERMAN,
it provides for the transfer of said property from said Trust to the Party of the Second Part upon the
death of NAOMI S. ALDERMAN; and

WHEREAS, NAOMI S. ALDERMAN departed this life on May 23, 2009.

NOW, THEREFORE, the said Parties of the First Party, as Co-Trustees, do hereby convey
to the Party of the Second Part, the Trust's undivided fifty percent (50%) interest in and to the
following described real property:
All that tract of land, containing 186.828 acres, more or less, in the 6th District of Effingham County, Georgia, bounded now or formerly as follows: Northwardly in part by Little Ebenezer Creek, lands of Rahn lying Northwardly of said Creek, and in part by lands of Leroy Watts; Eastwardly in part by lands of Leroy Watts, a branch being the line, and in part by Georgia State Highway No. 21; Southwardly by lands of the Estate of Mrs. Anna Shearouse, a branch being the line a part of the way and a public road also composing a part of said line, and Westwardly by lands of S.A. Rahn, all as shown on that certain plat dated January 16, 1967, made by Paul Weitman, Surveyor, a copy of which is recorded in the Surveyor's Records of Effingham County Georgia, in Book I, page 190; said plat and the record thereof are incorporated herein by reference for description of said acres, as to metes, bounds, courses and distances, and for all other legal purposes. The property being known under the current street numbering system in the area as 288 Rahn Station Road, Springfield, Georgia.

Subject, however, to all valid restrictions, easements and rights of way of record.

IN WITNESS WHEREOF, the said Parties of the First Part, as Co-Trustees, have hereunto subscribed their names and affixed their seals on the day and year first above written.

By: ________________________
BARTON A. ALDERMAN, CO-TRUSTEE
of the RESIDUARY BYPASS TRUST under
Last Will and Testament of ALONZO F. ALDERMAN

Signed, sealed and delivered,
this 20th day of September, 2009
in the presence of:

Witness

Notary Public
Dated:

09/10/2020
Signed, sealed and delivered this 21st day of December, 2009 in the presence of:

Witness

Notary Public

Dated:


PUBLIC
To be filed in EFFINGHAM COUNTY

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<tr>
<th>SECTION A - SELLER'S INFORMATION (do not use agent's information)</th>
<th>SECTION D - PROPERTY INFORMATION (Location of Property (street, road, hay, and)</th>
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<td>SELLER'S BUSINESS NAME: Barton A. Alderman &amp; Penelope A. Scarpacci, as Co-Trustees</td>
<td>HOUSING NUMBER &amp; EXTENSION (if any)</td>
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<td>MAILING ADDRESS (street &amp; number)</td>
<td>PRECINCT, STREET NAME AND TYPE, POST DIRECTION</td>
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<td>Bahn Station Road</td>
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<td>COUNTY</td>
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<td>TOWN</td>
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<td>SELLER'S DISTRIBUTION    1. Actual Value of Consideration received by seller Complete Use IRA if actual value unknown</td>
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<td>3. Amount of any and all assessments not reduced by Transfer</td>
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SECTION E - RECORDING INFORMATION (Official Use Only)

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REMARKS

* This symbol signifies that the data was too big for the field. The original value is shown above.

SELLER'S BUSINESS NAME: Barton A. Alderman & Penelope A. Scarpacci, as Co-Trustees of the Alderman Bypass Trust
Proposed Love’s Travel Stops and Country Stores, Inc.
Springfield, GA
July 24, 2020

Love’s Travel Stops and Country Stores, Inc. (the “Owner/Applicant”) submits this application for Rezoning for a commercial development (the “Project”). We are requesting approval of the Rezoning to allow the development of a Travel Center that will access Rahn Station Road and Highway 21S.

The proposed development property consists of 11.31 acres to be subdivided from a 156.51 acre parent parcel. The development property is outside the Springfield City limits in the jurisdiction of Effingham County.

**Project Description**
The project will consist of the following:

a) Convenience Store: 8,005 s.f.
b) Interior Fast Food Restaurant: 2,755 s.f.
c) Fast Food Restaurant w/ Drive-Thru: 3,725 s.f.
d) Auto Area Fueling Stations: 5 MPD’s/10 Positions
e) Auto Area Parking Spaces: 69
f) Truck Area Fueling Stations: 6
g) Truck Area Parking Spaces: 59 Full / 15 Bobtail

The proposed development will be operational and staffed 24 hours a day/365 days a year.

The information provided above is approximate and subject to minor adjustments during the final planning and plan preparation for the project.

**Surrounding Property**
North: George Watts, AR-1 zoned tract
West: Sheldon Tebeau, AR-1 zoned tract
East: Resource Funding Solutions, B-3 zoned tract
South: Barton Alderman, AR-1 zoned tract
Utilities:
Sewer service will be provided from the existing City of Springfield force main sewer system, north of the proposed development. Tying to this system will require the design and construction of a on-site sewer lift station and approximately 1,250 feet of sewer extension. Construction plans and specifications for this effort will be submitted to the City and County during the site development permitting phase of the project.

Water service will be provided from the existing City of Springfield water main that is located to the south along Highway 21. The water main continues east and crosses under Highway 21. We are currently working with the City of Springfield to obtain more information about the existing gravity main.

Stormwater/Drainage:
Stormwater runoff for the Project will be captured onsite via inlets and concrete flumes, and will be conveyed to a detention facility designed to attenuate the adequate volume of runoff per City and State requirements. This detention facility will discharge into the existing ditch located along Highway 21, within the Georgia Department of Transportation owned right of way. A detailed analysis of the pre- and post-development conditions using ICPR routing software will be provided.

Environmental Impact
The total Project site boundary area is 11.31 acres. Of the 11.31 acre site 7.00 acres will be impervious surfaces. The remaining 4.31 acres will be pervious surfaces that include buffer areas, retention areas, and grassed open areas. The proposed Impervious Surface Ratio (ISR) is 62 percent.

There are no proposed environmental impacts planned with the development with respect to wetlands, resource protection areas or any other environmentally sensitive areas.

The property is currently covered by natural vegetation and scattered trees. The general topography of the property is relatively flat with local depressions. Water quality and water quantity runoff from this development will be handled through the use of Best Management Practices (BMP). These BMP’s will provide compliance with City and State regulations and will include structural measures to control runoff from the site. During construction and land disturbing activities standard erosion control devices will be utilized to minimize erosion on the site and downstream siltation.

Landscape planting will be installed to meet the requirements of the City.

Lighting:
On site lighting will be coordinated as the Project moves further into design. Site lighting layout and photometric plan will be available for City review once it is established. Lighting will be installed to meet the requirements of the City. A preliminary layout is shown on the attached site plan.

Traffic
The traffic impact analysis and horizontal location of proposed access points has been submitted to the Georgia Department of Transportation and Effingham County. The recommendations are to install right turn lanes for both Rahn Station Road access points and reducing the speed limit from 55 MPH to 40 MPH.
Application for access permits, utility placement, and drainage connection will be submitted to Georgia Department of Transportation for approval during the development permitting phase of the project.

**School Impacts**
There are no impacts to schools with this development.

**Public Services**
We do not anticipate any adverse impacts to City services for the Project beyond the normal and customary services that would be provided for a retail development of this nature.

**Other Impacts**
We do not anticipate any impacts to historic sites or structures with this development or within the vicinity of this development. Likewise we do not know of any impacts to any rare, endangered, or irreplaceable species or natural areas that would be affected by this development.
July 23, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Chipola Engineering Group
    Rahn Station Road & Highway 21, Springfield GA 31329
    Pin #429-98
    Total Acres: 156.51 Acres to be rezoned: 11.31

To Whom It May Concern:

The Effingham County Health Department, Division of Environmental Health, has reviewed the request to rezone the above referenced tract of land from AR-1 to B-3. The proposed rezoning request is preliminarily approved based on the following supporting documents and does not meet the requirements for a proposed subdivision as defined by Rules of the Department of Public Health, Chapter 511-3-1.

- Completed Effingham County Rezoning Request Packet.

A follow up review of the final plat will be conducted prior to signing. The following items must be submitted.

1. Completed Plat Review Application.
2. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
3. The following signature block should be used on all plats that require Health Department approval

   Based upon the representations of the engineer/surveyor whose seal is affixed hereto and supplementary information provided, a review of the plat as represented by the said engineer/surveyor finds that this plat complies with the OSSMS regulations for a typical size residence of 3 or 4 bedrooms with basic appurtenances. Each lot must be reviewed and approved for On-Site Sewage Management System placement prior to the issuance of a construction permit. Modifications or changes in site designation may void this approval.

   ________________________________
   Signing Authority

   ________________________________
   Title

   ________________________________
   Date
The plans and supporting documentation were not reviewed for general conformance with Rules of the Department of Public Health, Chapter 511-3-1. This review and subsequent approval do not relieve the owner, designer, and or contractor, nor their representatives, from their individual or collective responsibility to comply with the applicable code provisions of Rules of the Department of Public Health, Chapter 511-3-1. The review should not be construed as a check of every item in the plans or the construction. Failure of this office to note any conflict with said requirements does not relieve any entities from compliance. Additional requirements must be met for subdivisions.

This letter does not constitute a final approval, any matters overlooked or matters which arise after the date of this letter may result in additional conditions being applied or the proposed division of land being denied. The review is valid for one year from the date of this letter. If the survey plan has not been approved within this time, application must be made for an extension of the Preliminary Approval.

If you have any additional questions, please contact the Effingham County Health Department, Environmental Health Division, at (912) 754-6850.

Sincerely,

Darrell M. O'Neal, MPA
Environmental Health County Manager
Effingham County Health Department
Effingham County, GA

Parcel ID: 04290006
Class Code: Agricultural
Taxing District: 01-County
County

Acres: 180.35
(Note: Not to be used on legal documents)

Owner: ALDERMAN BARTON A
PO BOX 532
SPRINGFIELD GA 31329

Physical Address: 288 RAHN STATION RD & 21
Assessed Value: Value $636668

Last 2 Sales
Date | Price | Reason | Qual
9/21/2009 | 0 | U | U
4/14/2009 | 0 | U | U

Date created: 7/23/2020

Developed by Schneider Geospatial

A - Site

LOVE'S
9.5

EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ________  DISAPPROVAL ________

Of the rezoning request by applicant (Chipola Engineering Group (Alderman) - Map# 429 Parcel# 6) from AR-1 to B-3 zoning.

Yes  No?  1. Is this proposal inconsistent with the county’s master plan?

Yes  No?  2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes  No?  3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes  No?  4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes  No?  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes  No?  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes  No?  7. Are nearby residents opposed to the proposed zoning change?

Yes  No?  8. Do other conditions affect the property so as to support a decision against the proposal?
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. the supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL  

DISAPPROVAL

Of the rezoning request by applicant (Chipola Engineering Group (Alderman) - Map# 429 Parcel# 6) from AR-1 to B-3 zoning.

Yes No 1. Is this proposal inconsistent with the county’s master plan?

Yes No 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes No 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes No 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes No 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No 7. Are nearby residents opposed to the proposed zoning change?

Yes No 8. Do other conditions affect the property so as to support a decision against the proposal?

Planning Board Meeting – August 24, 2020
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL.________ DISAPPROVAL.________

Of the rezoning request by applicant (Chipola Engineering Group (Alderman) - Map# 429 Parcel# 6) from AR-1 to B-3 zoning.

Yes No?  1. Is this proposal inconsistent with the county’s master plan?

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Yes No?  4. Does the property which is proposed to be rezoned have a reasonable economic use under existing zoning?

Yes No?  5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes No?  6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes No?  7. Are nearby residents opposed to the proposed zoning change?

Yes No?  8. Do other conditions affect the property so as to support a decision against the proposal?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL [ ] DISAPPROVAL [ ]

Of the rezoning request by applicant (Chipola Engineering Group (Alderman) - Map# 429 Parcel# 6) from AR-1 to B-3 zoning.

Yes [ ] No [ ] 1. Is this proposal inconsistent with the county’s master plan?

Yes [ ] No [ ] 2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

Yes [ ] No [ ] 3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

Yes [ ] No [ ] 4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

Yes [ ] No [ ] 5. Does the proposed change constitute “spot zoning” which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

Yes [ ] No [ ] 6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

Yes [ ] No [ ] 7. Are nearby residents opposed to the proposed zoning change?

Yes [ ] No [ ] 8. Do other conditions affect the property so as to support a decision against the proposal?
EFFINGHAM COUNTY REZONING CHECKLIST

Applicants requesting a Zoning change shall supply to the Planning Board information describing the proposed change plus supporting data relating to the change to assist the Planning Board in making their determination. The supporting documentation shall include a format substantially the same as the checklist/criteria used by the Planning Board in evaluating the requested zoning change.

After receiving all information presented as to each zoning proposal at any public hearing provided for in this Article, and prior to making any recommendation thereon, the Planning Board shall consider each of the eight questions contained in the following checklist in written form and forward a copy of the same to the Board of Commissioners together with any additional material deemed appropriate:

CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ☒ DISAPPROVAL

Of the rezoning request by applicant (Chipola Engineering Group (Alderman) - Map# 429 Parcel# 6) from AR-1 to B-3 zoning.

1. Is this proposal inconsistent with the county's master plan?

2. Could the proposed zoning allow use that overload either existing or proposed public facilities such as street, utilities or schools?

3. Could traffic created by the proposed use, or other uses permissible under the zoning sought, traverse established single-family neighborhoods on minor streets, leading to congestion, noise, and traffic hazards?

4. Does the property which is proposed to be rezoned have a have a reasonable economic use under existing zoning?

5. Does the proposed change constitute "spot zoning" which would permit a use which would be unsuitable, considering the existing use and development of adjacent and nearby property?

6. Would the proposed change in zoning adversely affect existing use or usability of adjacent or nearby property?

7. Are nearby residents opposed to the proposed zoning change?

8. Do other conditions affect the property so as to support a decision against the proposal?
# Developments of Regional Impact

<table>
<thead>
<tr>
<th>DRI Name</th>
<th>Tier Map</th>
<th>Apply</th>
<th>View Submissions</th>
<th>Log in</th>
</tr>
</thead>
</table>

## DRI #3134

**DEVELOPMENT OF REGIONAL IMPACT**

**Initial DRI Information**

This form is to be completed by the city or county government to provide basic project information that will allow the DRC to determine if the project appears to merit or exceed applicable DRI thresholds. Refer to both the Notes for the DRI Process and the DRI Tiers and Thresholds for more information.

### Local Government Information

- **Submitting Local Government:** Effingham
- **Individual completing form:** Teresa Conner
- **Telephone:** 912-754-0603
- **E-mail:** teresaconner@effinghamcounty.org

*Note: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a project is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which the largest portion of the project is to be located is responsible for initiating the DRI review process.*

### Proposed Project Information

- **Name of Proposed Project:** Love's Truck Stops & Country Stores
- **Location (Street Address):** 32 D 26° 10' N 81 D 10° 35' W
- **GPS Coordinates, or Legal LandLot Description:**
- **Brief Description of Project:** Construction of a Travel Stop with two fast-food restaurants, 5 auto-fueling islands, and 6 diesel fuel bays.

#### Development Type

- [ ] Hotels
- [ ] Wastewater Treatment Facilities
- [ ] Mixed Use
- [ ] Operation Storage Facilities
- [ ] Commercial
- [ ] Water Supply Intakes/Reservoirs
- [ ] Wholesale & Distribution
- [ ] Intermediate Terminals
- [ ] Hospitals and Health Care Facilities
- [ ] Truck Stops
- [ ] Post-Secondary Schools
- [ ] Other Development Types
- [ ] Housing
- [ ] Quaternary, Asphalts, & Cement Plants
- [ ] Industrial

If other development type, describe:

- **Project Size (# of units, floor area, etc.):** 11,31 acres; +/- 14,515 sf travel center building
- **Developer:** Love's Travel Stops & Country Stores, Inc.
- **Mailing Address:** PO Box 26210
- **Address:**
  - City: Oklahoma City State: OK Zip: 73128
  - Telephone: 940-597-5955
  - Email: jolie@chnpotomig.com
- **Is property owner different from developer/owner?** [ ] Yes [ ] No
- **If yes, property owner:**
  - Current owner is Katie Alderman. Love's will take ownership after permitting approval.
- **Is the proposed project entirely located within your local government's jurisdiction?** [ ] Yes [ ] No
- **If no, in what additional jurisdiction is the project located?** [ ] Yes [ ] No

---

Developments of Regional Impact

DRI #3134

DEVELOPMENT OF REGIONAL IMPACT
Additional DRI Information

This form is to be completed by the city or county government to provide information needed by the RDC for its review of the proposed DRI. Refer to both the Rules for the DRI Process and the DRI Tier and Thresholds for more information.

Local Government Information

Submitting Local Government: Ellingham
Individual completing form: Teresa Connannon
Telephone: 912-754-8583
Email: tconnannon@ellinghamcounty.org

Project Information

Name of Proposed Project: Love's Truck Stops & Country Stores
DRI ID Number: 3132
Developer/Project: Love's Travel Stops & Country Stores, Inc.
Telephone: 912-597-5969
Email(s): jkile@chipotleseg.com

Additional Information Requested

Has the RDC identified any additional information required in order to proceed with the official regional review process? [if no, proceed to Economic Impacts.]

Yes [ ] No [ ]

If yes, has that additional information been provided to you and, if applicable, RITA?

Yes [ ] No [ ]

If no, the official review process cannot start until this additional information is provided.

Economic Development

Estimated Value at Build-Out:

$9,000,000

Estimated annual local tax revenues (i.e., property tax, sales tax) likely to be generated by the proposed development:

$125,000

Is the regional work force sufficient to fill the demand created by this proposed project?

Yes [ ] No [ ]

Will this development displace any existing uses?

Yes [ ] No [ ]

If yes, please describe (notating number of units, square feet, etc):

Water Supply

Name of water supply provider (for this site)

City of Springfield

What is the estimated water supply demand to be generated by the project, measured in Millions of Gallons Per Day (MGD)?

.01 mgd

http://apps.dca.ga.gov/DRI/AdditionalForm.aspx?driid=3134
Is sufficient water supply capacity available to serve the proposed project?

- Yes
- No

If you, describe any plans to expand the existing water supply capacity:

Is a water line extension required to serve this project?

- Yes
- No

If yes, how much additional line (in miles) will be required?

- 0.1 miles of water main.

Wastewater Disposal

Name of wastewater treatment provider for this site:
City of Springfield

What is the estimated sewage flow to be generated by the project, measured in Millions of Gallons Per Day (MGD)?
0.5 MGD

Is sufficient wastewater treatment capacity available to serve this proposed project?

- Yes
- No

If no, describe any plans to expand existing wastewater treatment capacity:

Is a sewer line extension required to serve this project?

- Yes
- No

If yes, how much additional line (in miles) will be required?

- 0.2 miles of force main.

Land Transportation

How much traffic volume is expected to be generated by the proposed development, in peak hour vehicle trips per day? or only an alternative measure of volume is available, please provide.)
224 peak hour trips

Has a traffic study been performed to determine whether or not transportation or access improvements will be needed to serve this project?

- Yes
- No

Are transportation improvements needed to serve this project?

- Yes
- No

If yes, please describe below: Widening Rahn Station Road for right turn lanes, and increased radii at Hwy 21 intersection.

Solid Waste Disposal

How much solid waste is the project expected to generate annually (in tons)?

190 tons annually

Is sufficient landfill capacity available to serve this proposed project?

- Yes
- No

If no, describe any plans to expand existing landfill capacity:

Will any hazardous waste be generated by the development?

- Yes
- No

If yes, please explain:

Stormwater Management

What percentage of the site is projected to be impervious surface once the proposed development has been constructed?

Describe any measures proposed (such as buffers, detention or retention ponds, pervious parking areas) to mitigate the project's impacts on stormwater management: Extended detention ponds will be utilized to attenuate runoff to prevent downstream flooding as well as provide the required stormwater treatment.

Environmental Quality
Is the development located within, or likely to affect any of the following:

1. Water supply watersheds?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

2. Significant groundwater recharge areas?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

3. Wetlands?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

4. Protected mountains?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

5. Protected river corridors?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

6. Floodplains?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

7. Historic resources?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

8. Other environmentally sensitive resources?  
   - [ ] not selected  
   - [ ] Yes  
   - [ ] No

If you answered yes to any question above, describe how the identified resource(s) may be affected:

[ ] Back to Top
Remarks for 8/24/2020 Effingham Planning Board:

My name is Penny Alderman Scarpucci. I wish I could be with you in person this evening, but personal health issues prevent my travel at this time. Thank you for making it possible for me to be with you virtually in order to express my opposition to the proposed rezoning of this property.

I own 140 acres adjacent to the proposed Love’s truck stop. While I realize that the county would stand to benefit greatly from the tax revenue from a B3 commercial property rather than a CUVA-protected agriculturally-zoned forest, I believe there are serious potential major and negative effects from the truck stop.

The first effect is environmental: increased air pollution from trucks and their exhaust; significant light pollution from the lighting and signage required; long term hazards from the underground fuel tanks; loss of habitat for deer, foxes, bobcats, and other wildlife; and potential damage to the small creek which runs adjacent to the property and eventually flows into Ebenezer Creek. Have you done any environmental impact studies?

The intersection of Rahn Station Road, Highway 21, and Ebenezer Road is already congested—particularly with school buses. The second negative effect is to public safety: increased heavy truck traffic too often means increased accidents—often fatal—for other vehicular traffic. The location of the Love’s will mean trucks leaving the proposed new rail hub at the old Heritage tract will be encouraged to drive north on Highway 21 thru that intersection toward Springfield, then bypassing the city, and continuing on State Route 119 thru Guyton to reach I-16, instead of taking the shorter route south to reach the interstate. A much better and more strategic location for the Love’s would be south of Rahn Station Road, and nearer the rail hub where trucks will be accessing rail traffic and loading and unloading cargo. Have you worked with the DOT to analyze the potential increase in traffic and its effect on the public?

And finally, the third negative effect is effectively to sandwich my property between the Technical College, the state patrol facility, and the truck stop, limiting my access and my options for use of my property.

I sincerely hope the planning board and the county board of commissioners will consider these issues very carefully and analyze them more fully before simply granting an immediate request for rezoning and signage variance.

Thank you for allowing me to speak.
Summary Recommendation
The Planning Board recommends approval of the request to rezone 11.31 acres of a 156.51 acre parcel from AR-1 to B-3 for development of a Love’s Travel Stop, with conditions.

Executive Summary/Background
- The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Zoning districts are described in Appendix C, Article V-Uses Permitted in Districts.
- The proposed development will consist of a Love’s Country Store and interior restaurant, with ten (10) standard fueling positions, a fast food restaurant with drive-through, and six (6) truck bays for fueling.
- The scale of the Truck Stop development exceeds the threshold to be considered a Development of Regional Impact (DRI). Project information was submitted for review on the DRI submissions website. The Coastal Regional Commission determined that the project warranted regional review; requested comments from neighboring jurisdictions and relevant organizations and state agencies; and completed a report of findings.
- According to the DRI report, the project is consistent with the Regional Future Development Map, which shows the project site area as “developing”.
- Water and sewer will be provided by the City of Springfield, as the development is in the city’s service area.
- A Traffic Study has been completed, and new right-turn lanes are recommended for driveways #1 and #2 (see attached Project Trips) for the current speed limit of 55mph.
- At the August 24, 2020 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 11.31 acres of a 156.51 acre parcel from AR-1 to B-3 for development of a Love’s Travel Stop, with the following conditions:
  1. The lot must meet the requirements of the B-3 zoning district.
  2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
  4. Right-turn lanes of 360’ for driveways #1 and #2 at the current speed limit of 55mph, per the June 2020 Traffic Impact Study prepared for Love’s Travel Stop and Country Store by Kimley Horn.

Alternatives for Commission to Consider
1. Approve request to rezone 11.31 acres from AR-1 to B-3 for future development of a Love’s Travel Stop with the following conditions:
   1. The lot must meet the requirements of the B-3 zoning district.
   2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
4. Right-turn lanes of 360’ for driveways #1 and #2 at the current speed limit of 55mph, per the June 2020 Traffic Impact Study prepared for Love’s Travel Stop and Country Store by Kimley Horn.

2. **Deny** the request to rezone 11.31 acres from AR-1 to B-3.

**Recommended Alternative:** Alternative 1

**Other Alternatives:** N/A

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:**
1. Rezoning application and checklist
2. Ownership certificate/authorization
3. Deed
4. Survey plat
5. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 429-6
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 429-6

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, CHIPOLA ENGINEERING GROUP, has filed an application to rezone eleven and thirty-one hundredths (11.31) +/- acres; from AR-1 to B-3; map and parcel number 429-6, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT eleven and thirty-one hundredths (11.31) +/- acres; map and parcel number 429-6, located in the 4th commissioner district is rezoned from AR-1 to B-3 with the following stipulations:

1. The lot must meet the requirements of the B-3 zoning district.
2. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. All wetland impacts must be approved and permitted by USACE and a copy submitted to Development Services.
4. Right-turn lanes of 360’ for driveways #1 and #2 at the current speed limit of 55mph, per the June 2020 Traffic Impact Study prepared for Love’s Travel Stop and Country Store by Kimley Horn

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of __________________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: _______________________
WESLEY CORBITT, CHAIRMAN

ATTEST: _______________________
FIRST/SECOND READING: ________________

_____________________
STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Variance (Fifth District)
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: YEVOC, LLC requests a variance to eliminate the required 25' buffer along the western property line, to maximize usable land and install a drainage ditch.

Map # 477 Parcel #1

Summary Recommendation
The Planning Board recommends approval of the request for a variance to eliminate the required buffers along the western property line, to maximize usable land and install a drainage ditch.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
  That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and
  That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.
- The parcels are under common ownership. The parcel has significant wetlands coverage, which limits development potential. The owner plans use the parcel boundary land for a drainage ditch, and to maximize width of buildings, truck courts, travel ways, and truck spaces on the parcel fronting on Old Augusta Road (see attached Layout Concept).
- At the August 24, 2020 Planning Board meeting, Peter Higgins made a motion to approve the request for a variance to eliminate the required buffers along the western property line, to maximize usable land and install a drainage ditch.
  Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a variance to eliminate required buffers along the western property line.
2. Deny request for a variance to eliminate required buffers along the western property line.

Recommended Alternative: Alternative 1

Other Alternatives: N/A

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Variance application
2. Ownership certificate
3. Plats
4. Aerial photograph
EFFINGHAM COUNTY
APPLICATION FOR A VARIANCE OR CONDITIONAL USE

DATE  JULY 29, 2020

APPLICANT/AGENT NAME  YEVOC, LLC

APPLICANT/AGENT EMAIL:  Janet.Covey@Avalite.com, cyclone@agrajog.com, John.Covey@Avalite.com

APPLICANT/AGENT PHONE #:  678-596-6008

PROPERTY OWNER(s):  YEVOC, LLC

PROPERTY OWNER PHONE #:  678-596-6008  EMAIL  Janet.Covey@Avalite.com, cyclone@agrajog.com, John.Covey@Avalite.com

MAILING ADDRESS  3180 CYPRESS POND PASS, DULUTH, GA 30097

PROPERTY LOCATION  OLD AUGUSTA ROAD

PHONE #  678-596-6008  EMAIL ADDRESS

MAP # 477  PARCEL # 477-01

ZONING  I-1  ACREAGE  66 ACRES

NAME OF DEVELOPMENT (IF APPLICABLE)  YEVOC

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED
5.12 - I-1 Industrial Districts Buffers

DESCRIBE THE REQUESTED VARIANCE / CONDITIONAL USE

REDUCTION OF BUFFER AND SETBACK TO 0'.
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED
SIMILAR USES TO ADJACENT PROPERTY. PROPERTIES ARE OWNED BY SAME ENTITY

THE FOLLOWING ITEMS MUST BE SUBMITTED AT TIME OF APPLICATION:

☐ A COPY OF THE SITE PLAN THAT CLEARLY ILLUSTRATES THE REQUESTED VARIANCE OR CONDITIONAL USE IN RELATION TO THE AFFECTED SITE AND TO SURROUNDING PARCELS AND USES. A REPRODUCABLE COPY OF THIS PLAN, NO LARGER THAN 11" x 17", MUST BE SUBMITTED.

☐ OWNERSHIP CERTIFICATE

☐ FILING FEE - $200.00

☐ IF DESIRED, ADDITIONAL NARRATIVE THAT EXPLAINS HOW AND WHY THE REQUESTED VARIANCE OR CONDITIONAL USE MEETS THE CRITERIA OF SECTION 7.1.2 & 7.1.5 OF THE EFFINGHAM COUNTY ZONING ORDINANCE.

SIGN [Signature] DATE 8-18-20

**Please include a copy of the plat identifying existing structures and imply future structures**

************************************************************************************************************************
OFFICIAL USE ONLY

DATE RECEIVED __________ TIME __________ ACCEPTED BY __________

DATE APPROVED BY COUNTY COMMISSIONERS __________
ATTACHMENT B

EFFINGHAM COUNTY OWNERSHIP CERTIFICATION

I, (we) the undersigned, do hereby certify that I (we) the property affected by the proposed Amendment to the Effingham County Zoning Ordinance by virtue of a deed date 03/24/2020, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2581 page 830-834.

Owner’s signature: Yevoc LLC

Owner’s signature: (if applicable)

Owner’s signature: (if applicable)

******************************************************************************

AUTHORIZATION OF PROPERTY OWNER
(Please complete this section if the owner is giving another person authority to act on their behalf)

I authorize the person named below to act as applicant/agent in the pursuit of a variance, conditional use, or rezoning of my property.

Name of Applicant/Agent: Tre Wilkins - Thomas & Hutton

Address: 50 Park of Commerce Way | Savannah, GA 31405

Telephone #: 912-721-4176 email: wilkins.t@tandh.com

Personally appeared before me who swears that the information contained in this authorization is true and correct to the best of his/her knowledge and belief.

Notary: Denise M. Bussell Seal

Date: 9-18-2020

3
Staff Report

Subject: Variance (Fifth District) 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planner
Department: Development Services
Meeting Date: September 15, 2020
Item Description: YEVOC, LLC requests a variance to eliminate the required 25’ buffer along the western property line, to maximize usable land and install a drainage ditch.

Map # 477 Parcel #1

Summary Recommendation
The Planning Board recommends approval of the request for a variance to eliminate the required buffers along the western property line, to maximize usable land and install a drainage ditch.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Planning Board, Section 7.1.8, variances may only be granted if the following findings are made:
  
  That there are unique physical circumstances or conditions, including irregularity, narrowness, or shallowness, of lot size or shape, or exceptional topographical or other physical conditions peculiar to the particular property, and that the unnecessary hardship is due to such conditions, and not to circumstances or conditions generally created by the provisions of the zoning ordinance in the neighborhood or district in which the property is located; and

  That because of such physical circumstances or conditions, there is no possibility that the property can be developed in strict conformity with the provisions of the zoning ordinance, and that the authorization of a variance is therefore necessary to enable the reasonable use of the property.

- The parcels are under common ownership. The parcel has significant wetlands coverage, which limits development potential. The owner plans use the parcel boundary land for a drainage ditch, and to maximize width of buildings, truck courts, travel ways, and truck spaces on the parcel fronting on Old Augusta Road (see attached Layout Concept).

- At the August 24, 2020 Planning Board meeting, Peter Higgins made a motion to approve the request for a variance to eliminate the required buffers along the western property line, to maximize usable land and install a drainage ditch.

  Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a variance to eliminate required buffers along the western property line.
2. Deny request for a variance to eliminate required buffers along the western property line.

Recommended Alternative: Alternative 1
Other Alternatives: N/A
Department Review: Development Services
FUNDING: N/A

Attachments:
1. Variance application
2. Ownership certificate
3. Plats
4. Aerial photograph
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 477-1
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 477-1

AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:

WHEREAS, YEVOC, LLC has filed an application for a variance to reduce the required 25’ buffer to 0’; map and parcel number 477-1, located in the 5th commissioner district, and

WHEREAS, a public hearing was held on September 15, 2020 and notice of said hearing having been published in the Effingham County Herald on August 26, 2020; and

WHEREAS, a public hearing was held before the Effingham County Planning Board, notice of said hearing having been published in the Effingham County Herald on 8/5/2020; and

IT IS HEREBY ORDAINED THAT a variance to reduce the required 25’ buffer to 0’; map and parcel number 477-1, located in the 5th commissioner district, is granted.

All ordinances or part of ordinances in conflict herewith are hereby repealed.

This _____ day of ______________, 20____

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: ________________________________
    WESLEY CORBITT, CHAIRMAN

ATTEST: ____________________________
FIRST/SECOND READING: ____________

______________________
STEPHANIE JOHNSON
COUNTY CLERK