1. October 20, 2020 Meeting Agenda
   Documents:
   
   10202020AGENDA.PDF

1.1. October 20, 2020 Final Agenda
   Documents:
   
   10202020AGENDA.DOCX_FINAL.PDF

2. October 20, 2020 Agenda Material
   Documents:
   
   10202020 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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<tr>
<td>American Flag</td>
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<tr>
<td>IV Agenda Approval</td>
<td>Consideration of a Resolution to approve the agenda</td>
<td></td>
<td></td>
</tr>
<tr>
<td>V  Minutes</td>
<td>Consideration to approve the October 6, 2020 regular Commission meeting minutes</td>
<td></td>
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<td>VI Public Comments</td>
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<td>Richard McCormick – 5:10 pm</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  

October 20, 2020 – 5:00 PM  
(Also aired via teleconference)  

Dial - 1-650-419-1505 Access Code – 106822973

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<td><strong>02 Second Reading</strong></td>
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### XI New Business

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| **02 Permit**  
*Teresa Concannon* | Consideration to approve an Assemblage Permit for Halloween Trick or Treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm |   |
| **03 Resolution**  
*Christy Carpenter* | Consideration to approve a Resolution to amend the FY2019-2020 Budget |   |
| **04 Grant**  
*Christy Carpenter* | Consideration to approve to accept a Grant Award from the Georgia Governor’s Office of Highway Safety (GOHS) Law Enforcement Grant Program |   |
| **05 Quote**  
*Alison Bruton* | Consideration to approve a Quote submitted by Sirius American Insurance Company for Catastrophic Inmate Medical Coverage for the Effingham County Jail |   |
| **06 MOU**  
*Alison Bruton* | Consideration to approve a Memorandum of Understanding between Effingham County and the Board of Regents of the University |   |

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<th>Description</th>
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<td>07</td>
<td><strong>Contract</strong>&lt;br&gt;Alison Bruton</td>
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<tr>
<td>08</td>
<td><strong>Plat/Deed/Agrmt</strong>&lt;br&gt;Teresa Concannon</td>
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<td>09</td>
<td><strong>Funding</strong>&lt;br&gt;Charlie George</td>
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<td>11</td>
<td><strong>MOU</strong>&lt;br&gt;Alison Bruton</td>
</tr>
<tr>
<td>XII</td>
<td><strong>Reports from Administrative Staff &amp; Commissioners</strong></td>
</tr>
<tr>
<td>XIII</td>
<td><strong>Executive Session</strong></td>
</tr>
<tr>
<td>XIV</td>
<td><strong>Executive Session Minutes</strong></td>
</tr>
<tr>
<td>XV</td>
<td><strong>Planning Board</strong>&lt;br&gt;6:00 PM</td>
</tr>
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<td>02</td>
<td><strong>Second Reading</strong></td>
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| 03 | **Public Hearing** | The Planning Board recommends approving an application by **Olin King** to rezone 5.08
acres located at 1256 Blue Jay Road from AR-1 to AR-2 to combine with an adjacent parcel Map# 415 Parcel# 5 in the Second District

04 Second Reading  Consideration to approve the Second Reading of an application by **Olin King** to rezone 5.08 acres located at 1256 Blue Jay Road from AR-1 to AR-2 to combine with an adjacent parcel Map# 415 Parcel# 5 in the Second District

05 Public Hearing  The Planning Board recommends approving an application by **Chap Zipperer** to rezone 15 acres out of a 107.64 acre parcel located on Hodgeville Road from AR-1 to B-3 for future development Map# 417 Parcel# 1 in the Second District

06 Second Reading  Consideration to approve the Second Reading of an application by **Chap Zipperer** to rezone 15 acres out of a 107.64 acre parcel located on Hodgeville Road from AR-1 to B-3 for future development Map# 417 Parcel# 1 in the Second District

07 Public Hearing  The Planning Board recommends approving an application by **Lawrence Long** for a Variance located at 680 Kolic Helmly Road to reduce the side setback requirements from 25 feet to 10 feet for a residence Map# 417 Parcel# 12 in the Second District

08 Second Reading  Consideration to approve the Second Reading of an application by **Lawrence Long** for a Variance located at 680 Kolic Helmly Road to reduce the side setback requirements from 25 feet to 10 feet for a residence Map# 417 Parcel# 12 in the Second District

09 Public Hearing  The Planning Board recommends approving an application by **Teramore Development, as agent for Lynn Mikell Brennan** to rezone 1.12 acres out of 1.76 acres located on McCall Road from AR-1 to B-3 Map# 465M Parcel# 3B in the Second District

10 Second Reading  Consideration to approve the Second Reading of an application by **Teramore Development, as agent for Lynn Mikell Brennan** to rezone 1.12 acres out of 1.76
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<td><strong>Public Hearing</strong></td>
<td><strong>The Planning Board recommends approving an application by Tabitha Moyak, agent for Jeanne Freymuth to rezone 5 acres located at 230 Savannah Town Road from AR-1 to AR-2 Map# 264 Parcel# 10A in the Third District</strong></td>
<td></td>
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<tr>
<td><strong>Second Reading</strong></td>
<td><strong>Consideration to approve the Second Reading of an application by Tabitha Moyak, agent for Jeanne Freymuth to rezone 5 acres located at 230 Savannah Town Road from AR-1 to AR-2 Map# 264 Parcel# 10A in the Third District</strong></td>
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<td><strong>Public Hearing</strong></td>
<td><strong>The Planning Board recommends approving an application by Tom &amp; Renee Peterson for a Variance located at 1964 Hwy 17 North to allow for a 30 foot access easement Map# 269 Parcel# 20A in the Third District</strong></td>
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<td><strong>The Planning Board recommends approving an application by Tom &amp; Renee Peterson to rezone 3.72 acres out of a 32.513 acre parcel located at 1964 Hwy 17 North from AR-1 to AR-2 Map# 269 Parcel# 20A in the Third District</strong></td>
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<td><strong>Public Hearing</strong></td>
<td><strong>The Planning Board recommends approving an application by Michael Chenette for a Variance located at 102 Madelyn Grove Way (Jackson Run S/D) to reduce the rear building setback from 25 feet to 10 feet to screen in an existing patio Map# 369H Parcel# 2 in the</strong></td>
<td></td>
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<td>The Planning Board recommends approving an application by <strong>Effective Images</strong>, agent for <strong>Love’s Travel Stop</strong> for a Variance located at the corner of Hwy 21 South and Rahn Station Road to waive the maximum height and square footage limits for signage Map# 429 Parcel# 6 in the Fourth District</td>
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<td><strong>20 Second Reading</strong></td>
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<td><strong>21 Public Hearing</strong></td>
<td>The Planning Board recommends approving an application by <strong>Andrea Allsbrook</strong> to rezone a 5 acre parcel located at 851 Ebenezer Road from AR-1 to AR-2 Map# 446 Parcel# 33 in the Fourth District</td>
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<td><strong>22 Second Reading</strong></td>
<td>Consideration to approve the Second Reading of an application by <strong>Andrea Allsbrook</strong> to rezone a 5 acre parcel located at 851 Ebenezer Road from AR-1 to AR-2 Map# 446 Parcel# 33 in the Fourth District</td>
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<td>II Invocation</td>
<td>Vice Chair</td>
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<tr>
<td>III Pledge to the American Flag</td>
<td>Consideration of a Resolution to approve the agenda</td>
<td>Approved w/ changes (removal of OB# 1, 2, 4)</td>
<td></td>
</tr>
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<td>IV Agenda Approval</td>
<td>Consideration to approve the October 6, 2020 regular Commission meeting minutes</td>
<td>Approved as read</td>
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<td>VI Public Comments</td>
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<td>Teresa Concannon</td>
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### EFFINGHAM COUNTY BOARD OF COMMISSIONERS
#### (FINAL) COMMISSION MEETING AGENDA

**Effingham County Administrative Complex**  
Commission Meeting Chambers  
601 North Laurel Street, Springfield GA 31329  
October 20, 2020 – 5:00 PM  
(Also aired via teleconference  
Dial -1-650-419-1505 Access Code – 106822973)

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<td><strong>07 Contract</strong></td>
<td>Consideration to approve a Contract with Diversified Correctional Services, LLC related to the Prison Rape Elimination Act (PREA)</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>08 Plat/Deed/Agrmt</strong></td>
<td>Consideration to approve a Final Plat Warranty Deed, Infrastructure Agreement and Maintenance Agreement for Rain Dance Subdivision located off of Ebenezer Road, consisting of 41 lots <strong>Map# 445 Parcel# 26</strong></td>
<td>Approved</td>
</tr>
<tr>
<td><strong>09 Funding</strong></td>
<td>Consideration to approve the funds for Encroachment Permit for installation of the new water line under the rail line at the intersection of Blue Jay and McCall Roads</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>10 Funding</strong></td>
<td>Consideration to approve Supplemental Funding Request #2 for Work under EFF008 Work Order# 06 related to the Effingham Parkway</td>
<td>Approved</td>
</tr>
<tr>
<td><strong>11 MOU</strong></td>
<td>Consideration to approve a Memorandum of Understanding between Effingham County and Georgia Pacific Consumer Products LP for the donation of dispensers and related products for the Morgan Complex</td>
<td>Approved</td>
</tr>
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</table>

#### XII Reports from Administrative Staff & Commissioners

T. Callanan  
S. Johnson

#### XIII Executive Session

Discussion of Personnel, Property and Pending Litigation  
No executive session was held

#### XIV Executive Session Minutes

No minutes to be approved.  
n/a

#### XV Planning Board 6:00 PM

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<td><strong>01 Public Hearing</strong></td>
<td>The Planning Board recommends approving an application by <strong>Ansgarhay, LLC</strong> to rezone 8 acres out of a 72.15 acre parcel located on Godley Road from AR-1 to I-I for a surface mine <strong>Map# 419 Parcel# 1A</strong> in the First/Second District</td>
<td>Approved w/ stipulations</td>
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<td><strong>Approved 2nd Reading</strong></td>
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<td>The Planning Board recommends approving an application by <strong>Chad Zipperer</strong> to rezone 15 acres out of a 107.64 acre parcel located on Hodgeville Road from AR-1 to B-3 for future development Map# 417 Parcel# 1 in the Second District</td>
<td><strong>Postponed 11/03/2020</strong></td>
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**XVI Adjournment** 7:34 pm

**Members Present:**
Forrest Floyd
Roger Burdette
Jamie Deloach
Reginald Loper
Phil Kieffer

**Not Present:**
Wesley Corbitt
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>
</tr>
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<tbody>
<tr>
<td>I  Call to Order</td>
<td>5:00 P.M.</td>
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<tr>
<td>II Invocation</td>
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<td>III Pledge to the American Flag</td>
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<tr>
<td>IV Agenda Approval</td>
<td>Consideration of a Resolution to approve the agenda</td>
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<tr>
<td>V  Minutes</td>
<td>Consideration to approve the October 6, 2020 regular Commission meeting minutes</td>
<td></td>
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</tr>
<tr>
<td>VI Public Comments</td>
<td>Agenda Items ONLY</td>
<td></td>
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<tr>
<td>VII Correspondence</td>
<td>Documents from this meeting are located in the Clerk’s office and on the Board of Commissioner’s website</td>
<td></td>
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<tr>
<td>VIII Appearance</td>
<td>Richard McCormick – 5:10 pm</td>
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<tr>
<td>IX Consent Agenda</td>
<td></td>
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<tr>
<td>01 Agreement</td>
<td>Consideration to approve a Lease Agreement between Effingham County and the Effingham County Board of Education for housing of the Extension Office</td>
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<tr>
<td>02 Calendar</td>
<td>Consideration to approve the 2021 Holiday Calendar</td>
<td></td>
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</tr>
<tr>
<td>03 Grant</td>
<td>Consideration to approve to submit a Grant Application to the Rachael Ray Save Them All Grant Fund</td>
<td></td>
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<tr>
<td>X  Old Business</td>
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<td>The Planning Board recommends approving an application by <strong>Verizon Wireless/Karyn Acevedo</strong> as agent for <strong>Mary Randolph</strong> to rezone .23 acres out of 119 acres located on Shearwood Road from AR-1 to I-1 for a cell tower  Map# 221 Parcel# 4 in the Third District</td>
<td>Postponed 08/18/2020</td>
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<td>02</td>
<td>Second Reading consideration to approve the second reading of an application by Verizon Wireless/Karyn Acevedo as agent for Mary Randolph to rezone .23 acres out of 119 acres located on Shearwood Road from AR-1 to I-1 for a cell tower Map# 221 Parcel# 4 in the third district</td>
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<td>03</td>
<td>Ordinance Consideration to approve the first reading of an amendment to Part II, Chapter 14, Article V - Telecommunications Regulations of the Code of Ordinances of Effingham County</td>
<td>Postponed</td>
<td>10/06/2020</td>
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<td>Ordinance Consideration to approve the first reading of an amendment to Part II, Appendix C, Article V - Uses Permitted in Districts, Section 5.9 and 5.10 of the Code of Ordinances of Effingham County</td>
<td>Postponed</td>
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<td>Ordinance Consideration to approve the first reading of amendments to Part II, Appendix C, Article V - Uses Permitted in Districts, Section 5.1 of the Code of Ordinances of Effingham County</td>
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<td>XI</td>
<td>New Business</td>
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<td>01</td>
<td>Ordinance Charlie George Consideration to approve the first reading of a speed zone ordinance to reduce the existing vehicular speed limit on Rahn Station road as it approaches Hwy 21 from 55 MPH to 45 MPH</td>
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<td>02</td>
<td>Permit Teresa Concannon Consideration to approve an assemblage permit for Halloween trick or treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm</td>
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<td>03</td>
<td>Resolution Christy Carpenter Consideration to approve a resolution to amend the FY2019-2020 budget</td>
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<td>Grant Christy Carpenter Consideration to approve to accept a grant award from the Georgia Governor’s Office of Highway Safety (GOHS) Law Enforcement Grant Program</td>
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<td>Quote Alison Bruton Consideration to approve a quote submitted by Sirius American Insurance Company for catastrophic inmate medical coverage for the Effingham County Jail</td>
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<td>MOU Alison Bruton Consideration to approve a memorandum of understanding between Effingham County and the Board of Regents of the University</td>
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| 07 **Contract**  
  *Alison Bruton*  | Consideration to approve a Contract with Diversified Correctional Services, LLC related to the Prison Rape Elimination Act (PREA) |
|------------------|----------------------------------------------------------------------------------------------------------------------------------|
| 08 **Plat/Deed/Agrmt**  
  *Teresa Concannon*  | Consideration to approve a Final Plat Warranty Deed, Infrastructure Agreement and Maintenance Agreement for Rain Dance Subdivision located off of Ebenezer Road, consisting of 41 lots Map# 445 Parcel# 26 |
| 09 **Funding**  
  *Charlie George*  | Consideration to approve the funds for Encroachment Permit for installation of the new water line under the rail line at the intersection of Blue Jay and McCall Roads |
| 10 **Funding**  
  *Alison Bruton*  | Consideration to approve Supplemental Funding Request #2 for Work under EFF008 Work Order# 06 related to the Effingham Parkway |
| 11 **MOU**  
  *Alison Bruton*  | Consideration to approve a Memorandum of Understanding between Effingham County and Georgia Pacific Consumer Products LP for the donation of dispensers and related products for the Morgan Complex |
| **XII Reports from Administrative Staff & Commissioners**  |  |
| **XIII Executive Session**  | Discussion of Personnel, Property and Pending Litigation |
| **XIV Executive Session Minutes**  | No minutes to be approved |
| **XV Planning Board**  
  **6:00 PM**  | The Planning Board recommends approving an application by *Ansgarhay, LLC* to rezone 8 acres out of a 72.15 acre parcel located on Godley Road from AR-1 to I-I for a surface mine Map# 419 Parcel# 1A in the First/Second District |
<p>| <strong>02 Second Reading</strong>  | Consideration to approve the Second Reading of an application by <em>Ansgarhay, LLC</em> to rezone 8 acres out of a 72.15 acre parcel located on Godley Road from AR-1 to I-I for a surface mine Map# 419 Parcel# 1A in the First/Second District |
| <strong>03 Public Hearing</strong>  | The Planning Board recommends approving an application by <em>Olin King</em> to rezone 5.08 |</p>
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**XVI Adjournment**
Appearance – 5:10 pm

Mr. Richard McCormick resides at 181 Hutcheson Lane and has requested to appear before the commission to discuss the condition of the road.

As stated by EOM Operations, the resurfacing schedule was created based on severity of the surface treated road. Patterson Drive and Hutcheson Lane are not on the current round due to a lower rating. See images below.

Photographed October 12, 2020
Patterson Drive and Hutcheson Lane

For comparison, images of other surface treated roads in the county
Staff Report

Subject: Approval of Lease Agreement between Effingham County Board of Commissioners and the Effingham County Board of Education
Author: Alison Bruton, Purchasing Tech
Department: Extension Department
Meeting Date: October 20, 2020

Item Description: Approval of Lease Agreement between Effingham County Board of Commissioners and the Effingham County Board of Education for the Extension Office

Summary Recommendation: Staff recommends approval of the Lease Agreement

Executive Summary/Background:
- This Lease Agreement allows the Extension Office to lease rooms 101-114 in the old Rincon Elementary School property.
- Lease is $1,750.00 per month.

Alternatives for Commission to Consider
1. Approve the Lease Agreement between Effingham County BOC and Effingham County BOE for $1,750.00 per month
2. Take no action.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Extension, Finance

Funding Source: Current Operating Budget

Attachments:
1. Lease Agreement
EFFINGHAM COUNTY BOARD OF EDUCATION
FACILITY USE CONTRACT

This Agreement is entered into this ___________ day of ___________, _______ between the Effingham County School District, hereinafter referred to as the "District", and Effingham County Board of Commissioners, hereinafter referred to as the "Outside User of Facilities."

1.

The Outside User of the Facilities shall have the right to use the following facilities:

Wing of the Old Rincon Elementary School Property

Rooms 101-114

From: July 1, 2020 until June 30, 2020

2.

The Outside User of Facilities shall pay the District the sum of $1,750 per month for the use of the facilities. In addition, the User of Facilities shall pay a Utility Cost of $35.00 per hour for each use.

N/A

3.

The Outside User of Facilities shall abide by all rules applicable to the use of the facilities required by the District and shall abide by all individual school rules.

4.

The Outside User of Facilities certifies that it has inspected, and is familiar with the facility to be used. The User of Facilities further certifies that the particular use of the facility as proposed does not create a danger to any individual.

5.

The Outside User of Facilities acknowledges that the District and Old Rincon School provide no liability or accident insurance coverage for injuries which may occur or claims which may be brought arising out of the use of the facility by the Outside User of Facility. The District and its employees are protected against such claims by sovereign and official immunity. The User of Facility is responsible for providing the insurance as defined in item #6 and for indemnifying and holding harmless the District and its employees from the cost of defending any
claims which may be filed against them. Any portion of this Facility Use Contract regarding indemnification apply only to the extent permitted by law, and any applicable case law, including under CSX Transportation, Inc v. City of Garden City, 277 Ga.248, 588 S.E.2d 688 (2003).

6.

The Outside User of Facilities shall obtain the following insurance to cover all participants in the use of facilities:

Certificate of Insurance from their general liability policy of $1,000,000.00 or Special Event Policy obtained from Insurance Company providing $1,000,000.00 in liability coverage naming the District as an additional insured. (Copy MUST be attached to the agreement form.)

7.

The User of Facilities shall properly supervise and protect all individuals participating in the use of facilities. The User of Facilities must be aware of all evacuation routes and tornado safe areas within the building.

8.

Length of the agreement shall not be in excess of one calendar year.

9.

Outside User of Facility is responsible for any damages to the property.

Will security be necessary for this event? ______ yes ______ no

AGREED to this ______________ day of __________________________, ______________.

By: ________________________________

Printed Name

User of Facilities

Printed Name
Guidelines for Use of Facilities

1. School facilities may only be used by non-profit organizations based in Effingham County or by for-profit organizations when the activity is instructional in nature and when either the profit or the activity benefits the students or community-at-large (as determined by the Superintendent or their designee.)
2. Students may not be used at any time to perform custodial type duties connected to any event.
3. Custodial fees, when required, will be paid by the sponsoring organization.
4. A Food and Nutrition Services employee must be present any time the kitchen is used; fees will be paid by the sponsoring organization.
5. Use of any school equipment must be approved by the building level principal.
6. Chairs may not be removed from the cafeteria.
7. Alcoholic beverages are not permitted in school facilities or on school property at any time.
8. Tobacco products are not permitted in school facilities or on school property at any time.
9. Any sign advertising the presence of this activity or organization must be placed on school property just prior to the activity or meeting and be removed as soon as the activity or meeting concludes.
10. The Effingham County School District and individual school provide no liability or accident insurance coverage for injuries which may occur or claims which may be brought arising out of the use of the facility by the Outside User of facilities. The Effingham County School District and its employees are protected against such claims by sovereign and official immunity. The Outside User of facilities is responsible for providing any such insurance required by the Facility Use Contract and for indemnifying and holding harmless the Effingham County School District and its employees from the cost of defending any claims which may be filed against them.
11. The Outside User of the facilities or athletic fields must present to the Superintendent or Superintendent’s designee a copy of a Certificate of Insurance for at least $1,000,000.00 from their general liability policy or a Special Event Policy providing at least $1,000,000.00 in liability coverage, naming the Effingham County School District as an additional insured.
12. A signed agreement must be completed and approved by the Superintendent or Superintendent’s designee before an organization may use the school facility.
13. Classrooms shall not be used unless the classroom is not currently being used as an "active" classroom and approval has been given by the school level principal.
14. Employment of school resource officers for the event may be required by the Superintendent.

School Administrator: ________________________________

User of Facilities: ________________________________

Date: ________________________________
Staff Report

Subject: 2021 Holiday Schedule
Author: Vicki Dunn, Human Resources Director
Department: Human Resources
Meeting Date: October 20, 2020
Item Description: Consideration to publish 2021 Holiday Schedule

Summary Recommendation:
Staff is requesting approval to print and distribute the 2021 Holiday Schedule.

Executive Summary/Background
Human Resources Standards Of Practice 5.01, Holidays and Excused Absences requires the Human Resources Office to produce a calendar of the federally recognized and Board of Commissioners approved holidays for the upcoming year.

Alternatives for Commission to Consider
1. Approve the County Holiday Schedule as presented.
2. Disapprove the County Holiday Schedule and provide guidance to staff.

Recommended Alternative:
Staff recommends Alternative 1.

Other Alternatives:
1. Review the holidays authorized and determine if holidays should be reduced or additional holidays added.

Department Review: County Manager

Funding Source: Funds for holidays are accounted for in the annual budget

Attachments:
1. 2021 Holiday Schedule
### 2021 County Holidays

<table>
<thead>
<tr>
<th>Holiday</th>
<th>Date Observed</th>
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</thead>
<tbody>
<tr>
<td>New Year’s Day</td>
<td>Friday 01/01/2021</td>
</tr>
<tr>
<td>Martin Luther King, Jr. Day</td>
<td>Monday 01/18/2021</td>
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<td>Presidents’ Day</td>
<td>Monday 02/15/2021</td>
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<td>Memorial Day</td>
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<td>Monday 07/05/2021</td>
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<td>Monday 09/06/2021</td>
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<tr>
<td>Columbus Day</td>
<td>Monday 10/11/2021</td>
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<tr>
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<td>Thursday 11/25/2021</td>
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<tr>
<td>Day After Thanksgiving</td>
<td>Friday 11/26/2021</td>
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<td>Christmas Eve</td>
<td>Thursday 12/23/2021</td>
</tr>
<tr>
<td>Christmas Day</td>
<td>Friday 12/24/2021</td>
</tr>
</tbody>
</table>

**Per Effingham County Human Resources SOP:**

“When a holiday falls on a Saturday, it is observed on the Friday before; if the holiday falls on a Sunday, it is observed on the following Monday.”
Staff Report
Subject: Rachael Ray Save Them All Grants Fund
Author: Christy Carpenter, Finance Director
Department: Finance Department
Meeting Date: 10/20/2020
Item Description: Consideration to submit a grant application to the Rachael Ray Save Them All Grants Fund.

Summary Recommendation:
Staff is requesting approval to submit a grant application to the Rachael Ray Save Them All Grants Fund.

Executive Summary:
The Rachael Ray Save Them All Grants supports projects that have a direct impact on reducing the number of dogs and cats killed in shelters. Effingham County Animal Shelter is a Best Friends Network Partner which is comprised of hundreds of public and private shelters, rescue groups, spay/neuter organizations and other animal welfare groups in all 50 states. Being a member of the Best Friends Network Partners makes them eligible to apply for this grant funding. The funds will be used for the Effingham County TNR program. The benefits of this program are to stabilize the outdoor cat populations and to end the female cat reproductive cycle in our area.

Background:
1. Effingham County Animal Shelter is requesting $7,000.
2. No cost share requirement.

Alternatives for Commission to Consider:
1. Approve the Rachael Ray Save Them All grant application submittal.
2. Do not approve the Rachael Ray Save Them All grant application submittal.
3. Provide Staff with Direction

Recommended Alternative:
Staff recommends Alternative number 1 – Approve the Rachael Ray Save Them All grant application submittal.

Other Alternatives: N/A

Department Review: Effingham County Animal Shelter

Funding Source: No cost share requirement

Attachments:
1. Rachael Ray Save Them All Grant Information
Opportunities

Grants for Animal Rescue to Save More Lives: The Rachael Ray Save Them All Grants

The Rachael Ray Save Them All Grants fund projects to reduce the number of cats and dogs killed in American shelters. We welcome project proposals
from public and private shelters, rescue
groups, and other animal welfare organizations that enable lifesaving in a community.

All projects must demonstrate, with statistics, a direct impact on saving animals’ lives.

Projects can be focused on just one event/program or can include multiple events/programs.

Proposed projects should align with regional priorities as identified by the 2019 National Dataset from the Pet Lifesaving Dashboard. Projects that satisfy these priorities will have the largest impact on lifesaving in each region.

Before you begin an application, please review the priorities for your region to ensure that your project aligns. Contact your regional specialist with any questions you have about priorities and/or how your project meets the requirements for these animal welfare grants.

Your organization can apply for a grant of up to $50,000, with the amount requested not exceeding 10% of your operating budget.

The Fall 2020 grant cycle is now open. Applications are due by Friday, October 23 at 5pm MST.

If you have questions that are not answered on the website about the grants or requirements, contact us at networkgrants@bestfriends.org. Please note that during an open grant cycle, our response time to emails and voicemails is significantly delayed. We ask that you take the time to ensure you meet all requirements and plan for those items we’ll need to verify. Because we are unable to fast track applications for partnership or respond to urgent requests during this time, we appreciate your understanding.

Apply for a Rachael Ray Save Them All grant

Regional priorities
Southeast (Alabama, Florida, Georgia, Mississippi, South Carolina)

Competitive proposals must demonstrate, with statistics, a direct impact on saving animals’ lives and/or leading to a reduction in the number of cats and dogs killed in shelters. Proposals without shelter data will not be considered. Priority consideration will be given to projects focused on helping in those areas where the most killing is occurring. Refer to the pet lifesaving dashboard to see where the greatest lifesaving opportunities are your area.

In the Southeast region, we are looking for programs that:

https://network.bestfriends.org/opportunities/rachael-ray-save-them-all-grants
• Show a measurable reduction in the number of cats killed in shelters (Types of programming may include targeted spay/neuter, return to field, TNR with intake diversion, or neonatal kitten programs.)
• Increase live shelter outcomes and/or decrease shelter intake
• Support programming to reduce shelter deaths (managed intake, pet retention and the launch or expansion of foster programs)
• Collaboration between organizations to strategically reduce killing in shelters including programs that fund rescue’s ability to pull more adoptable animals

South Central (Arkansas, Louisiana, Oklahoma, Texas)

Rachael Ray Save Them All Grants will be awarded to programs that directly reduce killing in shelters through programs that:

• Directly expand capacity in live outcome programs that may include programs and process improvements that increase adoptions, transports, returns to owner, rescue group transfers or shelter-neuter-return programs (Programs must directly increase live outcomes for animals in the shelter or likely to enter the shelter system, based on data and past practice.)
• Increase community capacity, thereby reserving sheltering services for the animals in greatest need through intake reduction (The programs, which may include return-in-field, trap-neuter-return or managed intake, must directly support animals likely to enter the shelter system because of current practices and supported by historical data.)
• Increase lifesaving within the shelter by expanding capacity to support historically vulnerable populations to achieve live outcomes through programs such as foster programs

Great Plains (Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota)

In the Great Plains region, top priority will be given to projects that demonstrate decreased intake at community animal shelters or increased live shelter outcomes — especially for cats. Foster-based rescue groups interested in receiving grant funds should be reporting their data each month to the Shelter Animals Count Best Friends coalition, working toward minimizing owner surrender and lowering adoption barriers, and be working collaboratively with a shelter or municipal animal control.

Programs that reduce shelter intake could include:

• Community cat (stray and feral cat) programs
• Increased access to affordable veterinary care for both owned animals and groups that don’t/can’t employ vet staff
• Targeted spay/neuter/vaccine/microchip efforts
• Returning to owner in the field
Owner surrender/intake diversion programming or partnerships (scalable and customized to the needs and capacity of the org)

Increasing live shelter outcomes could include:

- Increasing the number of animals pulled from municipal shelters
- Increasing pet adoptions as a result of lowered adoption barriers and improved engagement
- Developing behavior/training initiatives and partnerships to increase lifesaving and placement for at-risk dogs
- Transporting animals, particularly cats and large dogs, from high priority communities or shelters

**Mountain West** (Arizona, Colorado, Idaho, Montana, Nevada, New Mexico, Utah, Wyoming)

The Mountain West region will prioritize Save Them All Grants that:

- Show a measurable reduction in the number of cats killed in shelters (Types of programming may include targeted spay/neuter, return to field and TNR)
- Are focused on large dogs in southern Nevada, New Mexico or Arizona (Owner support, spay/neuter, behavioral support, or transports are some examples.)
- Support both cats and dogs on the Navajo Nation. Highest priority will be given to programs that either prevent the necessity for impoundment via spay/neuter and owner support, or result in the direct pulling of animals from animal control facilities - data encouraged.
- Ensure lifesaving programs can be successful by **removing barriers**.

**Northeast** (Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont)

In the Northeast region, grant projects aimed at directly reducing killing in shelters with the highest impacts will be given top priority. Proposed projects MUST demonstrate (with statistics) a direct impact on saving the lives of animals and/or a trend toward reducing the number of dogs and cats being killed.

The top three priority states within our region are New Jersey, Pennsylvania, and New York. Please refer to our [pet lifesaving dashboard](https://network.bestfriends.org/opportunities/rachael-ray-save-them-all-grants) to help identify other key communities within the region. Some examples of potential granting opportunities include but are not limited to:

- Increasing live shelter outcomes
- Working in conjunction with shelters to show measurable reduction of shelter killing, such as in return-to-field and targeted TNR programs
- Creating collaborative programs to directly reduce shelter deaths, such as pulls from shelters in need and transfer/transport programs

10/15/2020
- Decreasing lifesaving gap through collaboration with community shelters

**Pacific** (Alaska, California, Hawaii, Oregon, Washington)

In the Pacific region, competitive proposals must demonstrate (with statistics) a direct impact on reducing shelter killing. Priority consideration will be given to projects focused on helping in areas where the most killing is occurring. Examples include:

- Programs that show a measurable reduction in the number of cats killed in shelters. Types of programming may include:
  - Return-to-field/shelter-neuter-return cat programs (providing healthy impounded stray cats spay/neuter, vaccinations, ear tipping and returning to the outdoor location they were found)
  - Lifesaving neonatal (under eight weeks) kitten programming
- Medical programs for at-risk shelter animals, such as ringworm, parvo/panleuk, or other conditions previously unable to be saved
- Programs targeted toward significantly increasing live outcomes for at-risk large dogs
- Focus on collaboration between organizations to strategically reduce killing in shelters

**Midwest** (Illinois, Indiana, Michigan, Ohio, West Virginia, Wisconsin)

In the Midwest region, we are looking for:

- Programs targeted toward increasing life outcomes for cats (foster programs, community cat programs, return-to-field programs, barn cat programs and innovative adoption or medical programs).
- Programs that return to owners in the field
- Programs targeted toward increasing live outcomes for medium and large dogs (foster programs, behavior programs, adoption programs, promotion programs or diversion programs)

**Mid-Atlantic** (District of Columbia, Kentucky, Maryland, North Carolina, Tennessee, Virginia)

Competitive proposals must demonstrate (with statistics) a direct impact on saving the lives of animals and/or a trend toward reducing the number of cats and dogs killed in shelters. Priority consideration will be given to projects focused on helping in areas where the most killing is occurring. Refer to the pet lifesaving dashboard to see where the greatest lifesaving opportunities are in each state or your state (whichever suits you better).

In the Mid-Atlantic region, we are looking for programs that:

- Increase live shelter outcomes
• Show a measurable reduction in the number of cats killed in shelters (Types of programming may include targeted spay/neuter, return-to-field, intake diversion and TNR, or neonatal kitten programs.)
• Support programming to reduce shelter deaths (managed intake, pet retention and the launching or expansion of foster programs)
• Focus on collaboration between organizations to strategically reduce killing in shelters
Opportunities

Requirements for applying for a Rachael Ray grant

Please make sure you are familiar with the following requirements for recipients of the various Rachael Ray grants before applying.

Eligibility:

To be eligible for a Rachael Ray Save Them All or No-Kill Excellence Grant, organizations must be a part of the Best Friends Network. Click here to see if your
organization is already a network partner. If your organization is not yet a Network partner, you must apply to become one by Friday, October 9, 2020 at 5pm MST.

- Members of the NKUT Coalition are not eligible for grants. For network partners in Utah interested in applying for a grant, please contact Tracy Kelley at tracyk@bestfriends.org.
- Members of the NKLA Coalition are not eligible for grants relating to LA Animal Services work. For network partners in NKLA interested in applying for NKLA focused grant, please contact Vania Campos at vaniac@bestfriends.org.
- Programs must be implemented within the United States.
- Awarded grant funds must be spent within a one-year period.
- If you currently have a grant in progress that is expected to be open as of January 2021, you are not eligible to apply for another grant in this cycle.

Data reporting:
- If you are a shelter or rescue with intakes and outcomes, you must be up to date with reporting in Shelter Animals Count (SAC) through August 2020. If you are unsure of your data status, please log in to SAC to determine if your group is required to report in SAC.
- If you are a spay/neuter group, intake prevention group, transport-only group or other group not eligible to report in Shelter Animals Count, you will need to submit your stats using this form prior to submitting your grant application.

Tracking and reporting:
All organizations receiving grants must track and report the following:

- Detailed documentation of how the funds were spent and (if requested) copies, of receipts, adoption contracts and other documentation to support your outcomes.
- For adoption and spay/neuter projects, data and details on the following must be submitted quarterly (depending on project type) for dog adoptions, cat adoptions, dog spay/neuter and cat spay/neuter.
- For intake prevention programs, main program statistics for the following types of projects must be submitted quarterly: number of families served, intake reduction at your local municipal shelter and number of animals trained.
- For all projects, unless otherwise obtained through network partner data reporting, the following stats for the municipal shelter impacted by your project must be submitted quarterly for a baseline year and your grant period: dog intakes, dog live outcomes, dog other outcomes, cat intakes, cat live outcomes and cat other outcomes.

For Rachael Ray No-Kill Excellence Grant projects only, we reserve the right to identify additional reporting metrics appropriate to the scope and impact of the project. Grant recipients will be required to submit one success story of the awarded

https://network.bestfriends.org/opportunities/requirements-applying-grant
project to Best Friends Animal Society. Stories will help us promote The Rachael Ray Foundation grants in the future. Failure to submit timely and accurate reports on the progress of your project can impact the ability to receive future funding.

If you have questions about the grants or requirements, contact us at networkgrants@bestfriends.org. Please note that during an open grant cycle, our response time to emails and voicemails is significantly delayed. We ask that you take the time to ensure you meet all requirements and plan for those items we'll need to check on. Because we are unable to fast track applications for partnership or respond to urgent requests during this time, we appreciate your understanding.

The deadline to submit an application for a Rachael Ray Save Them All or No-Kill Excellence grant is Friday, October 23, 2020 at 5:00 PM Mountain time.
Staff Report

Subject:             Rezoning (Third District)
Author:             Teresa Concannon, AICP, Planning & Zoning Manager
Department:        Development Services
Meeting Date:  October 20, 2020

Item Description: Verizon Wireless / Karyn Acevedo as agent for Mary Randolph, requests a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a 250’ tall self-support (lattice) cell tower lease area at Shearwood Road. Map # 221 Parcel # 4

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with conditions.

Executive Summary/Background
The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Article V - Telecommunications Regulations
Section 14-133 - Permitted Uses (3) Guyed and lattice towers and tower farms shall be permitted within industrial (I-1) districts;
(b) Conditional use rezoning. (1) If the tower or antenna is not a permitted use under subsection (a) above, then a conditional use rezoning shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

At the July 27 Planning Board meeting, Brad Smith made a motion to approve request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with the following stipulations:
1. Meet the requirements of Article V – Telecommunications Regulations Ordinance.
2. Future site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.
4. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services.
Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with the following stipulations:
   1. Meet the requirements of Article V – Telecommunications Regulations Ordinance.
   2. Future site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.
   4. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services.

2. Deny request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area.

Recommended Alternative: 1

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__________________________Verizon Wireless / Karyn Acevedo__________________________Date__________________________6/25/2020

Applicant email address_______________________kobrien@techscapewireless.com______________________Phone #____________________952-288-8130

Property owner(s)__________________________Mary Randolph__________________________email__________________________mmrcatcapers@yahoo.com

Telephone Number__________________________(423)914-0052

Mailing Address____________________________285 Rock Springs Road, Kingsport, TN 37663

Property location____________________________Along Shearwood Road / Parcel 2210004

Present zoning______________________________A-1

Proposed zoning______________________________X__________________1-1 for a lattice tower

Present land-use______________________________Agricultural

Proposed land-use______________________________Agricultural - cell tower

Tax Map #__________________________Parcel #__________________________Lot #__________________________2210004

Total Acres__________________________119__________________________Acres to be rezoned__________________________100’ x 100’ (2.3)

Lot characteristics____________________________agricultural field

Water Public __________________________Private__________________________Sewer Public __________________________Private

Proposed access____________________________along Shearwood Road

Justification____________________________small area needed for wireless communications tower

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

North__________________________Ag__________________________South__________________________Ag

East__________________________Ag__________________________West__________________________Ag
1. Describe the current use of the property you wish to rezone.
   Agricultural

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.
   Wireless communications tower

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   Agricultural & Rural 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?
   The surrounding properties will not be precluded from continuing to operate or function as they have been. The proposed wireless tower will not interfere with the enjoyment of surrounding properties.

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?
   Only the construction phase of the wireless tower could possibly create noise from loud trucks and dirt-moving activities. But construction is a quick process. Once the tower is up, there is very little activity to the site—approximately 1-3 vehicle visits monthly by operations personnel.
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

December 21, 2005, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 1383 page 115.

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: Karyn Acevedo

Address: 10300 Old Alabama Rd. Conn., Alpharetta, GA 30022

Telephone #: 952-288-8130 email: kobrien@techscapewireless.com

Personally appeared before me, Mary Randolph 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: 6/15/2020
State Licensing Board for Residential and General Contractors

Authorized Permit Agent Form

License verification by permitting office should be completed by visiting sos.ga.gov/plb/

Licensed Contractor: _____Individual    X    _____Qualifying Agent

Name of licensed person: Karyn O’Brien - Verizon representative for landowner

*Please attach a copy of Individual license or Company License (Reflects company and qualifying agent license number)

License number of individual or qualifying agent: Not Applicable - consultant only

Name of licensed company (if applicable): Not Applicable - consultant only

License number of company (if applicable): Not Applicable - consultant only

I, Mary Randolph, hereby designate
Licensed Individual or Qualifying Agent

Karyn O’Brien to apply for and obtain the permit(s) for the project at:

Unassigned Address / Parcel 2210004 / Along Shearwood Road
Street address

Apartment or Suite Number

City Zip Code

I, the undersigned, being the contractor as either an individual or a qualifying agent, do hereby affirm and swear, under oath, that all information on this form and on accompanying documents are true and correct.

Signature of individual or qualifying agent

Mary Randolph

State of TN County of Sullivan

Subscribed and sworn to before me this 15 day of Jun 20 20

Signature of Notary Public

(Seal)

237 Colliseum Drive • Macon, Georgia 31217 • (478) 207-8440
www.sos.ga.gov

10/15/2020
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<th>Site Friendly Name</th>
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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 (Karyn Acevedo (Verizon Wireless) for Mary Rudolph - Map# 221-4) 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?

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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APPROVAL  DISAPPROVAL

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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?

Planning Board Meeting – July 27, 2020

BKS 7/27/2020
Subject:  2\textsuperscript{nd} Reading Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department Development Services
Meeting Date: October 20, 2020
Item Description: Verizon Wireless / Karyn Acevedo as agent for Mary Randolph, requests a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a 250’ tall self-support (lattice) cell tower lease area at Shearwood Road. Map # 221 Parcel # 4

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with conditions. This item was postponed at the August 1, 2020 meeting.

Executive Summary/Background
The request for rezoning is a requirement of Appendix C, Article IX-Amendments to Map or Text, Section 9. Article V - Telecommunications Regulations

Section 14-133 - Permitted Uses (3) Guyed and lattice towers and tower farms shall be permitted within industrial (I-1) districts;

(b) Conditional use rezoning.  (1) If the tower or antenna is not a permitted use under subsection (a) above, then a conditional use rezoning shall be required for the construction of a tower or the placement of an antenna in all zoning districts.

At the July 27 Planning Board meeting, Brad Smith made a motion to approve request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with the following stipulations:
1. Meet the requirements of Article V – Telecommunications Regulations Ordinance.
2. Future site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.
4. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services.
Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area, with the following stipulations:
   1. Meet the requirements of Article V – Telecommunications Regulations Ordinance.
   2. Future site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.
   4. All wetland impacts be approved and permitted by USACE and a copy submitted to Development Services.

2. Deny request for a Conditional Use Rezoning of .23 acres from AR-1 to I-1 for a self-support (lattice) cell tower lease area.

Recommended Alternative:  1 Other Alternatives:  2
Department Review: Development Services
FUNDING: N/A
Attachments:
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 221-4
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 221-4
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, MARY RANDOLPH, have filed an application to rezone twenty three hundredths (.23) +/- acres; from AR-1 to I-1 (Cell Tower); map and parcel number 221-4, located in the 3rd 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 twenty three hundredths (.23) +/- acres; map and parcel number 221-4, located in the 3rd commissioner district is rezoned from AR-1 to I-1 (Cell Tower) with the following stipulations:

1. Meet the requirements of Article V – Telecommunications Regulations Ordinance.
2. Future site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
3. Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.
4. All wetland impacts 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: ______________________________
STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Amendment to Part II, Ch. 14, Article V, Telecommunications Regulations
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Consideration to approve the First Reading of an amendment to Part II, Chapter 14, Article V - Telecommunications Regulations

Summary Recommendation: Staff has reviewed and updated the Telecommunications Regulations, and recommends approval of the revisions.

Executive Summary/Background:
- Part II, Chapter 14, Article V - Telecommunications Regulations limits telecommunications towers to I-1 and B-2 zoning districts, which results in applications to rezone tower lots to I-1 and B-2 in the Agricultural Residential zoning districts when telecommunications companies seek to place towers based on coverage requirements.
- The resulting zoning changes lead to the appearance of commercial and industrial land uses in the Agricultural Residential zoning districts, which leads to additional requests for commercial and industrial zoning changes nearby.
- To eliminate the problem of incompatible zoning of tower lots in the Agricultural Residential zoning districts, the proposed ordinance will:
  - Add monopole telecommunications towers as a conditional use in the AR-1, AR-2 and B-2 zoning districts.
  - Add self-supporting guyed and lattice telecommunications towers as a conditional use in the AR-1, AR-2, and B-2 zoning districts, and amend the ordinance to allow them by right in the B-3 zoning district.
- The County Attorney has reviewed and approved the ordinance as to form.

Alternatives for Commission to Consider
1 – Approve the First Reading of an amendment to Part II, Chapter 14, Article V - Telecommunications Regulations
2 – Take no action.

Recommended Alternative: 1

Other Alternatives: N/A

Department Review: Development Services; County Attorney

Funding Source: N/A

Attachments:
1. Article V - Telecommunications Regulations
AMENDMENT TO PART II, CHAPTER 14,
ARTICLE V OF THE EFFINGHAM COUNTY CODE OF ORDINANCES

AN ORDINANCE TO AMEND ARTICLE V OF THE EFFINGHAM COUNTY CODE OF
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 V – Telecommunications Regulations limits monopole telecommunications towers to the B-2, B-3, and I-1 zoning districts; limits self-supporting guyed and lattice telecommunications towers to the I-1 zoning district; and, contains inconsistencies and unclear language; and

WHEREAS, the proposed new language will specify requirements for safety standards and design that protect the integrity of the surrounding properties, and ensure sustainability and compatibility with neighborhood characteristics, while enhancing telecommunications service options for the community; 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 has revised the existing Ordinance sections regarding the requirements for the location of Telecommunication Towers.

BE IT ORDAINED by the Effingham County Board of Commissioners in regular meeting assembled and pursuant to lawful authority thereof:
Sec. 14-131. - Purposes.

The purpose of this article is to:

(1) Provide for the appropriate location and development of communication towers and antennae in such locations as will maximize service levels and promote public safety and general welfare;

(2) Minimize adverse visual impacts of towers and antennae through careful design, siting, landscape screening, and innovative camouflage measures;

(3) Avoid potential damage to adjacent property from tower failure through engineering and proper siting of tower structures;

(4) Encourage the use of existing structures for antenna locations as an alternative to the development of increased single use towers;

(5) Promote and maximize the shared-use/collocation of new and existing towers;

(6) Promote the location of new communication towers in areas not zoned for residential use; and

(7) Accommodate the increasing demand for the development of towers and wireless telecommunications.

Sec. 14-132. - Definitions.

As used throughout this article, the following terms shall have the meanings indicated in this section:

Abandonment Any intent to abandon use of a communications tower. If the owners notify the administrator that the use of any communication tower has been discontinued for a period of 180 consecutive days, the tower shall be deemed to have been abandoned.

Administrator refers to the zoning administrator official of the county Development Services building and zoning department or his or her designee.

Alternative tower structures shall include, but are not limited to, man made structures such as clock towers, bell towers, church steeples, water towers, light poles, and similar structures that possess the potential to camouflage or conceal the presence of antennae and towers.

Antennae shall refer to any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves.

Board of commissioners shall refer to the county Board of Commissioners.

Breakpoint shall mean engineer specified section or area of tower designed to break under certain conditions in order to prevent the tower from snapping at the base.

FAA means the Federal Aviation Administration.

Fall Zone An area around the tower in which a tower could collapse and fall, calculated as the total height of the tower measured from the base of the tower times 1.2.

FCC means the Federal Communications Commission.

Front yard refers to a yard extending across the front of a lot from side lot line to side lot line and lying between the centerline of the abutting street right-of-way and the principal building on the lot.

Grid means the search area the tower is supposed to serve.
Guy towers means a communication tower that is supported, in whole or in part, by guy wires and ground anchors.

Height in reference to a tower, antennae or other structure, means the vertical distance of any tower as measured from the bottom of the base of the tower at ground level to the highest point of such tower, including any antennae or other attachments.

Lattice or self-supporting tower refers to a communication tower that has open framed supports on three or four sides and is constructed without guy wires and ground anchors.

Monopole tower means a communications tower consisting of a single pole, constructed without guy wires or ground anchors.

Recognized historical area means districts or locations identified as having historic or architectural significance through an ordinance, guideline, map, listing, or designation by local, state or federal government.

Residential zoning district refers to the following districts zoned for residential use: "R-1", "R-2", "R-3", "R-4", and “R-6” zoned districts.

Telecommunications Towers shall mean a vertical structure on which is or can be located one or more antennae for the purpose of transmitting or receiving telecommunications as authorized by the FCC.

Tower farm shall refer to multiple towers on a single site.

Tower Lot An approved platted lot, which is required for the placement of all wireless (including internet), microwave towers, common carrier towers, cellular, television and radio telecommunications towers and other use towers.

Sec. 14-133. - Permitted uses.

(a) Telecommunications facilities are permitted only within the following zoning districts:

(1) The attachment of antennae and related equipment to an existing tower or alternative tower structure shall be permitted in all zoning districts; provided, however, that the existing freestanding nonresidential structure other than a tower on which such antenna will be placed is 50 feet in height or greater and the antenna will add no more than 20 feet to the height of said existing structure.

(2) Monopole towers shall be permitted as a matter of right within Highway Commercial (B-3) and industrial (I-1) districts, and as a conditional use in the General Commercial (B-2), Agricultural Residential (AR-1), and Agricultural Residential (AR-2) zoning districts.

(3) Guyed and lattice towers and tower farms shall be permitted as a matter of right within the Highway Commercial (B-3) and industrial (I-1) zoning districts, and as a conditional use in the General Commercial (B-2), Agricultural Residential (AR-1), and Agricultural Residential (AR-2) zoning districts.

(4) Monopole towers may be permitted in planned unit development districts, subject to a finding by the planning board and the board of commissioners that such use is compatible with the approved development plan.

(b) Conditional Uses rezoning. The standards and procedures for granting and denying a conditional use rezoning request in article VII IX of the county zoning ordinance shall be applicable to this article. In addition to the standards prescribed in said article VII IX, the following provisions shall govern a conditional use rezoning decision:
If the tower or antenna is not a permitted use under subsection (a) above, then a conditional use rezoning shall be required for the construction of a tower or the placement of an antenna in specified all zoning districts.

In granting a conditional use rezoning, the board of commissioners may impose conditions to the extent the board of commissioners concludes such conditions are necessary to minimize any adverse effect of the proposed tower on adjoining properties.

Information required. Each applicant requesting a conditional use rezoning under this article shall submit a scaled site plan and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing information concerning topography, radio frequency coverage, tower height requirements, setbacks, drives, fencing, landscaping, adjacent uses, and other information deemed necessary by the board of commissioners.

Any information of an engineering nature that the applicant submits, whether civil, mechanical, or electrical, shall be certified by a licensed professional engineer.

Prohibitions. No new tower shall be permitted unless the applicant adequately demonstrates that neither an existing tower suitable for colocation nor a suitable alternative tower structure is available within the geographic area required to meet the applicant's engineering requirements.

Sec. 14-134. - Development standards.

(a) Structural Design. New Communication towers and increasing size or height to existing towers shall be constructed in accordance with all applicable Building Codes, and shall meet or exceed current standards and regulations of all applicable Federal, State and Local authorities.

(1) Maintenance. To ensure the structural integrity of communication towers, the owner of a communication tower shall be in compliance with all applicable local, state and federal maintenance standards for communication towers.

Building codes; safety standards. To ensure the structural integrity of towers, the owner of a tower shall ensure that it is designed, constructed, and maintained in compliance with standards contained in applicable local building codes and applicable standards for towers that are published by the Electronics Industries Association (EIA), as amended from time to time. A tower must possess the structural capacity to accommodate at least two other users comparable to the initial user. Tower owners shall conduct periodic inspections of communication towers at least once every three years to ensure structural integrity. Inspections shall be conducted by a structural engineer licensed to practice in the state with the results of said inspection being provided to the administrator.

(b) Setbacks and separations. Telecommunications facilities shall comply with the following standards. However, existing alternative tower structures which are conforming uses within the zoning district in which they are located are exempted from the minimum setback and separation requirements of this section.

(1) Communication tower setbacks must be located at a minimum horizontal distance of 1.2 times the length of the complete tower including the highest antenna, measured from the bottom of the tower to the very top of the highest antenna to an existing structure or property line, or in case of a break-away monopole tower, the setback distance shall be 1.2 times the length of the break-away portion of the monopole type tower. Towers placed inside a Subdivision, within 750’ feet of residence, shall only be a “Monopole type tower” or a Camouflaged Monopole type tower, to blend in with a building or similar or “Monopole Tree tower” that will blend in with the trees in a forested area.”
(1) Monopole towers shall be separated from residential districts not permitting such towers and from a residential structure in a zoning district permitting such towers, a minimum distance of 100 feet or equal to the height of the tower, whichever is greater.

(2) Guyed and latticed towers shall be a minimum distance of 1,000 feet from any residential structure or public use, excluding street rights-of-way and public access easements.

(3) Guy wires with support anchors are required to meet all setback requirements. Support anchors for guy wires must be protected with a concrete abutment, 2’ x 2’ and at a height of two (2) feet above the finish grade and depth of 2 feet below the ground surface or similar approved by the County Engineer.

(4) Except as otherwise specified in this article, all telecommunications towers and accessory structures and uses shall comply with development setbacks as required by the zoning district in which the tower is to be located.

(5) Telecommunications towers shall not be permitted within a 1,000-foot radius of another telecommunications tower except within tower farms.

(6) Telecommunications towers shall be set back not less than 100 feet from any property line adjacent to a right-of-way or approved access easement.

(7) Building height limitations in the zoning districts in which a telecommunications facility or alternative tower structure is located shall not apply to such facilities and structures; provided, however, sound engineering evidence must demonstrate that proposed tower height is the minimum necessary to achieve parity.

(8) Telecommunications towers located within zoning districts requiring board approval shall be located on a lot occupied by a principal use that consists of an institutional, professional, commercial, or industrial use and shall not be located within the front yard area, unless waived by the building and zoning department or planning board or board of commissioners in accordance with section 14-143.

(c) Regulatory compliance

(1) All towers and antennae must meet or exceed current standards and regulations as set forth by the FAA, the FCC and any other agency of the state or federal government with the authority to regulate communication towers and antennae. If said standards and regulations are modified then the owners of the communication towers and antennae governed by this article shall bring such communications towers and antennae into compliance with such revised standards and regulations within six months of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency.

(2) Tower owners shall provide documentation showing that each communication tower is in compliance with all federal and state requirements. Evidence of compliance must be submitted every 12 months.

(d) Security. A chain link fence or wall not less than eight (8) feet in height, from finished grade equipped with an appropriate anti-climbing device shall be provided around each communication tower, or the communication center. Access to the tower(s) shall be through a locked gate. Damaged fencing must be repaired or replaced within 30 days from when the damage occurred.

Communication towers shall be enclosed by decay resistant security fencing not less than eight feet in height and shall be equipped with an anti-climbing device; provided, however, the board of commissioners may waive such requirements for alternative structures.
(e) **Lighting.** No illumination is permitted on an antenna or tower unless required by the FCC, FAA, or other state or federal agency of competent jurisdiction in which case the administrator may review the available lighting alternatives and approve the design that would cause the least disturbance.

(f) **Signs and Advertising.** Neither the tower nor the tower site shall be used for advertising purposes nor contain any signs for the purpose of advertising. A small sign may be placed on the entrance gate not to exceed four (4) square feet in total area. All signage must be in accordance with Effingham County Ordinances.

(g) **Visual impact.**

1. Communication towers shall follow FAA painting requirements or FAA published standards for finish color.

   Unless otherwise required by the FAA or other applicable authority, all towers shall be unmarked and shall maintain a galvanized finish or be painted a neutral color, such as blue, gray, or black. If an antenna is installed on a structure other than a tower, the administrator may require the antenna and related equipment to be of a neutral color that is compatible with the color of the supporting structures so as to make the antenna and related equipment as visually unobtrusive as possible, camouflaged towers designed to look like trees or other vegetation shall be exempt from the requirements of this subsection.

2. At a tower site the design of the buildings and related structures shall, to the extent possible, use materials, colors, textures, screening, and landscaping that will blend the tower facility to the natural setting.

3. Towers clustered at the same site shall be of similar height and design.

4. Towers shall be the minimum height necessary to provide parity with existing similar tower supported antenna, and shall be freestanding where the negative visual effects are less than would be created by use of a guyed tower.

(h) **Landscaping.** Landscaping shall be used to screen the view of the tower compound from adjacent public ways, public property, and residential property and shall consist of the following:

1. A landscaped buffer area a minimum of ten feet in width shall be maintained around the exterior of the security fencing.

2. The buffer area is to consist of materials of the evergreen variety which can be expected to grow to form a continuous hedge of at least five feet in height within two years of planting.

3. Native vegetation on the site shall be preserved to the greatest practical extent. The applicant shall provide a site plan showing existing significant vegetation to be removed, and vegetation to be replanted to replace that which was lost.

4. Trees and scrubs in the vicinity of the guy wires shall be of a kind that would not exceed 20 feet in height or would not affect the stability of the guys, should they be uprooted, and shall not obscure visibility of the anchor from the transmission building or security facilities and staff/maintenance.

5. In lieu of these standards, the administrator may allow use of an alternate detailed plan for landscape and screening, however, such plans must be prepared by a registered landscape architect and satisfy the requirements of this subsection, except cases in which lesser requirements are desirable for adequate visibility for security purposes and/or for continued operation of existing bona fide agricultural or forest uses such as farms, nurseries, and tree farms. In certain locations where the visual impact of the tower would be minimal, such as
remote agricultural or rural locations or developed heavy industrial areas, the landscaping requirements may be reduced or waived by the administrator.

(i) Principal, accessory, and joint uses.

(1) Accessory structures used in direct support of a tower shall be allowed but not used for offices, vehicle storage, or other outdoor usage. Mobile or immobile equipment not used in direct support of a tower facility shall not be stored or parked on the tower site, unless repairs to the tower and/or related equipment are being made.

(2) Towers may be located on sites containing another principle use in the same buildable area. As long as all of the other siting, setback, separation, and general requirements of this article are met, towers may occupy a parcel meeting the minimum lot size requirements for the zoning district in which it is located. The minimum distance between a tower and other principal use located on the same lot shall be for a monopole or lattice tower the greater of 20 percent of the tower height or 25 feet and for a guy tower the greater of 100 percent breakpoint or 25 feet. If applicant's engineer certifies a fall zone or separation greater than listed above, the engineer's specification governs. The aforementioned separation requirements are required to assure compatibility of land uses and to provide for the health, safety, and welfare of individuals and structures occupying the same site.

(3) Joint use of a site is prohibited when a proposed or existing principal use includes the storage, distribution, or sale of volatile, flammable, explosive, or hazardous materials, including but not limited to propane, gasoline, natural gas, and dangerous chemicals.

(j) Historic sites. Telecommunications facilities shall not be attached to the facade or parapet of any architecturally or historically significant building or structure located in a recognized historical area. Antennae shall be permitted only on rooftops of buildings and structures a minimum of 50 feet in height, provided that such attachments shall not be visible from adjacent pedestrian walkways or streets, do not adversely impact the structural integrity or significance of the building or structure, and so long as the addition of said antenna adds no more than 20 feet to the height of the structure.

(k) Adherence to FAA regulations. The passage of the ordinance from which this article derives requires adherence to Part 77 of the Federal Aviation Regulations and that all placement of towers and antennae must be approved by the FAA before a building permit or placement is allowed. This approval is generally granted by the completion of form "FAA Form 7460-1 Notice of Proposed Construction or Alteration" or its equivalent.

Sec. 14-135. - Shared use/colocation.

New telecommunications tower sites shall be developed with the capacity to provide shared use or colocation among two or more providers. New telecommunications towers designed for the sole use of a single provider shall be prohibited multiple providers shall be encouraged.

(1) Applicants for new telecommunications tower construction shall document specific intent to permit the shared use/colocation of such facilities with the apparatus/equipment of other commercial wireless telecommunications providers. All applicants shall identify how the applicant will make available such shared use/colocation of the tower and site, including the identification of space suitable for additional equipment.

(2) Applicants for telecommunications towers in locations where there is not technically available space for colocation or shared use shall demonstrate in writing to the development services building and zoning department that no existing tower or alternative tower structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no existing
tower or alternative tower structure can accommodate the proposed antenna shall consist of any of the following documentation:

a. No existing telecommunications facilities or alternative tower structures are located within the geographic area necessary to meet the applicant's engineering requirements.

b. Existing telecommunications facilities or alternative tower structures have insufficient height and cannot be modified to accommodate the applicant's engineering requirements.

c. Existing telecommunications facilities or alternative tower structures do not possess sufficient structural integrity or strength and cannot be modified in such a manner that would support the proposed antenna and related equipment.

d. The proposed antenna would cause interference with the antennae on the existing tower or alternative tower structure, or the antennae on the existing tower or alternative tower structure would cause interference with the applicant's proposed antenna.

(3) Applicants for telecommunications towers in locations where there is not financially feasible available space for shared use/colocation shall demonstrate in writing to the development services building and zoning department that the fees, costs, or contractual provisions required by the owner in order to share an existing tower or alternative tower structure or to adapt an existing tower or alternative tower structure for shared use/colocation exceed 60 percent of the cost of construction of a new telecommunications tower.

(4) Alternative tower structure (accessory use). The construction of a tower as an accessory use to a principal use (alternative tower structure) in a zoning district not permitting wireless telecommunications towers shall comply with the following:

a. Written documentation shall be provided explaining the need for such tower, how the proposed tower relates to the primary purpose and function of the principal use and identifying the location of the alternative tower structure's antenna on the proposed tower.

b. The accessory tower shall be maintained for the needs of the alternative tower structure. An accessory tower use shall not be exclusively used for the leasing of space to commercial interests.

c. The principal use (alternative tower structure) and the accessory tower shall be under the same ownership.

d. The construction of accessory towers for leasing to commercial interests shall be prohibited on properties where the alternative tower structure is scheduled to be closed or changed into a use that would not permit antenna placement.

e. Such accessory towers shall be monopoles not exceeding height recommendations stated in the applicant's engineering requirements.

Sec. 14-137. - Application procedures.
Application for a building permit for any communication tower or use of an alternative tower structure shall be made to the administrator. An application will not be considered unless it contains the following:

(1) An inventory of the applicant's existing towers that are either within the jurisdiction of the governing authority or within one mile of the border thereof, including detailed information as to the location, height, and design of each tower.
(2) A Site plan or plans to scale specifying the proposed location and dimensions of tower(s), size of accessory buildings or uses, access, easements, fences, existing structures within two hundred and fifty (250’) feet of the proposed site on the property on which the tower will be located including the access drive and the intersection with the public street or county road system, landscaping plans, existing and adjacent land uses, and a utilities inventory indicating the location of all drainage, power lines and other items impacting the proposed tower site.

(3) An inventory of public and private airstrips and farm land, including tower site distance from such properties and facilities.

(4) A report from a professional structural engineer licensed in the state, documenting the following:
   a. Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design.
   b. Total anticipated structural capacity of the tower, including number and types of antennas which can be accommodated.
   c. Evidence of the structural integrity of the tower.
   d. Failure characteristics of the tower and demonstration that site, setbacks, and separation distances are of adequate size and distance.

(5) Written statements from the FAA, FCC, and any appropriate state review authority stating that the proposed tower complies with regulations by that agency or that the tower is exempt from those regulations.

(6) Evidence of the lack of space on all suitable existing towers to locate the proposed antenna and of the lack of space on existing tower sites to construct a tower for the proposed antenna.

(7) A list of all adjacent property owners and mailing addresses when variances are required or requested for new tower construction.

(8) Any other information may be requested by the administrator to accurately evaluate and review the application and the potential impact of a proposed tower and/or antenna.

Sec. 14-138. - Variances.
   (a) The planning board may recommend that the board of commissioners grant a variance from the requirements of this article upon a finding that such variance would:
      (1) Be necessary because of the location of existing land uses or other features on or adjacent to the telecommunications facility location site.
      (2) Be necessary due to geography, topography, or other unusual conditions.
      (3) Be consistent with the character of the area.
      (4) Have a minimal visual impact on adjacent properties.
      (5) Not be contrary to the purposes and intent of these regulations.
      (6) Not be detrimental to existing or proposed land uses.
      (7) Serve public purposes to a degree equal to or greater than the standards replaced.
      (8) Accommodate shared use or colocation of telecommunications facilities.

   (b) Variance. The standards and procedures for granting and denying a variance request in article VII of the Effingham County zoning ordinance shall be applicable to this article.
Sec. 14-139. - Removal of antennae and towers.
(a) Any telecommunications facility found not to be in compliance with these regulations or found to constitute a danger to persons or property, shall, upon notice, be brought into compliance or removed within 90 days. Any tower or antenna that is not in use for 12 consecutive months shall be considered abandoned and the owner of such tower or antenna shall remove the same within 90 days of receipt of notice from the administrator. Owners of telecommunications towers shall provide the administrator with a copy of any notice to the FCC concerning the intent to cease operations. The copy shall be given to the administrator at the same time that such notice is submitted to the FCC.

(b) If the owner of an abandoned tower or antenna wishes to use such abandoned tower or antenna, the owner first must apply for and receive all applicable permits and meet all conditions of this article as if such tower were a new tower or antenna.

Sec. 14-140. - Pre-existing towers/nonconforming uses.
(a) Any communications tower operative on January 5, 1999, shall be allowed to continue its present usage as a nonconforming use in accordance with article III, section 3.11 of the county zoning ordinance. New construction other than routine maintenance on an existing communication tower shall comply with the requirements of this article.

(b) All communication towers legally existing at the effective date of this ordinance shall be considered legal non-conforming uses and will be allowed to continue their usage as they presently exist: provided however, any structural modifications (adding to the height of an existing tower of more than fifty (50) feet), shall comply with the requirements of this Ordinance and other applicable County Ordinances.

(c) A communication tower that has received county approval in the form of a building permit or conditional use rezoning exception, but has not yet been constructed or placed in operation, shall be considered an existing tower so long as such approval is current and not expired.

Sec. 14-141. - Enforcement.
(a) Provisions of article declared to be minimum requirements. In their interpretation and application, the provisions of this article shall be held to be the minimum requirements adopted for the promotion of public health, safety, and general welfare.

(b) Penalties for violation:

(1) Any person or entity that violates any provision of this article or fails to comply with the requirements thereof shall, upon conviction, be fined not more than $1,000.00 or imprisoned in the county jail for not more than 60 days, or both, and in addition pay the cost of such action. Each day such violation continues shall be considered a separate offense. The owner, lessee, and any person who commits or participates in, assists in, or maintains any such violation may each be found guilty of a separate offense and suffer the penalties herein provided.

(2) If any structure is or is proposed to be erected, constructed, reconstructed, altered, converted, or maintained, or any structure or lot is proposed to be used in violation of this article, the board of commissioners, planning board, county manager administrator, county attorney, building official, zoning administrator, or other authorized county officer or employee, may
institute an action seeking a restraining order, temporary or permanent injunction, mandamus, or other appropriate action.

Sec. 14-142. - Public safety telecommunications.
(a) Towers erected by a governmental entity for police, fire, EMS, 911, or other similar public safety telecommunications shall be exempt from the requirements of this article.
(b) Commercial telecommunications providers shall give priority to and make reasonable efforts to accommodate requests by governmental entities for tower space needed for public safety telecommunications. If such a request is denied, the commercial telecommunications provider shall reasonably demonstrate why it is not feasible to grant the request.

Sec. 14-143. - Liability.
This article is remedial in nature and shall be construed to secure such beneficial interests and purposes thereof, which are public safety, health, and general welfare. This article shall not be construed as imposing upon the board of commissioners or any of its employees or agents any liability or responsibility for damages to any person or property in any way caused by or connected with a tower, antenna, or telecommunications facility governed by this article. Nor shall the governing authority or any of its employees or agents be held as assuming any such liability or responsibility by reason of inspections conducted or permits granted, denied, or approved.

Sec. 14-144. - Miscellaneous.
(a) Exemptions. Antennae or towers located on property owned, leased, or otherwise controlled by the board of commissioners shall be exempt from the requirements of this ordinance, provided a license or lease authorizing such antenna or tower has been approved by the board of commissioners.
(b) Severability. If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutionsal by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions hereof.
(c) Repeal of laws in conflict. This article supersedes all ordinances or parts of ordinances adopted prior hereto which are in conflict herewith, to the extent of such conflict.
(d) Effective date. This article shall take effect immediately upon adoption.

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

This ___ day of ____________, 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA

BY: ______________________________
CHAIRMAN
Staff Report
Subject: Amendment to Part II, Appendix C, Article V – Uses Permitted in Districts
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Consideration to approve the First Reading of an amendment to Part II, Appendix C, Article V – Uses Permitted in Districts, Section 5.9 and 5.10.

Summary Recommendation: Staff has added Telecommunications Towers as a new permitted use in Section 5.9 (B-1), and removed Telecommunications Towers as a conditional use in Section 5.10 (B-2), and recommends approval of the revised ordinance language that will protect the integrity of adjacent properties and enhance telecommunications service options for the community.

Executive Summary/Background:
- Part II, Appendix C, Article V – Uses Permitted in Districts excludes telecommunications towers as a permitted use in section 5.9 – B-1 Neighborhood Commercial Districts
- Part II, Appendix C, Article V – Uses Permitted in Districts includes telecommunications towers as a conditional use in section 5.10 – B-2 General Commercial Districts
- Telecommunications companies periodically request rezoning of tower lots located in the AR-1 zoning district, based on coverage requirements. The current ordinance allows towers only in B-2 and I-1, which results in tower lots zoned B-2 and I-1 in agricultural areas.
- The resulting zoning changes lead to the appearance of commercial and industrial land uses in the AR-1 zoning district, which leads to additional requests for commercial and industrial zoning changes nearby.
- Allowing telecommunications towers by right in the B-1, B-2, and B-3 zoning districts eliminates the problem of incompatible zoning of tower lots in the AR-1 zoning district.
- Staff has added Telecommunications Towers to the list of permitted uses in section 5.9 – B-1 Neighborhood Commercial Districts
- Staff has removed telecommunications towers as a conditional use in section 5.10 – B-2 General Commercial Districts.
- The County Attorney has reviewed and approved the ordinance as to form.
- This item was postponed at the October 6, 2020 meeting.

Alternatives for Commission to Consider
1 – Approve the First Reading of an amendment to Part II, Appendix C, Article V – Uses Permitted in Districts, Sections 5.9 and 5.10
2 – Take no action.

Recommended Alternative:
Alternative 1

Other Alternatives: N/A
Department Review: Development Services; County Attorney

Funding Source: N/A
Attachments:
1. Article V – Uses Permitted in Districts (B-1, B-2)
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 Section 5.9.1 Permitted Uses excludes Telecommunications Towers in the B-1 zoning district, and the existing language in Section 5.10.2 Conditional Uses limits Telecommunications Towers to a Conditional Use in the B-2 zoning district, leading to spot zoning of tower lease areas in residential zoning districts, which can be avoided by allowing telecommunications towers as permitted uses in all zoning districts; and

WHEREAS, new Telecommunications Regulations language will specify requirements for safety standards and design that protect the integrity of the surrounding properties, and ensure sustainability and compatibility with neighborhood characteristics, while enhancing telecommunications service options for the community; 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 has revised the existing Zoning Ordinance sections regarding the requirements for the location of Telecommunication Towers.

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

This district is designed for small scale retail and service businesses that primarily cater to the surrounding residential neighborhoods.

- Personal and professional services (including clinics and studios).
- Cafes, and restaurants.
- Private clubs, lodges, community centers.
- Dry cleaning outlets.
- Convenience stores (retail) without gas pumps.
- Child care centers.
- Libraries.
- Residential units above commercial units.
- Site-built single-family detached buildings.
- Government-owned utilities.
- Bed and breakfast lodging facility.
- **Telecommunications towers.**

5.10.2 **Conditional uses.** The following uses may be permitted in accordance with the provisions of section 7.1.6 in the general commercial (B-2) district on a conditional basis upon approval by the county commission after review by the planning board.

- Wholesale operations.
- Commercial parking areas.
- Funeral homes.
- **Telecommunications Towers.**
- Crematoriums.
- Automobile service.
- Mobile offices.
- Museums.
- Schools.
- Churches.
- Hospitals.
- Nursing homes.
- Cemeteries.

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

This ___ day of ____________, 20__.

BOARD OF COMMISSIONERS,
EFFINGHAM COUNTY, GEORGIA
This item was postponed October 6th to the October 20, 2020 meeting. This ordinance will be removed from the agenda at the meeting, as it is no longer needed.

BY: ______________________________
CHAIRMAN

ATTEST:

___________________________
STEPHANIE JOHNSON
EFFINGHAM COUNTY CLERK

FIRST READING

SECOND READING
Staff Report

Subject: Amendment to Part II, Appendix C, Article V – Uses Permitted in Districts
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Consideration to approve the First Reading of amendments to Part II, Appendix C, Article V – Uses Permitted in Districts, Section 5.1.

Summary Recommendation: Staff has added Telecommunications Towers as a new conditional use in Sections 5.1 AR-1 Agricultural Residential Districts and 5.2 AR-2 Agricultural Residential Districts, and recommends approval of the revised ordinance.

Executive Summary/Background:
- Part II, Appendix C, Article V – Uses Permitted in Districts does not include telecommunications towers as either a permitted or conditional use in 5.1 AR-1 Agricultural Residential Districts or 5.2 AR-2 Agricultural Residential Districts
- Telecommunications companies periodically request to locate tower lots in the Agricultural Residential zoning districts, based on coverage requirements. The current ordinance allows monopole towers only in B-2, B-3, and I-1, and self-supporting guyed and lattice towers in I-1, which results in requests for tower lots zoned B-2 and I-1 in agricultural areas.
- The resulting zoning changes lead to the appearance of commercial and industrial land uses in the Agricultural Residential zoning districts, which leads to additional requests for commercial and industrial zoning changes nearby.
- Allowing telecommunications towers as a conditional use in the Agricultural Residential zoning districts eliminates the problem of incompatible commercial and industrial zoning of tower lots within the Agricultural Residential zoning districts, while still allowing for review and conditions, as appropriate.
- Staff has added Telecommunications Towers as a new section under conditional uses in Sections 5.1 AR-1 Agricultural Residential Districts and Section 5.2 AR-2 Agricultural Residential Districts.
- The County Attorney has reviewed and approved the ordinance as to form.

Alternatives for Commission to Consider
1 – Approve the First Reading of amendments to Part II, Appendix C, Article V – Uses Permitted in Districts, Section 5.1 and Section 5.2
2 – Take no action.

Recommended Alternative: 1

Other Alternatives: N/A

Department Review: Development Services; County Attorney

Funding Source: N/A
Attaches:
1. Article V – Uses Permitted in Districts Section 5.1 and Section 5.2
AMENDMENT TO PART II, APPENDIX C, 
ARTICLE V OF THE EFFINGHAM COUNTY ZONING ORDINANCE

AN ORDINANCE TO AMEND ARTICLE V 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, telecommunications towers are currently limited to B-2, B-3, and I-1 zoning districts, leading to spot zoning of tower lease areas in the Agricultural Residential zoning district, which can be avoided by allowing telecommunications towers as a conditional use in the AR-1 and AR-2 zoning districts; and

WHEREAS, new Telecommunications Regulations language will specify requirements for safety standards and design that protect the integrity of the surrounding properties, and ensure sustainability and compatibility with neighborhood characteristics, while enhancing telecommunications service options for the community; 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 has revised the existing Zoning Ordinance section regarding the requirements for the location of Telecommunication Towers.

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

The text of section 5.1.2 Conditional Uses is deleted in its entirety and replaced with the following:

Page 1 of 4
5.1 AR-1 Agricultural Residential Districts

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.

5.1.2.1 Commercial riding stables, provided that no building or enclosure for animals is located closer than 100 feet from any property line and the requirements of section 3.33 are met.

5.1.2.2 Cemeteries, when accessory to and on the same property as a permitted use in the agricultural residential district.

5.1.2.3 Commercial recreational facilities that do not have more than five percent of impervious surface coverage.

5.1.2.4 Rural business, as provided in article III, section 3.15B.

5.1.2.5 One additional single-family detached dwelling and its customary uses, provided that said dwelling meets all state and county health requirement, unless prohibited by other applicable laws or regulations, and provided the additional dwelling is inhabited by a person who is related to the owner of the real property in one of the following ways: parent, child, grandparent, grandchild, sister, or brother. The zoning administrator shall administer this conditional use.

5.1.2.6 Day care facilities.

5.1.2.7 Airfields for general aviation purposes, together with subordinate uses.

5.1.2.8 Impervious lot coverage over 45 percent.

5.1.2.9 Solar farms. An array of solar panels that is not an accessory to other uses on the property provided that the array meets all applicable buffer requirements; no new roads may be created for this use. The structures must meet all wind load requirements as referenced in the building code.

5.1.2.10 Private and public events venue. Any organized activity having as its purpose entertainment, recreation and/or education, such as a festival or celebration, concert, foot or vehicle race, parade or march, rally or assembly which takes place on a public street, sidewalk or right-of-way, or occurs on private property and impacts government services on public rights-of-way. This includes locations that are in the business of renting out their location to hold private and public functions. The property must be at least 5 acres in size.

(1) General operating regulations. The following operating regulations shall be enforced by the permittee:

(a) No musical entertainment, either live or recorded, utilizing sound amplification equipment, shall be in violation of [Chapter 30], Article II, Noise Control.

(b) No event shall be presented between the hours of 11:00 p.m. and 9:00 a.m. unless otherwise approved by the board of commissioners.

(c) Camping on site by persons attending an event is permitted; provided that no on site camping shall be permitted more than two days prior or two days after an event.

(d) Handicapped access shall be provided to activities that are open to the public.

(e) Events and activities shall be accessible to emergency and service vehicles.

(f) Adequate toilet facilities and trash receptacles shall be provided for all events.
The burden of preserving order during the concert or special event is upon the permittee.

2) Revocation of permit. The board of commissioners may revoke permission for any proposed event or order that an event be discontinued immediately if, in the sole judgement of the board of commissioners, the event will disrupt traffic within the unincorporated area of Effingham County beyond practical solution; the event will interfere with access to fire stations and fire hydrants; the event will require the diversion of so many public employees that allowing the event would unreasonably deny service to remainder of the county; or the event might otherwise interfere with the welfare, peace, safety, health, good order and convenience of the general public.

3) Exemptions. The following special events are exempt from the provisions of this article:
   a) Special events occurring on private property used and occupied as a private residence, which special event is hosted by at least one of the occupants of such private residence, regardless of the number of attendees;
   b) Special events occurring upon a city or county-owned sports facility, including without limitation, a ball field, tennis court or pool, provided that the special event constitutes a use for which the sports facility was intended, and regardless of the number of attendees;
   c) Special events hosted by a church on property owned by the church, but only if the property is used on a regular basis, at least bi-monthly, to conduct worship services, and regardless of the number of attendees;
   d) Events hosted by a school on property owned by the school or a governmental entity, provided that the property is used on a regular basis, at least weekly, to conduct classes; and
   e) A governmental agency acting within the scope of its agency.

5.2.1.2.11 Telecommunications Towers

The text of section 5.2.2 is deleted in its entirety and replaced with the following:

5.2 - AR-2 Agricultural residential districts.

5.2.1 Permitted uses.

5.2.1.1 Class A single-family detached dwellings and their customary uses on the basis of one dwelling for each 43,560 square feet of land under the same ownership and 100 feet of frontage on a public street.

5.2.1.2 All uses permitted in section 5.1 except uses specified in subsections 5.1.1.2, 5.1.1.3, and 5.1.2.11.

5.2.1.3 Government-owned utilities, except publicly-owned treatment plants permitted by the State of Georgia and water storage facilities in excess of 1,000,000 gallon capacity, provided that wells, pump stations, meter stations, and water storage facilities must be enclosed by a painted or chain-link fence or wall at least six feet in height above finished grade and provided there is neither office nor commercial operation nor storage of vehicles or equipment on the premises.
5.2.2 Conditional uses.

5.2.2.1 Day care facilities may be permitted in agricultural residential (AR-2) districts on a conditional basis in accordance with the provisions of section 7.1.6 upon approval by the county commissioners after review by the planning board.

5.2.2.2 Class B single-family detached dwellings may be permitted in agricultural residential (AR-2) districts upon approval of the planning board in accordance with the provisions of article III, section 3.2 of the Housing Ordinance of Effingham County, Georgia.

5.2.2.3 Rural businesses, as provided in article III, section 3.15B.

5.2.2.4 Bed and breakfast lodging facility may be permitted in the AR-2 districts on a conditional basis where they are not located in a major subdivision and upon approval of the board of commissioners after review by the planning board.

5.2.2.5 Telecommunications Towers

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: Speed Limit Reduction on Rahn Station Road @ Hwy21
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: October 20, 2020

Item Description: Consideration to approve the First Reading of a Speed Zone Ordinance to reduce the existing vehicular speed limit on Rahn Station road as it approaches Hwy 21 from 55 MPH to 45 MPH

Background: The approach to the Hwy 21 intersection on Rahn Station Road is currently 55 MPH. Due to the pending project of a Love’s Truck Stop at the northwest corner of the intersection, the applicant performed a Traffic Study for the purposes of analyzing the safe ingress and egress of traffic at the site. The study recommended a reduction of the existing speed limit on Rahn Station Road as it approaches Hwy 21 to more safely address the entering and exiting of trucks at the facility with the vehicular traffic on Rahn Station Road. County staff has provided the documentation of the speed limit reduction to the Effingham County’s Sheriff’s office and have received their concurrence with this reduction.

Summary Recommendation: County Engineering recommends approval of the speed limit reduction from 55 MPH to 45 MPH as recommended by the Applicant’s traffic study findings. The Applicant will be responsible for the installation of the speed reduction signage on the road in accordance with the County requirements.

Alternatives for Commission to Consider
1. Approve the Staff Recommendation for Approval of the speed limit reduction
2. Reject the Staff’s recommendation

Recommended Alternative: Approve Alternate 1.

Other Alternatives: None

Department Review: Engineering

Funding Source: none

Attachments:
1. Speed Zone Ordinance
2. Traffic Study
3. Exhibit indicating speed limit reduction area
STATE OF GEORGIA
COUNTY OF EFFINGHAM

SPEED ZONE ORDINANCE

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS, in regular meeting assembled and pursuant to lawful authority thereof, as follows:

Pursuant to Official Code of Georgia Annotated §40-6-183 concerning Local Authorities’ power to alter speed limits, the following ordinance regulating speed limits within the County of Effingham, Georgia is adopted.

Be it ordained that the following speed zone is established:

Rahn Station Road

• Reduction of speed limit from the existing 50 MPH to 45 MPH at the approach to the Hwy 21 intersection.

Signs to be erected by Effingham County.

Be it ordained that any person convicted of a violation of the Ordinance shall be punished as provided by law.

All ordinances and parts of ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall become effective when appropriate signs are erected.

This ________ day of _________, 2020

____________________________________
Wesley M. Corbitt, Chairman
Effingham County Board of Commissioners

ATTEST:

__________________________________
Stephanie D. Johnson, County Clerk

First Reading Approved ______________
Second Reading Approved ____________
September 2, 2020

Effingham County Development Services
601 N. Laurel Street
Springfield, GA 31329
Attn: Mr. Charlie George
Development Services Director/Engineer

Re: Love's Travel Stops & Country Stores – Speed Limit Reduction Request
CEG Project # 2019005.00

Dear Mr. George,

As recommended in the traffic Impact Study (previously submitted) prepared by Kimley-Horn, dated September 1, 2020, we respectfully request approval to reduce the speed limit from 55 mph as currently posted to 45 mph within the limits shown on the attached map. If approved, Love’s will install the required speed reduction signage during construction.

The request is due to the transition from rural into a more urban type environment along with the approach to the major intersection of GA 21 and to ensure the safe egress and ingress of traffic at the development’s site driveways.

During Love’s construction a portion of Rahn Station Road will be reconstructed utilizing the pavement design required to support the expected semi-truck traffic. Rahn Station Road will also be widened to include 4-foot-wide paved shoulders and right turn lanes at the two proposed driveways. The Rahn Station Road improvements will be submitted to you for approval once plans are completed. Construction will also improve the radii at the intersection of Rahn Station Road and GA 21 to allow semi-truck turning movements and to prevent truck off-tracking the pavement. The GA 21 intersection improvements will be submitted to GDOT for approval. I’ve included conceptual plans of the proposed improvements for reference.

We appreciate your consideration in this matter. Should you have any questions or concerns, please do not hesitate to call my office to discuss.

Sincerely,

Stacy A. Pippin
Chipola Engineering Group, Inc.
Phone (850) 372-4045
Cell 850) 933-1219
spippin@chipolaeg.com

P:\M2019005.00 (Springfield)\Documents\Love’s Speed Reduction Request.docx
TRAFFIC IMPACT STUDY

Love's Travel Stop and Country Store
SPRINGFIELD, GEORGIA

Prepared for:
Love's Travel Stops & County Stores, Inc.
SEPTEMBER 2020

Prepared By:
Kimley-Horn
TRAFFIC IMPACT STUDY

Love's Travel Stop and Country Store
SPRINGFIELD, GEORGIA

Prepared for:
Love's Travel Stops & County Stores, Inc.
SEPTEMBER 2020

Prepared By:
Kimley-Horn

Ryan S. Wetherell, PE
Georgia License Number PE42956
Kimley-Horn and Associates, Inc.
189 South Orange Avenue, Suite 1000
Orlando, Florida 32801
407.898.1511 tel

Date: September 1, 2020
EXECUTIVE SUMMARY

This Traffic Impact Study has been performed for the proposed development, Love's Travel Stop, located along Georgia State Route (GA) 21, northwest of the intersection with Rahn Station Road/Ebenezer Road in Springfield, Georgia.

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) trucks bays for fueling. A project site plan is included in Appendix A. The proposed development is expected to be completed and fully operational by year 2021.

The intersection of GA 21 and Progress Drive is below an acceptable Level of Service (LOS F) during both the AM and PM peak hour for eastbound stop-controlled approach for both AM and PM in the existing, background, and build conditions. It is not uncommon for elevated levels of delay to be experienced during peak conditions at stop-controlled intersections and signalization or other operation improvements not be warranted. The delay occurs during the existing and background conditions; however, based on the width of the median there is adequate space for vehicles to make a two-stage crossing maneuver. A peak hour signal analysis was conducted for this intersection and a signal is not warranted. All other intersections are anticipated to operate at an acceptable LOS during both the AM and PM peak hour at project buildout in year 2021.

A left-turn lane warrant evaluation was conducted for Driveway #2 and #3, since Driveway #1 is right-turn only ingress and egress, and a dedicated left-turn lane is not warranted for either. A right turn-lane warrant evaluation was conducted for Driveways #1, #2, and #3 and a right-turn lane is warranted for Driveways #1 and #2. The analysis determined that right-turn lanes of 360 feet are warranted for each at a posted speed limit of 55 mph. In addition, per GDOT's Regulations for Driveway and Encroachment Control, a minimum driveway spacing of 350 feet is required with a posted speed limit of 55 mph.

However, due to the transition from rural into a more urban type environment along with the approach to the major intersection of GA 21, it is recommended that the speed limit be reduced along Rahn Station Road to a maximum of 45 mph to ensure the safe egress and ingress of traffic at the development's site driveways. Should the County allow the reduction of the speed limit along this section of Rahn Station Road, the warrants and configurations for the turn lanes will be reevaluated.
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>EXECUTIVE SUMMARY</td>
<td>1</td>
</tr>
<tr>
<td>INTRODUCTION</td>
<td>1</td>
</tr>
<tr>
<td>Purpose of Study</td>
<td>1</td>
</tr>
<tr>
<td>Study Methodology</td>
<td>1</td>
</tr>
<tr>
<td>Development Information</td>
<td>1</td>
</tr>
<tr>
<td>Scoping Methodology Coordination</td>
<td>1</td>
</tr>
<tr>
<td>Site Access</td>
<td>1</td>
</tr>
<tr>
<td>Study Area</td>
<td>4</td>
</tr>
<tr>
<td>EXISTING CONDITIONS</td>
<td>5</td>
</tr>
<tr>
<td>Road Network</td>
<td>5</td>
</tr>
<tr>
<td>Traffic Data</td>
<td>5</td>
</tr>
<tr>
<td>BACKGROUND CONDITIONS</td>
<td>8</td>
</tr>
<tr>
<td>Background Traffic Growth</td>
<td>8</td>
</tr>
<tr>
<td>PROJECT TRAFFIC</td>
<td>10</td>
</tr>
<tr>
<td>Trip Generation</td>
<td>10</td>
</tr>
<tr>
<td>Trip Distribution and Assignment</td>
<td>11</td>
</tr>
<tr>
<td>FUTURE CONDITIONS</td>
<td>15</td>
</tr>
<tr>
<td>Turn-Lane Evaluations</td>
<td>15</td>
</tr>
<tr>
<td>CAPACITY ANALYSIS</td>
<td>17</td>
</tr>
<tr>
<td>Highway Capacity Manual (HCM) Methodology</td>
<td>17</td>
</tr>
<tr>
<td>Control Delay</td>
<td>17</td>
</tr>
<tr>
<td>LOS</td>
<td>17</td>
</tr>
<tr>
<td>Intersection Analysis</td>
<td>19</td>
</tr>
<tr>
<td>RECOMMENDATIONS</td>
<td>21</td>
</tr>
<tr>
<td>APPENDICES</td>
<td>22</td>
</tr>
<tr>
<td>Appendix A: Site Plan</td>
<td></td>
</tr>
<tr>
<td>Appendix B: Traffic Data</td>
<td></td>
</tr>
<tr>
<td>Appendix C: Trip Generation Worksheets</td>
<td></td>
</tr>
<tr>
<td>Appendix D: Turn-Lane and Signal Analyses</td>
<td></td>
</tr>
<tr>
<td>Appendix E: Synchro Summaries</td>
<td></td>
</tr>
</tbody>
</table>
LIST OF FIGURES

Figure 1. Project Location (Zoomed Out) .................................................. 2
Figure 2. Project Location (Zoomed In) .................................................. 3
Figure 3. Existing 2020 Intersection Geometry ..................................... 6
Figure 4. Existing 2020 Peak Hour Traffic Volumes ............................ 7
Figure 5. Background 2021 Peak Hour Traffic Volumes ..................... 9
Figure 6. Trip Distribution – Heavy Vehicles ...................................... 12
Figure 7. Trip Distribution – Passenger Cars ...................................... 13
Figure 8. Project Trips ................................................................. 14
Figure 9. Future 2021 Peak Hour Traffic Volumes ............................. 16

LIST OF TABLES

Table 1. Study Intersections ............................................................. 4
Table 2. Roadway Characteristics .................................................... 5
Table 3. Intersection Peak Hours .................................................... 5
Table 4. Trip Generation ............................................................... 11
Table 5. Signalized Intersection Level of Service ............................ 17
Table 6. Unsignalized Intersection Level of Service ....................... 18
Table 7. Intersection Capacity Analysis Results – AM Peak Hour ...... 20
Table 8. Intersection Capacity Analysis Results – PM Peak Hour ...... 20
INTRODUCTION

Purpose of Study

The purpose of this Traffic Impact Study is to determine the potential future impact of the proposed development at project buildout on the roadway network including the forecasted traffic operations at study area intersections. This study investigates the impacts of the development to determine if the site and surrounding roadway facilities will be able to accommodate the increase in traffic at project buildout with the existing roadway conditions. Based upon this evaluation, recommendations may be developed to mitigate the impacts of the development if the existing roadway network cannot adequately accommodate future traffic conditions.

Study Methodology

This Traffic Impact Study consists of data collection, trip generation, distribution, and assignment, analyses of the study intersections with and without development, and the development of recommendations to mitigate the impacts of the development on the study area roadway network.

Development Information

The proposed development analyzed in this Traffic Impact Study, located in Springfield, Georgia, is along Georgia State Route (GA) 21, northwest of the intersection with Rahn Station Road/Ebenezer Road. The proposed development is anticipated to be completed and fully operational by 2021. The project location is depicted in Figures 1 and 2.

Scoping Methodology Coordination

The methodology for this Traffic Impact Study is consistent with the Highway Capacity Manual (HCM) and with guidance received from coordination with GDOT staff.

Site Access

The proposed development will utilize one (1) driveway located along GA 21 and two (2) driveways located along Rahn Station Drive. Driveway #1 will be utilized for heavy vehicles, right-turning ingress and egress. Driveway #2 will be utilized for passenger vehicles ingress and egress. Driveway #3 will be utilized for heavy vehicles both ingress and egress. The proposed site plan for the development is provided in Appendix A.
Study Area

The study area was determined through coordination with GDOT staff.

The two (2) study intersections and existing traffic controls are summarized in Table 1.

<table>
<thead>
<tr>
<th>Table 1: Study Intersections</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intersection</td>
</tr>
<tr>
<td>--------------------------------</td>
</tr>
<tr>
<td>GA 21 and Progress Drive</td>
</tr>
<tr>
<td>GA 21 and Rahn Station Drive</td>
</tr>
</tbody>
</table>
EXISTING CONDITIONS

Road Network

Roadway geometry and posted speed limits are summarized in Table 2.

<table>
<thead>
<tr>
<th>Roadway</th>
<th>Number of Lanes</th>
<th>Posted Speed Limit (mph)</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA 21</td>
<td>4</td>
<td>55</td>
</tr>
<tr>
<td>Progress Drive</td>
<td>2</td>
<td>30(^1)</td>
</tr>
<tr>
<td>Rahn Station Road/Ebenezer Road</td>
<td>2</td>
<td>55</td>
</tr>
</tbody>
</table>

\(^1\)Speed Limit for urban district road per Georgia standards.

All ingress movements at project driveways operate free of traffic control along GA 21 and Rahn Station Road. Egress movements for Driveway #1 are right-turning yield-controlled and Driveway #2 and #3 are stop-controlled in the buildout condition. Sidewalks and crosswalks are not present along GA 21 within the vicinity of the site.

Traffic Data

Annual Average Daily Traffic (AADT) volumes were obtained from the GDOT Traffic Analysis and Data Application website along roads in proximity to the proposed development. The last five (5) years of data were used to determine the annual growth of the traffic. Growth rates were calculated for five (5) GDOT count stations surrounding the study area, varying from -3.4% to 4.4%. The count stations closest to the site along GA 21 showed 4.0% growth over the last five (5) years which was then chosen to be used as the growth rate.

Turning Movement Counts (TMCs) were collected on Tuesday, February 11, 2020 at each of the existing study intersections. The volumes were collected in 15-minute intervals during the AM (7:00 AM to 9:00 AM) and PM (4:00 PM to 6:00 PM) peak periods.

Intersection peak hours are summarized in Table 3.

<table>
<thead>
<tr>
<th>Intersection</th>
<th>AM Peak Hour</th>
<th>PM Peak Hour</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA 21 and Progress Drive</td>
<td>7:15 – 8:15</td>
<td>4:00 – 5:00</td>
</tr>
<tr>
<td>Georgia State Route 21 and Rahn Station Road/Ebenezer Road</td>
<td>7:15 – 8:15</td>
<td>4:00 – 5:00</td>
</tr>
</tbody>
</table>

The existing intersection geometry is documented in Figure 3, and the existing 2020 peak hour traffic volumes are included in Figure 4. The peak hour turning movement counts are provided in Appendix B.
BACKGROUND CONDITIONS

The background 2021 conditions are defined as the forecasted traffic conditions on the roadway network in year 2021, without the proposed development, including background traffic growth.

Background Traffic Growth

The proposed development is scheduled for completion in year 2021. To determine an appropriate growth rate for the study area, historical traffic data from the GDOT count sites were used to evaluate historic traffic trends and population estimates from the United States Census Bureau were used to evaluate the percent change in the population of the area. A resulting annual growth rate of 4.0% was applied to the existing traffic volumes to take into consideration traffic from any future development. No other specific approved background developments were included in the analysis for this study.

The background 2021 peak hour traffic volumes are included in Figure 5.
PROJECT TRAFFIC

Project traffic used in this analysis is defined as the net new external vehicle trips expected to be generated by the proposed development distributed onto the study area roadway network. The anticipated traffic associated with the proposed development was forecasted using trip generation, trip distribution, and trip assignment.

Trip Generation

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. Traffic expected to be generated by the proposed development was calculated using rates provided in the Trip Generation Manual, 10th Edition, published by the Institute of Transportation Engineers (ITE). These calculations result in the gross trips generated by the site prior to reductions.

Internal capture represents the concept that trips generated by individual land uses within a site may remain internal to the site. Internal capture trip reductions were applied according to the ITE Trip Generation Handbook, 3rd Edition. Total internal capture trip reduction between the twenty-four (24) fueling positions and the fast food restaurants is expected to be 17.0% for the weekday, 13.1% during the AM peak hour and 17.7% during the PM peak hour.

A pass-by trip occurs when a proposed development attracts traffic that is already traveling on a roadway adjacent to the site. The volume associated with the pass-by trips is removed from the through movement and reflected in the appropriate turn movement volume. The standard fueling positions and truck bays, as well as the fast food restaurant land use, were considered for a reduction due to the pass-by concept. The pass-by reduction was taken according to the ITE Trip Generation Handbook, 3rd Edition. The pass-by percentage for the refueling portion of the development is 62% during the AM peak hour and 56% during the PM peak hour. The pass-by percentages for fast food with a drive-through restaurant of the development is 49% during the AM peak hour and 50% during the PM peak. The pass-by trip reduction was capped at 10% of the adjacent street traffic during the background condition.

A diverted trip occurs when trips along an adjacent facility divert to the roadway that contains the site driveway(s). The diverted trip will exit the site, return to the adjacent facility and continue in the same travel direction as prior to diversion. Diverted trips are often difficult to identify due to travel routes of the diverted trips not being clearly established; therefore, the diverted trips are treated as primary trips within the study area of the traffic impact study.

Daily, AM peak hour, and PM peak hour trips for the proposed development were calculated and are summarized in Table 4.
Table 4. Trip Generation

<table>
<thead>
<tr>
<th>Land Use</th>
<th>ITE Code</th>
<th>Daily Trips</th>
<th>AM Peak Hour Trips</th>
<th>PM Peak Hour Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td>Gasoline/Service Station with Convenience Market (16 positions)</td>
<td>945</td>
<td>3,286</td>
<td>200 102 98</td>
<td>224 114 110</td>
</tr>
<tr>
<td>Fast-Food Restaurant with Drive-Through Window (3,000SF)</td>
<td>934</td>
<td>1,413</td>
<td>120 61 59</td>
<td>98 51 47</td>
</tr>
<tr>
<td>Gross Trips</td>
<td></td>
<td>4,699</td>
<td>320 163 157</td>
<td>322 165 157</td>
</tr>
<tr>
<td>Internal Capture Reduction</td>
<td>-946</td>
<td>-42 -21 -21</td>
<td>-66 -34 -34</td>
<td></td>
</tr>
<tr>
<td>Driveway Volumes</td>
<td>3,753</td>
<td>278 142 136</td>
<td>254 131 123</td>
<td></td>
</tr>
<tr>
<td>Pass-By Reduction</td>
<td>-2,045</td>
<td>-16 -8 -8</td>
<td>-15 -8 -7</td>
<td></td>
</tr>
<tr>
<td>Net New External Trips</td>
<td>1,708</td>
<td>262 134 128</td>
<td>239 123 116</td>
<td></td>
</tr>
</tbody>
</table>

Trip Distribution and Assignment

Distribution of project traffic was determined based on the assumed traffic patterns along the study area roadway network. The trips were split between heavy vehicle trips and passenger car trips. Using a previous traffic analysis at an existing travel stop location, the mode split of 35% heavy vehicle trips and 65% passenger car trips was applied to the driveway volumes and new trips. Pass-By Reduction was capped at 10% of adjacent street traffic for the AM and PM peak hours.

The trip distribution for heavy vehicles and passenger cars is illustrated in Figure 6 and Figure 7, respectively. Project trips associated with the proposed development are summarized in Figure 8.

Worksheets that illustrate the trip generation for the proposed development and the volume worksheets for each of the study intersections are provided in Appendix C.
FUTURE CONDITIONS

The future 2021 conditions are defined as the forecasted traffic conditions on the roadway network in the year 2021 with the proposed development. This includes background traffic growth, which accounts for traffic associated with other planned or approved private developments, as well as trips generated by the proposed development.

The future 2021 peak hour traffic volumes are shown in Figure 9.

Turn-Lane Evaluations

In accounting for the variation in length between heavy vehicles and passenger vehicles, a factor of 2.5 was applied to the heavy vehicle volumes utilized in the turn-lane length evaluations to represent a passenger car equivalent.

Criteria for examining left and right-turn lane requirements is provided in the NCHRP Report 457 Evaluating Intersection Improvements – An Engineering Study Guide. A left-turn lane warrant evaluation was conducted for Driveway #2 and #3 and a dedicated left-turn lane is not warranted for either. A right turn-lane warrant evaluation was conducted for Driveways #1, #2, and #3 and a right-turn lane is warranted for Driveways #1 and #2. The analysis determined that right-turn lanes of 360 feet are warranted for each at a posted speed limit of 55 mph. In addition, per GDOT’s Regulations for Driveway and Encroachment Control, a minimum driveway spacing of 350 feet is required with a posted speed limit of 55 mph.

However, due to the transition from rural into a more urban type environment along with the approach to the major intersection of GA 21, it is recommended that the speed limit be reduced along Rahn Station Road to a maximum of 45 mph to ensure the safe egress and ingress of traffic at the development. Should the County allow the reduction of the speed limit along this section of Rahn Station Road, the warrants and configurations for the turn lanes will be reevaluated.

Turn-lane evaluations can be found in Appendix D.
CAPACITY ANALYSIS

Highway Capacity Manual (HCM) Methodology

The Highway Capacity Manual (HCM) 2010 provides insight and guidance on control delay, level of service (LOS), signalized intersection LOS, and unsignalized intersection LOS.

Control Delay:

"Control delay – the delay brought about by the presence of a traffic control device – is the principal service measure in the HCM for evaluating LOS at signalized and unsignalized intersections. Control delay includes delay associated with vehicles slowing in advance of an intersection, the time spent stopped on an intersection approach, the time spent as vehicles move up in the queue, and the time needed for vehicles to accelerate to their desired speed." (Source: HCM 2010, Chapter 4)

LOS:

"LOS is a quantitative stratification of a performance measure or measures that represent quality of service. The measures used to determine LOS for transportation system elements are called service measures. The HCM defines six levels of service, ranging from A to F, for each service measure, or for the output from a mathematical model based on multiple performance measures. LOS A represents the best operating conditions from the traveler’s perspective and LOS F the worst. For cost, environmental impact, and other reasons, roadways are not typically designed to provide LOS A conditions during peak periods, but rather some lower LOS that reflects a balance between the individual travelers’ desires and society’s desires and financial resources. Nevertheless, during low-volume periods of the day, a system element may operate at LOS A." (Source: HCM 2010, Chapter 5).

Signalized Intersection LOS:

The control delay per vehicle is used as criteria for signalized intersections. The control delay is determined for each approach lane and is aggregated to determine the approach LOS. The approach control delays are aggregated to determine the overall intersection control delay and LOS. For approach-based and intersection assessment, LOS is defined by control delay. The LOS criteria for signalized intersections are summarized in Table 5.

<table>
<thead>
<tr>
<th>Control Delay (slv/veh)</th>
<th>LOS by Volume-to-Capacity Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>v/c ≤1.0</td>
</tr>
<tr>
<td>≤ 10</td>
<td>A</td>
</tr>
<tr>
<td>&gt; 10 – 20</td>
<td>B</td>
</tr>
<tr>
<td>&gt; 20 – 35</td>
<td>C</td>
</tr>
<tr>
<td>&gt; 35 – 55</td>
<td>D</td>
</tr>
<tr>
<td>&gt; 55 – 80</td>
<td>E</td>
</tr>
<tr>
<td>&gt; 80</td>
<td>F</td>
</tr>
</tbody>
</table>

Source: Highway Capacity Manual version 6, Chapter 19
Unsignalized (two-way stop-controlled) Intersection LOS:

- For motor vehicles, LOS is determined for each minor-street movement (or shared movement) as well as the major-street left-turns. LOS is not defined for the intersection as a whole or for major-street approaches.
- The LOS criteria for unsignalized intersections are somewhat different from the criteria for signalized intersections, primarily because user perceptions differ among transportation facility types. The expectation is that a signalized intersection is designed to carry higher traffic volumes and will present greater delay than an unsignalized intersection. Unsignalized intersections are also associated with more uncertainty for users, as delays are less predictable than they are at signals, which can reduce users’ delay tolerance.

The LOS criteria for unsignalized intersections are summarized in Table 6.

![Table 6. Unsignalized Intersection Level of Service](image)

<table>
<thead>
<tr>
<th>Control Delay (s/veh)</th>
<th>LOS by Volume-to-Capacity Ratio</th>
<th>vlc ≤1.0</th>
<th>vlc &gt;1.0</th>
</tr>
</thead>
<tbody>
<tr>
<td>0-10</td>
<td>A</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>&gt; 10 – 15</td>
<td>B</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>&gt; 15 – 25</td>
<td>C</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>&gt; 25 – 35</td>
<td>D</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>&gt; 35 – 50</td>
<td>E</td>
<td>F</td>
<td></td>
</tr>
<tr>
<td>&gt; 50</td>
<td>F</td>
<td>F</td>
<td></td>
</tr>
</tbody>
</table>

Source: Highway Capacity Manual, version 6, Chapter 20

For existing roadways, municipalities typically consider LOS A through LOS D as the range of acceptable overall intersection operations, while LOS E and LOS F are generally considered unacceptable. Roadway laneage, traffic signalization, or other improvements are sometimes required at those intersections which operate within the range of unacceptable LOS.
**Intersection Analysis**

The operating conditions were analyzed for the weekday AM and PM peak hours using the Synchro 10 software, which uses the methodologies contained in the HCM 6th Edition. The following intersections were analyzed:

- GA 21 and Progress Drive
- GA 21 and Rahn Station Road/Ebenezer Road
- GA 21 and Driveway #1
- Rahn Station Road and Driveway #2
- Rahn Station Road and Driveway #3

Intersection capacity analyses were conducted for the following conditions within the study area:

- Existing 2020 Conditions (AM & PM)
- Background 2021 Conditions (AM & PM)
- Future 2021 Conditions (AM & PM)

The intersection of GA 21 and Progress Drive is below an acceptable LOS during both the AM and PM peak hour for eastbound stop-controlled approach for both AM and PM in the existing, background, and future conditions. It is not uncommon for elevated levels of delay to be experienced during peak conditions at stop-controlled intersections and signalization or other operation improvements not be warranted. The delay occurs during the existing and background conditions; however, based on the width of the median there is adequate space for vehicles to make a two-stage crossing maneuver. A peak hour signal analysis was conducted for this intersection and a signal is not warranted. The signal analysis can be found in **Appendix D**.

All other intersections are anticipated to operate at an acceptable LOS during both the AM and PM peak hour at project buildout in year 2021. Detailed summaries are available in **Appendix E**. A summary of the capacity analyses for the AM and PM peak hours are provided in **Table 7** and **8**, respectively.
Table 7. Intersection Capacity Analysis Results – AM Peak Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Existing 2020 Conditions</th>
<th>Background 2021 Conditions</th>
<th>Future* 2021 Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA 21 and Progress Drive</td>
<td>Eastbound STOP</td>
<td>F (333.7)</td>
<td>F (429.0)</td>
<td>F (626.7)</td>
</tr>
<tr>
<td></td>
<td>Northbound Left-Turn</td>
<td>B (10.2)</td>
<td>B (10.4)</td>
<td>B (10.7)</td>
</tr>
<tr>
<td></td>
<td>Southbound Left-Turn</td>
<td>A (9.7)</td>
<td>A (9.8)</td>
<td>B (10.1)</td>
</tr>
<tr>
<td>GA 21 and Rahn Station/Ebenezer Road</td>
<td>Overall</td>
<td>B (17.1)</td>
<td>B (19.1)</td>
<td>B (18.9)</td>
</tr>
<tr>
<td></td>
<td>Northbound</td>
<td>B (12.1)</td>
<td>B (12.3)</td>
<td>B (12.7)</td>
</tr>
<tr>
<td></td>
<td>Southbound</td>
<td>C (24.2)</td>
<td>C (28.6)</td>
<td>C (27.9)</td>
</tr>
<tr>
<td></td>
<td>Eastbound</td>
<td>A (9.5)</td>
<td>A (9.6)</td>
<td>B (11.4)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>B (12.6)</td>
<td>B (12.9)</td>
<td>B (15.5)</td>
</tr>
<tr>
<td>GA 21 and Driveway #1</td>
<td>Eastbound STOP</td>
<td>--</td>
<td>--</td>
<td>C (18.5)</td>
</tr>
<tr>
<td>Rahn Station Road and Driveway #2</td>
<td>Southbound STOP</td>
<td>--</td>
<td>--</td>
<td>B (11.8)</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>--</td>
<td>--</td>
<td>A (7.6)</td>
</tr>
<tr>
<td>Rahn Station Road and Driveway #3</td>
<td>Southbound STOP</td>
<td>--</td>
<td>--</td>
<td>B (11.8)</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>--</td>
<td>--</td>
<td>A (8.4)</td>
</tr>
</tbody>
</table>

*Future 2021 Conditions include recommended improvements as described in the recommendations section below.

Table 8. Intersection Capacity Analysis Results – PM Peak Hour

<table>
<thead>
<tr>
<th>Intersection</th>
<th>Approach</th>
<th>Existing 2020 Conditions</th>
<th>Background 2021 Conditions</th>
<th>Future* 2021 Conditions</th>
</tr>
</thead>
<tbody>
<tr>
<td>GA 21 and Progress Drive</td>
<td>Eastbound STOP</td>
<td>F (143.8)</td>
<td>F (183.5)</td>
<td>F (278.0)</td>
</tr>
<tr>
<td></td>
<td>Northbound Left-Turn</td>
<td>B (12.5)</td>
<td>B (12.9)</td>
<td>B (11.8)</td>
</tr>
<tr>
<td></td>
<td>Southbound Left-Turn</td>
<td>B (11.2)</td>
<td>B (11.5)</td>
<td>B (11.8)</td>
</tr>
<tr>
<td>GA 21 and Rahn Station Road/Ebenezer Road</td>
<td>Overall</td>
<td>B (13.6)</td>
<td>B (14.0)</td>
<td>B (15.6)</td>
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<tr>
<td></td>
<td>Northbound</td>
<td>B (13.1)</td>
<td>B (13.5)</td>
<td>B (14.0)</td>
</tr>
<tr>
<td></td>
<td>Southbound</td>
<td>B (14.1)</td>
<td>B (14.7)</td>
<td>B (14.8)</td>
</tr>
<tr>
<td></td>
<td>Eastbound</td>
<td>A (9.1)</td>
<td>A (9.1)</td>
<td>B (12.4)</td>
</tr>
<tr>
<td></td>
<td>Westbound</td>
<td>B (14.8)</td>
<td>B (15.3)</td>
<td>C (23.4)</td>
</tr>
<tr>
<td>GA 21 and Driveway #1</td>
<td>Eastbound STOP</td>
<td>--</td>
<td>--</td>
<td>C (17.0)</td>
</tr>
<tr>
<td>GA 21 and Driveway #2</td>
<td>Southbound STOP</td>
<td>--</td>
<td>--</td>
<td>B (13.9)</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>--</td>
<td>--</td>
<td>A (8.1)</td>
</tr>
<tr>
<td>GA 21 and Driveway #3</td>
<td>Southbound STOP</td>
<td>--</td>
<td>--</td>
<td>B (12.8)</td>
</tr>
<tr>
<td></td>
<td>Eastbound Left-Turn</td>
<td>--</td>
<td>--</td>
<td>A (8.0)</td>
</tr>
</tbody>
</table>

*Future 2021 Conditions include recommended improvements as described in the recommendations section below.
RECOMMENDATIONS

This Traffic Impact Study was performed for the proposed development, Love’s Travel Stop and Country Store, located in Springfield, Georgia.

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) trucks bays for fueling. The proposed development is expected to be completed and fully operational by year 2021.

The intersection of GA 21 and Progress Drive is below an acceptable Level of Service (LOS F) during both the AM and PM peak hour for eastbound stop-controlled approach in the existing, background, and build conditions. It is not uncommon for elevated levels of delay to be experienced during peak conditions at stop-controlled intersections and signalization or other operation improvements not be warranted. The delay occurs during the existing and background conditions; however, based on the width of the median there is adequate space for vehicles to make a two-stage crossing maneuver. A peak hour signal analysis was conducted for this intersection and a signal is not warranted. All other intersections are anticipated to operate at an acceptable LOS during both the AM and PM peak hour at project buildout in year 2021.

A left-turn lane warrant evaluation was conducted for Driveway #2 and #3, since Driveway #1 is right-turn only ingress and egress, and a dedicated left-turn lane is not warranted for either. A right turn-lane warrant evaluation was conducted for Driveways #1, #2, and #3 and a right-turn lane is warranted for Driveways #1 and #2. The analysis determined that right-turn lanes of 360 feet are warranted for each at a posted speed limit of 55 mph. In addition, per GDOT’s Regulations for Driveway and Encroachment Control, a minimum driveway spacing of 350 feet is required with a posted speed limit of 55 mph.

However, due to the transition from rural into a more urban type environment along with the approach to the major intersection of GA 21, it is recommended that the speed limit be reduced along Rahn Station Road to a maximum of 45 mph to ensure the safe egress and ingress of traffic at the development. Should the County allow the reduction of the speed limit along this section of Rahn Station Road, the warrants and configurations for the turn lanes will be reevaluated.
Staff Report

Subject: Assemblage Permit (First District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Consideration to approve an Assemblage Permit for Halloween Trick or Treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm.

Summary Recommendation:
Staff recommends approval for an Assemblage Permit for Halloween Trick or Treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm.

Executive Summary/Background:
- DeAnne Gordon requests an Assemblage Permit and road closure for Halloween Trick or Treating at Royal Oaks Subdivision.
- Royal Oaks has been hosting this event for several years without incident. All participating homeowners and guests will be encouraged to follow CDC guidelines on protective mask wearing, social distancing, and use of hand sanitizer.

Alternatives for Commission to Consider
1 - Approve request for an Assemblage Permit for Halloween Trick or Treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm.
2 - Deny request for an Assemblage Permit for Halloween Trick or Treating at Royal Oaks Subdivision on October 31, beginning at 5:30pm.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

Funding Source: N/A

Attachments:
1. Assemblage permit application
APPLICANT NAME: DeAnne Gordon
MAILING ADDRESS: 178 Royal Oak Drive
PHONE: 
PIN# (FOR SITE LOCATION): Map# 352A Parcel#

ASSEMBLAGE PERMIT
Effingham County, Georgia

Permission is hereby granted to DeAnne Gordon to hold a public gathering in the County of Effingham on Oct 31, 2020 at 5:30 am/pm. The gathering is to be held at said location known as Royal Oaks Subdivision.

DESCRIPTION OF EVENT: Trick or Treat. We will encourage homeowners as well as guests (trick or treaters) to wear face masks.

SPECIAL CONDITIONS: Ask residents to provide hand sanitizer at ea. residence participating. Also ask everyone to keep a 6 foot distance.

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

County Clerk

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

10/15/2020
Staff Report
Subject: FY20 Budget Amendment
Author: Christy Carpenter, Finance Director
Department: Finance
Meeting Date: 10/20/2020
Item Description: Consideration to approve a Resolution to amend the FY2019-2020 budget

Summary Recommendation:
Staff is requesting approval of an amendment to the FY2019-2020 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:

1. Re-allocation of existing general fund budget:
   a. No new funding is requested for the general fund. Re-allocation is requested to cover repairs to the helicopter fuel tank at the EMS building.
   b. The general fund overall is currently under budget for FY 2020 and is expected to remain so after all adjusting audit entries are in.

2. Re-allocation of existing budget for one special fund:
   a. No new funding is requested in the Special Tax District fund. Re-allocation is requested to cover the FY 2020 change to the EOM contract, roadside mowing, and vehicle/equipment maintenance for Public Works.

Alternatives for Commission to Consider:
1. Approve the budget amendment for 2019-2020
2. Provide Staff with Direction

Recommended Alternative:
Staff recommends Alternative number 1 – Approval of the FY20 Budget Amendment

Other Alternatives: N/A

Department Review: Finance

Funding Source: As approved by the Board of Commissioners

Attachments: 2019-2020 Budget Amendment Resolution
State of Georgia
County of Effingham

RESOLUTION TO AMEND THE FY 2019-2020 BUDGET

WHEREAS, the FY 2019-2020 budget of Effingham County was adopted on June 4th, 2019 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:

<table>
<thead>
<tr>
<th>DEPT</th>
<th>BUDGET AMENDMENTS</th>
<th>ACCT NO.</th>
<th>AMOUNT</th>
<th>DESCRIPTION</th>
</tr>
</thead>
<tbody>
<tr>
<td>025</td>
<td>Public Works (Roads)</td>
<td>EOM CONTRACT</td>
<td>270-4205-025-52-1101-1</td>
<td>33,000.00 to re-allocate funds</td>
</tr>
<tr>
<td>025</td>
<td>Public Works (Roads)</td>
<td>FILL / HAULING WORK / MOWING</td>
<td>270-4205-025-52-1211</td>
<td>33,000.00 to re-allocate funds</td>
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<td>025</td>
<td>Public Works (Roads)</td>
<td>VEHIC MAINT</td>
<td>270-4205-025-52-2201</td>
<td>47,000.00 to re-allocate funds</td>
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<tr>
<td>025</td>
<td>Public Works (Roads)</td>
<td>R &amp; M - GENERAL(EQUIPMNT)</td>
<td>270-4205-025-52-2203</td>
<td>8,500.00 to re-allocate funds</td>
</tr>
<tr>
<td>029</td>
<td>Recreation &amp; Sports Mngmt</td>
<td>SALARIES</td>
<td>270-6110-029-51-1100</td>
<td>-18,500.00 to re-allocate funds</td>
</tr>
<tr>
<td>029</td>
<td>Recreation &amp; Sports Mngmt</td>
<td>R&amp;M - GENERAL (BLDG)</td>
<td>270-6110-029-52-2202</td>
<td>-33,000.00 to re-allocate funds</td>
</tr>
<tr>
<td>029</td>
<td>Recreation &amp; Sports Mngmt</td>
<td>OFFICIALS ASSOC FEES</td>
<td>270-6110-029-52-3608</td>
<td>-25,000.00 to re-allocate funds</td>
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<tr>
<td>029</td>
<td>Recreation &amp; Sports Mngmt</td>
<td>OPERATING SUPPLIES</td>
<td>270-6110-029-53-1102</td>
<td>-45,000.00 to re-allocate funds</td>
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<tr>
<td>018</td>
<td>ECSO - Jail</td>
<td>BOARDING OF EFF CO INMATE - SC</td>
<td>100-3326-018-52-3907</td>
<td>-3,000.00 to re-allocate funds</td>
</tr>
<tr>
<td>019</td>
<td>EMS</td>
<td>R &amp; M - GENERAL(BUILDING)</td>
<td>100-3601-019-52-2202</td>
<td>3,000.00 to re-allocate funds</td>
</tr>
</tbody>
</table>

0.00 Net Entries

The amendment is to adjust expenses for multiple departments. This amendment re-allocates existing funding; it contains no new funding.

Approved this _____ day of _____________ 2020.

Attest:

__________________________        __________________________
Stephanie D. Johnson, County Clerk Wesley M. Corbitt, Chairman
Staff Report

Subject: GOHS Law Enforcement Grant Award
Author: Christy Carpenter, Finance Director
Department: Finance Department
Meeting Date: 10-20-2020
Item Description: Consideration to accept a grant award from the Georgia Governor’s Office of Highway Safety (GOHS) Law Enforcement Grant Program.

Summary Recommendation:
Staff is requesting approval to accept a grant award from the Georgia Governor’s Office of Highway Safety (GOHS) Law Enforcement Grant Program.

Executive Summary:
The Governor's Office of Highway Safety (GOHS) administers grant funding for various programs that address 11 national traffic safety priority areas of impaired driving, police traffic services, speed control, roadway safety, occupant protection/child passenger safety, pedestrian and bicycle safety, motorcycle safety, traffic records and community traffic safety. Focusing on these areas has historically proven to be more effective than other efforts to reduce traffic crashes, injuries, and fatalities.

Funding for these grants is allocated to Georgia GOHS and other states annually from the National Highway Traffic Safety Administration (NHTSA) using a formula based on population and road mileage. GOHS then awards the funding to state and local safety-related agencies as "seed" money for the development and implementation of programs that address traffic safety problem areas or expand ongoing activities in safety priority areas.

The Effingham County Sheriff’s Office will utilize the funds to purchase equipment and to provide services that will educate the public on highway safety and facilitate the implementation of programs that reduce crashes, injuries and fatalities on roadways in the Effingham County community.

Background:
1. This is a reimbursement grant.
2. The awarded funding amount is $71,254.80.
3. There is no cost share requirement.

Alternatives for Commission to Consider:
1. Approve the acceptance of a GOHS Law Enforcement Grant award.
2. Do not approve the acceptance of a GOHS Law Enforcement Grant award.
3. Provide Staff with Direction

Recommended Alternative:
Staff recommends Alternative number 1 – Approve the acceptance of a GOHS Law Enforcement Grant award.

Other Alternatives: N/A

Department Review: Effingham County Sheriff’s Office
Funding Source: No cost share requirement
Attachments: GOHS FY2021 Law Enforcement Grant Award Letter
Governor’s Office of Highway Safety
7 Martin Luther King Jr Drive • Suite 643 • Atlanta, Georgia 30334
Telephone: 404.656.6996 or 888.420.0767 • Facsimile: 404.651.9107
www.gahighwaysafety.org

September 11, 2020

Effingham County Sheriff’s Office
Mr. Jimmy McDuffie
P.O. Box 1015
Springfield, GA 31329

Re: Application #: GA-2021-Effingham -00182
Grant #: GA-2021-F.A.S.T. 402 SC-182
Project Title: Speed Detection
CFDA #: 20.600
FAIN: 69A37520300004020GA0

Dear Mr. Jimmy McDuffie:

Congratulations! It is my pleasure to inform you that your application in the amount of $71,254.80 federal funds has been approved. The effective date of the grant is October 1, 2020 through September 30, 2021. Allowed costs incurred within this period are reimbursable at a rate of 100% of the approved federal funds allocated above. Please keep in mind that all GOHS Grant funds must be identified separately in your accounting system. For additional details, please reference the Grant Terms and Conditions #5 entitled, "Accounting Records/Source Documentation."

As a reminder, GOHS and the National Highway Traffic Safety Administration (NHTSA) must provide your agency with written approval prior to the purchase of any equipment item costing $5,000.00 or more. Throughout this process, your agency must ensure that their local procurement policies as well as the Buy America Act requirements are followed. If local policies are not available, your agency must use the State of Georgia procurement procedures.

GOHS is required to complete Risk Assessments on each grantee prior to the award and notify the grantee of the outcome. The Risk Assessment is based upon prior grants, audit reports, and/or interaction during the application process. Your agency’s Risk Assessment score for the FFY 2021 grant year is low. For additional information, please review the enclosed attachment entitled, “Risk Assessment”.

If your jurisdiction/agency (combined) receives federal funds of $750,000.00 or more in a year, an audit is required in accordance with 2 CFR Part 200, Subpart F. A copy of the audit report must be submitted to the Governor’s Office of Highway Safety (GOHS) prior to September 30, 2021.

Agencies awarded federal funds through GOHS are encouraged to receive their reimbursement payments electronically. If your agency received funds in FFY 2020, please review the information previously submitted on your Vendor Management Form (VMF) and update if needed by utilizing the enclosed “revised” VMF. If no changes are needed, GOHS will continue to use the information previously submitted to reimburse electronically. Agencies that did not receive federal funds in FFY 2020 must complete the enclosed VMF. Please note that in completing the VMF, GOHS will complete the Supplier’s number under Section 1 along with Section 5 once submitted. Upon completion, please mail the VMF to Mrs. MaJeana Mattox, GOHS Grants Specialist at the above address OR email her at, majeana.mattox@gohs.ga.gov no later than October 15, 2020. Once claims for reimbursement have been

10/15/2020
submitted, your agency can verify the payment status on the State of Georgia Accounting Office’s vendor management portal at http://sao.georgia.gov/vendor-payment-management.

The Grant Terms and Conditions contain important information from GOHS. Enclosed you will find updated Grant Terms and Conditions (FFY 2021) as well as GOHS Special Conditions governing the above-referenced project. These documents clearly identify the guidelines and requirements governing your grant. Please note #1 under Grant Terms and Conditions states that **all grant awards are contingent upon the availability of federal funds.** Promotional/incentive type items may **not** be reimbursed. This includes, but is not limited to, key chains, shirts, cups, pens, and bags. New for FFY 2021, **all grant announcements must obtain GOHS approval prior to being released to the public.** The procedure for this will be to send your grant announcement to your GOHS Grant Manager. The Grant Manager will ensure the announcement contains the appropriate information and notify you of the approval. You can then release it to your media.

A copy of your grant application may be downloaded at https://georgia.intelligrants.com. After logging in, search for your grant by clicking on the Applications/Grants tab at the top of the page. Once you have located the appropriate grant, go to Access Management Tools and you will see the link to create a pdf.

Included with this letter is a copy of your signed certification page for your files.

Should you have questions regarding the content of this letter, please contact your assigned grant manager, Mr. W. Harrelson at (404) 656-6996. GOHS looks forward to your partnership in helping to make Georgia’s roadways safer.

Sincerely,

Allen Poole  
Director

AP/sw

Enclosures (5)

cc: Mr. James Thompson, Agency Administrator  
Mr. Wesley Corbitt, Financial Officer  
Mr. W. Harrelson, Planner/Grant Manager
General Application 2021
Organization: Effingham County Sheriff’s Office
GA-2021-Effingham -00182
Certification and Signatures

I certify that I understand and agree to comply with the general and fiscal year terms and conditions of this application including special conditions; to comply with provisions of the Act governing these funds and all other federal laws; that all information presented is correct; that there has been appropriate coordination with affected agencies; that I am duly authorized by the applicant to perform the tasks as they relate to the terms and conditions of this grant application; that costs incurred prior to grant approval may result in the expenses being absorbed by the grantee; and, that the receipt of grantor funds through the Governor’s Office of Highway Safety will not supplant state or local funds. Monthly reimbursement claim submissions filed electronically are in effect, “electronically signed”.

Agency Administrator *

Name: Mr. James Thompson
Agency: Effingham County Sheriff’s Office
Phone Number: (912) 754-3449
Fax Number: (912) 754-7031
Signature: [Signature]
Title: Corporal
Address: P.O. Box 1015
Springfield, GA, 31329
Email Address: jthomson@effinghamcounty.org
Date: 2/20/2020

Agency Staff *

Name: Mr. Wesley Corbitt
Agency: Effingham County Sheriff’s Office
Phone Number: (912) 754-2123
Fax Number: (912) 754-7031
Signature: [Signature]
FEI Number: 58-6000821
Title: Comm. Chairman
Address: P.O. Box 1015
Springfield, GA, 31329
Email Address: wcorbitt@effinghamcounty.org
Date: 2/21/2020

Authorized Official *

Name: Mr. Jimmy McDuffie
Agency: Effingham County Sheriff’s Office
Phone Number: (912) 754-3449
Fax Number: (912) 754-7031
Signature: [Signature]
Title: Sheriff
Address: P.O. Box 1015
Springfield, GA, 31329
Email Address: jmcduffie@effinghamcounty.org
Date: 2/21/2020

* NOTE: AGENCY ADMIN, AGENCY STAFF AND AUTHORIZED OFFICIAL CANNOT BE THE SAME PERSON WITHOUT GOHS APPROVAL. STAFF BEING FUNDED UNDER THIS GRANT MAY NOT BE ANY OF THE ABOVE OFFICIALS WITHOUT GOHS APPROVAL.
GOVERNOR’S OFFICE OF HIGHWAY SAFETY GRANT
SPECIAL CONDITIONS

Law Enforcement Grants (Non-HEAT) - FFY 2021

| The Georgia Governor’s Office of Highway Safety (GOHS) is pleased to award this grant, with the following special conditions: |
| All GOHS grantees are expected to fulfill the following requirements in addition to the terms and conditions in the attached grant application: |
| 1. All grantees are required to promote Georgia’s safety belt laws, to include the necessity of drivers and passengers wearing safety belts and placing children in age/height appropriate child safety restraints. GOHS will provide information on the current Georgia safety belt law to the grantee. |
| 2. All grantees are required to publicize their GOHS Awarded grant with the media, utilizing print, radio and/or television. The grant announcement must receive prior approval from GOHS before releasing to the media. It must be made within the first (1st) quarter of the approved grant. A copy of the actual announcement must be forwarded to GOHS. Records must be kept and provided to GOHS of all print media articles related to the grant as well as a copy of all announcements sent to radio and television stations. If possible, please provide radio/television station verification of the dates and times when announcements were aired. |
| 3. All printed items produced with grant funds or ordered and paid for by this grant must receive prior approval from GOHS and include the current GOHS logo and/or a statement that says either “This project is funded by the Georgia Governor’s Office of Highway Safety” or “The Georgia Governor’s Office of Highway Safety is a full partner in this program.” Photo or scan of final produced items shall be attached with the invoice when filing for reimbursement. |
| 4. All equipment must be purchased within the first three (3) months after the grant award effective date. Equipment with a cost of $5000.00 or more must be approved by GOHS and NHTSA prior to purchase. The agency must ensure that their local procurement policies as well as the Buy America Act are followed. |
| 5. Grantee must submit a final programmatic report. The established due date will be provided by GOHS prior to the end of the fiscal year. |
| 6. All grant programs must have an evaluation component that is approved by the Governor’s Office of Highway Safety. |
| 7. Grantee receiving funds from GOHS must submit programmatic and claim reports MONTHLY, by the 20th of the following month. Monthly reports must document and support the objectives and activities outlined in grant. No financial claim will be processed without a programmatic report, which supports the expense. |
| 8. Qualified Officers/Deputies assigned to activity hours must provide documentation showing hours worked AND hours worked on the project along with enforcement activity on a monthly basis. This documentation will be submitted via GOHS Form 203 or GOHS Form 203N. |
| 9. Qualified Officers/Deputies must have sufficient training in traffic enforcement, including Radar, Lidar, SFST, etc. to perform project activities. |
| 10. The Grantee must participate in regional Traffic Enforcement Network meetings and initiatives during the grant year. This should include monthly meetings, local safety events and campaigns, and press events. |

GOHS FORM 2014GSC
Updated August 2020
Page 5 of 8
11. All grant programs must cooperate fully with entities dealing with traffic safety issues to include but not limited to: SADD, MADD, Safe Kids, Public Health, other enforcement agencies, etc.

12. The Grantee must participate in the Click-it or Ticket, Drive Sober or Get Pulled Over (OZT), Operation Southern Shield, Other State Mobilizations and National Highway Safety campaigns and report numbers for each campaign to GOHS online reporting website: www.gareporting.com

13. Grantees must obtain prior approval from GOHS before any out of state travel. A Travel Authorization Request must be submitted and approved in eGOHS Plus prior to making travel arrangements. Before GOHS approval, all claims and reports must be up-to-date.

14. GOHS grantees must submit crash reports electronically to GDOT (GEARS).

15. TEN grantees are required to submit a Governor’s Challenge application for the Network. Other LE grantees are strongly encouraged to participate in the Governor’s Challenge Program.

Please direct any questions about your grant and/or these conditions to: Roger Hayes at rhayes@gohs.ga.gov or 404-971-0379.
RATING SCALE

| 0 - 3 No's | Applicant considered low risk for monitoring | LOW |
| 4 - 7 No's | Applicant considered medium risk for monitoring | MED |
| 8 - 12 No's | Applicant considered high risk for monitoring | HIGH |

Based on the above rating scale, applicants will be placed in one risk area. If awarded, sub-recipients will be monitored based on the following:

**High Risk**
1. Could withhold full or partial payments pending single audit results.
2. Schedule a meeting within the first month of grant award.
4. Provide training and technical assistance on program related matters.
5. Consider taking enforcement action against the non-compliant applicants.
6. GOHS will make a minimum of 2 visits to the sub-recipient during the grant year.

**Medium Risk**
1. Schedule a financial review with the applicant.
2. Could withhold full or partial payments pending single audit results.
3. Provide training and technical assistance on program related matters.

**Low Risk**
SUPPLIER (VENDOR) MANAGEMENT ADD/CHANGE FORM

The Vendor Liaison should submit this form to SAO Vendor Management Group for verification and approval. Agency Liaisons must complete Section 5 of the form to obtain approval. All necessary supporting documentation must be attached. (*Required fields)

SECTION 1 – SUPPLIER IDENTIFICATION (COMPLETE ALL APPLICABLE FIELDS)

*SUPPLIER NUMBER: ____________________________  *FEI/SSN/TIN NUMBER: ____________________________

*SUPPLIER NAME:

PAYMENT ALT NAME: (IF PAYABLE TO DIFFERENT NAME) ____________________________

ADDRESS: __________________________________________

CITY: ____________________________ STATE: ________ ZIP CODE: ________

COUNTRY: ____________________________ DRIVERS LICENSE #: ________ DL STATE: ________

PRIMARY #: ____________________________ EXT: ________ SECONDARY #: ____________________________ EXT: ________

LANDLINE ☐  CELL ☐  (USED FOR IDENTITY VERIFICATION)

FAX#: ____________________________ CONTACT EMAIL: ____________________________

SECTION 2 – BANK ACCOUNT INFORMATION (ATTACH COPY OF VOIDED CHECK OR SIGNED BANK LETTER)

(REQUIRED FOR ALL NEW SUPPLIERS OR CHANGES/ADDS FOR EXISTING SUPPLIERS)

ROUTING #: ____________________________ BANK ACCOUNT #: ____________________________

☐ Check here if General Bank Account can be used by ALL State of Georgia agencies making payments.

☐ Check here if this account can only be used for SPECIFIC purpose. ____________________________

Describe specific purpose

ACCOUNTS RECEivable NOTIFICATION

PYMT REMIT EMAIL: ____________________________ LOC#: ____________________________

PYMT REMIT EMAIL: ____________________________ LOC#: ____________________________

I authorize the State of Georgia to deposit payment for goods and/or services received into the provided bank account by the Automated Clearing House (ACH). I further acknowledge that this agreement is to remain in full effect until such time as changes to the bank account information are submitted in writing by the vendor or individual named below. It is the sole responsibility of the vendor or individual to notify the State of Georgia of any changes to the bank account information. The State of Georgia independently authenticates bank account ownership.

Printed Name of Company Officer: ____________________________ Signature of Company Officer: ____________________________ Date: ____________________________

SECTION 3 – SPECIFY TYPE OF ACTION (CHECK ALL THAT APPLY) REQUIRED

☐ Classification Change  ☐ Deactivate/Reactivate (Enter Justification in Section 4)  ☐ 1099 Code

☐ Name/FEI/TIN Change  ☐ Add/Change Address Addr#: ____________________________  ☐ Other (Details in Section 4)

☐ Bank Account Add/Change Loc#: ____________________________  ☐ HCM Vendor  ☐ Statewide Contract (SWC)

Documentation for Vendor Name/FEI/TIN changes must include at least one of the following: IRS documentation (tax documents, FEI issuance letter, etc.); Confirmation from Secretary of State’s office of legal name change; OR a newly completed W-9 form provided by the vendor.

BUSINESS CERTIFICATIONS – CHECK ALL THAT APPLY

☐ Small Business  ☐ Minority Business Certified  ☐ Hispanic – Latino

☐ GA Based Business  ☐ Women Owned  ☐ Asian American

☐ Minority Business Enterprise (51% Owned): ☐ African American  ☐ Native American

☐ Pacific Islander  ☐ Not Applicable

SECTION 4 – ADDITIONAL COMMENTS

SECTION 5 - STATE OF GEORGIA AGENCY LIAISON CONTACT INFORMATION (COMPLETED BY AGENCY LIAISON ONLY) ALL FIELDS REQUIRED.

By my signature, I certify that all reasonable effort has been made to submit information that is accurate, true, and is associated with the vendor name and Tax ID listed above.

Liaison Name: ____________________________ Agency BU#: ____________________________

Signature: ____________________________ Date: ____________________________

Email: ____________________________ Phone: ____________________________ Fax: ____________________________

State Accounting Office Revised 08-14-2019
Staff Report

Subject: Approval of Policy for Catastrophic Inmate Medical Insurance for the Effingham County Jail

Author: Alison Bruton, Purchasing Agent

Department: Effingham County Jail

Meeting Date: October 20, 2020

Item Description: Catastrophic Inmate Medical Insurance for the Effingham County Jail

Summary Recommendation: Apex Insurance Company recommends accepting the proposal by Gerber Insurance Company with a premium of $22,995.

Executive Summary/Background:

- Effingham County Board of Commissioners carries catastrophic inmate medical insurance through Apex Insurance Company (broker). This type of insurance covers major medical expenses on jail inmates who are not under state custody.
- The current insurance carrier switched papers this year, so the quote was provided by Sirius American Insurance Company:
  - Deductible - $30,000, Per Inmate Limit - $250,000, Per Inmate Per Month - $10.24, Total Premium - $21,381.12
- The second quote received is recommended as a superior program by Apex Insurance Services and is through Gerber Insurance Company:
  - Deductible - $30,000, Per Inmate Limit - $250,000, Total Premium - $22,995

Alternatives for Commission to Consider

1. Approval of quote submitted by Sirius American Insurance Company with a $21,381.12 premium and $30,000.00 deductible.
2. Approval of quote submitted by Gerber Insurance Company with a $22,995.00 premium and $30,000.00 deductible.

Recommended Alternative: Jail staff does not have a preference.

Other Alternatives: Jail staff does not have a preference.

Department Review: Jail, Purchasing, Finance

Funding Source: Dept. 18 Operating Budget

Attachments:

1. Quote from Sirius American Insurance Company
2. Quote from Gerber Insurance Company
Date of Proposal: August 18, 2020
Proposed Insured: Effingham County Board of Commissioners
City, State: Springfield, GA
Facilities Include: Effingham County Jail
Issuing Company: Sirius American Insurance Company
A.M. Best Rating “A-” Excellent
Coverage Type(s): Limited Health Expense Benefits - provided outside the walls of the facility, or facilities, listed above and as outlined in the Insurance Policy.
Policy Form: Blanket Accident Medical
Effective Date: 10/1/2020
Number of Inmates: 174

Specific Coverage

<table>
<thead>
<tr>
<th>Per Inmate Deductible:</th>
<th>$30,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Per Inmate Coverage Limit:</td>
<td>$250,000</td>
</tr>
<tr>
<td>Policy Maximum:</td>
<td>$1,000,000</td>
</tr>
<tr>
<td>Rate Per Inmate Per Month:</td>
<td>$10.24</td>
</tr>
<tr>
<td>Prior to Booking / During Pursuit Coverage:</td>
<td>Included</td>
</tr>
</tbody>
</table>

Claims Accumulation Basis:

<table>
<thead>
<tr>
<th>Covered Expenses</th>
<th>Eligible Medical Services shall accumulate to satisfy the Per Inmate Deductible as outlined below and be reimbursed at the following:</th>
</tr>
</thead>
<tbody>
<tr>
<td>In-Patient Hospital Services:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
<tr>
<td>Outpatient Hospital Services:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
<tr>
<td>Physician Services:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
<tr>
<td>Outpatient Diagnostic X-ray and Laboratory Services:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
<tr>
<td>Prescription Drugs:</td>
<td>Medicaid, Limited to those provided and administered during a Hospital Stay.</td>
</tr>
<tr>
<td>Ambulance Services:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
<tr>
<td>Medical Services and Supplies:</td>
<td>Lesser of the Amount Paid or GA Medicaid</td>
</tr>
</tbody>
</table>

TOTAL PREMIUM: $21,381.12

Conditions and Assumptions

- Includes coverage for AIDS/HIV & Pregnancy; Specialty Drugs are EXCLUDED.
- This proposal is based on data submitted, plus other information furnished relevant to underwriting the risk, including all claims or possible claims, paid, pending or denied pending additional information, or which the prospective insured or its authorized representative should otherwise be aware of. Any inaccuracy in the data submitted or failure to disclose any such information can change the terms, conditions, rates or factors of this offer or can void offer and coverage.
- Claim Provisions:
  - Claims Incurred: October 1, 2020
  - Claims Reported: October 1, 2020
  - Claims Submitted: October 1, 2020

- This proposal is valid for the stated effective date shown above provided the prospective insured or its authorized representative elects one of the above options by 9/30/2020 by submitting a signed application, which will be provided after your selection is made. Until we obtain the signed application, the rates and factors are subject to change as additional information is received.
- Acceptance of this quote is contingent upon and subject to the actual terms of the policy as issued, which occurs upon binding and premium payment. If there is any conflict between this quote and the policy, the policy will govern in all cases.

I select the following option (please check): Option 1:

Signature of Prospective Insured: ____________________________ Title: ____________________________ Date: ____________________________
Proposal to Provide:

Inmate Medical Budget Protector

Inmate Medical Claims Saver

Prepared Exclusively For:

Effingham County
Welcome to Correctional Risk Services

Who Is CRS?

- Our three Senior Managers have over 90 years experience in the managed healthcare and insurance industries.
- CRS has managed over 40,000 inmate medical claims since January 1, 2005.
- During that same time period, CRS has processed over $35,000,000 worth of inmate medical claims.
- ONLY company of our kind to ever receive an endorsement from the National Association of Counties.
- The ONLY company with the ability to provide our Counties the option to utilize our claims processing expertise as well as the ability to purchase a proprietary stop-loss insurance policy to protect their budget from catastrophic inmate medical claims.
- You will see our name at the bottom of the Tennessee Sheriff’s Association website: www.tnsheriffs.com.
- Have been endorsed by many State Associations of Counties.
Inmate Medical Budget Protector

Our proprietary *Inmate Medical Budget Protector* is an insurance policy designed to protect a Jail’s budget against costly and unexpected catastrophic inmate medical expenses.

**A Policy That Meets Your Jail’s Needs**

- Deductibles ranging from $10,000 to $100,000.
- Policy will cover up to $250,000 (minus deductible) per inmate, per policy year.
- Your chosen deductible is per inmate, per policy year and does not reset at $0 upon each release or re-arrest.
- County is charged a rate based on the average number of daily inmates.
- With this catastrophic policy, your Jail can now better set annual budgets as well as giving you the means to better stay within those budgets.

**Covers Such Expenses As (but not limited to):**

- Inpatient hospitalization and Outpatient surgical charges
- Emergency room charges (when followed by hospital admission)
- Physician, Surgeon, Anesthesiologist and Radiologist fees
- Medical conditions such as cancer, heart disease, kidney dialysis and diabetes.
- Accidental injuries including fights.
- Self-inflicted injuries.

**Top 5 Insurance Reimbursements**

County #1: $138,823.06  
County #2: $134,310.44  
County #3: $103,217.50  
County #4: $98,824.51  
County #5: $95,247.29

Reimbursable amounts over $10,000 deductible.
Inmate Medical Budget Protector

Proposal For: Effingham County

First Day, In Hospital Maximum: None
Average Daily Maximum: None

Limit per inmate/per policy period: $250,000

Deductible
$30,000

Premium
$22,995

Specific Contract*
12/18

Contract Length
12 months

*Claims incurred in 12 months and paid in 18 months*
Inmate Medical Budget Protector

Optional Coverage Available For:

- AIDS/HIV – 3% load to base rate.
- Drug and alcohol abuse – 3% load to base rate.
- Maternity – 1.5% load to base rate.
- Mental & nervous disorders – 3% load to base rate.
- Security and guarding reimbursement – 6% load to base rate.

Frequently Asked Questions

- *Does the CRS contract set daily limits on the amount the policy will pay?*
  No. There are no daily maximums set on your inmate’s medical expenses.

- *Does the CRS contract exclude Physician office visits?*
  No.

- *Will the deductible reset at $0 each time an inmate is released from custody?*
  No. The deductible will accrue throughout the course of the policy year; regardless of how many times a particular inmate is released and re-booked.

- *Is there an overall maximum amount the policy will cover per jail?*
  No. There is only an annual maximum per inmate which is $250,000 (minus deductible).
1. Inmate Transported to Medical Provider

- Deputy presents CRS medical ID card when inmate is checked into medical provider.
- ID card notifies medical provider to send all bills, questions, inquiries, etc. to Correctional Risk Services.

![Sample County Sheriff's Office](image)

2. CRS Receives Bills and Verifies County’s Financial Responsibility

- Once CRS receives bill from medical provider, CRS will send a verification form via fax or email to designated County Jail employee.
- This form will list inmate’s name, date(s) of service, booking dates, etc. and will ask whether or not inmate is the financial responsibility of the County Jail.
- If marked “NO”, CRS will notify the medical provider that inmate is not the County’s responsibility and to cease billing.
- If marked “YES”, proceed to step #3.
3. Determine If Medical Treatment Was Actually Delivered and Coded Correctly

- Our Claims Analysts visually screen your bills for overcharges or any amount that looks out of the ordinary.
- The inmate’s medical bills are then scanned into a high-tech computer program which compares CPT (procedural) vs. ICD-9 (diagnosis) codes to make sure codes correspond.
- We will contest any inaccurate charges prior to payment from county.
  Coding error example 1: Physician orders a CT-Scan for the following day. The order has been rescinded but the billing office has already entered the charge. The charge is never credited.
  Coding error example 2: Physician orders a series of X-Rays for both arms and coding was for a broken neck.
- What good is a discount on a charge that is inaccurate?
4. Verify State Mandated Discount – Provide PPO Network Discounts

- Allow county to utilize our National PPO network discounts. Our PPO network is the nation's oldest and largest supplier of independent, network-based cost management solutions with more than 900,000 providers under contract.
- Verify State mandated discounts if available by law.
- Provide per diem discounts where available.
- Negotiate quick pay discounts from providers.
- Work independently with providers to negotiate discounts.

5. Help Coordinate Payment from Private Medical Insurance Company

- If a pre-trial felon or misdemeanant carries medical insurance through a private provider, that medical insurance company could be liable to pay for medical expenses while inmate is incarcerated.
- At intake, jail staff should check belongings such as: 
  - Medical ID cards
  - Prescription drug bottles
  - Paycheck indicating deduction for medical insurance
- Inmate could be COBRA eligible.
- If a jail or CRS determines an inmate does carry their own private medical insurance, CRS will work with the insurance carrier to pay all eligible charges.
6. Invoice Sent to County with All Original Bills Attached

- CRS will produce a weekly invoice, listing:
  - Inmate’s: Name, DOB, SSN, Dates of Service, Amount Charged, CRS Savings, Net Charges, CRS Fee, Amount Due
  - Invoice will have one total dollar amount due for that week.
- Along with invoice, all original bills will be sent so County Jail can store in inmate’s file.

7. Write Checks and Send to Medical Providers

- County jail pays CRS total invoice amount.
- CRS will write and send all checks to all medical providers, saving county people time and money.
8. Produce Detailed Claims Reports – Paper and Electronic Storage

- All original medical bills will be sent to county for paper storage purposes.
- CRS will also electronically archive all billing information for easy and quick access.

<table>
<thead>
<tr>
<th>Top 10 Providers</th>
<th>Total Charges</th>
<th>Gross Charges</th>
<th>Net Charges + CRS Fee</th>
<th>Net CRS Savings %</th>
</tr>
</thead>
<tbody>
<tr>
<td>The Unit Hosp of All</td>
<td>$2,357,320.00</td>
<td>$2,050,328.00</td>
<td>$1,853,569.00</td>
<td>25.7%</td>
</tr>
<tr>
<td>Med College Physicians Group</td>
<td>$1,498,320.00</td>
<td>$1,214,569.00</td>
<td>$1,034,569.00</td>
<td>32.4%</td>
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<tr>
<td>St Vincent Health</td>
<td>$935,320.00</td>
<td>$714,569.00</td>
<td>$534,569.00</td>
<td>36.1%</td>
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<tr>
<td>Baptist Memorial Medical</td>
<td>$673,320.00</td>
<td>$545,694.00</td>
<td>$365,694.00</td>
<td>8.3%</td>
</tr>
<tr>
<td>Dermatolo MD</td>
<td>$313,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
<tr>
<td>Little Rock Ambulance Service</td>
<td>$310,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
<tr>
<td>Central AR Radiation Therapy</td>
<td>$304,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
<tr>
<td>Central Little Rock Hospital</td>
<td>$298,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
<tr>
<td>Arkansas Specialty Care Centers</td>
<td>$285,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
<tr>
<td>Little Rock Surgery Center</td>
<td>$270,320.00</td>
<td>$234,569.00</td>
<td>$154,569.00</td>
<td>35.8%</td>
</tr>
</tbody>
</table>

Frequently Asked Questions

- How much does the Inmate Medical Claims Saver service cost?
  CRS will keep 25% of SAVINGS.
  CRS will keep 10% if county has a pre-negotiated discount greater than what CRS can provide. CRS will still make sure all billings are accurate, write checks, invoice and electronically archive.

- Will our county jail be locked into a long-term contract with CRS?
  No. The advantage of doing business with CRS is that we only ask for 30 day’s notice of termination.

- Can our county choose ONLY the Inmate Medical Claims Saver service?
  Yes. In fact, many of our county jail customers ONLY have our Inmate Medical Claims Saver service.
Don’t Think You Need To Protect Your Budget Against Catastrophic Claims?
Staff Report

Subject: Memorandum of Understanding between The Board of Regents of the University System of Georgia on behalf of the University of Georgia Extension and Effingham County

Author: Alison Bruton, Purchasing Tech

Department: Extension Department

Meeting Date: October 20, 2020

Item Description: Approval of Memorandum of Understanding between The Board of Regents of the University System of Georgia on behalf of the University of Georgia Extension and Effingham County

Summary Recommendation: Staff recommends approval of the MOU between the University of Georgia Extension and Effingham County

Executive Summary/Background:
- The MOU between UGA Extension and Effingham County establishes the parameters for both UGA and Effingham County in terms of personnel and compensation.
- The term of this MOU shall be from the date of execution until terminated by either party by written notice of such intent provided ninety (90) days in advance.
- Currently the compensation method is “Cooperative Direct Pay” as described in Section II and Addendum A. An updated MOU will be prepared for FY21 changing the compensation method.

Alternatives for Commission to Consider
1. Approval of the Memorandum of Understanding between The Board of Regents of the University System of Georgia on behalf of the University of Georgia Extension and Effingham County
2. Take no action.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Extension, Finance, County Manager

Funding Source: Current Operating Budget

Attachments:
1. Memorandum of Understanding between the University of Georgia Extension and Effingham County
MEMORANDUM OF UNDERSTANDING
Between
THE BOARD OF REGENTS OF THE UNIVERSITY SYSTEM OF GEORGIA
by and on behalf of
THE UNIVERSITY OF GEORGIA
COOPERATIVE EXTENSION
And EFFINGHAM COUNTY

This Memorandum of Understanding ("MOU") is made between the Board of Regents of the University of System of Georgia by and on behalf of the University of Georgia Cooperative Extension (hereinafter “UGA Extension”) and Effingham County, a political subdivision of the State of Georgia, by and through its Board of Commissioners, (hereinafter the “County”), for the provision of Cooperative Extension Services and Personnel in Effingham County, Georgia.

WHEREAS, through the Smith-Lever Act of the U.S. Congress of 1914, an Agreement was created between The Board of Regents of the University System of Georgia, the University of Georgia, the University of Georgia Cooperative Extension and the U.S. Department of Agriculture, to allow for Extension work to be conducted in the State of Georgia; and

WHEREAS, for over 100 years UGA Extension has offered services in all 159 counties in the State of Georgia; and

WHEREAS, through county offices throughout the state, UGA Extension continues to offer reliable information and programs in the areas of agriculture, food, families, the environment and 4-H youth development; and

WHEREAS, UGA Extension is able to maintain and operate these programs through the use of UGA Extension personnel; and

WHEREAS, UGA Extension and the County agree that the services provided by UGA Extension Personnel are invaluable to the County’s citizens and community; and

WHEREAS, the County Board of Commissioners is authorized under Article 9, Section 3, Paragraph 1, and Article 9, Section 4, Paragraph 2, of the Constitution of the State of Georgia as amended in 1983, and by O.C.G.A. § 20-2-62 and O.C.G.A. § 48-5-220 to enter into agreements providing for these types of services; and

WHEREAS, all parties agree that it is necessary and appropriate to define the types of UGA Extension operations and personnel and establish parameters for compensation so that all parties are clear on their respective responsibilities and duties;

NOW, THEREFORE, the Parties agree as follows:
I. OPERATIONS

UGA Extension and the County will support all County Extension personnel operationally as set forth in this MOU regardless of employee compensation status.

A. UGA EXTENSION agrees to the following:

1. UGA Extension shall annually appoint a member of the County Extension personnel to serve as the County Extension Coordinator. The Coordinator shall be responsible for the total County Extension program, staff coordination and supervision, and all communications and transactions between the County and the County Extension staff.

2. UGA Extension shall provide County Extension personnel with the necessary educational materials needed for an effective program. UGA Extension also agrees to plan, implement and conduct training as necessary to keep County Extension personnel adequately prepared to conduct effective, relevant Extension programs.

3. UGA Extension shall reimburse all County Extension personnel directly for expenses incurred for officially designated travel authorized by the District Extension Director.

4. UGA Extension shall support County Extension personnel and the Extension program in the County with necessary assistance of District and State subject matter and supervisory personnel and other resources as available from the University of Georgia, the University System of Georgia, and other agencies and organizations with whom UGA Extension cooperates.

5. UGA Extension shall report to the County Board of Commissioners at regular intervals on the nature of the County Extension program and progress being made.

B. The COUNTY agrees to the following:

1. The County shall provide a suitable County Extension office with the suitability of the office to be agreed on by all parties. As a part of the County’s budgeting process, the County further agrees to provide sufficient funds to pay for all necessary office supplies, office equipment, telephone, utilities, data communication/networking (including broadband internet connectivity), postage, demonstration materials, janitorial service and other items necessary for the operation of an effective Extension education program.

   a. Should the County request removal or modification of office network infrastructure deployed and/or managed by UGA Extension, the County shall coordinate with UGA Extension IT personnel prior to the removal or modification of said equipment. The County shall also coordinate with UGA Extension IT personnel prior to the addition of new network infrastructure where the existing network infrastructure has been deployed or is managed by UGA Extension.
b. The County shall coordinate with UGA Extension IT personnel in planning for the relocation of an existing or establishment of a new Extension office where the network infrastructure and/or computing resources will be managed by UGA Extension.

c. The County shall allow the installation and use of client software and unrestricted access to online resources deemed necessary by UGA Extension to conduct Extension business operations and program delivery; provided, however, that, all such software shall comply with any and all County information technology policies relating to security on, and compatibility with, the County’s information technology infrastructure and systems. UGA Extension and the County will jointly determine such compliance prior to installation of any such software.

2. The County shall furnish a county government vehicle or reimburse the travel expenses of County Extension personnel for official travel in the county or on behalf of Effingham County. The reimbursement shall be paid by the County directly to County Extension personnel unless some other method is agreed upon in writing by UGA Extension and the County.

3. The County shall evaluate financial support to the operations of UGA Extension annually, including compensation of personnel, make adjustments as necessary for continued effective support, and shall notify the UGA Extension of these adjustments. The County Extension Coordinator will prepare and submit for approval an annual operating budget to the County according to standards set by Board of Commissioners for all county departments.

II. COMPENSATION

The UGA Cooperative Extension personnel shall be categorized based on the method of compensation they are associated with, as set forth in the attached addendums. UGA Extension and the County shall identify and agree upon the appropriate compensation method and personnel relationship for each employee. The following three options are available (CHECK ALL THAT APPLY):

☑️ A. COOPERATIVE DIRECT PAY
In choosing Cooperative Direct Pay, the County desires for the County Extension Personnel to receive compensation from both the County and from UGA Extension. The amount of compensation to County Extension Personnel under this option, as well as the County’s and UGA Extension’s responsibility for the County Extension Personnel’s withholding and payment of federal and state taxes and contributions toward retirement benefits, shall be divided proportionally between the County and UGA Extension as set forth in Addendum “A”.

☐ B. COOPERATIVE CONTRACT PAY
In choosing Cooperative Contract Pay, the County desires for County Extension Personnel to receive their compensation from UGA Extension payroll. The amount
of compensation to County Extension Personnel under this option, as well as the County’s and UGA Extension’s responsibility for the County Extension Personnel’s withholding and payment of federal and state taxes and contributions toward retirement benefits, shall be divided proportionally between the County and UGA Extension as set forth in Addendum “B”. However, for administrative purposes the County Extension Personnel’s compensation will come directly from UGA Extension, with the County reimbursing UGA Extension for the County’s proportionate share.

C. COUNTY FUNDED EXTENSION PERSONNEL
In choosing County Funded Extension Personnel, the County desires for the County Extension Personnel to be an employee of the County receiving compensation from only the County, as set forth in Addendum “C”. The County shall be solely responsible for the County Extension Personnel’s salary, benefits (including but not limited to health insurance), withholding of federal and state taxes, and retirement benefits (if any).

III. AGREEMENT
1. This MOU shall take effect when it is executed by both Effingham County and UGA Extension.

2. In instances of conflict between University of Georgia/University System of Georgia and County policies, the University of Georgia/University System of Georgia policies shall govern.

3. The term of this MOU shall be from the date of execution until terminated by either party by written notice of such intent provided ninety (90) days in advance.

4. This MOU may be modified by written agreement of the parties hereto.

5. Neither party to this agreement will discriminate against any employee or applicant for employment because of race, color, sex (including sexual harassment and pregnancy), sexual orientation, gender identity, ethnicity or national origin, religion, age, genetic information, disability, or veteran status.

6. All notices provided for or permitted to be given pursuant to this MOU shall be in writing and shall be deemed to have been properly given or served by personal delivery or by depositing in the United States Mail, postpaid and registered or certified mail, return receipt requested, and addressed to the addresses set forth below. By giving written notice hereunder, either party hereto shall have the right from time to time and at any time during the term of this MOU to change their respective addresses. For the purposes of this Agreement:

   The address of UGA Extension is:   501 N. Richland Avenue
Rincon, GA  31326

The address of County is: 601 N. Laurel Street
Springfield, GA  31329

or such other address as shall be furnished by such notice to the other party.

_________________________________________________ Date: __________________
Chairman, Board of Commissioners, Effingham County

__________________________________________________ Date: __________________
County Extension Coordinator, Effingham County

__________________________________________________ Date: __________________
Vice President for Public Service and Outreach, University of Georgia
Addendum A

COOPERATIVE DIRECT PAY

In choosing Cooperative Direct Pay, the County desires for the County Extension Personnel to receive compensation from both the County and from UGA Extension. The amount of compensation to County Extension Personnel under this option, as well as the County’s and UGA Extension’s responsibility for the County Extension Personnel’s withholding and payment of federal and state taxes and contributions toward retirement benefits, shall be divided proportionally between the County and UGA Extension as set forth in an annual Financial Agreement. Such annual Financial Agreement shall be contingent upon funding as a part of the County’s annual budget process.

1. UGA Extension shall employ and supervise County Extension personnel. It shall be the responsibility of the UGA Extension to establish minimum qualifications for County Extension personnel, certify the qualifications of all applicants, and to determine the total salary applicants are to be paid.

2. UGA Extension shall serve as the employer of record and therefore:
   a. Provide legally required health insurance; and
   b. Provide legally required worker’s compensation insurance

3. UGA Extension shall appoint County Extension personnel in compliance with Equal Employment Opportunity regulations and subject to the approval of the County. The County will provide UGA Extension with written reasons for each disapproval of an appointment recommendation.

4. In the event the work of any County Extension staff member becomes unsatisfactory to the County, it shall be the responsibility of the County to communicate this dissatisfaction to the District Extension Director of the UGA Extension in writing within a reasonable time frame. It shall then be the responsibility of the UGA Extension to address the County’s dissatisfaction and advise the County of action taken, if any. UGA Extension shall have the right to terminate or transfer personnel from the County. UGA Extension may select a replacement for the County, following the procedure described above.

5. UGA Extension shall keep at all times an accurate record of all funds received and disbursed under this agreement including all support documents. UGA Extension shall retain such records for a period of three (3) years unless an audit has begun but not been completed or if the audit findings have not been resolved at the end of the three (3) year period. In such cases, the records shall be retained until the audit is complete or until the resolution of the audit findings, whichever is later. UGA Extension will provide the County with a copy of any and all such audits relating to the County Extension office, personnel, and/or operations upon request by the County.
6. UGA Extension shall carry out all work under this agreement in accordance with the administrative and other requirements, including those related to personnel matters, established by the University of Georgia, federal and state laws, regulations, and standards.

7. UGA Extension shall pay its portion of the salary and associated benefits of County Extension personnel at a rate in compliance with the Board of Regents and the UGA Extension salary administration policies.

8. The County shall provide the agreed upon portion of the salaries and associated benefits of County Extension personnel as set forth in the annual Financial Agreement. Benefits, including leave, shall be calculated according to policies established by the Board of Regents.

The County portion of salary shall be paid monthly by the County directly to County Extension personnel. The County will collect and remit FICA taxes on the County portion of the salary. UGA Extension shall provide monthly statements to the County reflecting the County portion of the employer contribution to the employee’s retirement benefit with Teachers Retirement System of Georgia. The reimbursement to UGA Extension for the County’s portion of this benefit will be made to the UGA Extension in the full amount within fifteen (15) days of receipt of the statement.

The County portion of employee salaries should be adjusted annually based on performance and/or cost of living increases typical of other County employees in accordance with the County’s generally applicable rules or conditions for such adjustments. This adjustment should be reported to UGA Extension 30 days prior to effective date. UGA will not allocate any percentage salary increase on the County portion of the employee’s salary.

9. The County agrees to pay its share of the annual leave payment in accordance with University of Georgia and UGA Extension leave policies when an employee terminates employment through resignation or retirement during the term of this MOU and chooses to take a lump-sum payment for accumulated annual leave. Such County share shall be based solely on the individual’s time serving the County in his or her capacity as part of the County Extension office.
Addendum B

COOPERATIVE CONTRACT PAY:

In choosing Cooperative Contract Pay, the County desires for County Extension Personnel to receive their compensation from UGA Extension payroll. The amount of compensation to County Extension Personnel under this option, as well as the County’s and UGA Extension’s responsibility for the County Extension Personnel’s withholding and payment of federal and state taxes and contributions toward retirement benefits, shall be divided proportionally between the County and UGA Extension as set forth in an annual Financial Agreement. Such annual Financial Agreement shall be contingent upon funding as a part of the County’s annual budget process. However, for administrative purposes the County Extension Personnel’s compensation will come directly from UGA Extension, with the County reimbursing UGA Extension for the County’s proportionate share.

1. UGA Extension shall employ and supervise County Extension personnel. It shall be the responsibility of the UGA Extension to establish minimum qualifications for County Extension personnel, certify the qualifications of all applicants, and determine the total salary applicants are to be paid.

2. UGA Extension shall serve as the employer of record and therefore:
   a. Provide legally required health insurance;
   b. Provide legally required worker’s compensation insurance; and
   c. Pay applicable FICA taxes; and
   d. Withhold federal and state income taxes in accordance with relevant federal and state law.

3. UGA Extension shall appoint County Extension personnel in compliance with Equal Employment Opportunity regulations and subject to the approval of the County. The County will provide UGA Extension with written reasons for each disapproval of an appointment recommendation.

4. In the event the work of any County Extension staff member becomes unsatisfactory to the County, it shall be the responsibility of the County to communicate this dissatisfaction to the District Extension Director of the UGA Extension in writing within a reasonable time frame. It shall then be the responsibility of the UGA Extension to address the County’s dissatisfaction and advise the County of action taken, if any. UGA Extension shall have the right to terminate or transfer personnel from the County. UGA Extension may select a replacement for the County, following the procedure described above.

5. UGA Extension shall keep at all times an accurate record of all funds received and disbursed under this agreement including all support documents. UGA Extension shall retain such records for a period of three (3) years unless an audit has begun but not been completed or if the audit findings have not been resolved at the end of the three (3) year
period. In such cases, the records shall be retained until the audit is complete or until the resolution of the audit findings, whichever is later. UGA Extension will provide the County with a copy of any and all such audits relating to the County Extension office, personnel, and/or operations upon request by the County.

6. UGA Extension shall carry out all work under this agreement in accordance with the administrative and other requirements, including personnel matters, established by the University of Georgia, federal and state laws, regulations, and standards.

7. UGA Extension shall pay its portion of the salary and associated benefits of County Extension personnel at a rate in compliance with the Board of Regents and the UGA Extension salary administration policies.

8. The County shall provide the agreed upon portion of the salaries and associated benefits of County Extension personnel to UGA Extension within thirty (30) days of receipt of an invoice from UGA Extension. Benefits, including leave, shall be calculated according to policies established by the Board of Regents. UGA Extension will provide monthly statements to the County reflecting the County portion of the County Extension Personnel’s salary and benefits. The County is aware and agrees that these benefits will include the County’s proportionate share of the employer portion of FICA, worker’s compensation and the employee’s selected retirement benefits. The employee may select the Georgia Teachers Retirement System or the Board of Regents Optional Retirement Program.

The County portion of employee salaries shall be adjusted annually based on performance and/or cost of living increases typical of other county employees in accordance with the County’s generally applicable rules or conditions for such adjustments. This adjustment should be reported to UGA Extension 30 days prior to effective date, and a new contract will be issued with the new salary. UGA Extension will not allocate any percentage salary increase on the County portion of the employee’s salary. The County’s portion is as set forth in the annual Financial Agreement.

9. The County agrees to pay its share of the annual leave payment in accordance with University of Georgia and UGA Extension leave policies when an employee terminates employment through resignation or retirement during the term of this MOU and chooses to take a lump-sum payment for accumulated annual leave. Such County share shall be based solely on the individual’s time serving the County in his or her capacity as part of the County Extension office.
Addendum C

COUNTY FUNDED EXTENSION PERSONNEL

In choosing County Funded Extension Personnel, the County desires for the County Extension Personnel to be an employee of the County receiving compensation from only the County. The County shall be solely responsible for the County Extension Personnel’s salary, benefits (including but not limited to health insurance), withholding of federal and state taxes, and retirement benefits (if any).

For County Funded Extension Personnel, UGA EXTENSION agrees to the following:

1. UGA Extension shall establish minimum qualifications for County Extension personnel and certify the qualifications of all applicants.

2. UGA Extension may approve or disapprove appointment recommendations by County of County Funded Extension personnel; provided, however, UGA Extension will provide the County with written reasons for each disapproval of an appointment recommendation.

3. UGA Extension shall supervise and evaluate County Funded Extension personnel according to applicable University of Georgia and the Board of Regents policies and procedures.

4. UGA Extension shall collect, approve and transfer employee work time records to the COUNTY on a weekly or monthly basis as agreed upon.

5. In the event the work of any County Funded Extension personnel becomes unsatisfactory to UGA Extension, it shall be the responsibility of UGA Extension to communicate this dissatisfaction to the County. It shall then be the responsibility of the County to appropriately deal with the dissatisfaction and advise the UGA Extension of action taken, if any. The County shall have the right to terminate or transfer personnel.

For County Funded Extension Personnel, the COUNTY agrees to the following:

1. The County shall employ and determine the total salary that personnel are to be paid.

2. The County shall provide all salary and associated benefits as per County policy.

3. The County shall serve as the employer of record and therefore:
   a. Provide legally required health insurance;
   b. Provide legally required worker’s compensation insurance;
   c. Withhold and pay appropriate FICA and income taxes to the relevant government agencies; and
   d. Designate supervision of extension personnel to the District Extension Director.

4. Annual salary adjustments for County Extension personnel shall be based on County policy and consistent with such policies for other County employees.
5. No provision of this Addendum, the MOU, or the annual Financial Agreement between UGA Extension and the County shall create any employment rights for such personnel above and beyond any such rights enjoyed by County employees generally.
Staff Report
Subject: Prison Rape Elimination Act (PREA) Audit Services
Author: Alison Bruton, Purchasing Tech
Department: Prison
Meeting Date: October 20, 2020

Item Description: Consideration to approve a contract for Prison Rape Elimination Act (PREA) Audit Services

Summary Recommendation: Staff recommends approval of the Contract with Diversified Correctional Services, LLC. for Prison Rape Elimination Act (PREA) Audit Services

Executive Summary/Background:
- The Prison Rape Elimination Act is a federal law that requires facilities to be audited at least once every three year audit cycle.
- Three quotes were requested and received as follows:
  - Just4Consultants, LLC - $3,000.00
  - Diversified Correctional Services, LLC - $3,650.00
  - PREA Auditors of America, LLC - $5,495.00
- Prison staff recommend approval of the contract with Diversified Correctional Services, LLC as they have utilized this company in the past and are familiar with their audit procedures.
- Their contract states that the Auditor will provide a preliminary audit report to the County within 30 days of the conclusion of the audit. If no corrective action is required, the audit will be considered final. If corrective action is required, the Auditor will work with the County to develop a corrective action plan toward achieving compliance within a 180 day corrective action period. Prior to the conclusion of the 180 day corrective action period, the Auditor shall issue the final report.
- The County may terminate the contract for cause, and the contract has been reviewed and approved to form by the County Attorney.

Alternatives for Commission to Consider
1. Approval of the contract with Diversified Correctional Services, LLC for the PREA Audit in the amount of $3,650.00
2. Approval to contract with Just4Consultants, LLC for the PREA Audit in the amount of $3,000.00

Recommended Alternative: 1
Other Alternatives: 2
Department Review: Prison, Finance, Purchasing
Funding Source: Current Operating Budget
Attachments:
1. Contract with Diversified Correctional Services, LLC
CONTRACT

DIVERSIFIED CORRECTIONAL SERVICES, LLC
1825 Donald James Road
Blackshear, Georgia 31516

AND

EFFINGHAM BOARD OF COUNTY COMMISSIONERS/EFFINGHAM COUNTY
CORRECTIONAL INSTITUTION

This Contractor Agreement is made and entered into as of the 30TH Day of September 30, 2020, by and between Effingham County Correctional Institution (hereinafter referred to as Agency); Robert Lanier of 1825 Donald James Road, Blackshear, Georgia DBA Diversified Correctional Services, LLC. (hereinafter referred to as Contractor).

WHEREAS the Agency is desirous of entering into a contracting service agreement with Contractor for the purposes of providing auditing services, as hereinafter described as (Agreement), and the Agency is willing to enter into such an Agreement.

NOW THEREFORE, in consideration of the services to be provided by Contractor and the payments to be made by Agency, as hereinafter set forth, the parties hereto do mutually agree as follows:

The Contractor and Agency agree to comply with the following Prison Rape Elimination Act (PREA) Auditing Standards 28 C.F.R. 115.401-05.

I. Contractor (Diversified Correctional Services) agrees to the following:

A. Certified Auditor. Auditors will be certified in conducting PREA audits of adult prisons, jails, lock-ups and community confinement facilities. The Auditor may be employed by an organization or be an individual contractor partner with other auditors or staff. However, there shall be one designated Auditor who shall be the responsible auditor for purposes of this Contract and the PREA auditing standards. Diversified Correctional Services, LLC will ensure the audit is conducted as required and scheduled and will provide a certified auditor to conduct the PREA Audit.

B. Auditor Staff. The proposed primary auditor for this project/audit will be Adam Barnett. In addition to Mr. Barnett, the following individuals may be present during the on-site portion of the audit; Shirley Turner, Certified PREA Auditor, Mable Wheeler, Certified PREA Auditor, Bobby Latham, Certified PREA Auditor, and/or Rob Lanier, Assisting.

C. Auditor Expenses. The auditor shall be responsible for all expenses incurred in conducting the audit, including travel, lodging and meals. In the event that additional trips have to be
made following the on-site audit to assist the facility/program come into compliance with any identified major non-compliance areas the Agency shall bear all reasonable fees and expenses the Auditor may incur, including air fare, lodging, meals, rental car and reasonable fees.

D. Auditor Fees and Expenses. The Auditor’s fees for conducting PREA Audits of The Effingham County Correctional Institution: $ 3650.00. Diversified Correctional Services, LLC, shall be compensated by way of a one-time payment within 30 days of issuing the final report or as agreed upon between the parties.

E. Prohibition on Additional Compensation. The Auditor shall not accept any compensation for the conduct of the audit not set forth in this Contract.

F. Ex Parte Communication. The Auditor shall be permitted to initiate and receive ex parte communications with the community stakeholders, the PREA Resource Center, the Department of Justice, facility staff, residents, and other interested parties.

G. Auditor Responsibility and Authority. The Auditor shall have the responsibility and authority to independently observe, assess, review, and report on the Agency’s implementation and compliance with the National Standards. In order to accurately assess compliance at the facility, the Auditor shall: conduct an on-site inspection; observe programs and activities; interview pertinent administrators, professional staff, facility staff, and contractors; individually interview a sample of inmates; and conduct detailed reviews of resident records and other pertinent documents and reports. The Auditor shall spend a sufficient amount of time at the facility in order to accurately assess day-to-day operations and conditions. The Auditor shall be responsible for independently verifying representations from the Agency regarding facility compliance.

H. Delivery of Contract to PRC. Upon finalization, the Auditor shall provide a copy of this Contract to the PREA Resource Center for purposes of tracking Auditor activity if requested.

I. Auditing On-Site Schedule. The Auditor shall provide the Agency with a tentative schedule of activities during any on-site visits at least five days prior to arrival at the facility.

J. Public Statements. Except as required or authorized by the PREA auditing standards; federal, state, or local law; judicial order; this contract; or as permitted by the Agency, the Auditor shall not make any oral or written public statements — including, but not limited to, statements to the press, conference presentations, lectures, or articles — with regard to: the status of the Agency’s compliance or noncompliance with the PREA Standards, or any act or omission of the Agency or its agents, representatives, or employees.

K. Testimony. Except as required or authorized by the terms of this Contract, or by permission of the Agency, the Auditor shall not testify in any litigation or proceeding with regard to the status of the Agency’s compliance or noncompliance with the National Standards; or any act or omission of the Agency or its agents, representatives or employees, unless otherwise lawfully compelled to do so. If the Auditor is lawfully compelled to provide such information, the Auditor shall promptly notify the Agency.
L. **Conflict of Interest.** The Auditor shall not accept employment or provide consulting services that would present a conflict of interest with his or her responsibilities under this Contract, with the PREA auditing standards, or with auditor ethical guidance provided by the PREA Resource Center or the Department of Justice, including, but not limited to, being employed or retained by the Agency for purposes other than PREA auditing during the three-year period prior to the audit, or during the three-year period subsequent to the audit.

M. **Auditor Independence.** Neither the Agency, nor any employee or agent of the Agency, shall have any supervisory authority over the Auditor's activities, reports, findings, or recommendations.

N. **Termination of the Auditor.** The Auditor may be terminated if the Agency and the Department of Justice agree and upon good cause shown. Good cause shall include, among other things, any violation of the PREA Standards; or federal, state, or local law, which reasonably calls into question the Auditor’s fitness to continue serving as the Auditor.

O. **Audit Report Delivery.** The Auditor shall provide the preliminary audit report to the Agency PREA Coordinator and the facility Director within 30 calendar days of the conclusion of the auditor’s on-site visit. If there are no standards requiring corrective action, the audit report shall be considered final.

P. **Corrective Action Process.** If the audit report indicates that corrective action is required, the Auditor and the Agency shall work to promptly and jointly develop a corrective action plan toward achieving compliance with all standards. The corrective action plan shall contain a timeline for specific minimal remedial measures the Agency shall take to achieve compliance within a 180-day corrective action period. The Agency shall deliver, and the Auditor shall review and comment upon, deliverables provided to the auditor pursuant to the corrective action timeline and, if subsequent visits are necessary in order to confirm compliance, the Auditor shall travel to the site promptly, in order to confirm compliance with the applicable standard(s). Prior to the conclusion of the 180-day corrective action period, the Auditor shall issue his or her final report.

II. **The Agency/Facility/Program agrees to the following.**

A. **Audit Timelines.** The Parties agree that the required audit activities will occur during the time line to be determined and agreed upon by the Agency and Contractor:

   (a) **Pre-Audit:** Post Notice of Upcoming Audit (Post notice at facility/program with auditor’s contact information 60 days prior to the audit for confidential communication).

   (b) **Forty-five to thirty-days prior to the on-site audit date:** (The facility/program will complete the DOJ Online Pre-Audit Questionnaire for Prisons. If the online questionnaire is not available, the facility/program will label the required information by standard and requirement- example: 115.311 (a) – 1 and upload files on removable drive and overnight to Auditor)
<table>
<thead>
<tr>
<th>Facility/Program</th>
<th>Beds</th>
<th>Address</th>
<th>Post Audit Notice</th>
<th>DOJ-PRE Audit Questionnaire (Send to Auditor)</th>
<th>On-Site Visit</th>
</tr>
</thead>
<tbody>
<tr>
<td>Effingham County Correctional Institution</td>
<td>Approx 150-200</td>
<td>Springfield, GA</td>
<td>To Be Determined</td>
<td>To be determined</td>
<td>April 5-7, 2021 Other potential dates, if needed, must be mutually agreed upon between the parties</td>
</tr>
</tbody>
</table>

(c) **On-Site Audit Date and Facility/Program Name:** *(The facility/program will schedule an Introduction Conference, Facility/Program Tour, Schedule Staff and Inmate Interviews, and Exit conference).*

B. **Maintenance of Documentation and Information.** Any and all of the documentation (including electronic documentation) required by the National Standards shall be maintained and secured by the Agency. The Auditor is authorized to request, review, and retain (via copy or scan) all such documentation prior to, during, and after the on-site visit.

C. **Auditor Access.** The Agency shall ensure that the Auditor has access to the facility, documentation (including electronically-stored information), personnel, and residents, consistent with the auditing standards, until the issuance of the final report.

D. **Posting of Auditor Contact Information.** The Agency shall ensure that auditor contact information, that will be provided by the Auditor, together with a statement of confidentiality, shall be conspicuously displayed in all resident housing units of the facility to be audited, for the six-week period prior to the on-site visit.

E. **External Advocacy Organizations.** The Agency shall work in good faith to identify and provide the Auditor with contact information for community-based or victim advocates who may have insight into relevant conditions in the facility, in order to permit the Auditor to fulfill his or her obligations under 28 C.F.R. § 115.401(o).

F. **Access to External Investigative Personnel.** The Agency shall make best efforts to obtain and provide information and personnel from external investigative entities relevant to compliance with the National Standards to the Auditor.

G. **Auditor Workspace and Electronics.** During any on-site visit, the Agency shall provide the Auditor with a reasonably private workspace, and shall permit the Auditor to maintain a laptop computer and mobile telephone within that workspace. Internet connectivity will speed the audit process.

H. **Publication of Audit Report.** The Agency shall publish the final audit reports on the Agency website within 14 days of receipt of the reports.
I. Retaliation Safeguards. The Agency agrees that it shall not retaliate against any person because that person has provided any information or assistance to the Auditor, has filed or will file a complaint, or has participated in any other manner in the conduct of the Audit. The Agency agrees that it shall timely and thoroughly investigate any allegations of retaliation in violation of the National Standards or this Contract and take corrective action identified through such investigations.

J. Mandatory and Discretionary Reporting Information. The Agency shall determine whether, and to what extent, the Auditor is a mandatory or discretionary reporter of resident abuse in the relevant jurisdiction, and the Agency shall provide such information to the Auditor prior to the on-site visit. The Agency shall also inform the Auditor contact information for the entity or entities that may legally accept any discretionary or mandatory reporting. In the absence of direction on state law, the Auditor will be considered a mandatory child abuse reporter and report any notifications of abuse to the relevant state or local entity.

K. Primary Points of Contact. The Agency shall provide the Auditor with a list of primary points of contact (PPC) with respect to staff of all relevant disciplines within the agency and the facility (e.g., mental health care, investigations, and housing classification).


A. Conflict with PREA Standards. If any provision of this contract is found to be inconsistent with the PREA auditing standards, the auditing standards shall prevail.

B. Termination: This contract shall terminate on a showing of good cause as indicated in Section II. (n) Or at the conclusion of services as agreed upon by the parties.

C. Appeals: The agency may lodge an appeal with the Department of Justice regarding any specific audit finding that it believes to be incorrect. Such appeal must be lodged within 90 days of the auditor’s final determination. If the Department determines that the agency has stated good cause for a re-evaluation, the agency may commission a re-audit by an auditor mutually agreed upon by the Department and the agency. The agency shall bear the costs of this re-audit. Any time spent by the original auditor in resolving the appeal shall be paid by the agency unless the re-audit finds for the agency in each case.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the date first entered above, for themselves, their heirs, and assigns.

Signed:

Date: 9/22/20

For the Auditor:

Date:

For the Agency:
Robert Lanier, MA, Certified PREA Auditor
DOJ Certified ADULT AND JUVENILE PREA AUDITOR
Certified ACA Auditor

Effingham County CI
Staff Report

Subject: Final Plat Approval for Rain Dance Subdivision
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Pine Hill Group, LLC, requests approval of the final plat for Rain Dance, ph 1

Summary Recommendation:
Staff have reviewed the final plat, and inspected the roads and stormwater infrastructure identified in the warranty deed, and recommend approval.

Executive Summary/Background:
- Pine Hill Group, LLC’s contractors have built roads and stormwater infrastructure for phase 1. In order to sell the 41 lots of phase 1 for home construction, the final plat must be approved, and the roads and stormwater infrastructure accepted by the Board of Commissioners.
- Water and sewer is provided by the City of Springfield.
- EOM reviewed the plat, and inspected the right of way and stormwater infrastructure of phase 1, and recommend approval.
- Staff reviewed the final plat and checklist. All documents are in order, and consistent with zoning, plans, and plats approved previously.
- The County Engineer reviewed the bond recommendation, and approved the bond for $57,354.90, which is 10% of the total cost of drainage and paving in phase 1.
- The County Attorney reviewed and approved the warranty deed.

Alternatives for Commission to Consider
1 - Approve the final plat for Rain Dance ph 1, and accept the roads and stormwater infrastructure identified in the warranty deed.
2 – Take no action

Recommended Alternative: Alternative 1
Other Alternatives: N/A
Department Review: Development Services; EOM; County Attorney
Funding Source: No new funding requested.
Attachments:
1. Final Plat for Rain Dance, Ph 1
2. Final Plat Submittal Form & Checklist
3. EOM Recommendation
4. Bond
5. Project Engineer’s Certification Letter
6. Infrastructure Agreement
7. Warranty Deed for Infrastructure
8. Stormwater Maintenance Agreement
EFFINGHAM COUNTY
FINAL PLAT SUBMITTAL FORM

OFFICIAL USE ONLY
Date Received: ________________ Project Number: ________________
Date Reviewed: ________________ Reviewed by: ________________

Name of Subdivision  Rain Dance

Name of Applicant/Agent  Toss Allen  Phone  (912) 667-2667

Company Name  Allen Engineering Services

Address  P.O. Box 1749 Rincon, GA 31326

Owner of Record  Pine Hill Group, LLC  Phone  (912) 348-4525

Address  122 Canal Street, Suite 108 • Pooler, GA 31322

Engineer  Allen Engineering Services  Phone  (912) 667-2667

Address  P.O. Box 1749 • Rincon, GA 31326

Surveyor  Atlas Surveying, Inc.  Phone  (843) 645-9277

Address  49 Brown's Cove Road, Suite #5 • Ridgeland, SC 29936

*Information may be left blank if it is the same as indicated on the sketch plan submittal form

Total acreage subdivided  52.74  Zoning  R-6  Number of Lots  41

Date of sketch plan approval  09/17/2019  Date of preliminary plan approval  12/31/2019

Map#/Parcel# to be subdivided  445-26  List all contiguous holdings in the same ownership:

Map#/Parcel#

Water supply  City of Springfield

Sewer supply  City of Springfield

Have any changes been made since this Subdivision was last before the County Commission?  No

If so, please describe:

__________________________________________________________________________

The undersigned (applicant) (owner), hereby acknowledges that the information contained herein is true
and complete to the best of its knowledge.

This 6th day of December, 2020.

__________________________________________________________________________

Applicant

__________________________________________________________________________

Owner

__________________________________________________________________________

Notary

Page 1 of 3

10/15/2020

Page 3 of 19

10/01/2020
## EFFINGHAM COUNTY
### FINAL PLAT CHECKLIST

**OFFICIAL USE ONLY**

<table>
<thead>
<tr>
<th>Subdivision Name:</th>
<th>Project Number:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Date Received:</td>
<td>Date Reviewed:</td>
</tr>
<tr>
<td>Reviewed by:</td>
<td></td>
</tr>
</tbody>
</table>

The following checklist is designed to inform applicants as to what is required in preparing final plats for review by Effingham County. The Final Plat must be drawn in ink by a Georgia Registered Land Surveyor on Mylar, and four (4) paper copies must be included. After the Final Plat is approved and ALL associated fees have been paid, it is the petitioner's responsibility to obtain the necessary signatures and to record the Final Plat with Clerk of Superior Court of Effingham County.

### Project Information:

- **X** 1. Graphic scale.
- **X** 2. Lot areas in accordance with the applicable zoning regulation or preliminary plan for planned development.
- **X** 3. North arrow.
- **X** 4. Land reference point.
- **X** 5. Point of beginning designated.
- **X** 6. Date of preparation (under Surveyor’s signature).
- **X** 7. Name of Subdivision.
- **X** 8. Names of adjacent subdivisions and owners of adjoining parcels of land.
- **X** 9. Names and widths of adjacent streets.
- **X** 10. Names and widths of streets within subdivision. Names either match existing street names that align with proposed streets, **or are not used elsewhere in Effingham County**.
- **X** 11. Plat boundaries darkened.
- **X** 12. Proposed building setback lines.
- **X** 13. Location of all existing easements or other existing features.
- **X** 14. New easements required by Planning Department, County Utilities, Public Works Department, Telephone Company, etc.
- **X** 15. Lots in new subdivisions are to be numbered consecutively from one to the total number of lots.
- **X** 16. Lot lines with accurate dimensions in feet and tenths, and angles or bearings to the street when other than 90°.
- **X** 17. Express dedication statement to the public for streets, alleys, access limitations, right-of-way, parks, school sites, and other public places shown on the attached plat.
- **X** 18. Name, registration number, and seal of registered land surveyor or professional engineer (signed and dated).
- **N/A** 19. Location of city limits and county lines, if applicable.
<table>
<thead>
<tr>
<th></th>
<th>20. Location on the property to be subdivided of natural features such as streams, lakes, swamps, wetlands, and land subject to flood based on current effective FEMA Flood Insurance Rate Map (FIRM).</th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td>21. Digital copy of final plat geographically referenced to Georgia State Plane Coordinate System as further described on SUBMITTAL OF FINAL PLATS AND RECORD DRAWINGS.</td>
</tr>
<tr>
<td>X</td>
<td>22. Certificate of Approval – To be signed by County Commission chair.</td>
</tr>
<tr>
<td>X</td>
<td>25. Signed Certificate of Ownership and Dedication – Corporation (Corporate Seal must be affixed to plats; signature of one corporate officer).</td>
</tr>
<tr>
<td>X</td>
<td>26. Signed Certificate by Registered Engineer that all permitted improvements were installed in accordance with approved plans, accompanied by two complete sets of as-built construction plans as record drawings.</td>
</tr>
<tr>
<td>X</td>
<td>27. Signed Warranty Deed conveying all streets, utilities, parks, easements, and other government uses (except ponds), in a form approved by the county attorney.</td>
</tr>
<tr>
<td>X</td>
<td>28. Maintenance bond, letter of credit, escrow account, or certified check, which is available to the County to cover any necessary repair of infrastructure conveyed by warranty deed for a minimum of 10% of the total construction cost of such improvements.</td>
</tr>
</tbody>
</table>

The undersigned (applicant) (owner), hereby acknowledges that the information contained herein is true and complete to the best of its knowledge.

This 6th day of October, 2020.

Notary

Applicant

Owner
October 6, 2020
CC: Liberto Chacon, P.E
Charles George, P.E

Teresa Concannon
County Planner
Effingham Board of Commissioners
601 N Laurel Street
Springfield, GA 31329

Re: Rain Dance Subdivision Phase 1 Final Plat

Dear Ms. Concannon,

The Rain Dance Subdivision Phase 1 has requested that the Effingham County accept roads and storm sewer system located within the Right-of-Way, and the Final Plat for recording. After review of the Plat and visiting the site, we recommend that the Right-of-Way located within the Rain Dance Subdivision Phase 1, roads and storm sewer system located within the Right-of-Way and the Final Plat to be accepted and recorded with the condition:

1. The road signs should be placed by October 10, 2020.

Please contact me if you have any questions or if you need any additional information.

Sincerely,

Srikar Velagapudi
Civil Engineer
EOM Operations
MAINTENANCE BOND

BOND NO. NFB5936506

KNOW ALL MEN BY THESE PRESENTS:

THAT we, Pine Hill Group, LLC, Old Republic Surety Company, as Principal, a corporation organized and doing business and under and by virtue of the laws of the State of Wisconsin and duly licensed to conduct surety business in the State of Georgia, as Surety, are held and firmly bound unto Effingham County

as Obligee, in the sum of Fifty Seven Thousand Three Hundred Fifty Four and 90/100 ($ 57,354.90 ) Dollars, for which payment, well and truly to be made, we bind ourselves, our heirs, executors and successors, jointly and severally firmly by these presents.

THE CONDITION OF THE OBLIGATION IS SUCH THAT:

WHEREAS, the above named Principal entered into an agreement or agreements with said Obligee to:
Road and Storm Infrastructure, Raindance Subdivision Phase 1

WHEREAS, said agreement provided that Principal shall guarantee replacement and repair of improvements as described therein for a period of one (1) year(s) following final acceptance of said improvements.

NOW, THEREFORE, if the above Principal shall indemnify the Obligee for all loss that Obligee may sustain by reason of any defective materials or workmanship which become apparent during the period of one (1) year(s) from and after acceptance of the said improvements by Obligee, then this obligation shall be void, otherwise to remain in full force and effect.

IN WITNESS WHEREOF, the seal and signature of said Principal is hereto affixed and the corporate seal and the name of the said Surety is hereto affixed and attested by its duly authorized Attorney-in-Fact, this 14th day of October, 2020.

Pine Hill Group, LLC
Principal

BY: ____________________________

Old Republic Surety Company

BY: ____________________________
Lydia A. Mantle Attorney-in-Fact
POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS: That OLD REPUBLIC SURETY COMPANY, a Wisconsin stock insurance corporation, does make, constitute and appoint:

NEVIN BEYER, BETH A. SEIBERT, LYDIA A. MANTLE, AIMEE R. HORVATH of HARRISBURG, PA

its true and lawful Attorney(s)-in-Fact, with full power and authority for and on behalf of the company as surety, to execute and deliver and affix the seal of the company thereto (if a seal is required), bonds, undertakings, recognizances or other written obligations in the nature thereof, (other than bail bonds, bank depository bonds, mortgage deficiency bonds, mortgage guaranty bonds, guarantees of installment paper and note guaranty bonds, self-insurance workers compensation bonds guaranteeing payment of benefits, asbestos abatement contract bonds, waste management bonds, hazardous waste remediation bonds or black lung bonds), as follows:

ALL WRITTEN INSTRUMENTS

and to bind OLD REPUBLIC SURETY COMPANY thereby, and all of the acts of said Attorneys-in-Fact, pursuant to these presents, are ratified and confirmed. This appointment is made under and by authority of the board of directors at a special meeting held on February 18, 1982.

This Power of Attorney is signed and sealed by facsimile under and by the authority of the following resolutions adopted by the board of directors of the OLD REPUBLIC SURETY COMPANY on February 18, 1982.

RESOLVED that, the president, any vice-president or assistant vice president, in conjunction with the secretary or any assistant secretary, may appoint attorneys-in-fact or agents with authority as defined or limited in the instrument evidencing the appointment in each case, for and on behalf of the company to execute and deliver and affix the seal of the company to bonds, undertakings, recognizances, and suretyship obligations of all kinds; and said officers may remove any such attorney-in-fact or agent and revoke any Power of Attorney previously granted to such person.

RESOLVED FURTHER, that any bond, undertaking, recognizance, or suretyship obligation shall be valid and binding upon the Company

(i) when signed by the president, any vice president or assistant vice president, and attested and sealed (if a seal be required) by any secretary or assistant secretary; or
(ii) when signed by the president, any vice president or assistant vice president, secretary or assistant secretary, and countersigned and sealed (if a seal be required) by a duly authorized attorney-in-fact or agent; or
(iii) when duly executed and sealed (if a seal be required) by one or more attorneys-in-fact or agents pursuant to and within the limits of the authority evidenced by the Power of Attorney issued by the company to such person or persons.

RESOLVED FURTHER that the signature of any authorized officer and the seal of the company may be affixed by facsimile to any Power of Attorney or certification thereof authorizing the execution and delivery of any bond, undertaking, recognizance, or other suretyship obligations of the company, and such signature and seal when so used shall have the same force and effect as though manually affixed.

IN WITNESS WHEREOF, OLD REPUBLIC SURETY COMPANY has caused these presents to be signed by its proper officer, and its corporate seal to be affixed this 18th day of March 2020

[Signature]
Assistant Secretary

STATE OF WISCONSIN, COUNTY OF WAUKESHA - SS

On this 18th day of March, 2020, personally came before me, Alan Pavlic,

President

of OLD REPUBLIC SURETY COMPANY

who executed the above instrument, and they each acknowledged the execution of the same, and being by me duly sworn, did severally depose and say: that they are the said officers of the corporation aforesaid, and that the seal affixed to the above instrument is the seal of the corporation, and that said corporate seal and their signatures as such officers were duly affixed and subscribed to the said instrument by the authority of the board of directors of said corporation.

[Signature]
Notary Public

My Commission Expires: September 28, 2022

(Expiration of notary's commission does not invalidate this instrument)

Signed and sealed at the City of Brookfield, WI this 14th day of October 2020

[Signature]
Assistant Secretary

CERTIFICATE

I, the undersigned, assistant secretary of the OLD REPUBLIC SURETY COMPANY, a Wisconsin corporation, CERTIFY that the foregoing and attached Power of Attorney remains in full force and has not been revoked; and furthermore, that the Resolutions of the board of directors set forth in the Power of Attorney, are now in force.

72-6400

GRSC 22262 (3-06)

10/15/2020
October 07, 2020

Charles L. George  
Effingham County Board of Commissioners  
Director of Development Services/County Engineer  
601 N. Laurel Street  
Springfield, Georgia 31329

RE: RAIN DANCE  
PROJECT NO: 19-021

Dear Mr. George:

I hereby certify that the streets, drainage system, sewer system, and water system in the Subdivision known as Rain Dance Phase I shown on the Plat dated 10/05/220 prepared by Atlas Surveying, Inc. have (has) been installed in accordance with the preliminary plan (Construction Drawings) approved December 31, 2019.

If you have any questions concerning the project, please feel free to call me at 667-2667.

Sincerely,

_____________________________  
Anthony T. Allen, P.E.
STATE OF GEORGIA  
COUNTY OF EFFINGHAM  

INFRASTRUCTURE AGREEMENT  

This Infrastructure Agreement (hereinafter referred to as the “Agreement”) is made and entered into this ___ day of ______, 2020 by and between EFFINGHAM COUNTY, a political subdivision of the State of Georgia, having its principal place of business at 601 N. Laurel Street, Springfield, GA 31329 (hereinafter, the “County”) and THE CITY OF SPRINGFIELD, GEORGIA, a Georgia municipal corporation, having its principal place of business at 130 S. Laurel Street, Springfield, GA 31329 (hereinafter, the “City”).

WITNESSETH:

WHEREAS, Pine Hill Group, LLC is the fee owner of certain land located off of Ebenezer Road, Effingham County, Georgia, designated as 52.736 acres, more or less, as shown more particularly described by a metes and bounds description on that certain map or plan made by William H. Gray, Jr. GA. P.L.S. No. LS003235, dated November 8, 2018, recorded in Plat Book 28, Page 422 in the records of the Clerk of the Superior Court of Effingham County, Georgia, attached here to as Exhibit A to Exhibit 1 and made a part hereof by this reference (hereinafter referred to as the “Rain Dance Subdivision”); and

WHEREAS, Pine Hill Group, LLC and the City have entered into a Utility Easement Agreement (attached here as “Exhibit 1”) granting the City the right to use and exercise all rights in and to the utility easement as shown on that certain map or plat entitled “PLAT OF LOTS 1–41, RAIN DANCE SUBDIVISION” prepared by Thomas W. Hurley, GA. P.L.S. No. LS002468 and recorded in Plat Cabinet _____, Page _________ in the records of the Clerk of Superior Court of Effingham County and more particularly described by a metes and bounds description set forth in Exhibit B to Exhibit 1 attached hereto and made a part hereof by this reference (hereinafter referred to as “Easement Premises”); and

WHEREAS, the County has accepted ownership of the roads and rights of way shown on Exhibit B to Exhibit 1; and

WHEREAS, the County desires that the City provide water and sewer services to the Rain Dance Subdivision; and
WHEREAS, portions of the City’s infrastructure necessary for the provision of water and sewer services to the Rain Dance Subdivision (the “Facilities”) are or will be located within the County-owned right-of-way; and

WHEREAS, absent agreement to the contrary, facilities located within a county-owned right-of-way can become the property of that county; and

WHEREAS, the County does not want to own or maintain the Facilities; and

WHEREAS, the City’s continued ownership of all personal property within the Easement Premises (including, without limitation, the Facilities and all infrastructure necessary for the provision of utility services) is paramount to the City’s provision of utility services to the Rain Dance Subdivision; and

NOW, THEREFORE, for and in consideration of the sum of Ten Dollars ($10.00) and other valuable consideration, the receipt and sufficiency of which are hereby acknowledged under seal, the County and the City hereby agree as follows:

1. Ownership of the Facilities and all Infrastructure within the Easement Premises. The City shall now and forever more be the sole owner of the Facilities and all personal property within the Easement Premises, whether that personal property is currently within the Easement Premises, or may be placed there in the future.

IN WITNESS WHEREOF, the undersigned parties have executed, or caused this Infrastructure Agreement to be executed by their duly authorized representatives, under the seal as of the day and year above written.

EFFINGHAM COUNTY

By: Wesley Corbitt
Chairman at Large, Effingham County Board of Commissioners

THE CITY OF SPRINGFIELD

By: Barton A. Alderman
Mayor, City of Springfield
Signed, sealed and delivered this ____ day of ________, 20__, in the presence of:

___________________________
WITNESS

___________________________
NOTARY PUBLIC

This Agreement is approved as to form:

By: __________________________
    Lee Newberry
    Effingham County Attorney

By: __________________________
    Benjamin M. Perkins
    City Attorney, City of Springfield
EXHIBIT 1
Utility Easement Agreement between the City of Springfield, Georgia and Pine Hill Group, LLC
STATE OF GEORGIA  
COUNTY OF EFFINGHAM

WARRANTY DEED

THIS INDENTURE made this _____ day of _____________, 2020, by and  
between PINE HILL GROUP, LLC, as Party of the First Part, hereinafter referred to as  
Grantor, and the BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY,  
GEORGIA, as Party of the Second Part, hereinafter referred to as Grantee (the words  
“Grantor” and “Grantee” to include their respective heirs, successors and assigns where the  
context requires or permits).

WITNESSETH:

FOR AND IN CONSIDERATION of the sum of Ten Dollars ($10.00) in hand  
paid, at and before the sealing and delivery of these presents, and other good and valuable  
consideration, the receipt of which is hereby acknowledged, Grantor has granted,  
bargained, sold, conveyed and confirmed, and by these presents does grant, bargain, sell,  
convey and confirm unto the said Grantee the following described property:

All those certain roads and storm drainage, situate, lying and being in the  
9th G.M. District, Effingham County, Georgia, consisting of the entire  
right-of-way of Franklin’s Walk and William’s Drive located within Rain  
Dance Subdivision, as more particularly described on that certain  
subdivision plat entitled “Plat of Lots 1-41 of Rain Dance Subdivision”  
LS002468, dated August 31, 2020, recorded in Plat Cabinet _____, Slide  
_____, in the office of the Clerk of Superior Court of Effingham County,  
Georgia.

Together with a perpetual, non-exclusive, appurtenant, commercial,  
transmissible general utility easement for the installation, construction,  
maintenance, operation, repair, and replacement of permanent above  
ground or underground utilities and for the inspection of the storm water
management facilities, over, through and across and in those areas designated as utility easements and drainage easements, including the right to ingress and egress over the easements, all located within Rain Dance Subdivision as shown on the aforementioned plat which is incorporated herein for descriptive and all other purposes, that this deed does not include the conveyance of any detention ponds or common areas.

Subject to that certain Utility Easement Agreement dated __________, 2020, by and between Grantor and the City of Springfield, Georgia, recorded in Deed Book _____, Page _____, in the office of the Clerk of Superior Court of Effingham County, Georgia.

TO HAVE AND TO HOLD said road and easements, 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 whomsoever.

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and seal, on the day and year first above written.

PINE HILL GROUP, LLC

By: ________

MATTHEW J. BYRD
Managing Member

Signed, sealed and delivered in the presence of:

Witness

Notary Public

10/15/2020
ACCEPTED AND AGREED TO THIS ____ DAY OF _________, 2020.

BOARD OF COMMISSIONERS OF EFFINGHAM COUNTY, GEORGIA

By: ____________________________________________  
WESLEY CORBITT  
Chairman

Attest: ____________________________________________  
Stephanie Johnson  
Effingham County Clerk

Signed, sealed and delivered in the presence of:

___________________________________________  
Witness

___________________________________________  
Notary Public
Effingham County
Stormwater Facility Inspection & Maintenance Agreement

THIS AGREEMENT, made and entered into this ___ day of ___ October 20_, 2020, by and between Pine Hill Group, LLC, his/her successors and assigns, including but not limited to any homeowners association, commercial developer, holder of any portion of the below described property, and/or similar (hereinafter called the "Landowner"), and the Effingham County Board of Commissioners, hereinafter called the "County".

WITNESSETH, that WHEREAS, the Landowner is the owner of certain real property described as Map 445, Parcel 26, and recorded by deed in the land records of Effingham County, Georgia, Deed Book 2552, Page 814, hereinafter called the "Property".

WHEREAS, the Landowner is proceeding to build on and develop the property; and

WHEREAS, the Stormwater Management Plan and the Operations and Maintenance Plan (O&M) known as Rain Dance Subdivision, hereinafter called "the Plan", which is expressly made a part hereof, as approved or to be approved by the County, provides for detention of stormwater within the confines of the property; and

WHEREAS, the County and the Landowner, its successors and assigns, agree that the health, safety, and welfare of the residents of Effingham County, Georgia, require that on-site stormwater management facilities be constructed and maintained on the Property and in accordance with the Plan; and

WHEREAS, the County requires that on-site stormwater management facilities as shown within the Plan be constructed and adequately maintained by the Landowner, its successors and assigns.

NOW, THEREFORE, in consideration of the foregoing premises, the mutual covenants contained herein, and the following terms and conditions, the parties hereto agree as follows:

1. The on-site stormwater management facilities shall be constructed by the Landowner, its successors and assigns, in accordance with the specifications identified in the Plan.

2. The Landowner, its successors and assigns, shall adequately maintain the stormwater management facilities and perform the work necessary to keep those facilities in good working order at all times, as described in the Plan. This includes all pipes, channels or other conveyances built to convey stormwater to the facility, as well as all structures, improvements, and vegetation provided to control the quantity and quality of the stormwater runoff. Adequate maintenance is herein defined as good working condition so that these facilities are performing their approved design functions.

3. The Landowner, its successors and assigns, shall inspect the stormwater management facility and submit an inspection report annually to the County Administrator (or his designee). The purpose of the inspection is to ensure safe and proper functioning of the stipulated facilities. The inspection shall cover all applicable stormwater management facilities, including but not limited to, conveyance measures, berms, outlet structures, pond areas, access roads, etc. Deficiencies shall be noted in the inspection report along with a schedule for repair. The inspection procedures, frequency and report shall follow the procedures established and approved in the Plan.
4. The Landowner, its successors and assigns, hereby grant permission to the County, its authorized agents and employees, to enter upon the Property and to inspect the stormwater management facilities whenever the County deems necessary. The County shall provide the Landowner, its successors and assigns, copies of the inspection findings and a directive to commence with the repairs if necessary.

5. In the event the Landowner, its successors and assigns, fails to maintain the stormwater management facilities in good working condition acceptable to the County, the County issue citations to the Landowner for resulting, continuing ordinance violations, on a daily basis (as set forth in the Effingham County Code of Ordinance XX), until such time as the issues are satisfactorily resolved. Additionally, the County may enter upon the Property and take whatever steps necessary to correct deficiencies identified in the inspection report and to recover the costs of such repairs from the Landowner, its successors and assigns through the appropriate means. This provision shall not be construed to allow the County to erect any structure of permanent nature on the land of the Landowner outside of the easement for the stormwater management facilities. It is expressly understood and agreed that the County is under no obligation to routinely maintain or repair said facilities, and in no event shall this AGREEMENT be construed to impose any such obligation on the County.

6. Landowner, its successors and assigns, will perform the work necessary to keep these facilities in good working order as appropriate. In the event a maintenance schedule for the stormwater management facilities (including sediment removal) is outlined on the approved plan, the schedule will be followed.

7. In the event the County, pursuant to this AGREEMENT, performs work of any nature, or expends any funds in performance of said work for labor, use of equipment, supplies, materials, and the like, the Landowner, its successors and assigns, shall reimburse the County upon demand, within thirty (30) days of receipt thereof for all actual costs incurred by the County hereunder.

8. This Agreement imposes no liability of any kind whatsoever on the County and the Landowner agrees to hold the County harmless from any liability in the event the stormwater management facilities fail to operate properly.

9. This Agreement shall be recorded among the land records of Effingham County, Georgia, and shall constitute a covenant running with the land, and shall be binding on the Landowner, its administrators, executors, assigns, heirs and any other successors in interests, including any homeowners association.
AUTHORIZATION

OWNER:

WITNESS the following signatures and seals:

_ Pine Hill Group, LLC
Company/Corporation/Partnership Name (Seal)

By: ____________________________

__ Matt Byrd, Member
(Type Name and Title)

The foregoing AGREEMENT was acknowledged before me this ___ day of ___October___, 20___, 20_,
by

______________________________
STEPHANIE STEELE

NOTARY PUBLIC

My Commission Expires: 3/01/2022

COUNTY OF EFFINGHAM, GEORGIA

By: ____________________________

______________________________
(Type Name and Title)
Staff Report

Subject: Blue Jay Road Water line Ext A – RR Encroachment Permit Approval
Author: Charles George, P.E., County Engineer
Department: Engineering
Meeting Date: October 20, 2020
Item Description: Consideration to approve the fee for the Norfolk Southern RR Encroachment Permit for installation of the new water line under the rail line at Blue Jay/McCall Roads

Background: As part of the Blue Jay Road Water Line Ext A project the new water line is to be installed beneath the existing Norfolk Southern Rail. A permit application for the encroachment was submitted by the County and the application was approved on October 6, 2020. The permit fee for this encroachment is $20,300.00 along with a $1,900.00 Risk Management Fee required.

Summary Recommendation: County Engineering recommends approval of the signing of the Permit along with payment of the permit fee and Risk Management Fee.

Alternatives for Commission to Consider
1. Approve the Staff Recommendation for Approval of the fees associated with the RR Encroachment Permit
2. Reject the Staff’s recommendation which would result in not being able to place the line under the RR.

Recommended Alternative: Approve Alternate 1.

Other Alternatives: None

Department Review: Engineering

Funding Source: General Fund

Attachments:
1. Permit Approval Notification from Railroad
October 6, 2020

Charles George  
Effingham County  
601 N Laurel Street Springfield, Georgia 31329  
Georgia, 31329


Georgia Division, at Mile Post SA-17.71  
Ricon, Effingham County, Georgia  
Latitude / Longitude: 32.27838000/-81.26328000  
NS Activity No. 1286530

Dear Charles George:

RailPros, as consultant for Norfolk Southern Railway Company ("Railway"), has reviewed the above-referenced request. Based on the information and documentation presented, Railway has no objections to the proposed work.

Attached you will find the requested offer of agreement for execution, by an official authorized to execute contract agreements on behalf of the Licensee. Please have the agreement executed via DocuSign. Note, however, that the attached offer of agreement does not constitute a binding contract, unless or until it is executed by both the Licensee and Railway.

In order for Railway to countersign the document, the following items are needed for review:

1. Payment of the License Fee in the amount of $20,300.00 within the Application System;
2. A Certificate of Insurance as required in the agreement, is to be submitted within the Application System.
3. A separate Railroad Protective Liability Insurance policy, as required in the agreement, with Railway as the named insured, and the Activity ID referenced in the description, submitted within the Application System; OR
4. The submission of the Risk Management Fee of $1,900.00 adds the specific project/activity to the Norfolk Southern Master Railroad Protective insurance policy, and as such no further railroad protective liability insurance coverage is necessary or requested.

NOTE: No work shall be permitted on or about the Railway’s property until the agreement becomes binding, and the Division Engineer or their authorized representative has reviewed and approved field services for the project, such as flagging protection, construction monitoring, and post-construction inspection services. Once the above items are received, the fully executed agreement will be sent, along with the name and contact information for field service coordination.

If we have not received the executed agreement and corresponding payments and/or documents within sixty (60) days from the date of this letter, we reserve the right to cancel this request.

If you have any questions, please contact me at mitch.bruckner@railpros.com.

Sincerely,

Mitch Bruckner  
Mitch Bruckner  
Real Estate Specialist

11819 Miracle Hills Dr., Ste 102  
Omaha, NE 68154  
P: (402) 965-0539  F: (866) 762 - 7619  
www.railpros.com
THIS AGREEMENT, dated October 6, 2020, is made and entered into by and between

CENTRAL OF GEORGIA RAILROAD COMPANY, a Georgia corporation, whose mailing address is Three Commercial Place, Norfolk, Virginia, 23510 (hereinafter called "Railway"); and

EFFINGHAM COUNTY, GEORGIA, a Georgia Government Entity, whose mailing address is 601 N Laurel Street Springfield, Georgia 313329, (hereinafter called "Licensee").

WITNESSETH

WHEREAS, Licensee proposes to install, maintain, operate and remove an underground transverse crossing 16-inch PVC potable water pipeline, encased in a 24-inch steel pipe (hereinafter called the "Facilities") located in, under and across the right-of-way or property and any tracks of Railway, at or near:

- Milepost SA-17.71, Central Junction-Ardmore Line
- Latitude 32.27838000, Longitude -81.26328000
- Rincon, Effingham County, Georgia,

the same to be located in accordance with and limited to the installation shown on print of drawings marked Exhibit “A” last revised August 9, 2020, and Exhibit “B”, last revised August 18, 2020, attached hereto and made a part hereof; and

WHEREAS, Licensee desires a license to use such right-of-way or property of Railway for the installation, construction, maintenance, operation and removal of the Facilities.

NOW, THEREFORE, for and in consideration of the premises, the payment of a non-refundable, non-assignable license fee in the amount of TWENTY TWO THOUSAND TWO HUNDRED AND 00/100 DOLLARS ($22,200.00) (hereinafter called the "Fee") to cover rent for a twenty-year term commencing on the Effective Date of this Agreement and a one-time the Risk Financing Fee (as hereinafter defined) in the amount of $1,900.00, and the covenants hereinafter set forth, Railway hereby permits and grants to Licensee, insofar as Railway has the right to do so, without warranty and subject to all encumbrances, covenants and easements to which Railway's title may be subject, the right to use and occupy so much of Railway's right-of-way or property as may be necessary for the installation, construction, maintenance, operation and removal of the Facilities (said right-of-way or property of Railway being hereinafter collectively called the "Premises"), upon the following terms and conditions:

1. **Term.** This license shall commence on the Effective Date and shall continue for a period of twenty (20) years, subject to prior termination as hereinafter described.

2. **Use and Condition of the Premises.** The Premises shall be used by Licensee only for the installation, construction, maintenance, operation and removal of the Facilities and for no other purpose without the prior written consent of Railway, which consent may be withheld by Railway in its sole discretion. Licensee accepts the Premises in their current "as is" condition, as
suited for the installation and operation of the Facilities, and without the benefit of any improvements to be constructed by Railway.

3. **Installation of the Facilities: Railway Support.** Licensee shall, at its expense, install, construct, maintain and operate the Facilities on a lien-free basis and in such a manner as will not interfere with the operations of Railway, or endanger persons or property of Railway. Such installation, construction, maintenance and operation of the Facilities shall be in accordance with (a) the plans and specifications (if any) shown on the prints attached hereto and any other specifications prescribed by Railway, (b) applicable laws, regulations, ordinances and other requirements of federal, state and local governmental authorities, and (c) applicable specifications adopted by the American Railway Engineering and Maintenance-of-Way Association, when not in conflict with the applicable plans, specifications, laws, regulations, ordinances or requirements mentioned in (a) and (b), above. All underground pipes must have secondary pipe containment if the material flowing through the pipeline poses a safety or environmental hazard. Any change to the character, capacity or use of the Facilities shall require execution of a new agreement. In the event it becomes necessary for Licensee to deviate from the approved plans and specifications, Licensee shall seek prior approval from Railway’s Division Engineer or his or her authorized representative and, when applicable, an authorized representative of the Division Engineer in the field during Construction Monitoring. Licensee shall provide Railway with complete as-built drawings of the Facilities in an electronic format within thirty (30) days of (i) completion of the initial installation of the Facilities and (ii) completion of any material change to the Facilities.

4. **Railway Support.** Railway shall, at Railway's option, furnish, at the sole expense of Licensee, Support Services. The term “Support Services” means such materials and services as necessary, in Railway's sole judgment, to support Railway’s tracks and to protect Railway’s traffic, including without limitation flagging services and Construction Monitoring during the installation, maintenance, repair, renewal or removal of the Facilities. Support Services shall be provided unless Railway’s Division Engineer or his or her authorized representative provides to Licensee a written waiver of Support Services, whether in whole or in any part, in a given instance. The term “Construction Monitoring” means services comprised of one or more Railway representatives being assigned and present to monitor construction activities of Licensee, which may include a preconstruction site assessment and a post-construction site assessment.

5. **Electronic Interference.** Licensee will provide Railway with no less than sixty (60) days advance written notice prior to the installation and operation of cathodic protection in order that tests may be conducted on Railway's signal, communications and other electronic systems (hereinafter collectively called the "Electronic Systems") for possible interference. If the Facilities cause degradation of the Electronic Systems, Licensee, at its expense, will either relocate the cathodic protection or modify the Facilities to the satisfaction of Railway so as to eliminate such degradation. Such modifications may include, without limiting the generality of the foregoing, providing additional shielding, reactance or other corrective measures deemed necessary by Railway. The provisions of this paragraph 4 shall apply to the Electronic Systems existing as of the date of this Agreement and to any Electronic Systems that Railway may install in the future.

6. **Corrective Measures.** If Licensee fails to take any corrective measures requested by Railway in a timely manner, or if an emergency situation is presented which, in Railway's
judgment, requires immediate repairs to the Facilities, Railway, at Licensee's expense, may undertake such corrective measures or repairs as it deems necessary or desirable.

7. **Railway Changes.** If Railway shall make any changes, alterations or additions to the line, grade, tracks, structures, roadbed, installations, right-of-way or works of Railway, or to the character, height or alignment of the Electronic Systems, at or near the Facilities, Licensee shall, upon thirty (30) days prior written notice from Railway and at its sole expense, make such changes in the location and character of the Facilities as, in the opinion of the chief engineering officer of Railway, shall be necessary or appropriate to accommodate any construction, improvements, alterations, changes or additions of Railway.

8. **Assumption of Risk.** Unless caused solely by the negligence of Railway or caused solely by the willful misconduct of Railway, Licensee hereby assumes all risk of damage to the Facilities and Licensee's other property relating to its use and occupation of the Premises or business carried on the Premises and any defects to the Premises; and Licensee hereby indemnifies Railway, its officers, directors, agents and employees from and against any liability for such damage.

9. **Entry Upon Premises.** Prior to commencement of any work to be performed on or about the Premises, Licensee shall notify the appropriate Division Engineer or their authorized representative for the scheduling of protection and construction monitoring or inspection. Within seventy-two (72) hours after the Division Engineer’s actual receipt of such notification, the Division Engineer shall review the necessity and availability of flagmen for the proposed work and advise Licensee of such matters and the estimated cost therefor. No work shall be permitted on or about the Premises without the presence of Railway’s flagman or the Division Engineer’s waiver of the requirement for flag protection. Entry on or about the Premises or any other Railway right-of-way without the Division Engineer’s prior approval shall be deemed trespassing. Licensee agrees to pay Railway, within thirty (30) days after delivery of an invoice therefor, for any protection and inspection costs incurred by Railway, in Railway’s sole judgment, during any such entry.

10. **Liens; Taxes.** Licensee will not permit any mechanic's liens or other liens to be placed upon the Premises, and nothing in this Agreement shall be construed as constituting the consent or request of Railway, express or implied, to any person for the performance of any labor or the furnishing of any materials to the Premises, nor as giving Licensee any right, power or authority to contract for or permit the rendering of any services or the furnishing of any materials that could give rise to any mechanic’s liens or other liens against the Premises. In addition, Licensee shall be liable for all taxes levied or assessed against the Facilities and any other equipment or other property placed by Licensee within the Premises. In the event that any such lien shall attach to the Premises or Licensee shall fail to pay such taxes, then, in addition to any other right or remedy available to Railway, Railway may, but shall not be obligated to, discharge the same. Any amount paid by Railway for any of the aforesaid purposes, together with related court costs, attorneys' fees, fines and penalties, shall be paid by Licensee to Railway within ten (10) days after Railway's demand therefor.
11. **Indemnification.** Licensee hereby agrees to indemnify and save harmless Railway, its officers, directors, agents and employees, from and against any and all liabilities, claims, losses, damages, expenses (including attorneys' fees) or costs for personal injuries (including death) and property damage to whomsoever or whatsoever occurring (hereinafter collectively called "Losses") that arise in any manner from (a) the installation, construction, maintenance, operation, presence or removal of, or the failure to properly install, construct, maintain, operate or remove, the Facilities, or (b) any act, omission or neglect of Licensee, its agents, servants, employees or contractors in connection therewith, unless caused solely by the negligence of Railway or caused solely by the willful misconduct of Railway.

12. **Insurance.**

(a) Without limiting in any manner the liability and obligations assumed by Licensee under any other provision of this Agreement, and as additional protection to Railway, Licensee shall, at its expense, pay the Risk Financing Fee set forth in subparagraph (i) below and shall procure and maintain with insurance companies satisfactory to Railway, the insurance policies described in subparagraphs (ii) and (iii).

(i) Upon execution of this Agreement, Licensee shall pay Railway a risk financing fee of $1,900 per installation (herein called the "Risk Financing Fee") to provide Railroad Protective Liability Insurance or such supplemental insurance (which may be self-insurance) as Railway, in its sole discretion, deems to be necessary or appropriate.

(ii) Prior to commencement of installation or maintenance of the Facilities or entry on Railway's property, Licensee, and its contractor if it employs one, shall procure and maintain for the course of said installation and maintenance, a general liability insurance policy naming Railway as an additional insured, and containing products and completed operations and contractual liability coverage, with a combined single limit of not less than $1,000,000 for each occurrence.

(iii) Prior to commencement of any subsequent maintenance of the Facility during the term of this Agreement, unless Railway elects to make available and Licensee pays the then current risk financing fee for each affected installation, Licensee, or its contractor if it employs one, shall furnish Railway with an original Railroad Protective Liability Insurance Policy naming Railway as the named insured and having a limit of not less than a combined single limit of $2,000,000 each occurrence and $6,000,000 aggregate. Such policy shall be written using Insurance Services Offices Form Numbers CG 00 35 01 10 01.

(b) All insurance required under preceding subsection (a) shall be underwritten by insurers and be of such form and content as may be acceptable to Railway. Prior to commencement of installation or maintenance of the Facilities or any entry on Railway's property, Licensee, or its contractor if it employs one, shall: furnish to Railway's Risk Manager, Three Commercial Place, Norfolk, Virginia 23510-2191 (or such other representative and/or address as subsequently given by Railway to Licensee in writing), for approval, the original policy described in subsection (a)(iii) and a certificate of insurance evidencing the existence of a policy with the coverage described in subsection (a)(ii).
13. **Environmental Matters.** Licensee assumes all responsibility for any environmental obligations imposed under applicable laws, regulations, ordinances or other requirements of federal, state and local governmental authorities relating to (a) the installation, construction, maintenance, operation or removal of the Facilities, including notification and reporting of any releases, and (b) any contamination of any property, water, air or groundwater arising or resulting, in whole or in part, from Licensee's operation or use of the Premises pursuant to this Agreement. In addition, Licensee shall obtain any necessary permits to install, construct, maintain, operate or remove the Facilities. Licensee agrees to indemnify and hold harmless Railway from and against any and all fines, penalties, demands or other Losses (including attorneys' fees) incurred by Railway or claimed by any person, company or governmental entity relating to (a) any contamination of any property, water, air or groundwater due to the use or presence of the Facilities on the Premises, (b) Licensee's violation of any laws, regulations or other requirements of federal, state or local governmental authorities in connection with the use or presence of the Facilities on the Premises or (c) any violation of Licensee's obligations imposed under this paragraph. Without limitation, this indemnity provision shall extend to any cleanup and investigative costs relating to any contamination of the Premises arising or resulting from, in whole or in part, Licensee's use of the Facilities or any other activities by or on behalf of Licensee occurring on or about the Premises. Licensee further agrees not to dispose of any trash, debris or wastes, including hazardous waste, on the Premises and will not conduct any activities on the Premises which would require a hazardous waste treatment, storage or disposal permit.

14. **Assignments and Other Transfers.**

(a) Licensee shall not assign, transfer, sell, mortgage, encumber, sublease or otherwise convey (whether voluntarily, involuntarily or by operation of law) this Agreement or any interest therein, nor license, mortgage, encumber or otherwise grant to any other person or entity (whether voluntarily, involuntarily or by operation of law) any right or privilege in or to the Premises (or any interest therein), in whole or in part, without the prior written consent of Railway, which consent may be withheld by Railway in its sole discretion. Any such assignment or other transfer made without Railway's prior written consent shall be null and void and, at Railway's option, shall constitute an immediate default of this Agreement. Notwithstanding the foregoing, upon prior written notice to Railway, Licensee may assign this Agreement to a parent, a wholly-owned subsidiary of Licensee or a wholly-owned subsidiary of Licensee's parent without Railway's consent; provided, however, that no such assignment shall relieve Licensee of its obligations under this Agreement.

(b) Railway shall have the right to transfer and assign, in whole or in part, all its rights and obligations hereunder and in or to the Premises. From and after the effective date of any such assignment or transfer, Railway shall be released from any further obligations hereunder; and Licensee shall look solely to such successor-in-interest of Railway for the performance of the obligations of "Railway" hereunder.

15. **Meaning of "Railway".** The word "Railway" as used herein shall include any other company whose property at the aforesaid location may be leased or operated by Railway. Said term also shall include Railway's officers, directors, agents and employees, and any parent
company, subsidiary or affiliate of Railway and their respective officers, directors, agents and employees.

16. Default; Remedies.

(a) The following events shall be deemed to be events of default by Licensee under this Agreement:

(i) Licensee shall fail to pay the Fee or any other sum of money due hereunder and such failure shall continue for a period of ten (10) days after the due date thereof;

(ii) Licensee shall fail to comply with any provision of this Agreement not requiring the payment of money, all of which terms, provisions and covenants shall be deemed material, and such failure shall continue for a period of thirty (30) days after written notice of such default is delivered to Licensee;

(iii) Licensee shall become insolvent or unable to pay its debts as they become due, or Licensee notifies Railway that it anticipates either condition;

(iv) Licensee takes any action to, or notifies Railway that Licensee intends to file a petition under any section or chapter of the United States Bankruptcy Code, as amended from time to time, or under any similar law or statute of the United States or any State thereof; or a petition shall be filed against Licensee under any such statute; or

(v) a receiver or trustee shall be appointed for Licensee's license interest hereunder or for all or a substantial part of the assets of Licensee, and such receiver or trustee is not dismissed within sixty (60) days of the appointment.

(b) Upon the occurrence of any event or events of default by Licensee, whether enumerated in this paragraph 15 or not, Railway shall have the option to pursue any remedies available to it at law or in equity without any additional notices to Licensee. Railway's remedies shall include, but not be limited to, the following: (i) termination of this Agreement, in which event Licensee shall immediately surrender the Premises to Railway; (ii) entry into or upon the Premises to do whatever Licensee is obligated to do under the terms of this License, in which event Licensee shall reimburse Railway on demand for any expenses which Railway may incur in effecting compliance with Licensee's obligations under this License, but without rendering Railway liable for any damages resulting to Licensee or the Facilities from such action; and (iii) pursuit of all other remedies available to Railway at law or in equity, including, without limitation, injunctive relief of all varieties.

17. Railway Termination Right. Notwithstanding anything to the contrary in this Agreement, Railway shall have the right to terminate this Agreement and the rights granted hereunder, after delivering to Licensee written notice of such termination no less than sixty (60) days prior to the effective date thereof, upon the occurrence of any one or more of the following events:
(a) If Licensee shall fail to install the Facilities within one (1) year from the date of the Agreement, or if licenee shall discontinue the use or operations of the Facilities or one (1) year; or

(b) If Railway shall be required by any governmental authority having jurisdiction over the Premises to remove, relocate, reconstruct or discontinue operation of its railroad on or about the Premises; or

(c) If Railway, in the good faith judgment of its Superintendent, shall require a change in the location or elevation of its railroad on or about the location of the Facilities or the Premises that might effectively prohibit the use or operation of the Facilities; or

(d) If Railway, in the good faith judgment of its Superintendent, determines that the maintenance or use of the Facilities unduly interferes with the operation and maintenance of the facilities of Railway, or with the present or future use of such property by Railway, its lessees, affiliates, successors or assigns, for their respective purposes.

18. Condemnation. If the Premises or any portion thereof shall be taken or condemned in whole or in part for public purposes, or sold in lieu of condemnation, then this Agreement and the rights granted to Licensee hereunder shall, at the sole option of Railway, forthwith cease and terminate. All compensation awarded for any taking (or sale proceeds in lieu thereof) shall be the property of Railway, and Licensee shall have no claim thereto, the same being hereby expressly waived by Licensee.

19. Removal of Facilities; Survival. The Facilities are and shall remain the personal property of Licensee. Upon the expiration or termination of this Agreement, Licensee shall remove the Facilities from the Premises within thirty (30) days after the effective date thereof. In performing such removal, unless otherwise directed by Railway, Licensee shall restore the Premises to the same condition as existed prior to the installation or placement of Facilities, reasonable wear and tear excepted. In the event Licensee shall fail to so remove the Facilities or restore the Premises, the Facilities shall be deemed to have been abandoned by Licensee, and the same shall become the property of Railway for Railway to use, remove, destroy or otherwise dispose of at its discretion and without responsibility for accounting to Licensee therefor; provided, however, in the event Railway elects to remove the Facilities, Railway, in addition to any other legal remedy it may have, shall have the right to recover from Licensee all costs incurred in connection with such removal and the restoration of the Premises. Notwithstanding anything to the contrary contained in this Agreement, the expiration or termination of this Agreement, whether by lapse of time or otherwise, shall not relieve Licensee from Licensee's obligations accruing prior to the expiration or termination date, and such obligations shall survive any such expiration or other termination of this Agreement.

20. Entire Agreement. This Agreement contains the entire agreement of Railway and Licensee and supersedes any prior understanding or agreement between Railway and Licensee respecting the subject matter hereof; and no representations, warranties, inducements, promises or agreements, oral or otherwise, between the parties not embodied in this Agreement shall be of any force or effect.
21. **Attorneys’ Fees.** If Railway should bring any action under this Agreement, or consult or place the Agreement or any amount payable by Licensee hereunder, with an attorney concerning or for the enforcement of any of Railway’s rights hereunder, then Licensee agrees in each and any such case to pay to Railway all costs, including but not limited to court costs and attorneys’ fees, incurred in connection therewith.

22. **Severability.** If any clause or provision of this Agreement is illegal, invalid or unenforceable under present or future laws effective during the term of this Agreement, then and in that event, it is the intention of the parties hereto that the remainder of this Agreement shall not be affected thereby; and it is also the intention of the parties to this Agreement that in lieu of each clause or provision of this Agreement that is illegal, invalid or unenforceable, there be added as a part of this Agreement a clause or provision as similar in terms to such illegal, invalid or unenforceable clause or provision as may be possible and be legal, valid and enforceable.

23. **Modifications; Waiver; Successors and Assigns.** This Agreement may not be altered, changed or amended, except by instrument in writing signed by both parties hereto. No provision of this Agreement shall be deemed to have been waived by Railway unless such waiver shall be in a writing signed by Railway and addressed to Licensee, nor shall any custom or practice that may evolve between the parties in the administration of the terms hereof be construed to waive or lessen the right of Railway to insist upon the performance by Licensee in strict accordance with the terms hereof. The terms and conditions contained in this Agreement shall apply to, inure to the benefit of, and be binding upon the parties hereto, and upon their respective successors in interest and legal representatives, except as otherwise herein expressly provided. If there shall be more than one Licensee, the obligations hereunder imposed upon Licensee shall be joint and several.

24. **Notice.** Any and all other notices, demands or requests by or from Railway to Licensee, or Licensee to Railway, shall be in writing and shall be sent by (a) postage paid, certified mail, return receipt requested, or (b) a reputable national overnight courier service with receipt therefor, or (c) personal delivery, and addressed in each case as follows:

**If to Railway:**
c/o Norfolk Southern Corporation
1200 Peachtree Street, NE - 12th Floor
Atlanta, Georgia 30309-3504
Attention: Director Real Estate

**If to Licensee:**
Effingham County
601 N Laurel Street
Springfield, Georgia 31329

Either party may, by notice in writing, direct that future notices or demands be sent to a different address. All notices hereunder shall be deemed given upon receipt (or, if rejected, upon rejection).
25. **Miscellaneous.** All exhibits, attachments, riders and addenda referred to in this License are incorporated into this Agreement and made a part hereof for all intents and purposes. Time is of the essence with regard to each provision of this Agreement. This Agreement shall be construed and interpreted in accordance with and governed by the laws of the State in which the Premises are located. Each covenant of Railway and Licensee under this Agreement is independent of each other covenant under this Agreement. No default in performance of any covenant by a party shall excuse the other party from the performance of any other covenant. The provisions of Paragraphs 7, 9, 10, 12 and 18 shall survive the expiration or earlier termination of this Agreement.

26. **Limitations of Grant.** Licensee acknowledges that the license granted hereunder is a quitclaim grant, made without covenants, representations or warranties with respect to Railway's (a) right to make the grant, (b) title in the Premises, or (c) right to use or make available to others the Premises for the purposes contemplated herein. Railway is the owner and/or holder of the Premises subject to the terms and limitations under which it is owned or held, including without limitation conditions, covenants, restrictions, easements (including any pre-existing fiber optic easements or licenses), encroachments, leases, licenses, permits, mortgages, indentures, reversionary interests, fee interests, zoning restrictions and other burdens and limitations, of record and not of record, and to rights of tenants and licensees in possession, and Licensee agrees that the rights licensed hereunder are subject and subordinate to each and all of the foregoing. Licensee accepts this grant knowing that others may claim that Railway has no right to make it, and Licensee agrees to release, hold harmless and indemnify (and, at Railway's election, defend, at Licensee's sole expense, with counsel approved by Railway) Railway, its affiliated companies, and its and their respective officers, directors, agents and employees, from and against any detriments to, or liabilities of, any type or nature arising from such claims, including punitive damages and any forfeitures declared or occurring as a result of this grant.

27. **Limitations Upon Damages.** Notwithstanding any other provision of this Agreement, Railway shall not be liable for breach of this Agreement or under this Agreement for any consequential, incidental, exemplary, punitive, special, business damages or lost profits, as well as any claims for death, personal injury, and property loss and damage which occurs by reason of, or arises out of, or is incidental to the interruption in or usage of the Facilities placed upon or about the Premises by Licensee, including without limitation any damages under such claims that might be considered consequential, incidental, exemplary, punitive, special, business damages or loss profits.

[Remainder of page intentionally left blank]
IN WITNESS WHEREOF, the parties hereto have executed this Agreement in duplicate, each part being an original, as of the date first above written.

Witness:

__________________________________________
As to Railway

Witness:

__________________________________________
As to Licensee

CENTRAL OF GEORGIA RAILROAD COMPANY

By: ________________________________
Real Estate Manager

EFFINGHAM COUNTY, GEORGIA

By: ________________________________
Title: ________________________________

Activity Number 1286530
MEB 10/05/2020
Staff Report

Subject: Supplemental Funding Request #2 for Atlas Technical Consultants for EFF008 Work Order #6 in regards to Effingham Parkway

Author: Alison Bruton, Purchasing Agent
Department: Administration
Meeting Date: October 20, 2020

Item Description: Supplemental Funding Request #2 for Atlas Technical Consultants for EFF008 Work Order #6 in regards to Effingham Parkway in the amount of $92,518

Summary Recommendation: Staff recommends approval of the Supplemental Funding Request #2 for EFF008 Work Order #6

Executive Summary/Background:
1. In September 2014 Effingham County entered into a contract for preliminary engineering and project management for the design of Effingham Parkway (WO#6). In May 2019 the county learned of environmental issues related to historic preservation which pushed the letting date of the project from July 2019 to January 2021, and a Supplemental Funding request was approved in October 2019.
2. This second supplemental funding request is due to the additional work related to the shift in the let date from January 2021 to May/July 2021, as well as additional work not anticipated in the October 2019 Supplemental Funding Request.
3. These costs will be considered as reimbursable under the existing Project Framework Agreement for PE costs between GDOT and Effingham County.
4. The tasks associated with this Supplemental Request are as follows:
   a. Additional work to complete the final plans - $72,558
   b. Additional Project Management due to shift in let date from January 2021 to July 2021 - $19,960

Alternatives for Commission to Consider:
1. Approval of Supplemental Funding Request #2 for Atlas Technical Consultants for EFF008 Work Order #6 in regards to Effingham Parkway in the amount of $92,518
2. Do not approve Supplemental Funding Request #2 for Atlas Technical Consultants

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Administration, Finance

Funding Source: SPLOST

Attachments:
1. Supplemental Funding Request #2
October 6, 2020

Mr. Wesley Corbitt  
Chairman  
Effingham County Board of Commissioners  
601 N. Laurel Street  
Springfield, GA 31329

Re: Supplemental Funding Request # 2 for Work under EFF008 Work Order # 06  
Effingham Parkway, Effingham County  
P.I. 0006700

Dear Chairman Corbitt-

Please consider this letter as Atlas Technical Consultants (Atlas) request for supplemental funding related to the Preliminary Engineering (PE) phase for the Effingham Parkway project in Effingham County under the EFF008 Work Order # 06. These costs will be considered as reimbursable under the existing Project Framework Agreement for PE costs between the Georgia Department of Transportation (GDOT) and Effingham County. This request is due to the additional work related to the shift in the let date from January 2021 to May 2021 or possibly July 2021 as well as the additional work that was not anticipated when the previous supplemental agreement was executed in October 2019.

Some of the supplemental request out-of-scope work tasks were done in keeping Effingham County’s interest in getting the project ready for let as early as January 2021 in this Fiscal Year (FY) 2021 by preparing to certify for let this month. This work was discussed in the monthly GDOT/Effingham County meetings. There are some work tasks that have not been undertaken and we could place them on hold while the Supplemental request can be finalized. This is certainly a possibility if GDOT does delay the let date to FY 2022 with the let date were to be left as July 2021.

In order for us to keep the project moving along, we respectfully request a supplemental agreement in the amount of $92,518 to continue to provide project management services and complete the plans for let.

The tasks associated with this Supplemental request # 2 are listed below with a brief explanation:

**A. Additional work to complete Final Plans ($72,558)**

1. Re-design necessary to remove MS4 ponds & swales at GDOT’s request due to most recent MS4 policy. This required drainage re-design as well as updates to the cross sections & plan sheets.
2. The revised tie-in at SR30 required geometric changes (horizontal & vertical) that were not anticipated.
3. Additional bridge design necessary to address comments from the GDOT Bridge office and obtain the approval of final bridge plans.
4. Prepared additional history mitigation for the W.H. Oliver, Sr. Farmstead located south of SR 30, across from the southern terminus of the proposed Effingham Parkway in Chatham County. This was
originally anticipated to be provided by Chatham County and its consultant who prepared the permit for the Benton Boulevard widening project. Unfortunately, repeated attempts to contact Chatham County, its consultant, GDOT Office of Environmental Services (OES), US Army Corps of Engineers resulted in the final determination that the history mitigation was not performed for the historic resource. Due to the destructive nature of the proposed construction activities, and because the eligible resource falls within the area of potential effects for the proposed Effingham Parkway, Atlas stepped in and completed the Permanent Archival Record (PAR) mitigation before the historic landscape was destroyed. Despite the fact that this was outside the scope of work, Atlas had to handle this because it was a time sensitive issue and the terms of the Memorandum of Understanding needed to be fulfilled. The completion of the PAR required not only additional travel to complete the photography but research hours to fill the requirements put for by the State Historic Preservation Officer (SHPO).

5. GDOT OES also requested Atlas to prepare a stand-alone mitigation booklet related to the Salzburger heritage of Effingham County.

B. Additional Project Management due to Shift in Let Date from January 2021 to July 2021 ($19,960)
1. Prepare for and conduct monthly status meetings, GDOT P6 schedule updates, monthly consultant progress reports to GDOT Office of Program Delivery, and environmental TPRO updates for let status meetings

We have enjoyed working for Effingham County and look forward to the successful completion of this project with the approval of this supplemental funding request in the amount of $92,518. If there are any questions concerning this information, or if any additional information is needed, please do not hesitate to contact me at 678-728-9064 or on my cell at 404-931-3792.

Sincerely,

[Signature]

L. N. Manchi, P.E., PMP
Project Manager

cc: Tim Callanan, Effingham County Administrator
Supplemental Fee Request #2

Phase: Final Design & Post Design Services  6-Oct-20
Phase No.  N/A

ATLAS TECHNICAL CONSULTANTS, LLC

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2. Other Direct Costs (Specify)

- Plotting/Reproduction  $3,000.00
- Travel/Mileage

Total Other Direct Costs $3,000.00

3. Maximum Amount of Contract Proposal (1) + (2) $92,518.00
# MAN-HOUR ESTIMATE

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## Effingham Parkway
GDOT PI No. 0006700
6-Oct-20

### MAN-HOUR ESTIMATE

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**POST DESIGN SERVICES (Structural & Environmental)**
- Request for Information (RFIs)
- Pre-Construction Conference
- Environmental Compliance visits
- Bridge construction site issues and visits

**TOTALS**

**POST-DESIGN SERVICES (Roadway)**
- Agency / Contractor Coordination
- Minor Roadway Plan Revisions

**TOTALS**

**GRAND TOTALS**

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Staff Report
Subject: Memorandum of Understanding between Effingham County Board of Commissioners and Georgia-Pacific Consumer Products LP
Author: Alison Bruton, Purchasing Agent
Department: Administration, Recreation
Meeting Date: October 20, 2020
Item Description: MOU between Effingham County and Georgia-Pacific in reference to donated dispensers and related product for 1750 HWY 21 S (Recreation Complex)

Summary Recommendation: Staff recommends approval of the Memorandum of Understanding between Effingham County Board of Commissioners and Georgia-Pacific Consumer Products LP

Executive Summary/Background:
- Georgia-Pacific (Donor) is donating 26 Compact® side by side tissue dispensers, 13 Universal dowel dispensers and 10 Pacific Garden manual soap dispensers for use in designated locations in the new gymnasium concession and rest room facilities at the new Recreation Complex
- A one-time supply of Georgia-Pacific products for the referenced dispensers will also be donated, with an aggregate value of approximately $7,500.00.
- By accepting this donation and MOU, the County agrees that at no time shall the County place any third-party supplies or products in the donor-provided dispensers. The County also agrees that the Donor logo will be listed among charter sponsors on signage at the new Recreation Complex and Sand Hill Complex, in addition to verbal and visual recognition at all initial ceremonial events related to the completion of the Recreation complex.

Alternatives for Commission to Consider
1. Approval of the Memorandum of Understanding between Effingham County Board of Commissioners and Georgia-Pacific Consumer Products LP
2. Do not approve the Memorandum of Understanding between Effingham County Board of Commissioners and Georgia-Pacific Consumer Products LP

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Administration, Purchasing

Funding Source: NA

Attachments:
1. Memorandum of Understanding
MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (Hereinafter entitled “MOU”) is entered into by and between the Effingham County Board of Commissioners (Hereinafter entitled “County”) and Georgia-Pacific Consumer Products LP, solely on behalf of its Savannah River Mill located at 437 Old Augusta Road S, Rincon, GA 31326-5220 (Hereinafter, entitled “Donor”).

PURPOSE: The purpose of this MOU is to describe the relationship between the above referenced parties and to establish mutual agreement as to how to apply and utilize the Donor’s gifts of dispensers and related product provided by, and in a manner satisfactory to, Donor and County for the express benefit of the Effingham County Recreation and Parks Program (Hereinafter entitled ECRP).

SCOPE: The expectations, commitments, roles and responsibilities of the Donor and the County are hereby established as follows, in view of the consideration provided herein:

1. Donor shall make a one-time in-kind commitment which shall be used by the County for the Recreation Complex located at 1750 Highway 21 South Springfield GA 31329 (Hereinafter entitled Recreation Complex).

2. Donor shall make a one-time investment of Georgia Pacific dispensers, consisting of 26 Compact® Side by side tissue dispensers (SKU 56784), 13 Universal towel dispensers (Push Paddle) (SKU 54338) and 10 Pacific Garden manual soap dispensers (SKU 53053), for use in County ECRP designated locations in the new gymnasium concession and rest room facilities at the new Recreation Complex.

3. Donor shall provide a one-time supply of Georgia Pacific products for the referenced dispensers, to include 50 cases of Compact® tissue (SKU 19375), 50 cases of Envision® Brown towels (SKU 26301) and 50 cases of Pacific Garden gentle foam soap 4-1200 ml cartridges (SKU 43711), the aggregate value of which is approximately $7,500.

4. The parties agree that donor shall not be responsible for any damages arising out of county’s receipt and/or use of the dispensers or products, including direct, indirect, consequential or incidental damages.

5. County agrees to accept from Donor the one-time donations of dispensers and product in the manner described. County acknowledges and agrees that at no time shall County place any third-party supplies or products in the Donor-provided dispensers.
MEMORANDUM OF UNDERSTANDING

6. County agrees that the Donor logo will be listed among charter sponsors on all permanent park sponsorship signs featuring the park name at the new Recreation Complex and the Sand Hill Complex. These signs will be placed at strategically visible locations that are mutually agreed upon between Donor and County.

7. County agrees to permit logo artwork to be provided by Donor and its usage to be coordinated and mutually approved by Donor and County. At a minimum all signs shall include the Donor logo and the statement “Proud Partner(s) of Effingham County Recreation and Parks”. ECRP agrees to provide maintenance of permanent donor signs on an “as needed” basis. It is expressly understood that all signage shall conform to County sign regulations and Ordinances.

8. County agrees that the Donor logo shall be listed among charter sponsors whenever or wherever permanent sign locations are placed throughout the Recreation Complex to include the completion of future additional phases and related facilities such as additional entryways, parking lots, etc.

9. County agrees that Donor will be recognized as charter sponsor in ECRP promotions on websites, and/or in digital or printed brochures.

10. County agrees to recognize Donor verbally and visually during all initial ceremonial events related to the impending completion of the Recreation Complex facilities, including opening ceremonies, ribbon cuttings and kickoff events.

TIMEFRAME: This MOU will commence on ________________ and shall continue in effect until terminated by either party giving the other party 90 days advance notice in writing prior to the conclusion of the County’s fiscal year (currently June 30 annually). It should be noted that it is not the intent of the County to arbitrarily terminate this MOU rather it should be expressly understood that Georgia statutory limitations prohibit long term or permanent agreements or contracts except for those with other governmental entities.

BY: ____________________________________      ______________________________
    Name                                   Title of Authorized Donor Representative

BY: ______________________________________  __________________________________
    Name                                   Title of Authorized County Representative

10/15/2020
Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine, with conditions.

Executive Summary/Background
- Pursuant to Appendix C, Article III, Section 3.17.3 of the Code of Ordinances, excavation activity that requires a state mining permit must be located within the I-1 zoning district.
- The applicant plans to operate a surface mine on land that is located in both Chatham and Effingham counties. Portions of the 72.15 acre parcel are situated in both District 1 and District 2. The 8 acre portion to be rezoned in Effingham County is located in District 2, and will access Godley Road in District 1.
- At the September 28 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1, with the following conditions:

1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
2. Development shall meet the requirements of Section 3.17-Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.
3. Business operator meets the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.
4. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
5. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
6. The subdivision plat must be approved by the Zoning Administrator.
7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and, upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to AR-1.
8. 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.
9. 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.
10. 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.

11. 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

12. “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.

13. 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.

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

- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. **Approve** request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine, with the following conditions:
   1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
   2. Development shall meet the requirements of **Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands**.
   3. Business operator meets the requirements of **Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes**.
   4. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   5. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
   6. The subdivision plat must be approved by the Zoning Administrator.
   7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and, upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to AR-1.
   8. 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.
9. Pavement section is to be 24 ft minimum width at County right of way, with a 30 ft radius on each side.
   b. Figure 1 of this section illustrates the surface mine entrance road requirements.

![Figure 1 Surface Mine Entrance Road Requirements]

10. 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.

11. The surface mine operator must install a sign facing the County road. The sign will include the following information:
   d. Surface mine company name
   e. Surface mine company phone number
   f. Surface mine's EPD permit number

12. “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.

13. 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.

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

2. Deny the request to rezone 8 acres of 72.15 acre parcel from AR-1 to I-1 for a surface mine.

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
WHEREAS, ANSGARHAY, LLC, has filed an application to rezone eight (8.0) +/- acres; from AR-1 to I-1 for a surface mine; map and parcel number 419-1A, located in the 2nd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT eight (8.0) +/- acres; map and parcel number 419-1A, located in the 2nd commissioner district, is rezoned from AR-1 to I-1 with the following stipulations:

1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
2. Development shall meet the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.
3. Business operator meets the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.
4. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
5. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
6. The subdivision plat must be approved by the Zoning Administrator.
7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and, upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to AR-1.
8. 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.
9. Pavement section is to be 24 ft minimum width at County right of way, with a 30 ft radius on each side.
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   a. Surface mine company name
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12. “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.

13. 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.

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

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: ______________
Staff Report

Subject: Rezoning (First/Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Ansgarhay, LLC requests to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine, accessed from Godley Road. Map# 419 Parcel #1A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine, with conditions.

Executive Summary/Background
- Pursuant to Appendix C, Article III, Section 3.17.3 of the Code of Ordinances, excavation activity that requires a state mining permit must be located within the I-1 zoning district.
- The applicant plans to operate a surface mine on land that is located in both Chatham and Effingham counties. Portions of the 72.15 acre parcel are situated in both District 1 and District 2. The 8 acre portion to be rezoned in Effingham County is located in District 2, and will access Godley Road in District 1.
- At the September 28 Planning Board meeting, Juanita Golden made a motion to approve the request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1, with the following conditions:

  1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
  2. Development shall meet the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.
  3. Business operator meets the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.
  4. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
  5. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
  6. The subdivision plat must be approved by the Zoning Administrator.
  7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and, upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to AR-1.
  8. 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.
  9. 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.
10. 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.

11. 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

12. “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.

13. 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.

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

- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. **Approve** request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine, with the following conditions:
   1. This rezoning allows a surface mine only. No other I-1 uses are allowed.
   2. Development shall meet the requirements of Section 3.17- Excavation, mining, ponds, and fills of land and/or state federal jurisdictional waters or wetlands.
   3. Business operator meets the requirements of Chapter 74 – Traffic, Sec. 74-8 Designated Truck Routes.
   4. Site development plans must comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   5. All wetland impacts must be approved and permitted by USACE and a copy of the jurisdictional determination submitted to Development Services.
   6. The subdivision plat must be approved by the Zoning Administrator.
   7. The applicant shall notify the Zoning Administrator at the time of final reclamation of the borrow pit and close out of this mining operation and, upon the determination of the Department of Natural Resources that the affected lands have been reclaimed in an acceptable manner, a minor recombination subdivision plat shall be submitted to the County and the zoning of the property shall revert to AR-1.
   8. 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.
   9. Pavement section is to be 24 ft minimum width at County right of way, with a 30 ft radius on each side.
      - b. Figure 1 of this section illustrates the surface mine entrance road requirements.
10. 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.

11. The surface mine operator must install a sign facing the County road. The sign will include the following information:
   d. Surface mine company name
   e. Surface mine company phone number
   f. Surface mine’s EPD permit number

12. “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.

13. 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.

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

2. **Deny** the request to rezone 8 acres of a 72.15 acre parcel from AR-1 to I-1 for a surface mine.

**Recommended 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. Plat
5. Aerial photograph
Staff Report

Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Olin King request to rezone a 5.08 acre parcel from AR-1 to AR-2, combine it with an adjacent parcel (415-6), and subdivide to allow for the sale of a home site, located at 1256 Bluejay Road. Map# 415 Parcel #5

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone a 5.08 acre parcel from AR-1 to AR-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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to rezone parcel 415-5 to AR-2; combine it with parcel 415-6 (zoned AR-2); and split the new parcel into a ~2.4 acre and a ~4.05 acre parcel.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone a 5.08 acre parcel from AR-1 to AR-2, with the following conditions:
  1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
  4. Recombination and subdivision plat must be approved by the Zoning Administrator.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. **Approve** request to rezone 5.08 acres from AR-1 to AR-2 to allow for a recombination and parcel split, with the following conditions:
   1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
   4. Recombination and subdivision plat must be approved by the Zoning Administrator.

2. **Deny** the request to rezone 5.08 acres from AR-1 to AR-2.

Recommended 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. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent: Olin D. King
Date: 8
Applicant email address: odkingtimber@gmail.com
Phone #: 912-663-9252

Property owner(s): Olin D. King
email: odkingtimber@gmail.com

Telephone Number: (912) 663-9252

Mailing Address: 1254 Bluejay Road Rincon GA 31326

Property location: 1256 Bluejay Road Rincon GA 31326

Present zoning: AR-1

Proposed zoning: AR-2

Present land-use: Residence

Proposed land-use: Residence

Tax Map #: 415
Parcel #: 5
6.08
Lot #: NA

Total Acres: 5.08

Acres to be rezoned: 2.40

Lot characteristics: Flat Land 213.35 ft Road Frontage (Bluejay Rd)

Water: Public  Private
Sewer: Public  Private

Proposed access: Established driveway on Bluejay Road

Justification: Selling of residence with reduced increase

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

North: John King AR-1
East: Bluejay Rd AR-1
South: 1.31 AR-2
West: 6.75 AR-1
1. Describe the current use of the property you wish to rezone.

   **Residence**

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

   **NA**

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

   Sale of **Residence / remaining property**

   Home site for **grandson**

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

   **Residence**

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?

   **Uses remain same as is - only change is 3.04 acre residence is 5.08 ac**

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?

   **None**
AUTHORIZATION OF PROPERTY OWNER

I, ____________________________, 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: Olin D. King

Address: 1256 Bluejay Road

City: Rincon State: GA Zip Code: 31326

Telephone Number: 912-663-9252 Email: edkingtimber@gmail.com

Signature of Owner: ____________________________ Owners Name (Print)

Personally appeared before me ____________________________ (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 ____________________________ of ____________________________ (Notary Seal)

______________________________

Notary Public

10/15/2020

Page 4 of 14
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 30th day Dec. 1976, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book K page 150.

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 Oli D. King

Owner’s signature ___________________________ Print ___________________________

Owner’s signature ___________________________ Print ___________________________

Sworn and subscribed before me this 4th day of August, 2020.

Kathleen Erin Dunnigan

Notary Public, State of Georgia
FROM D. G. BURNS TO OLIN D. KING

WARRANTY DEED

STATE OF GEORGIA
COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 30th. day of DECEMBER in the year of our Lord One Thousand Nine Hundred and SEVENTY SIX

D. G. BURNS of the FIRST PART, and OLIN D. KING of the SECOND PART,

WITNESSETH.

First party , for and in consideration of the sum of TEN (10.00) DOLLARS and other valuable considerations, receipt whereof is hereby acknowledged, do, by, hereby grant, bargain, sell and convey unto second party , his heirs, successors and assigns, the following described property, to-wit:

All that certain lot or parcel of land situate, lying and being in the 9th. C. M. District, Effingham County, Georgia, containing four and five-tenths (4.5) acres, more or less, bounded on the northeast by lands of Jerry A. and Brenda K. King; on the east and southeast by the Blandford Highway; and on the southwest by lands of Russell Nease; according to a map or plat made by Paul Weltman, C. S., September 9, 1976, recorded in Book K, page 150 of the Surveyor's Records of Effingham County, Georgia.

ALSO, all that certain lot or parcel of land situate, lying and being in the 9th. C. M. District, Effingham County, Georgia, containing four and nine-tenths (4.9) acres, more or less, bounded on the northeast by lands of D. G. Burns; on the east by the Blandford Highway; on the south by lands of Olin King; and on the southwest by lands of Russell Nease, according to a map or plat made by Paul Weltman, C. S., September 9, 1976, recorded in Book K, page 150, of the Surveyor's Records of Effingham County, Georgia.

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 , his heirs, successors and assigns, FOR ever in fee simple with full WRANTY OF TITLE to said property against the claims of all persons whatsoever.

IN WITNESS WHEREOF, first party , hereto set his hand and seal on the day and year first above written.

SIGNED, SEALED AND DELIVERED IN THE PRESENCE OF:

[Signature]
D. G. Burns

[Signature]
Olin D. King

Notary Public
Effingham County, Georgia

RECORDED FEBRUARY 4, 1977

Elizabethtown, Deputy Clerk
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 (Olin D. King - Map# 415 Parcel # 5) from AR-1 to AR-2 zoning.

☐  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?
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 [X]  DISAPPROVAL

Of the rezoning request by applicant (Olin D. King - Map# 415 Parcel # 5) 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?

Planning Board Meeting – September 28, 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 (Olin D. King - Map# 415 Parcel # 5) from AR-1 to AR-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?
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>
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Of the rezoning request by applicant (Olin D. King - Map# 415 Parcel # 5) 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?
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 (Olin D. King - Map # 415 Parcel # 5) 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?
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Olin King request to rezone a 5.08 acre parcel from AR-1 to AR-2, combine it with an adjacent parcel (415-6), and subdivide to allow for the sale of a home site, located at 1256 Bluejay Road. Map# 415 Parcel #5

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone a 5.08 acre parcel from AR-1 to AR-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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant wishes to rezone parcel 415-5 to AR-2; combine it with parcel 415-6 (zoned AR-2); and split the new parcel into a ~2.4 acre and a ~4.05 acre parcel.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone a 5.08 acre parcel from AR-1 to AR-2, with the following conditions:
  1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
  4. Recombination and subdivision plat must be approved by the Zoning Administrator.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider

1. **Approve** request to rezone 5.08 acres from AR-1 to AR-2 to allow for a recombination and parcel split, with the following conditions:
   1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
   4. Recombination and subdivision plat must be approved by the Zoning Administrator.

2. **Deny** the request to rezone 5.08 acres from AR-1 to AR-2.

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A
Attachments:
  1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 415-5
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 415-5

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, OLIN KING, has filed an application to rezone five and eight hundredths (5.08) +/- acres; from AR-1 to AR-2 to allow for the sale of a home site; map and parcel number 415-5, located in the 2nd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT five and eight hundredths (5.08) +/- acres; map and parcel number 415-5, located in the 2nd commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
4. Recombination and subdivision 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: ______________________________
FIRST/SECOND READING: ______________

___________________________
STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Rezoning (Second District)

Author: Teresa Concannon, AICP, Planning & Zoning Manager

Department: Development Services

Meeting Date: October 20, 2020

Item Description: Chad Zipperer as agent for Ernest Zipperer requests to rezone 15 acres of a 107.64 acre parcel from AR-1 to B-3 for future development, including a planned mini storage facility, located on Hodgeville Road. Map# 417 Parcel #1

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 15 acres of a 107.64 acre parcel from AR-1 to B-3, 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.
- Mini storage facilities have been allowed as a permitted use in B-3 (e.g., Safe & Sound Storage at 4560 Bluejay Road; map-parcel 326-36B).
- At the September 28 Planning Board meeting, Peter Higgins made a motion to approve the request to rezone a 15 acres of a 107.64 acre parcel from AR-1 to B-3, with the following conditions:
  1. A site plan for any changes to the above-referenced application, and for all other development planned for the rezoned 15 acres, shall be submitted to the Staff Report and Board of Commissioners for review.
  2. Future use of the above-referenced property being rezoned shall meet the requirements of the B-3 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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision 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 15 acres from AR-1 to B-3, with the following conditions:
   1. A site plan for any changes to the above-referenced application, and for all other development planned for the rezoned 15 acres, shall be submitted to the Staff Report and Board of Commissioners for review.
   2. Future use of the above-referenced property being rezoned shall meet the requirements of the B-3 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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Zoning Administrator.

2. Deny the request to rezone 15 acres from AR-1 to B-3.

Recommended 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. Plat
5. Aerial Photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent CHAD ZIPPERER Date

Applicant email address jadzipperer7@gmail.com Phone # 912-656-9661

Property owner(s) ERNEST ZIPPERER email Ewzipperer@effingham.k12.ga.us

Telephone Number (912 ) 656-9661

Mailing Address 1794 BLUE JAY ROAD, RINCON, GA 31326

Property location HODGEVILLE ROAD (ADJACENT TO BELMONT GLEN S/D)

Present zoning AR-1 (107.64 AC)

Proposed zoning B-3 (ONLY 15 AC)

Present land-use 8.61 AC OF OPEN LAND, 99.03 AC OF TIMBERLAND

Proposed land-use 15 AC FOR MINI STORAGE DEVELOPMENT, 92.64 AC REMAINS

Tax Map # Parcel # 04170001 Lot #

Total Acres 107.64 Acres to be rezoned 15 AC

Lot characteristics 8.61 AC OF OPEN LAND, 99.03 AC OF TIMBERLAND

Water Public Private Sewer Public Private

Proposed access HODGEVILLE ROAD

Justification REZONING 15 AC FOR DEVELOPMENT OF A MINI STORAGE FACILITY

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

North PD (BELMONT GLEN S/D) South AR-1

East AR-1 West AR-1
1.

Describe the current use of the property you wish to rezone.

AGRICULTURAL FIELD AND TIMBERLAND

2.

Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

YES, FARMING LEAS AND TIMBER

3.

Describe the use that you propose to make of the land after rezoning.

15 ACRES WILL BE DEVELOPED INTO A MINI STORAGE FACILITY. THE REMAINING ACREAGE WILL REMAIN TIMBERLANDS

4.

Describe the uses of the other property in the vicinity of the property you wish to rezone?

BELMONT GLEN S/D IS ADJACENT TO THE PROPERTY. THE OTHER SURROUNDING PROPERTIES HAVE AGRICULTURAL FIELDS AND TIMBERLANDS

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?

THERE ARE FOUR RESIDENTIAL SUBDIVISIONS LOCATED WITHIN A MILE OF THE PROPERTY ALONG HODGEVILLE ROAD, SO A MINI STORAGE FACILITY WOULD BE BENEFICIAL FOR THESE RESIDENTS

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. THERE IS ALREADY INDUSTRIAL TRAFFIC ON HODGEVILLE ROAD SO THE ROAD CAN SUPPORT TRAFFIC FOR A COMMERCIAL DEVELOPMENT. EX. UTILITIES HAVE CAPACITY.
2

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

12/16/2011

on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2062 page 405.

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
Ernest W. Zipperer

Print
Ernest W. Zipperer

Owner's signature

Print

Owner's signature

Print

Sworn and subscribed before me this 17th day of August, 2020.

Notary Public, State of Georgia

Laura S. Green

Chatham County, Georgia

10/15/2020
AUTHORIZATION OF PROPERTY OWNER

I, ERNEST ZIPPERER, 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: CHAD ZIPPERER
Date: __________
Address: 1794 BLUE JAY ROAD

City: RINCON State: GA Zip Code: 31326

Telephone Number: 912-656-9661 Email: __________________________

_________________________  __________________________
Signature of Owner Owners Name (Print)

Personally appeared before me ERNEST ZIPPERER (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 17th of August 2020

(Notary Seal)

Notary Public

4

ATTACHMENT C

EFFINGHAM COUNTY SITE PLAN REQUIREMENTS

All rezoning submissions shall be accompanied by a site plan. This site plan shall be made on a scale in conformance with appropriate County Tax Maps and contain the following elements.

A. Dimensions of the property involved
B. Location and dimensions of existing and/or proposed structures with the type of usage designated
C. Access drives
D. Setbacks
E. Easements
F. Rights-of-way
G. Proposed or existing water, sewer and drainage facilities
H. Buffers
I. Off-street parking
J. Watercourses, lakes or swamps acres
K. Loading areas, signage and outdoor lighting (in case of commercial and industrial development)
L. Recreational areas (in case of residential development)
M. Proposed number of dwelling units and net acres available for building (in case of residential development).
QUITCLAIM DEED

THIS INDENTURE, made this 16th day of December, 2011, between CHAD W. ZIPPERER, of Effingham County, Georgia, as Party of the first part, hereinafter called Grantor, and ERNEST ZIPPERER 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 one dollar ($1.00) and other valuable considerations in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, by these presents does hereby remise, release, convey and forever quitclaim unto the said Grantee, his heirs, executors, administrators and assigns, all of his right, title, and interest in and to the following described property, to wit:

All that certain tract or parcel of land situate, lying and being in the 9th G.M. District of Effingham County, Georgia, containing One Hundred Seven and Sixty-Four (107.64) acres, more or less, and being known and designated as Parcel "A" as shown on the plat thereof hereinafter referred to. Said parcel of land being bounded on the Northeast by the Hodgesville Public Road; on the Southeast by Parcel "B", being lands of Sharon Z. Robinson; on the Southwest by lands of Serikand, and on the Northwest by lands of Serikand.

Express reference is hereby made to the plat of said lands made by Jeffrey Wayne Mock, R.L.S #002992, dated November 18, 2007 and recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet "C", Slide 1526-1, for better determining the metes and bounds of said lands herein conveyed.

This being the same property conveyed by deed from Sharon Z. Robinson to Chad W. Zipperer dated March 27, 2008 and recorded in said Clerk's Office in Deed Book B01738, page 0003.

SUBJECT to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said described premises to Grantee, so that neither Grantor nor any person or persons claiming under Grantor shall at any time, by any means or ways, have, claim or demand any right or title to said premises or appurtenances, or any rights thereof.

IN WITNESS WHEREOF, Grantor has signed and sealed this deed, the day and year first above written.

TITLE NOT EXAMINED BY SCRIVENER

CHAD W. ZIPPERER

Signed, sealed and delivered
in the presence of:

[Seal]

10/15/2020

https://search.gacourt.org/Imaging/HTML5Viewer.aspx?id=60001097&key1=2062&key2=40S&county=51&countname=EFFINGHAM%3buserid=34458&...
August 24, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Chad Zipperer
    Hodgeville Road (Adjacent to Belmont Glen S/D) Rincon GA 31326
    Pin #417-1
    Total Acres: 107.64 Acres to be rezoned: 15.0

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
re zoning request is approved based on the development being serviced by the Effingham
County Sewer and Water system.

If this project cannot be serviced by the Effingham County water and sewer system:

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with
   Soil Suitability Description.
4. 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.

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
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 (Chad Zipperer for Ernest Zipperer - Map# 417 Parcel # 1) 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 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 (Chad Zipperer for Ernest Zipperer - Map# 417 Parcel # 1) 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 (Chad Zipperer for Ernest Zipperer - Map# 417 Parcel # 1) from AR-1 to B-3 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 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?

9/12/2020

[ ] YES

Planning Board Meeting – September 28, 2020
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 (Chad Zipperer for Ernest Zipperer - Map# 417 Parcel # 1) 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?
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 (Chad Zipperer for Ernest Zipperer - Map# 417 Parcel # 1) 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 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?
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Chad Zipperer as agent for Ernest Zipperer requests to rezone 15 acres of a 107.64 acre parcel from AR-1 to B-3 for future development, including a planned mini storage facility, located on Hodgeville Road. Map# 417 Parcel #1

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 15 acres of a 107.64 acre parcel from AR-1 to B-3, 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.
- Mini storage facilities have been allowed as a permitted use in B-3 (e.g., Safe & Sound Storage at 4560 Bluejay Road; map-parcel 326-36B).
- At the September 28 Planning Board meeting, Peter Higgins made a motion to approve the request to rezone a 15 acres of a 107.64 acre parcel from AR-1 to B-3, with the following conditions:
  1. A site plan for any changes to the above-referenced application, and for all other development planned for the rezoned 15 acres, shall be submitted to the Staff Report and Board of Commissioners for review.
  2. Future use of the above-referenced property being rezoned shall meet the requirements of the B-3 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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision 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 15 acres from AR-1 to B-3, with the following conditions:
   1. A site plan for any changes to the above-referenced application, and for all other development planned for the rezoned 15 acres, shall be submitted to the Staff Report and Board of Commissioners for review.
   2. Future use of the above-referenced property being rezoned shall meet the requirements of the B-3 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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Zoning Administrator.

2. Deny the request to rezone 15 acres from AR-1 to B-3.

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A
Attachments: Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 417-1
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 417-1

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, CHAD ZIPPERER as agent for ERNEST ZIPPERER, has filed an application to rezone fifteen (15.0) +/- acres; from AR-1 to B-3 for future development including a ministorage facility; map and parcel number 417-1, located in the 2nd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020, and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT fifteen (15.0) +/- acres; map and parcel number 417-1, located in the 2nd commissioner district is rezoned from AR-1 to B-3 with the following stipulations:

1. A site plan for any changes to the above-referenced application, and for all other development planned for the rezoned 15 acres, shall be submitted to the Planning Board and Board of Commissioners for review.
2. Future use of the above-referenced property being rezoned shall meet the requirements of the B-3 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 of the jurisdictional determination submitted to Development Services.
5. Subdivision 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: ________________________________
FIRST/SECOND READING: ____________

STEPHANIE JOHNSON
COUNTY CLERK
Staff Report
Subject: Variance (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Lawrence Long requests a variance to side setback requirements, located at 680 Kolic Helmey Road. Map# 417 Parcel #12

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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.

- Building permit 202000650 was issued for an accessory building on 5/8/2020. Building permit 202000861 was issued for a garage on 6/23/2020.
- Due to unclear language in the previous Accessory Building regulations, the garage was sited incorrectly on the lot. The garage will now be attached to the house. The combined house and garage do not meet primary building side setback requirements of 25’.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.
2. Deny request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.

Recommended Alternative: 1

Other Alternatives: 2

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 8/19/20

APPLICANT/AGENT NAME: LAWRENCE A. LONG III (ALEX)
APPLICANT/AGENT EMAIL: ALONG111@YAHOO.COM
APPLICANT/AGENT PHONE #: 912 663 2980

PROPERTY OWNER(s): LAWRENCE A. LONG
PROPERTY OWNER PHONE #: 912 663 2980 EMAIL: ALONG111@YAHOO.COM
MAILING ADDRESS: PO Box 1190 Rincon GA 31326

PROPERTY LOCATION: 680 KOLIC HELMENY RD. Guyton GA
PHONE #: 912 663 2980 EMAIL ADDRESS: ALONG111@YAHOO.COM

MAP #: PARCEL #: 04170012
ZONING: AR-1 ACREAGE: 1.119

NAME OF DEVELOPMENT (IF APPLICABLE)

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED
3.3.1 vs. 6.2.3

DESCRIBE THE REQUESTED VARIANCE / CONDITIONAL USE
REQUESTING SIDE SETBACK VARIANCE TO
be reduced from 25' → 70'

10/15/2020
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 __________

**Please include a copy of the plat identifying existing structures and imply future structures**

*********************************************************
OFFICIAL USE ONLY
*********************************************************

DATE RECEIVED 8/19/2020 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 __3/18/2020__, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2580 page 400-401.

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: ________________________________
LIMITED WARRANTY DEED

THIS INDENTURE, made and entered into as of March 12, 2020 by and between

Dory Blasee Ranew and Amber Ranew fka Amber Silver
(Hereinafter referred to as the "Grantor"), and

Lawrence Alexander Long, III
, married man
(Hereinafter referred to as "Grantee")

(the words "Grantor" and "Grantee" to include their respective heirs, legal representatives, 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 consideration, 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 said Grantee:

All that certain lot, tract or parcel of land situate, lying and being in the 9th G.M. District of Effingham County, Georgia, and being known and designated as Lot C, containing 1.19 acres, more or less, as shown on a plat of a subdivision of 5.151 acres of the Stan L Lancaster Tract, recorded in the Office of the Clerk of Superior Court of Effingham County, Georgia, in Plat Record Book 25, Page 103. Said plat being incorporated herein by specific reference for a more complete description of the property herein conveyed, containing improvements thereon known as 680 Kolic Helmen Road, Guyton, GA 31312, PIN 04170-012,

(Hereinafter referred to as the "Property")

TO HAVE AND TO HOLD the said described Property, with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, only to the 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 and entities claiming by, through or under Grantor, but against none other.
IN WITNESS WHEREOF, the duly authorized officer of Grantor has signed and sealed this Deed on the day and year first above written.

Signed, sealed and delivered this 12th day of March, 2020, in the presence of:

[Signature]
Unofficial Witness

[Signature]
Notary Public

[Signature]
My Commission Expires

[Notarial Seal]
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Lawrence Long requests a variance to side setback requirements, located at 680 Kolic Helmey Road. Map# 417 Parcel #12

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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.
- Building permit 202000650 was issued for an accessory building on 5/8/2020. Building permit 202000861 was issued for a garage on 6/23/2020.
- Due to unclear language in the previous Accessory Building regulations, the garage was sited incorrectly on the lot. The garage will now be attached to the house. The combined house and garage do not meet primary building side setback requirements of 25’.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.
2. Deny request for a variance to reduce the side setback requirements from 25’ to 10’ for a residence.

Recommended Alternative: 1 Other Alternatives: 2
Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 417-12

AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 417-12

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, LAWRENCE LONG has filed an application for a variance to reduce the side setback requirements from 25’ to 10’; map and parcel number 417-12, located in the 2nd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT a variance to reduce the side setback requirements from 25’ to 10’; map and parcel number 417-12, located in the 2nd 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
Staff Report

Subject: Rezoning (Second District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Teramore Development as agent for Lynn Mikell Brennan requests to rezone ~1.12 acres from AR-1 to B-3, to be combined with ~0.64 acres already zoned B-3 for a future retail business, and ~4.71 acres from AR-2 & B-3 to AR-1, which will be combined with the existing AR-1 acreage, located at 5487 & 5475 McCall Road. Map# 465M Parcel #2, 3B, & 3B01

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone ~1.12 acres from AR-1 to B-3, to be combined with ~0.64 acres already zoned B-3 for a future retail business, and ~4.71 acres from AR-2 & B-3 to AR-1 to be combined with ~0.96 acres already zoned AR-1, 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. Retail businesses are a permitted use in B-3.
- The property is comprised of three parcels:
  - 465M-2 contains 4.37 acres zoned AR-2
  - 465M-3B contains 2.08 acres zoned AR-1
  - 465M-3B01 contains 1 acre zoned B-3
- The applicants wish to:
  - Rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3, and combine with ~0.64 acres of parcel 465M-3B01 to create a ~1.76 acre parcel zoned B-3
  - Rezone the remaining ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1
  - Rezone 4.37 acres from AR-2 to AR-1
  - Combine all AR-1 acreage from 465M-2, 465M-3B & 465M-3B01 into a single ~5.69 acre parcel
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3; ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1; and 4.37 acres from parcel 465M-2 from AR-2 to AR-1, with the following conditions:
  1. The lots shall meet the requirements of the AR-1 and B-3 zoning districts.
  2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
  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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision and 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 ~1.12 acres from parcel 465M-3B from AR-1 to B-3; ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1; and 4.37 acres from parcel 465M-2 from AR-2 to AR-1, with the following conditions:

   1. The lots shall meet the requirements of the AR-1 and B-3 zoning districts.
   2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
   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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision and recombination plat must be approved by the Zoning Administrator.

2. **Deny** the request to rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3, and ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1, and 4.37 acres from parcel 465M-2 from AR-2 to AR-1.

**Recommended 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. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant: Terra-more Development, LLC

Property owner(s): Lynn Mikell Brennan

Telephone Number(s): (912) 667-4449

Mailing Address: P.O. Box 1119 Rincon, GA 31326

Property location: The 1.76-acre site is located at 5487 McCall Rd, in Effingham County, GA. We are subdividing from two separate parcels and plan to recombine these parcels to create a 1.76-acre two-parcel assemblage.

Present Zoning: AR-1 / B-3

Proposed Zoning: B-3

We would like to propose rezoning a 1.12-acre portion of the proposed 1.76-acre site from AR-1 (Agricultural / Residential) to B-3 (Highway Commercial). The remaining 0.64 acres are currently zoned appropriately as B-3.

Present land-use: Vacant / Residential / Commercial

Proposed land-use: Newly Constructed 9,100 SF Commercial Retail Development

Tax Map #/Parcel #/Lot #: Parcel ID's: 0465M003B

Total Acres: 1.76 acres Acres to be rezoned: 1.12 acres

Lot characteristics: Wooded / Vacant / Mobile Home on Site (to be relocated) / Interior Commercial Lot currently used for Commercial Truck Storage.

Water/Sewer: Effingham County will be providing Water/Sewer to the proposed site – service availability has been confirmed with the County on McCall Rd.

Proposed access: Full Access on McCall Rd. – preliminarily approved by Effingham County.

Justification: To construct a 9,100 SF Commercial Retail Development
List the zoning of the other property in the vicinity of the property you wish to rezone:

NORTH: **B-3 & AR-1/AR-2** – Lynn Mikell Brennan’s remaining property – Seller will be retaining 0.36 acres of property to the north zoned B-3 Highway Commercial and 5.15 acres of property to the north zoned AR-1/AR-2.

NORTHEAST: **AR-2** – Bennet Parcel – 7.4 acres with no frontage on McCall Rd.

EAST: **B-3** – Hughes Parcel – 1.04 acres – International Mortgage and International Place Office Space / Shopping Plaza on site.

SOUTH (across McCall Rd.): **B-3** – Mathop Properties, LLC Parcel – 3.0 acres – Harold’s Auto Paint & Body Shop on site.

WEST: **AR-1** – Rozwarski & Holloway Parcels – 1.04 acres total
1. Describe the current use of the property you wish to rezone.

The 1.12-acre portion of the Brennan parcel that we wish to rezone consists of Vacant and Residential land use. There is a mobile home located on the property that will be relocated upon successful rezoning and the remainder of the 1.12 acres are currently vacant/wooded. We will also be incorporating an additional 0.64 acres into the proposed 1.76-acre site that are currently zoned appropriately as B-3 Highway Commercial.

2. Does the property you wish to rezone have a reasonable economic use as it is currently zoned?

Majority of the 1.12-acre portion of property that we wish to rezone does not have any economic use at this time. There is a mobile home located on the property belonging to our Seller, Lynn Mikell Brennan, that serves as a residence to an immediate family member and will be relocated upon successful rezoning. The remainder of the 1.12 acres is currently vacant/wooded with no economic use in place.

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

We are proposing a Commercial Retail Use / General Store for the 1.76-acre site being structured approximately 9,100 SF selling food, snacks, household items, health/beauty products, seasonal items, basic apparel, and cleaning supplies.

4. Describe the uses of the other property in the vicinity of the property you wish to rezone.

The property to the east of our site is currently zoned B-3 Highway Commercial and contains a commercial use with multiple businesses being located on the property. International Mortgage and International Place (shopping plaza) are located on site.

The property to the south of our site (across McCall Rd.) is currently zoned B-3 Highway Commercial and contains a commercial use with Harold's Auto Paint & Body Shop being located on site.

The properties to the west of our site are currently zoned AR-1 and contain a residential use with two residences being located on the property. We have incorporated a 30' landscape buffer on the western boundary of our proposed site and will be installing an additional 6' wooden, shadow-box privacy fence along our western boundary to shield these residences from our proposed commercial development.

The properties to the north of our site are currently zoned B-3 Highway Commercial & AR-1/AR-2. Our Seller, Lynn Mikell Brennan, will be retaining 0.36 acres of property to the north zoned B-3 Highway Commercial (which will be recombined with Seller's additional, remaining property and rezoned to AR-1) and 5.15 acres of property to the north zoned AR-1/AR-2. The 0.36 acres of remaining B-3 commercial property are currently used for commercial truck storage. The remaining 5.15 acres of residential property are currently used for Seller's residence.
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?

Our goal is to provide a closer, cheaper, and more convenient shopping option to the local residents in this part of Effingham County. The proposed 1.76-acre site / 1.12 acres we wish to rezone are located directly west (adjacent) and north of numerous commercial developments and properties along McCall Rd. Majority of the properties located on McCall Rd. (both sides of the road) to the east of our proposed site are currently zoned commercial and contain a commercial use. The proposed location was our only viable option to remain within the commercial node of McCall Rd. and avoid heavily infringing upon residential properties in this area. There would be a substantial increase in property tax for our proposed site ONLY (not surrounding property owners) as well as a new sales tax revenue generated by our proposed development for Effingham County; which would greatly benefit the local Effingham County residents in this area as well as their municipal authorities and departments.

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. We are planning to construct this development at no direct cost to Effingham County and will be enhancing Effingham County’s revenue stream via paid utility services, permits, and additional tax revenue.
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 September 17, 2007, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 1676 page 66.

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 30th day of July, 2020.

Notary Public, State of Georgia
AUTHORIZATION OF PROPERTY OWNER

I, ________________, 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: Teramore Development, LLC Date: 07-30-2020
Address: P.O. Box 6460
City: Thomasville, GA State: GA Zip Code: 31758
Telephone Number: (229) 516-4289 Email: bdavis@teramore.net
Signature of Owner
Lynn M. Brennan Owners Name (Print)

Personally appeared before me Lynn M. Brennan (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 30th of July 2020

Notary Public
STATE OF GEORGIA

COUNTY OF EFFINGHAM

THIS INDENTURE, Made the 17th day of September, 2007, between ALMA L. MIKELL of the FIRST PART, and LYNN MIKELL BRESNAN of the SECOND PART,

WITNESSETH, That the said party of the FIRST PART, for and in consideration of the natural love and affection she has for her daughter, the said SECOND PARTY herein, has granted, given, conveyed and confirmed and by these presents does grant, give, convey and confirm unto the said party of the SECOND PART, her heirs and assigns, all of the following described property, to wit:

ALL that certain tract or parcel of land situate, lying and being in the 9th C.M. District of Effingham County, Georgia, containing Seven and Forty-Five Hundredths (7.45) acres, more or less, and being bounded on the northwes by Westwood Heights Subdivision; on the east by lands of Edwin C. Mikell, Jr. and by lands of International Mortgage Company; on the south by McCall Road, known as County Road #143, and on the west by Westwood Heights Subdivision.

Express reference hereby made to the plat of said lands made by Adolph N. Michels, R.L.S. #1323, surveyed on June 27, 2006 and revised on August 3, 2007 and recorded in the office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Cabinet "C", slide C174-6-2, for better determining the metes and bounds of said lands herein conveyed.

SUBJECT to restrictive covenants and easements of record.

TO HAVE AND TO HOLD the said above granted and described property, with all and singular the rights, members and appurtenances thereto appertaining to the only proper use, benefit and behoof of the said party of the SECOND PART, her heirs, executors, administrators and assigns, in PRE-SIMPLE.

IN WITNESS WHEREOF, the said party of the FIRST PART has hereto set her hand, affixed her seal, and delivered these presents, the day and year first above written.

Alma L. Mikell

Signed, sealed and delivered in the presence of:

Unofficial Witness

Official Witness - Notary Public

https://search.gacocca.org/Imaging/HTML5Viewer.aspx?id=5131818&key1=1676&key2=86&county=51&countyname=EFFINGHAM&userid=110740&... 1/1

10/15/2020
To save and the sold for said tract of land, with all and singular the right,
members and appurtenances thereunto, in the same being, belonging, or in anywise appertaining, in the
only proper use, benefit and behoof of the said Grantee forever.

In witness whereof, the said GRANTOR hath signed and sealed this deed, the day and
year first above written.

(Signature)

(Seal)

WITNESS

[Stamp]

[Stamp]
September 1, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Teramore Development, LLC c/o Laynn Mikell Brennan
5487 McCall Road, Rincon GA 31326
Pin #465M-3B & 465M-2
Total Acres: 1.80 Acres to be rezoned: 1.20

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, AR-2 to B-3. The proposed rezoning request is approved based on the development being serviced by the Effingham County Sewer and Water system.

If this project cannot be serviced by the Effingham County water and sewer system:

The following items must be submitted:

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. 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.

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
Environmental Health County Manager
Effingham County Health Department
Approximate proposed development site after rezoning.
September 27, 2020

Mr. Charles L. George, P.E.
Director of Development Services/County Engineer
Effingham County Development Services
601 North Laurel Street
Springfield, GA 31329

Dear Mr. George:

As property owners at 117 Charlton Road, we request that any rezoning of the 1.2 of 6.45 acres from AR-1 & AR-2 to B-3, will include a requirement that the owner/developer will construct a drainage system that flows to McCall Road. Effingham County maintains the Charlton Road drainage ditches with the correct slope to have water drain to McCall Road. This has prevented flooding of the homes along Charlton Road. Thus, we expect that Effingham County will require a similar commitment from any retail development on the site under consideration for retail development.

Thank you for your consideration.

Sincerely,

Dr. Vivian J. Price  
117 Charlton Road  
Rincon, GA 31326

Dr. Michael E. Price  
117 Charlton Road  
Rincon, GA 31326
Mr. Burdette,

Unfortunately, I was unable to attend the meeting last night, as it was short notice and I work in midtown Savannah with the commute I don't return to Effingham until about 6:15.

However, I am, as well as others in the community, are very interested in the outcome of this topic of Flooding, as our very homes are at state.

This topic is vital and needs to stay on the table until a resolution has been found and passed.

Thank you for being mindful of the situation and standing up for us, please let us know of any actions on our behalf that are needed to move this progress alone.

Once again, Thank you,

-----Original Message-----
From: Roger Burdette <RBurdette@EffinghamCounty.org>
Sent: Tuesday, June 18, 2019 12:37 PM
To: Elizabeth Davis <highercry@comcast.net>
Subject: RE: Charlton Road Flooded area

Ms. Davis,

I going to bring this up tonight at the meeting. You are welcome to attend and comment if you would like. It will be toward the end of the meeting, so I would be there at around 5:30 if you can. Thank you ma'am.

[http://www.effinghamcounty.org/DocumentCenter/View/2286/logo]

Kind Regards,
Roger Burdette
District 2 Commissioner
Effingham County Board of Commissioners
912-663-1692

From: Elizabeth Davis [highercry@comcast.net]
Sent: Sunday, June 16, 2019 8:28 PM
To: Roger Burdette
Subject: FW: Charlton Road Flooded area

Hi Mr. Burdette,

I live at 115 Charlton Road for many years, until recent years we haven't had a problem with flooding (unless it was a hurricane.) Now my backyard floods because the Heavy equipment storage place on McCall was allowed to buildup their property, bringing truckload after truckload of dirt in, all of that water now fills my backyard.

And with the construction on McCall our drainage ditches are not working, and that fills my front yard.

See pictures of flooding and also of the waterline once floodwater receded.

Thanks,
Elizabeth Davis
September 27, 2020

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Effingham County Development Services
601 North Laurel Street
Springfield, GA 31329

Dear Mr. George:

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Thank you for your consideration.

Sincerely,

Dr. Vivian J. Price
117 Charlton Road
Rincon, GA 31326

Dr. Michael E. Price
117 Charlton Road
Rincon, GA 31326
Mr George

I own the property at 113 Charlton Road, a property located directly behind the proposed development.

As is, after a prolonged storm, as much as half of my backyard is flooded.

Unless the developer has a solid and proven proposal to eliminate the existing drainage problem, I am strongly opposed to any changes in existing ordinances.

I would appreciate my concerns being shared at this evening's meeting.

I am going to do my best to attend via the tele conference link.

Sincerely

Andy Morar, Glevum LLC

**** 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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However, I am, as well as others in the community, are very interested in the outcome of this topic of Flooding, as our very homes are at state.

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And with the construction on McCall our drainage ditches are not working, and that fills my front yard.

See pictures of flooding and also of the waterline once floodwater receded.

Thanks,
Elizabeth Davis
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.
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
- [X] DISAPPROVAL

Of the rezoning request by applicant (Teramore, LLC as Agent for Lynn Miltell Brennan - Map# 465M Parcels # 3B & 2) from AR-1 & AR-2 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 (Teramore, LLC as Agent for Lynn Mikkell Brennan - Map# 465M Parcels # 3B & 2) from AR-1 & AR-2 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

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL [ ] DISAPPROVAL [ ]

Of the rezoning request by applicant (Teramore, LLC as Agent for Lynn Mikell Brennan - Map# 465M Parcels # 3B & 2) from AR-1 & AR-2 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 any 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 (Teramore, LLC as Agent for Lynn Mikell Brennan - Map# 465M Parcels # 3B & 2) from AR-1 & AR-2 to B-3 zoning.

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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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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 (Teramore, LLC as Agent for Lynn Mikell Brennan - Map# 465M Parcels # 3B & 2) from AR-1 & AR-2 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 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: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Teramore Development as agent for Lynn Mikell Brennan requests to rezone ~1.12 acres from AR-1 to B-3, to be combined with 0.64 acres already zoned B-3 for a future retail business, and ~4.71 acres from AR-2 & B-3 to AR-1, which will be combined with the existing AR-1 acreage, located at 5487 & 5475 McCall Road. Map# 465M Parcel #2, 3B, & 3B01

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone ~1.12 acres from AR-1 to B-3, to be combined with ~0.64 acres already zoned B-3 for a future retail business, and ~4.71 acres from AR-2 & B-3 to AR-1 to be combined with ~0.96 acres already zoned AR-1, 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. Retail businesses are a permitted use in B-3.
- The property is comprised of three parcels:
  - 465M-2 contains 4.37 acres zoned AR-2
  - 465M-3B contains 2.08 acres zoned AR-1
  - 465M-3B01 contains 1 acre zoned B-3
- The applicants wish to:
  - Rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3, and combine with ~0.64 acres of parcel 465M-3B01 to create a ~1.76 acre parcel zoned B-3
  - Rezone the remaining ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1
  - Rezone 4.37 acres from AR-2 to AR-1
  - Combine all AR-1 acreage from 465M-2, 465M-3B & 465M-3B01 into a single ~5.69 acre parcel
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3; ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1; and 4.37 acres from parcel 465M-2 from AR-2 to AR-1, with the following conditions:
  1. The lots shall meet the requirements of the AR-1 and B-3 zoning districts.
  2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
  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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision and 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 ~1.12 acres from parcel 465M-3B from AR-1 to B-3; ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1; and 4.37 acres from parcel 465M-2 from AR-2 to AR-1, with the following conditions:

   1. The lots shall meet the requirements of the AR-1 and B-3 zoning districts.
   2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
   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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision and recombination plat must be approved by the Zoning Administrator.

2. **Deny** the request to rezone ~1.12 acres from parcel 465M-3B from AR-1 to B-3, and ~0.36 acres from parcel 465M-3B01 from B-3 to AR-1, and 4.37 acres from parcel 465M-2 from AR-2 to AR-1.

**Recommended Alternative:** 1

**Other Alternatives:** 2

**Department Review:** Development Services

**FUNDING:** N/A

**Attachments:**

1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
465M-2, 3B, 3B01

AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
465M-2, 3B, 3B01

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, TERAMORE as agent for LYNN MIKELL BRANNEN, has filed an application to rezone one and twelve hundredths (1.12) +/- acres from AR-1 to B-3, map and parcel number 465M-3B, for future development of a retail store; four and thirty-seven hundredths (4.37) +/- acres from AR-2 to AR-1, map and parcel number 465M-2; and thirty-six hundredths (0.36) +/- acres from B-3 to AR-1, map and parcel number 465M-3B01, to be combined for use as a home site; located in the 2nd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020, and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT one and twelve hundredths (1.12) +/- acres; map and parcel number 465M-3B, located in the 2nd commissioner district, is rezoned from AR-1 to B-3; four and thirty-seven hundredths (4.37) +/- acres, map and parcel number 465M-2, located in the 2nd commissioner district, is rezoned from AR-2 to AR-1; and thirty-six hundredths (0.36) +/- acres, map and parcel number 465M-3B01, located in the 2nd commissioner district, is rezoned from B-3 to AR-1, with the following stipulations:

1. The lots shall meet the requirements of the AR-1 and B-3 zoning districts.
2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
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 of the jurisdictional determination submitted to Development Services.
5. Subdivision and 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: FIRST/SECOND READING: ________________

STEPHANIE JOHNSON
COUNTY CLERK
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Tabitha Moyak as agent for Jeanne Freyermuth requests to rezone 5 acres from AR-1 to AR-2 for a home site, located at 230 Savannah Town Road. Map# 264 Parcel #10A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5 acres from AR-1 to AR-2 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 3 acres from the 5 acre parcel for a home site, and therefore must rezone the entire parcel to AR-2.
- At the September 28 Planning Board meeting, Peter Higgins made a motion to approve the request to rezone 5 acres from AR-1 to AR-2 for a home site with the following conditions:
  1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
  4. Subdivision plat must include an easement for the rear parcel, and be approved by the Health Department and the Zoning Administrator.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. **Approve** request to rezone 5 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
   4. Subdivision plat must include an easement for the rear parcel, and be approved by the Health Department and the Zoning Administrator.
2. **Deny** the request to rezone 5 acres from AR-1 to AR-2.

Recommended Alternative: 1  Other Alternatives: 2

Department Review: Development Services  FUNDING: N/A

Attachments:
- Rezoning application and checklist
- Ownership certificate/authorization
- Deed
- Plat
- Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent: Tabitha Mayock
Date: Aug 27

Applicant email address: tabithafreymuths@gmail.com
Phone #: 912-643-4832

Property owner(s): Jeannine Freymuth
email: tabithafreymuths@gmail.com

Telephone Number: 912-643-4832
230 Savannah Hwy 21 Springfield CA

Mailing Address: 230 Savannah Hwy 21 Springfield CA

Property location: Springfield 230 Savannah Towne Rd

Present zoning: AR-1

Proposed zoning: AR-2

Present land-use: Home (lot/lot on the acre)

Proposed land-use: Home site

Tax Map #: 264
Parcel #: 1DA
Lot #:

Total Acres: 5
Acres to be rezoned: 5

Lot characteristics: wooded / grass plan

Water: Public
Private

Sewer: Public
Private

Proposed access: drive way easement to Sandhill Rd.

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-2/B-3
West: AR-1
1. Describe the current use of the property you wish to rezone.

To put a house on

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.

House (put a house on) Live

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

All our homes

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?

It will not bother anyone. Wanting to be closer to mother

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 August 31, 2005, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 1329 page 229.

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

Owner's signature

Owner's signature

Sworn and subscribed before me this 31st day of August, 2020

Notary Public, State of Georgia
AUTHORIZATION OF PROPERTY OWNER

I, Jeannie Freymuth, 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: Tabitha Moyak
Date: 8/26/2020

Address: 6326 GA Hwy 21 N

City: Springfield
State: GA
Zip Code: 31329

Telephone Number: 912-603-4832
Email: sydneyfreymuth@gmail.com

Signature of Owner

Joanne D. Freymuth
Owners Name (Print)

Personally appeared before me ___________________________ (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 31st of August 2020

Kathleen Erin Dunnigan
Notary Public

Expires: June 2, 2024
Effingham County Notary Public
Return Recorded Document to:
Theodore T. Carellas, P.C.
440 Silverwood Centre Drive
Post Office Box 2599
Rincon, GA 31326

WARRANTY DEED

STATE OF GEORGIA

COUNTY OF Effingham

This Indenture made this 30th day of August, 2005 between William J. Hayes, Jr., Sharon S. Hayes, of the County of Effingham, State of Georgia, as party or parties of the first part, hereinafter called Grantor, and Tommy G. Freymuth and Jeanne D. Freymuth, 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'S ($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 12th G.M. District, Effingham County, Georgia, containing 5 acres, more or less, as shown and more particularly described as that certain map or plat made by Carl R. Jackson, dated March 15, 2005, recorded in Plat Cabinet A, Slide 1211, 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.

This being a portion of the same property conveyed by Warranty Deed from Tommy G. Freymuth and Jeanne D. Freymuth to William J. Hayes, Jr. and Sharon S. Hayes, dated April 29, 2005, recorded in Deed Book 1294, page 229, aforesaid records.

This Deed is given subject to all easements and restrictions of record, if any.

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 whatsoever.

IN WITNESS WHEREOF, Grantor has hereunto set grantor's hand and seal this day and year first above written.

Signed, sealed and delivered in the presence of:

Witness

[Seal]

Sharon S. Hayes

[Seal]

By Robert D. Molohan, attorney-in-fact

10/15/2020
SURVEY OF 5.00 AC. BEING SUBDIVIDED INTO TWO TRACTS LOCATED IN THE 12TH G.M. DISTRICT OF EFFINGHAM COUNTY, GEORGIA

THIS SURVEY IS FOR RECORDDING BY EFFINGHAM COUNTY ZONING ADMINISTRATOR.

APPROVED FOR RECORDING BY EMMINGHAM COUNTY ZONING ADMINISTRATOR.

REFERENCES:
1. PL BK 64 SLIDE A
2. PL BK C 63 SLIDE F

SURVEYOR CERTIFICATION
AS REQUIRED BY SUBSECTION (D) 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 APPRAISAL CERTIFICATIONS, STAMPS, OR STATEMENTS HEREOF, SUCH APPROVALS OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES OR JURISDICTIONS. 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, LAND SURVEYORS AND LAND SURVEYING AS SET FORTH IN O.C.C.A. SECTION 15-6-67.
September 1, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Tabitha Mayak
230 Savannah Town Road Springfield GA 31329
Pin #264-10A
Total Acres: 5.0 Acres to be rezoned: 2.0

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.

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. 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.
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
qPublic.net™ Effingham County, GA

Parcel ID: 02640010A00
Class Code: Residential
Taxing District: 01-County
County
Acres: 5

Owner: FREYMUTH TOMMY G & JEANNED
Physical Address: 230 SAVANNAH TOWN RD SPRINGFIELD GA 31329
Assessed Value: Value $152836

Last 2 Sales:
Date: 8/30/2005
Price: $15700
Reason: U
Qual: U

(Note: Not to be used on legal documents)

Date created: 8/26/2020
Last Data Uploaded: 8/26/2020 12:46:18 AM

Developed by Schneider Geospatial
EFFINGHAM COUNTY REZONING CHECKLIST

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL. ✓ DISAPPROVAL. 

Of the rezoning request by applicant (Tabitha Moyak for Jeanne Freymuth - Map# 264 Parcel # 10A) 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?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL ______ DISAPPROVAL ______

Of the rezoning request by applicant (Tabitha Moyak for Jeanne Freymuth - Map# 264 Parcel # 10A) 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?
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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL________ DISAPPROVAL________

Of the rezoning request by applicant (Tabitha Moyak for Jeanne Freymuth - Map# 264 Parcel # 10A) 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?

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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 (Tabitha Moyak for Jeanne Freymuth - Map# 264 Parcel # 10A) 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.

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 (Tabitha Moyak for Jeanne Freimuth - Map# 264 Parcel # 10A) from AR-1 to AR-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 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: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Tabitha Moyak as agent for Jeanne Freymuth requests to rezone 5 acres from AR-1 to AR-2 for a home site, located at 230 Savannah Town Road. Map# 264 Parcel #10A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5 acres from AR-1 to AR-2 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 3 acres from the 5 acre parcel for a home site, and therefore must rezone the entire parcel to AR-2.
- At the September 28 Planning Board meeting, Peter Higgins made a motion to approve the request to rezone 5 acres from AR-1 to AR-2 for a home site with the following conditions:
  1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
  4. Subdivision plat must include an easement for the rear parcel, and be approved by the Health Department and the Zoning Administrator.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 5 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
   4. Subdivision plat must include an easement for the rear parcel, and be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 5 acres from AR-1 to AR-2.

Recommended Alternative: 1
Other Alternatives: 2
Department Review: Development Services
FUNDING: N/A
Attachments:
- 1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
264-10A
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO.
264-10A

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, TABITHA MOYAK, has filed an application to rezone five (5.0) +/- acres; from AR-1 to AR-2 to allow for a home site; map and parcel number 264-10A, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT five (5.0) +/- acres; map and parcel number 264-10A located in the 3rd commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. The lots shall 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 of the jurisdictional determination submitted to Development Services.
4. Subdivision plat must include an easement for the rear parcel, and 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: Variance (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Tom & Renee Peterson request to eliminate two conditions of the variance granted on April 2, 2019 that allowed an access easement of 30’ for the sole use of parcel 269-20A, and required that the easement be increased to 60’ if parcel 269-20A is split. Map# 269 Parcel# 20A

Summary Recommendation
Staff has reviewed the application, and recommends denial of the request to eliminate condition 2. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels; and condition 3. The easement shall be increased to 60’ for any future subdivision of 269-20A of a variance granted on April 2, 2019.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 2019 variance was requested by the sellers (Hall & Starling). They were informed at the time that the 30’ access easement was for the sole use of parcel 269-20A, and that the access easement would have to be increased to 60’ if the parcel was split. No objections were raised at the 3/19/2019 Board of Commissioners meeting when conditions 2 & 3 were added.
- A second home can be added to AR-1 property without splitting the parcel.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Deny request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019
2. Approve request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Variance application
2. Ownership certificate
3. Plats
4. Aerial photograph
5. 4/2/2019 staff report and zoning map amendment
EFFINGHAM COUNTY
APPLICATION FOR A VARIANCE OR CONDITIONAL USE

DATE 8/26/2020

APPLICANT/AGENT NAME:  Tom & Renee Peterson / Amanda & Marcus Peterson

APPLICANT/AGENT EMAIL:  Renee.Peterson.GA@gmail.com  APetersonRealtor@gmail.com

APPLICANT/AGENT PHONE #:  301-660-0520  386-290-8606

PROPERTY OWNER(s):  Tom & Renee Peterson

PROPERTY OWNER PHONE #:  301-660-0520  EMAIL  Renee.Peterson.GA@gmail.com

MAILING ADDRESS  1245 Honey Ridge Rd., Guyton, GA 31312

PROPERTY LOCATION  1964 Hwy 17 N., Guyton, GA 31312

PHONE #  301-660-0520  EMAIL ADDRESS  Renee.Peterson.GA@gmail.com

MAP #  PARCEL #  02690020A00

ZONING  AR-1  ACREAGE  32.513 (parent)  3.72 (minor subdivision)

NAME OF DEVELOPMENT (IF APPLICABLE)  N/A

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED

Appendix B Section 7.1.3 Note 3: "Private roads, serving no more than three lots, may have a driving surface of 16 feet with a private easement of 60 feet. Shoulder and ditch requirements will be determined on a case-by-case basis. Property owners are responsible for ensuring that the surface of the road is maintained at all times in an adequate condition for emergency vehicles."

DESCRIPT THE REQUESTED VARIANCE / CONDITIONAL USE

We are requesting a variance to allow the existing 30' access easement to be sufficient for the parent parcel to be divided once and service a total of two lots. These lots will be family owned and have single-family homes. We have exhausted our options to obtain an additional 30' of access easement to the property. Extending the easement another 30' onto the original easement grantor's property would put the easement line directly up against their home and pool and they are not interested in making such an accommodation or sale. The intention to divide the parent parcel for our children to build a home next to ours was always made clear. This was discussed with the zoning office and the land seller's made verbal discussion of this with the zoning committee when obtaining the original variance. We were told that the AR-1 zoning of the property would allow for two family homes. Therefore, it was portrayed to us that this would not be an issue. It was not made clear to us or the sellers that a 60' access easement would be required for us to divide the property for this second family home to be mortgaged and owned by the children.

A generous driveway has already been constructed down the existing easement and will service both homes. We incurred several thousands of dollars in cost to permit this driveway through the wetlands and lay power since this access point was our only means of reaching the land-locked property. Powerlines have been erected down the driveway to service two single family homes. After building the first home and getting ready to split the property for the second home, as planned, we were surprised to find that a new variance or easement extension is required to fulfill our original plans. Additionally, by splitting the property the new 3.72 acre portion now needs to be rezoned from AR-1 to AR-2 since it is less than 5 acres.

The current AR-1 zoning allows the land to be used in accordance with our plans to have two family homes. Unfortunately, we have come to find out that this would not allow our children to mortgage their home, own their home or that piece of land. This is not economically feasible for most people and certainly not for our children who have two young kids of their own. Not being able to divide this land so our kids can build a home next to ours completely defeats the whole purpose of the last 2 years of work. We are a close family. We want our kids to get to grow up next-door to their Grandma & Papa. That is precisely why we left our established lives in West Virginia and moved to Effingham, GA. My husband left his job as a Sr Vice President of Wealth Mgmt at a local bank and took a position as an entry level customer service rep at a local Wells Fargo just so we could live next-door to our kids and be everyday grandparents that don't just see their grandkids once or twice a year.

We do not feel this is a unreasonable request, especially given that the only change to the property use will be who owns and mortgages the two homes. We are asking you to help us clear this unexpected hurdle in our path to realizing a dream and having our family homes next to each other.
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED

When purchasing this property, the sellers obtained a variance to provide a 30' access easement to this landlocked lot (down the side of their lot), per the instructions from the zoning office. We had always made clear the intention to divide the property for our children to build a home next to the grandparents. We were told that the AR-1 zoning of the property would allow for two family homes. It was not made clear to us or the sellers that a 60' access easement would be required for us to divide the property for this second family home to be mortgaged and owned by the children. We have exhausted our options to obtain a 60' access easement. The property owners surrounding us are not interested in accommodating this request or selling 60' of property for access.

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 ________________________

**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 ____________
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED

When purchasing this property, the sellers obtained a variance to provide a 30' access easement to this landlocked lot (down the side of their lot), per the Instructions from the zoning office. We had always made clear the intention to divide the property for our children to build a home next to the grandparents. We were told that the AR-1 zoning of the property would allow for two family homes. It was not made clear to us or the sellers that a 60' access easement would be required for us to divide the property for this second family home to be mortgaged and owned by the children. We have exhausted our options to obtain a 60' access easement. The property owners surrounding us are not interested in accommodating this request or selling 60' of property for access.

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 8/27/2020

**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 __/__/2019__, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2519 page 942.

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: Amanda & Marcus Peterson
Address: 1245 Honey Ridge Rd., Guyton, GA 31312
Telephone #: 386-780-8610 email: ApetersonRealtor@gmail.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: 8/27/2020

3
NOT: BASED UPON REVIEW OF THE F.E.M.A. FLOOD INSURANCE RATE MAP, EFFINGHAM COUNTY, GEORGIA, REFERENCING THE CURRENT EFFECTIVE SPECIAL FLOOD HAZARD AREA (SFHA) DATED 3/18/2007, THIS PROPERTY IS LOCATED IN "ZONE X", OUTSIDE THE 500 YEAR FLOODPLAIN.

THREE OR MORE OF THESE LOTS WERE SERVED BY A PRIVATE ROAD TO BE OWNED AND MAINTAINED OR ACCEPTED AS A PUBLIC ROAD, UNLESS SUCH ROAD IS UNDER THE CONTROL OF THE PROPERTY OWNER, THE PROPERTY OWNER AGREES TO MAINTAIN THE ROAD IN COMPLIANCE WITH ENSHRINED STANDARDS AS SPECIFIED BY EFFINGHAM COUNTY, INCLUDING, BUT NOT LIMITED TO, KEEPING THE ROAD FREE OF OBSTRUCTIONS OR HAZARDS. THE PROPERTY OWNER AGREES TO TAKE ALL NECESSARY STEPS TO MAINTAIN THE ROAD IN COMPLIANCE WITH COUNTY ROAD POLICIES TO BE ADOPTED BY THE EFFINGHAM COUNTY BOARD OF COMMISSIONERS.

IF THE ROAD REMAINS PRIVATE, OR MAINTAINED TO THE EXTENT OF THE PROPERTY OWNER, THE PROPERTY OWNER AGREES TO MAINTAIN THE ROAD IN COMPLIANCE WITH ENSHRINED STANDARDS AS SPECIFIED BY EFFINGHAM COUNTY, INCLUDING, BUT NOT LIMITED TO, KEEPING THE ROAD FREE OF OBSTRUCTIONS OR HAZARDS. THE PROPERTY OWNER AGREES TO TAKE ALL NECESSARY STEPS TO MAINTAIN THE ROAD IN COMPLIANCE WITH COUNTY ROAD POLICIES TO BE ADOPTED BY THE EFFINGHAM COUNTY BOARD OF COMMISSIONERS.

NOTES TO SURVEY:

1. The parcel is a subdivision of 3.72 acres from Parcel 269-20A of the Effingham County Tax Assessor's file.

2. The survey was conducted on 16 June 2020.

3. The survey was prepared by Marcus & Amanda Peterson.

ACKNOWLEDGEMENT:

Received this 18th day of October, 2020.

[Handwritten signature]

MARCUS & AMANDA PETERSON

SURVEYOR:

MARCUS & AMANDA PETERSON

D.J. No. 003

Page 6 of 15
qPublic.net™ Effingham County, GA

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(Note: Not to be used on legal documents)

Date created: 8/22/2020
Last Data Uploaded: 8/27/2020 1:02:29 AM

Developed by Schneider Geospatial
COMMISSIONERS MEETING DATE: April 2, 2019  
DATE: March 21, 2019  
TO: Board of Commissioners  
THRU: Billy Beckett, Interim County Administrator  
FROM: Teresa Concannon, Interim Zoning Administrator  
ISSUE: 2nd Reading Zoning Map Amendment  
Variance (Third District)  
Map#269 Parcels# 20A & 23  

BACKGROUND: Clifton Hall & Deborah Starling request a Variance to allow a 30’ easement instead of the required 60’ easement to a landlocked parcel. The parcel is to be sold and used for a single-family residence. Applicant is unable to provide a 60’ access easement, due to improvements on parcel 269-23. Applicant must provide access easement in order to sell the landlocked parcel, and requires a variance to allow the smaller easement.

FACTS AND FINDINGS:  
1. Pursuant to Appendix C, Article VII, 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.

   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.

2. Staff reviewed the application and recommend approval with the following stipulations:  
   1. Lots meet the requirements of the AR-1 zoning district.  
   2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.  
   3. All wetland impacts permitted by USACE.  
   4. Plat must be approved the Health Department and the Zoning Office

3. At the Planning Board meeting, Mr. Zipperer made a motion to approve the request with the following staff recommendation:  
   1. Lots meet the requirements of the AR-1 zoning district.  
   2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.  
   3. All wetland impacts permitted by USACE.  
   4. Plat must be approved the Health Department and the Zoning Office.  
   The motion was seconded by Mr. Brad Smith. The motion was carried by all.

4. At the March 19 Board of Commissioners’ meeting, Commissioner Deloach made a motion to approve the request, with staff stipulations, and additional stipulations:  
   a. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels.  
   b. The easement shall be increased to 60’ for any future subdivision of 269-20A.  
   c. Plat shall include a 30’ access easement.  
   The motion was seconded by Commissioner Loper, and carried by all.
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A & 23
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A & 23
AND TO REPEAL ALL OTHER ORDINANCES IN CONFLICT HEREWITHT.

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

WHEREAS, CLIFTON HALL & DEBORAH STARLING, have filed an application for a variance to allow a 30’ access easement to a landlocked parcel; map and parcel number 269-20A&23, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on March 19, 2019 and notice of said hearing having been published in the Effingham County Herald on 2/27/2019; 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 2/06/2019; and

IT IS HEREBY ORDAINED THAT a variance to allow a 30’ access easement to a landlocked parcel; map and parcel number 269-20A&23, located in the 3rd commissioner district is approved by the requirements of Article VII – Section 7, with the following stipulations:

1. Lots meet the requirements of the AR-1 zoning district.
2. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels.
3. The easement shall be increased to 60’ for any future subdivision of 269-20A.
4. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
5. All wetland impacts permitted by USACE.
6. Plat shall include a 30’ access easement, and must be approved the Health Department and the Zoning Office.

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

This 2nd day of April, 2019

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: WESLEY M. CORBITT, CHAIRMAN

ATTEST:

STEPHANIE D. JOHNSON
COUNTRY CLERK

FIRST READING: 03/19/2019
SECOND READING: 04/02/2019
Dear Zoning Committee,

We are requesting a variance to allow the existing 30' access easement to be sufficient for the parent parcel to be divided once and service a total of two lots. These lots will be family owned and have single-family homes. We have exhausted our options to obtain an additional 30' of access easement to the property. Extending the easement another 30' onto the original easement grantor's property would put the easement line directly up against their home and pool and they are not interested in making such an accommodation or sale.

The intention to divide the parent parcel for our children to build a home next to ours was always made clear. This was discussed with the zoning office and the land seller’s made verbal discussion of this with the zoning committee when obtaining the original variance. We were told that the AR-1 zoning of the property would allow for two family homes. Therefore, it was portrayed to us that this would not be an issue. It was not made clear to us or the sellers that a 60' access easement would be required for us to divide the property for this second family home to be mortgaged and owned by the children.

A generous driveway has already been constructed down the existing easement and will service both homes. We incurred several thousands of dollars in cost to permit this driveway through the wetlands and lay power since this access point was our only means of reaching the land-locked property. Powerlines have been erected down the driveway to service two single family homes. After building the first home and getting ready to split the property for the second home, as planned, we were surprised to find out that a new variance or easement extension is required to fulfill our original plans. Additionally, by splitting the property the new 3.72 acre portion now needs to be rezoned from AR-1 to AR-2 since it is less than 5 acres.

The current AR-1 zoning allows the land to be used in accordance with our plans to have two family homes. Unfortunately, we have come to find out that this would not allow our children to mortgage their home, own their home or that piece of land. This is not economically feasible for most people and certainly not for our children who have two young kids of their own.

Not being able to divide this land so our kids can build a home next to ours completely defeats the whole purpose of the last 2 years of work. We are a close family. We want our grandkids to get to grow up next-door to their Grandma & Papa. That is precisely why we left our established lives in West Virginia and moved to Effingham, GA. My husband left his job as a Sr Vice President of Wealth Mgmt at a local bank and took a position as an entry level customer service rep at a local Wells Fargo just so we could live next-door to our grandkids and be everyday grandparents that don’t just see their grandkids once or twice a year.

We do not feel that this is an unreasonable request, especially given that the only change to the property use will be who owns and mortgages the two homes. We are begging you to help us clear this unexpected hurdle in our path to realizing a dream and having our family homes next to each other.

-The Peterson Family

Tom (Papa) & Renee (Grandma)

Marcus (Son) & Amanda (Daughter-In-Law)

Emma (2 year old Granddaughter) & Hunter (newborn Grandson)
Additional Narrative for Variance per the Effingham County Ordinances:

7.1.8 Variances. On an appeal from an order, requirement, decision, or determination of the zoning administrator, the planning board may recommend that the county commission grant a variance in the application of the provisions of the zoning ordinance, only if all the following findings are made:

7.1.8.1 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.

The land-locked property required an access easement from the original seller who's home resides at the front along Hwy 17 N. Obtaining a 60' access easement puts this easement right up against their home and pool with no setback between the two. They are not interested in providing such an easement. Other access options have been explored and do not exist due to unaccommodating property owners. We have gone so far as to offer to purchase 60' of property to access our land and owners have not been interested.

7.1.8.2 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.

We believe that our intended use of the property is reasonable. Both lots will be large and there will be two single-family homes. The current access easement provides for a generous driveway and powerlines that are already constructed. We incurred several thousands of dollars in cost to permit this driveway through the wetlands and lay power since this access point was our only means of reaching the land-locked property.

Apparently, the current zoning allows for us to construct our two single-family homes in this fashion without obtaining a variance for the access easement... as long as we don’t divide the property so that it can be mortgaged. We are not asking for a change to the use of the property, just to the ability to divide it so that our children can build a home next to ours and the grandkids can be close to their grandparents. Most people do not have the ability to build a home with cash on a lot that they do not own and can’t claim as an asset... this is the scenario our children are in as well.
COMMISSIONERS MEETING DATE: April 2, 2019  
DATE: March 21, 2019  
TO: Board of Commissioners  
THRU: Billy Beckett, Interim County Administrator  
FROM: Teresa Concannon, Interim Zoning Administrator  
ISSUE: 2nd Reading Zoning Map Amendment  
Variance (Third District)  
Map#269 Parcels# 20A & 23  

BACKGROUND: Clifton Hall & Deborah Starling request a Variance to allow a 30’ easement instead of the required 60’ easement to a landlocked parcel. The parcel is to be sold and used for a single-family residence. Applicant is unable to provide a 60’ access easement, due to improvements on parcel 269-23. Applicant must provide access easement in order to sell the landlocked parcel, and requires a variance to allow the smaller easement.

FACTS AND FINDINGS:

1. Pursuant to Appendix C, Article VII, 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.

   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.

2. Staff reviewed the application and recommend approval with the following stipulations:

   1. Lots meet the requirements of the AR-1 zoning district.
   2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts permitted by USACE.
   4. Plat must be approved by the Health Department and the Zoning Office.

3. At the Planning Board meeting, Mr. Zipperer made a motion to approve the request with the following staff recommendation:

   1. Lots meet the requirements of the AR-1 zoning district.
   2. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
   3. All wetland impacts permitted by USACE.
   4. Plat must be approved by the Health Department and the Zoning Office.
   The motion was seconded by Mr. Brad Smith. The motion was carried by all.

4. At the March 19 Board of Commissioners’ meeting, Commissioner Deloach made a motion to approve the request, with staff stipulations, and additional stipulations:

   a. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels.
   b. The easement shall be increased to 60’ for any future subdivision of 269-20A.
   c. Plat shall include a 30’ access easement.
   The motion was seconded by Commissioner Loper, and carried by all.
STAFF REPORT

ALTERNATIVES:
1. Approve a variance to allow a 30’ easement instead of the required 60’ easement to a landlocked parcel, including staff stipulations and additional stipulations added by the Board of Commissioners.
2. Do not approve a variance to allow a 30’ easement instead of the required 60’ easement to a landlocked parcel.

FUNDING: N/A

RECOMMENDATION:
1. Staff recommends Alternative 1.

ATTACHMENTS:
1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A & 23
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A & 23
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, CLIFTON HALL & DEBORAH STARLING, have filed an application for a variance to allow a 30’ access easement to a landlocked parcel; map and parcel number 269-20A&23, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on March 19, 2019 and notice of said hearing having been published in the Effingham County Herald on 2/27/2019; 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 2/6/2019; and

IT IS HEREBY ORDAINED THAT a variance to allow a 30’ access easement to a landlocked parcel; map and parcel number 269-20A&23, located in the 3rd commissioner district is approved by the requirements of Article VII – Section 7, with the following stipulations:

1. Lots meet the requirements of the AR-1 zoning district.
2. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels.
3. The easement shall be increased to 60’ for any future subdivision of 269-20A.
4. Site development plans comply with the Effingham County Water Resources Protection Ordinance and the Stormwater Management Local Design Manual.
5. All wetland impacts permitted by USACE.
6. Plat shall include a 30’ access easement, and must be approved the Health Department and the Zoning Office.

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

This 2nd day of April, 2019

BOARD OF COMMISSIONERS
EFFINGHAM COUNTY, GEORGIA

BY: WESLEY M. CORBITT, CHARMAN

ATTEST:

STEPHANIE D. JOHNSON
COUNTY CLERK

FIRST READING: 03/19/2019
SECOND READING: 04/02/2019
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Tom & Renee Peterson request to eliminate two conditions of the variance granted on April 2, 2019 that allowed an access easement of 30’ for the sole use of parcel 269-20A, and required that the easement be increased to 60’ if parcel 269-20A is split. Map# 269 Parcel #20A

Summary Recommendation
Staff has reviewed the application, and recommends denial of the request to eliminate condition 2. The 30’ access easement shall be for the sole use of parcel 269-20A, and no adjacent parcels; and condition 3. The easement shall be increased to 60’ for any future subdivision of 269-20A of a variance granted on April 2, 2019.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 2019 variance was requested by the sellers (Hall & Starling). They were informed at the time that the 30’ access easement was for the sole use of parcel 269-20A, and that the access easement would have to be increased to 60’ if the parcel was split. No objections were raised at the 3/19/2019 Board of Commissioners meeting when conditions 2 & 3 were added.
- A second home can be added to AR-1 property without splitting the parcel.
- At the September 28 Planning Board meeting, Alan Zipperer made a motion to approve the request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Deny request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019
2. Approve request to eliminate conditions 2 & 3 of the variance granted on 4/2/2019

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A

AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A

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, TOM & RENEE PETERSON have filed an application for a variance to eliminate conditions 2 & 3 of a variance granted on April 2, 2019, relating to an access easement; map and parcel number 269-20A, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT a variance to eliminate conditions 2 & 3 of a variance granted on April 2, 2019, relating to an access easement; map and parcel number 269-20A, located in the 3rd 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
Staff Report

Subject: Rezoning (Third District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Tom & Renee Peterson request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-2 for a home site, located at 1964 Hwy 17 N, in Guyton. Map# 269 Parcel #20A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicants wish to split 3.72 acres for a home site, and therefore must rezone it to AR-2.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-2, with the following conditions:
  1. Conditions 2 & 3 relating to the access easement from the April 2, 2019 variance shall be met unless removed by the Board of Commissioners.
  2. The lot shall meet the requirements of the AR-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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 3.72 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. Conditions 2 & 3 relating to the access easement from the April 2, 2019 variance shall be met unless removed by the Board of Commissioners.
   2. The lot shall meet the requirements of the AR-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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 3.72 acres from AR-1 to AR-2.

Recommended 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. Plat
5. Aerial photograph
6. 4/2/2019 staff report and zoning map amendment
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Tom & Renee Peterson request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-2 for a home site, located at 1964 Hwy 17 N, in Guyton. Map# 269 Parcel #20A

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicants wish to split 3.72 acres for a home site, and therefore must rezone it to AR-2.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 3.72 acres of a 32.513 acre parcel from AR-1 to AR-2, with the following conditions:
  1. Conditions 2 & 3 relating to the access easement from the April 2, 2019 variance shall be met unless removed by the Board of Commissioners.
  2. The lot shall meet the requirements of the AR-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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 3.72 acres from AR-1 to AR-2 to allow for a home site, with the following conditions:
   1. Conditions 2 & 3 relating to the access easement from the April 2, 2019 variance shall be met unless removed by the Board of Commissioners.
   2. The lot shall meet the requirements of the AR-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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 3.72 acres from AR-1 to AR-2.

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 269-20A

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, TOM & RENEE PETERSON have filed an application to rezone three and seventy-two hundredths (3.72) +/- acres; from AR-1 to AR-2 to allow for a home site; map and parcel number 269-20A, located in the 3rd commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT three and seventy-two hundredths (3.72) +/- acres; map and parcel number 269-20A located in the 3rd commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. Conditions 2 & 3 relating to the access easement from the April 2, 2019 variance shall be met unless removed by the Board of Commissioners.
2. The lot shall meet the requirements of the AR-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 of the jurisdictional determination submitted to Development Services.
5. 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: Variance (Fourth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Michael Chenette requests a variance to reduce the rear building setback from 25’ to 10’ to screen in an existing patio, located at 102 Madelyn Grove Way in Jackson Run subdivision. Map# 369H Parcel #2

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to reduce the rear building setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 parcel is ~120’ deep. The patio on the site plan was allowed during the building permit review process on condition that it was not enclosed.
- The applicant now wishes to enclose the patio with a screen room, and must receive a variance from the rear setback requirements in order to do so.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to reduce the rear building setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to reduce the rear setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.
2. Deny request to reduce the rear setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.

Recommended Alternative: 1

Other Alternatives: 2

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

APPLICANT NAME  Michael Chenette

MAILING ADDRESS  102 Madelyn Grove Way, Springfield, GA 31329

PROPERTY OWNER  Michael & Linda Chenette

LOCATION  102 Madelyn Grove Way, Springfield, GA

MAP # 369H   PARCEL # 2

ZONING  R-1-A   ACREAGE  0.553

PHONE #  (902-272-1024

NAME OF DEVELOPMENT  Jackson Run

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE(S) IS REQUESTED  5.4.3

DESCRIBE THE REQUESTED VARIANCE  Rear yard setback of 10' instead of 25'

EXPLAIN WHY THE VARIANCE IS REQUESTED  Variance is requested to construct a 14'x18' screen room on an existing concrete patio
THE FOLLOWING ITEMS MUST BE SUBMITTED AT TIME OF APPLICATION:

☑ A COPY OF THE SITE PLAN THAT CLEARLY ILLUSTRATES THE REQUESTED VARIANCE 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 MEETS THE CRITERIA OF SECTION 7.1.8 OF THE EFFINGHAM COUNTY ZONING ORDINANCE.

SIGN: Michael Chippett   DATE: 10/20/20

***Please include a coy of the plat identifying existing structures and imply future structures***

************************************************************************************************
OFFICIAL USE ONLY
DATE RECEIVED ___________ TIME __________________
ACCEPTED BY ___________ TRACKING NUMBER ______
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 October 14, 2019, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book 2550 page 947-948.

Owner’s signature Michael J Charette
Owner’s signature Linda L Charette
Owner’s signature _______________________________
### Parcel Details

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</table>

**Owner Details**

- **Owner**: CHENETTE MICHAEL JOHN AND LINDA L
- **Physical Address**: 102 MADELYN GROVE WAY, SPRINGFIELD GA 31329
- **Last 2 Sales**
  - **Date**: 10/11/2019
  - **Price**: $178100
  - **Reason**: FM
  - **Qual**: Q
  - **Date**: 10/14/2017
  - **Price**: $537800
  - **Reason**: QQ
  - **Qual**: U

**Assessed Value**: Value $170051

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**Note**: Not to be used on legal documents.

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**Date created**: 8/28/2020
**Last Data Uploaded**: 8/28/2020 12:48:54 AM

**Developed by**: Schneider Geospatial
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020

Item Description: Michael Chenette requests a variance to reduce the rear building setback from 25’ to 10’ to screen in an existing patio, located at 102 Madelyn Grove Way in Jackson Run subdivision Map# 369H Parcel #2

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to reduce the rear building setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 parcel is ~120’ deep. The patio on the site plan was allowed during the building permit review process on condition that it was not enclosed.
- The applicant now wishes to enclose the patio with a screen room, and must receive a variance from the rear setback requirements in order to do so.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to reduce the rear building setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.
- Peter Higgins seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to reduce the rear setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.
2. Deny request to reduce the rear setback from 25’ to 10’ to allow a 14’ x 18’ screen room to be built on the existing patio.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 369H-2
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 369H-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, MICHAEL CHENETTE has filed an application for a variance to reduce the rear setback from 25’ to 10’, to allow a screen room to be placed on the patio; map and parcel number 369H-2, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT a variance to reduce the rear setback from 25’ to 10’; map and parcel number 369H-2, located in the 4th 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
Staff Report

Subject: Variance (Fourth District)
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: September 15, 2020

Item Description: Effective Images as agent for Love’s Travel Stop requests a variance to waive maximum height and square footage limits for signage at a Love’s Travel Stop, which will be located at Hwy 21 and Rahn Station Road. Map # 429 Parcel #6

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to waive maximum height and square footage limits for signage on Hwy 21.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 maximum sign height allowed in the B-3 zoning district is 30 ft from grade (section 3.38.10(A)). The maximum sign size allowed in the B-3 zoning district is 100 sf for multiple tenants (section 3.38.9(A)).
  - The proposed signage is consistent with existing signage serving parcels with multiple tenants on Hwy 21, and with the large signage on the Georgia Transformer building across Hwy 21.
  - To promote safe driving practices, and allow truck drivers time to move into the turn lane, the applicant is requesting a hi-rise sign that is 5’ higher than the 30’ allowed in the sign ordinance. The applicant references US Sign Council recommendations for a minimum of 253 sf of sign area in an area with multiple lanes of traffic, such as Hwy 21.
  - The applicant is requesting to:
    - Increase the height allowed on the “Hi-Rise” freestanding sign to 35 ft overall height.
    - Increase the square footage allowed on the “Hi-Rise” freestanding sign to 391.84 sf.
  - At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to waive maximum height and square footage limits for signage on Hwy 21, with the following conditions:
    1. Each sign must have 200’ of street frontage.
    2. The signs shall not encroach into the street right-of-way, or be within 25’ of an established street intersection, or obstruct driver visibility.
  - Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to waive maximum height and square footage limits for signage, with the following conditions:
   1. Each sign must have 200’ of street frontage.
2. The signs shall not encroach into the street right-of-way, or be within 25’ of an established street intersection, or obstruct driver visibility.

2. Deny request to waive maximum height and square footage limits for signage.

Recommended Alternative: 1

Other Alternatives: 2

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 6/23/20

APPLICANT/AGENT NAME: Sue Trively - Effective Images Agent on behalf of Love's

APPLICANT/AGENT EMAIL: strively@effective-images.net

APPLICANT/AGENT PHONE #: 605.753.9700

PROPERTY OWNER(s): Love's Travel Stop & Country Stores

PROPERTY OWNER PHONE #: 405.751.9000 EMAIL: construction_utilities_permits@loves.com

MAILING ADDRESS: 10601 N Pennsylvania Oklahoma City, OK 73126

PROPERTY LOCATION: Northwest corner of Hwy 21 and Rahn Station Rd intersection

PHONE # EMAIL ADDRESS

MAP # 429; Parcel 6 PARCEL # 04290006

ZONING: AR-1 ACREAGE 11.31 to be purchased

NAME OF DEVELOPMENT (IF APPLICABLE)
Love's Travel Stop

SECTION NUMBER(S) OF THE ORDINANCE FROM WHICH A VARIANCE / CONDITIONAL USE IS REQUESTED
3.38.7 - Signs in commercial zones (B) Separation of signs, 3.38.9 Freestanding sign size, 3.38.10 Height

DESCRIBE THE REQUESTED VARIANCE / CONDITIONAL USE
We are requesting a variance for the overall height and square footage of the hi-rise sign as well as approval of

the sign package.
EXPLAIN WHY THE VARIANCE OR CONDITIONAL USE IS BEING REQUESTED
Please see attached narrative.

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  Su Trively  DATE 9/1/20

**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 _______________________, on file in the office of the Clerk of the Superior Court of Effingham County, in Deed Book __________________ page ________________.

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: Sue Trively - Effective Images, Inc. ____________________________

Address: 211 10th St. SW Watertown, SD 57201 ____________________________

Telephone #: 605.753.9700 ____________________________ email: strively@effective-images.net ____________________________

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: ____________________________

Date: 07-07-2020 ____________________________
Springfield, GA – Love’s Sign Variance Package

July 20, 2020

Applicant:
Sue Trively
Effective Images
211 10th St SW
Watertown, SD, 57201
(Agent on Behalf of Love’s Travel Stop)

Owner:
Barton Alderman (see Attachment B)

RE: Proposed Love’s Travel Stop located in the Northwest corner of Hwy 21 and Rahn Station Rd.

Outdoor Sign Variance Application/Requests

Nature of request:
- Increase overall height allowed on the “Hi-Rise” (freestanding sign) from 30’ overall height to 35’ overall height
- Increase square footage allowed on the “Hi-Rise” (freestanding sign) from 100 square feet to 391.84 total square feet
- Receive approval on sign package including freestanding signs, building signs, canopy signs, directional signs and CAT Scale signs
The property lies in the Northwest quadrant of Hwy 21 and Rahn Station Rd. With the majority of Love’s patrons being semi-trucks travelling along the highway system, it is imperative drivers are given adequate time to see the signs, recognize what the signs say and then make the decision to safely transition into the proper lane to enter the Love’s facility. Without the increased height and area of the signs being requested in the variance, motorists may not see the signs with enough time to make a safe transition to exit, compromising the safety of themselves as well as other drivers. The United States Sign Council recommends signs based on the complexity of the driving conditions and speed of traffic. The USSC recommends a sign with a minimum of 253 square feet of sign area, for a single-faced sign (Love’s sign has 3 faces), in an area with multi lanes of traffic, such as Hwy 21, traveling at 45 MPH (see attached Freestanding Sign Sizes sheet from the USSC). This size is recommended to give drivers of automobiles time to see the signs, read the signs and then to react to the signs (viewer reaction time). The USSC states that the viewer reaction time of an automobile driver is 11 seconds. When you take into consideration it takes semi-truck drivers 40% longer to come to a stop, the height and area of the signs is vital in allowing drivers to have a clear view of the signs and being able to react in a manner that is safe for all drivers. The increase in height and square footage being requested for the Hi-Rise sign will help ensure that there is safe ingress and egress to and from the facility which has a positive impact on the community.

Safety is the driving factor when determining the size of all the pole / ground signs, including the directional signs used at the Love’s Travel Stops. The leading purpose of the directional sign size is to make every effort to ensure that the semi traffic does not end up either intermingled with the pedestrian and car traffic or unable to follow the traffic flow of the facility and finding themselves in locations that are either boxed in or where they have boxed in other vehicles. To further ensure that the directional signs are for safety of traffic flow specific to their main patrons, they do not carry any logos or advertising. They are signs with one to two words and directional arrows. The 8’ OAH, 32 sq. ft. directional signs are requested at this size specifically so that semi-truck drivers have a clear direction on where they should be turning in order to enter the property. This ensures they will not enter the non-truck, pedestrian traffic area to eliminate the possibility of injury.

Taking the above information into consideration, we respectfully request that the sign package attached be approved for the Love’s Travel Stop located in Effingham County Georgia.
# LOVE'S SIGN PACKAGE - SPRINGFIELD, GA

<table>
<thead>
<tr>
<th><strong>HI-RISE SIGN:</strong></th>
<th>35' OAH</th>
<th>SIGN SQ. FT.</th>
</tr>
</thead>
<tbody>
<tr>
<td>8' x 13' 9&quot; Love's &amp; Heart</td>
<td>110.00</td>
<td></td>
</tr>
<tr>
<td>6' x 9' 11&quot; McDonald's</td>
<td>79.34</td>
<td></td>
</tr>
<tr>
<td>7' 6&quot; x 27&quot; Price Sign - 61&quot; Numerals</td>
<td>202.50</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL HI-RISE SQUARE FEET:</strong></td>
<td><strong>391.84</strong></td>
<td></td>
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</table>

<table>
<thead>
<tr>
<th><strong>MONUMENT SIGN:</strong></th>
<th>13' OAH</th>
<th>SIGN SQ. FT.</th>
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<tbody>
<tr>
<td>4' 10&quot; x 8' 6&quot; Love's &amp; Heart</td>
<td>41.09</td>
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</tr>
<tr>
<td>5' x 5' McDonald's</td>
<td>25.00</td>
<td></td>
</tr>
<tr>
<td>2' 10&quot; x 8' 6&quot; Price Sign - 20&quot; Numerals</td>
<td>23.11</td>
<td></td>
</tr>
<tr>
<td>1' 6&quot; x 6' Chester's</td>
<td>9.00</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL STREET SIGN SQUARE FEET:</strong></td>
<td><strong>98.20</strong></td>
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<table>
<thead>
<tr>
<th><strong>BUILDING SIGNS:</strong></th>
<th></th>
<th>SIGN SQ. FT.</th>
</tr>
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<tbody>
<tr>
<td><strong>FRONT ELEVATION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>76&quot; x 96&quot; Heart &amp; 68&quot; Love's Letters</td>
<td>176.28</td>
<td></td>
</tr>
<tr>
<td>4' x 8' Echo Heart</td>
<td>20.00</td>
<td></td>
</tr>
<tr>
<td>24&quot; McDonald's Letters</td>
<td>32.83</td>
<td></td>
</tr>
<tr>
<td>42&quot; McDonald's Logo</td>
<td>14.00</td>
<td></td>
</tr>
<tr>
<td>3' 11&quot; x 8&quot; 9-16&quot; Chester's Logo</td>
<td>31.52</td>
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</tr>
<tr>
<td><strong>TOTAL FRONT ELEVATION SQUARE FEET:</strong></td>
<td><strong>274.63</strong></td>
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<tr>
<td><strong>LEFT ELEVATION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>24&quot; McDonald's Letters</td>
<td>32.83</td>
<td></td>
</tr>
<tr>
<td>42&quot; McDonald's Logo</td>
<td>14.00</td>
<td></td>
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<tr>
<td><strong>TOTAL LEFT ELEVATION SQUARE FEET:</strong></td>
<td><strong>46.83</strong></td>
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<tr>
<td><strong>RIGHT ELEVATION:</strong></td>
<td></td>
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<tr>
<td>1' 6½&quot; x 7&quot; Panaflex Love's &amp; Heart Logo</td>
<td>10.94</td>
<td></td>
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<tr>
<td><strong>TOTAL RIGHT ELEVATION SQUARE FEET:</strong></td>
<td><strong>10.94</strong></td>
<td></td>
</tr>
<tr>
<td><strong>REAR ELEVATION:</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>42&quot; McDonald's Logo</td>
<td>14.00</td>
<td></td>
</tr>
<tr>
<td>3' 11&quot; x 8&quot; 9-16&quot; Chester's Logo</td>
<td>31.52</td>
<td></td>
</tr>
<tr>
<td>4' x 5' Echo Heart</td>
<td>20.00</td>
<td></td>
</tr>
<tr>
<td>1' 6½&quot; x 7&quot; Panaflex Love's &amp; Heart Logo</td>
<td>10.94</td>
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<tr>
<td><strong>TOTAL REAR ELEVATION SQUARE FEET:</strong></td>
<td><strong>76.46</strong></td>
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<tr>
<td><strong>TOTAL BUILDING SIGN SQUARE FEET:</strong></td>
<td><strong>408.86</strong></td>
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<table>
<thead>
<tr>
<th><strong>FUEL CANOPIES:</strong></th>
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<th>SIGN SQ. FT.</th>
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<tbody>
<tr>
<td><strong>GAS CANOPY LOGOS:</strong></td>
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</tr>
<tr>
<td>2' 3½&quot; x 10' 2½&quot; North Elevation</td>
<td>23.39</td>
<td></td>
</tr>
<tr>
<td>2' 3½&quot; x 10' 2½&quot; East Elevation</td>
<td>23.39</td>
<td></td>
</tr>
<tr>
<td>2' 3½&quot; x 10' 2½&quot; South Elevation</td>
<td>23.39</td>
<td></td>
</tr>
<tr>
<td>2' 3½&quot; x 10' 2½&quot; West Elevation</td>
<td>23.39</td>
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<tr>
<td><strong>TOTAL FUEL CANOPY LOGO SQUARE FEET:</strong></td>
<td><strong>187.12</strong></td>
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<table>
<thead>
<tr>
<th><strong>DIRECTIONAL SIGNS:</strong></th>
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<th>SIGN SQ. FT.</th>
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<tbody>
<tr>
<td>4' x 8' Love's Directional</td>
<td>32.00</td>
<td></td>
</tr>
<tr>
<td>4' x 8' Love's Directional</td>
<td>32.00</td>
<td></td>
</tr>
<tr>
<td>4' x 8' Love's Directional</td>
<td>32.00</td>
<td></td>
</tr>
<tr>
<td>3' x 1' 11&quot; McDonald's Directional</td>
<td>5.75</td>
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<tr>
<td><strong>TOTAL DIRECTIONAL SQUARE FEET:</strong></td>
<td><strong>101.75</strong></td>
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<table>
<thead>
<tr>
<th><strong>CAT SCALE SIGNS:</strong></th>
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</thead>
<tbody>
<tr>
<td>5' 4½&quot; x 20' Cat Scale Sign</td>
<td>107.50</td>
<td></td>
</tr>
<tr>
<td>2' x 3' Cat Scale Sign</td>
<td>6.00</td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL CAT SCALE SQUARE FEET:</strong></td>
<td><strong>113.50</strong></td>
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<tr>
<td><strong>TOTAL SQUARE FOOTAGE:</strong></td>
<td><strong>1301.27</strong></td>
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</tr>
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</table>
LOVE'S HI-RISE SIGN ~ SPRINGFIELD, GA

<table>
<thead>
<tr>
<th>OVERALL HEIGHT:</th>
<th>TOTAL SQ. FT.:</th>
</tr>
</thead>
<tbody>
<tr>
<td>35'</td>
<td>391.84</td>
</tr>
</tbody>
</table>

| 8' X 13' 9" LOVE'S & HEART = 110 SQ. FT. |
| 8' X 9' 11" MCDONALD'S = 79.34 SQ. FT.  |
| 7' 6" X 27' PRICE SIGN = 202.5 SQ. FT. |
| - 61" NUMERALS                             |

15' 6" FROM BOTTOM OF PRICE SIGN TO GRADE

MCDONALD'S & DIESEL INSTALLED TOWARDS INTERSTATE / HIGHWAY

**NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.**

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>DATE:</th>
<th>DRAWING #:</th>
<th>REVISION # / DATE:</th>
<th>SCALE:</th>
<th>DRAWN BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPRINGFIELD, GA</td>
<td>6/29/20</td>
<td>E82006-2901</td>
<td>1 (8/25/20)</td>
<td>3/16&quot; = 1&quot;</td>
<td>JLW</td>
</tr>
</tbody>
</table>
LOVE’S MONUMENT SIGN ~ SPRINGFIELD, GA

OVERALL HEIGHT: 13’

TOTAL SQ. FT.: 98.20

13’ X 20’ MONUMENT SIGN

4” 10” X 8’ 6” LOVE’S & HEART: 41.09 SQ. FT.

5” X 5” McDONALD’S NEXT GEN: 25 SQ. FT.

2” 10” X 8’ 6” PRICER SIGN: 23.11 SQ. FT.

- 20” NUMERALS ON PRICE SIGN

1” 6” X 6’ CHESTER’S SIGN: 9 SQ. FT.

McDONALD’S & UNLEADED & COLUMN INSTALLED TOWARDS ROAD

** NOTE: PRODUCT PANEL COPY AND NUMERAL DETAILS TO BE CONFIRMED BY OTHERS.**

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>DATE:</th>
<th>DRAWING #:</th>
<th>REVISION #:</th>
<th>SCALE:</th>
<th>DRAWN BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPRINGFIELD, GA</td>
<td>6/29/20</td>
<td>E182006-2902</td>
<td>1 (8/25/20)</td>
<td>1/4” = 1’</td>
<td>JW</td>
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<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Jlw</td>
</tr>
</tbody>
</table>
LOVE'S BUILDING SIGNS ~ SPRINGFIELD, GA

Qty (1) Front elevation above Main Entrance
LED Illuminated
(176.28 Sq. ft./sign)

Qty (1) Front elevation
Qty (1) Rear elevation
LED Illuminated
(20 Sq. ft./sign)

Qty (1) Front elevation
Qty (1) Rear elevation
LED Illuminated
(31.52 Sq. ft./sign)

Qty (1) Front elevation
Qty (1) Left elevation
Qty (1) Rear elevation
LED Illuminated
(14 Sq. ft./sign)

Qty (1) Front elevation
Qty (1) Left elevation
LED Illuminated
(32.83 Sq. ft./sign)

Qty (1) Side elevation
Qty (1) Rear elevation
Panaflex Logo
(10.94 Sq. ft./logo)

LOCATION: SPRINGFIELD, GA
DATE: 6/29/20
DRAWING #: E82006-2903
REVISION #: 0
SCALE: 3/16" = 1'
DRAWN BY: JLW

Effective Images Inc.
PHONE: 405-753-9700
Page 11 of 17
LOVE'S FUEL CANOPY LOGOS ~ SPRINGFIELD, GA

Qty (4) Gas Canopy Logos (23.39 Sq. ft./sign)

Qty (4) Diesel Canopy Logos (23.39 Sq. ft./sign)

Gas / Diesel Canopy Illustration

<table>
<thead>
<tr>
<th>LOCATION:</th>
<th>DATE:</th>
<th>DRAWING #:</th>
<th>REVISION # / DATE:</th>
<th>SCALE:</th>
<th>DRAWN BY:</th>
</tr>
</thead>
<tbody>
<tr>
<td>SPRINGFIELD, GA</td>
<td>6/29/20</td>
<td>E182006-2904</td>
<td>0</td>
<td>3/16&quot; = 1'</td>
<td>JLW</td>
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</tbody>
</table>

10/15/2020

Page 12 of 17
LOVE'S DIRECTIONAL SIGNS ~ SPRINGFIELD, GA

**Love's Directional Sign #1**
at Auto Entrance  
(copy may vary)  
LED Illuminated  
(32 Sq. ft./sign)

**Love's Directional Sign #2**
at South Truck Entrance  
(copy may vary)  
LED Illuminated  
(32 Sq. ft./sign)

**Love's Directional Sign #3**
at East Auto Entrance  
(copy may vary)  
LED Illuminated  
(32 Sq. ft./sign)

**McDonald's Directional Sign #4**
at Drive-thru entrance  
(copy may vary)  
LED Illuminated  
(5.75 sq. ft./sign)
OVERALL HEIGHT: 21' 5½"
TOTAL SQ. FT.: 113.50

5' 4½" X 20' CAT SCALE SIGN = 107.5 SQ. FT.
2' X 3' SPEAKER POST SIGN = 6 SQ. FT.
16' 1¼" FROM GRADE TO BOTTOM OF CAT SCALE
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department: Development Services
Meeting Date: September 15, 2020
Item Description: Effective Images as agent for Love’s Travel Stop requests a variance to waive maximum height and square footage limits for signage at a Love’s Travel Stop, which will be located at Hwy 21 and Rahn Station Road. Map #429 Parcel #6

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to waive maximum height and square footage limits for signage on Hwy 21.

Executive Summary/Background
- Pursuant to Appendix C-Zoning Ordinance, Article VII-Staff Report, 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 maximum sign height allowed in the B-3 zoning district is 30 ft from grade (section 3.38.10(A)). The maximum sign size allowed in the B-3 zoning district is 100 sf for multiple tenants (section 3.38.9(A)).
- The proposed signage is consistent with existing signage serving parcels with multiple tenants on Hwy 21, and with the large signage on the Georgia Transformer building across Hwy 21.
- To promote safe driving practices, and allow truck drivers time to move into the turn lane, the applicant is requesting a hi-rise sign that is 5’ higher than the 30’ allowed in the sign ordinance. The applicant references US Sign Council recommendations for a minimum of 253 sf of sign area in an area with multiple lanes of traffic, such as Hwy 21.
- The applicant is requesting to:
  - Increase the height allowed on the “Hi-Rise” freestanding sign to 35 ft overall height.
  - Increase the square footage allowed on the “Hi-Rise” freestanding sign to 391.84 sf.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to waive maximum height and square footage limits for signage on Hwy 21, with the following conditions:
  1. Each sign must have 200’ of street frontage.
  2. The signs shall not encroach into the street right-of-way, or be within 25’ of an established street intersection, or obstruct driver visibility.
- Alan Zipperer seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to waive maximum height and square footage limits for signage, with the following conditions:
   1. Each sign must have 200’ of street frontage.
2. The signs shall not encroach into the street right-of-way, or be within 25’ of an established street intersection, or obstruct driver visibility.

2. Deny request to waive maximum height and square footage limits for signage.

Recommended Alternative: 1

Other Alternatives: 2

Department Review: Development Services

FUNDING: N/A

Attachments:
1. Zoning Map Amendment
STATE OF GEORGIA
EFFINGHAM COUNTY

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, EFFECTIVE IMAGES as agent for LOVE’S TRAVEL STOP has filed an application for a variance to waive maximum height and square footage limits for signage at a Love’s Travel Stop; map and parcel number 429-6, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT a variance to waive maximum height and square footage limits for signage at a Love’s Travel Stop; map and parcel number 429-6, located in the 4th commissioner district, is granted, with the following conditions

1. Each sign must have 200’ of street frontage.
2. The signs shall not encroach into the street right-of-way, or be within 25’ of an established street intersection, or obstruct driver visibility.

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, Planning & Zoning Manager
Department: Development Services
Meeting Date: October 20, 2020
Item Description: Andrea Allsbrook request to rezone a 5 acre parcel from AR-1 to AR-2 for future subdivision into home sites, located at 851 Ebenezer Road Map# 446 Parcel #33

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5 acres from AR-1 to AR-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. AR-1 requires a minimum lot size of 5 acres. AR-2 allows lots of one acre or more.
- The applicant plans to subdivide the parcel into home sites, and therefore must rezone to AR-2.
- At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 5 acres from AR-1 to AR-2, with the following conditions:
  1. The lots shall meet the requirements of the AR-2 zoning district.
  2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
  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 of the jurisdictional determination submitted to Development Services.
  5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
- Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. **Approve** request to rezone 5 acres from AR-1 to AR-2 to allow for subdivision into home sites, with the following conditions:
   1. The lots shall meet the requirements of the AR-2 zoning district.
   2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
   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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. **Deny** the request to rezone 5 acres from AR-1 to AR-2.

Recommended 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. Plat
5. Aerial photograph
ATTACHMENT A

EFFINGHAM COUNTY REZONING AMENDMENT FORMS

Applicant/Agent       Andrea Allsbrook       Date 8/27/20
Applicant email address allsbrook20@gmail.com Phone # (912) 165-4195
Property owner(s)       JeanWaters Estate       Email
Telephone Number (   ) Same as above/Andrea Allsbrook Executor
Mailing Address  1800 McCall Road, Rincon Ga. 31326
Property location 851 Ebenezer Road, Rincon, Ga. 31326
Present zoning AR1
Proposed zoning AR2
Present land use Personal - Residential
Proposed land use Personal - Residential
Tax Map # 00990/01 County Parcel # 04460033 Lot #
Total Acres 5.00 Acres to be rezoned 5 acres 446-33
Lot characteristics Wooded
Water Public Private Sewer Public Private
Proposed access 915 + 909 Ebenezer Road, Rincon, Ga. 31326/446-29
Justification

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

North AR1
East AR2

Rev 03062020

10/15/2020
1. Describe the current use of the property you wish to rezone.
   Not being used, has trees

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.
   Part of our late's estate which we will sell. Remain residential to our knowledge of buyer

4. Describe the uses of the other property in the vicinity of the property you wish to rezone?
   Residential - Housing

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?
   Will not change

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 __________ page 2550 315

10 18

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: Andrea Allsbrook Print: Andrea Allsbrook

Owner's signature: __________________________ Print: __________________________

Owner's signature: __________________________ Print: __________________________

Swear and subscribed before me this 28th day of August, 2020

Mia B. Thompson
Notary Public, State of Georgia

Rev 03062020
AUTHORIZATION OF PROPERTY OWNER

I, ___________________________________________, 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: Andrea L Allsbrook Date: 8.28.20

Address: 1800 McCall Road

City: Rincon State: Ga Zip Code: 31326

Telephone Number: 912-126-4195 Email: aallsbrook20@gmail.com

Signature of Owner: Andrea L Allsbrook Owners Name (Print)

Personally appeared before me Andrea L Allsbrook (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 8th of August 2020

(Notary Seal)

Mia B Thompson

Notary Public

Rev 03062020
QUITCLAIM DEED

THIS INDENTURE, made this 30th day of July 2019, by and between Jesse W Waters, Sr. (hereinafter called “Grantor” ) and Olivia W Thompson and Andrea L Allbrook as Co-Executors for the Estate of Jean O Waters aka Jean L Waters (hereinafter called “Grantee”) (the words “Grantor” and “Grantee” shall include their respective heirs, successors and assigns, where the context requires or permits, and shall include the singular and plural, and the masculine, feminine, and neuter, as the context requires.)

WITNESSETH that Grantor, for and in consideration for the sum of One Dollar and other good and valuable consideration, the receipt of which is hereby acknowledged, has bargained, sold, and does by these presents, bargain, sell, remise, release, and forever quitclaim to Grantee all the right, title, interest, claim, or demand which the Grantor has or may have in and to the following described Property, to wit:

All that certain lot, tract or parcel of land situate, lying and being in the 9th GMD, Effingham County, Georgia, containing 5.00 acres, more or less, shown and more particularly described by the plat of survey made by Wilder Surveying & Mapping, dated October 20, 1976, recorded in the Office of the Clerk of the Superior Court of Effingham County, Georgia, in Plat Record Book 10, Page 18, which is incorporated into this description by specific reference thereto. Also known as 851 Ebenezer Road, Rincon, Georgia, 31326. PIN: 0446-033

The purpose of this deed is for grantor to release his interest in the property pursuant to that final divorce decree issued in that action entitled “Jean Waters vs. Jesse Waters”, Civil Action No. 1E94DR114M, Effingham County Superior Court Clerk.

TOGETHER WITH all the rights, members, and appurtenances to the said described Property in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said Property unto the said Grantee so that neither the Grantor nor its successors or assigns nor any other person or persons claiming under Grantor shall at any time claim or demand any right, title, or interest to the said Property or its appurtenances.

IN WITNESS WHEREOF the said Grantor has signed and sealed this Deed the day and year above written.

[Signatures]

James F. Walsh, Jr.
Commission Expires: 1/13/21
September 4, 2020

Effingham County Zoning Board
Springfield, GA 31329

Re: Andrea Allsbrook
851 Ebenezer Road Rinton GA 31326
Pin #446-33
Total Acres: 5.0 Acres to be rezoned: 5.0

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.

The following items must be submitted.

1. Completed Subdivision Application.
2. Completed Plat Review Application.
3. Level III soils overlay signed and stamped by the soil classifier on the Final Plat with Soil Suitability Description.
4. 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.
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:** 04460033
- **Class Code:** Residential
- **Taxing District:** 01-County
  - **County:**
- **Acres:** 5

**Owner:** WATERS JEAN OLIVIA

**Physical Address:** 851 EBENEZER RD

**Assessed Value:** Value $127548

**Last 2 Sales**
- **Date:** 7/30/2019
  - **Price:** 0
  - **Reason:** U
  - **Qual:** U
- **Date:** 4/27/1994
  - **Price:** 0
  - **Reason:** UK
  - **Qual:** U

(Note: Not to be used on legal documents)

Date created: 9/31/2020
Last Data Uploaded: 8/31/2020 12:36:44 AM
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:

APPROVAL ✔  DISAPPROVAL ☐

Of the rezoning request by applicant (Andrea Allsbrook - Map# 446 Parcel # 33) 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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The Effingham County Planning Commission recommends:

APPROVAL    DISAPPROVAL

Of the rezoning request by applicant (Andrea Allsbrook - Map# 446 Parcel # 33) 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

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APPROVAL   DISAPPROVAL

Of the rezoning request by applicant (Andrea Allsbrook - Map# 446 Parcel # 33) 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 "spoil" 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:

[Signature]

Of the rezoning request by applicant (Andrea Allsbrook - Map# 446 Parcel #33) 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

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CHECK LIST:

The Effingham County Planning Commission recommends:

APPROVAL. ☑ │ DISAPPROVAL. ☐

Of the rezoning request by applicant (Andrea Allsbrook - Map# 446 Parcel #33) 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 overloads 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?

DJS

9/28/2020
Staff Report

Subject: 2nd Reading Zoning Map Amendment
Author: Teresa Concannon, AICP, Planning & Zoning Manager
Department Development Services
Meeting Date: October 20, 2020

Item Description: Andrea Allsbrook request to rezone a 5 acre parcel from AR-1 to AR-2 for future subdivision into home sites, located at 851 Ebenezer Road Map# 446 Parcel #33

Summary Recommendation
Staff has reviewed the application, and recommends approval of the request to rezone 5 acres from AR-1 to AR-2, with conditions.

Executive Summary/Background

1. 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.
2. The applicant plans to subdivide the parcel into home sites, and therefore must rezone to AR-2.
3. At the September 28 Planning Board meeting, Brad Smith made a motion to approve the request to rezone 5 acres from AR-1 to AR-2, with the following conditions:
   1. The lots shall meet the requirements of the AR-2 zoning district.
   2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
   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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
4. Juanita Golden seconded the motion. The motion carried unanimously.

Alternatives for Commission to Consider
1. Approve request to rezone 5 acres from AR-1 to AR-2 to allow for subdivision into home sites, with the following conditions:
   1. The lots shall meet the requirements of the AR-2 zoning district.
   2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
   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 of the jurisdictional determination submitted to Development Services.
   5. Subdivision plat must be approved by the Health Department and the Zoning Administrator.
2. Deny the request to rezone 5 acres from AR-1 to AR-2.

Recommended Alternative: 1 Other Alternatives: 2

Department Review: Development Services
FUNDING: N/A
Attachments:
1. Zoning Map Amendment
AN AMENDMENT TO THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 446-33
AN ORDINANCE TO AMEND THE EFFINGHAM COUNTY ZONING ORDINANCE, MAP AND PARCEL NO. 446-33

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, ANDREA ALLSBROOK has filed an application to rezone five (5.0) +/- acres; from AR-1 to AR-2 to allow for future subdivision into home sites; map and parcel number 446-33, located in the 4th commissioner district, and

WHEREAS, a public hearing was held on October 20, 2020 and notice of said hearing having been published in the Effingham County Herald on September 30, 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 September 9, 2020; and

IT IS HEREBY ORDAINED THAT five (5.0) +/- acres; map and parcel number 4464-33 located in the 4th commissioner district is rezoned from AR-1 to AR-2 with the following stipulations:

1. The lots shall meet the requirements of the AR-2 zoning district.
2. Site development shall be designed to maintain or improve the existing drainage conveyance system through the property to adjacent properties, and must be approved by county engineering before issuance of any building permits.
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 of the jurisdictional determination submitted to Development Services.
5. 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