

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GA.

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: Geosam Capital US (Georgia), LLC	NAME: Geosam Capital US (Georgia), LLC
ADDRESS: c/o Andersen, Tate & Carr, P.C.	ADDRESS: 2170 Satellite Blvd., Suite 425
CITY: 1960 Satellite Blvd., Suite 4000, Duluth	CITY: Duluth
STATE: GA ZIP: 30097	STATE: GA ZIP: 30097
PHONE: 770-822-0900	PHONE:
CONTACT PERSON: Melody A. Glouton, Esq. PHONE: 770-822-0900	
CONTACT'S E-MAIL: mglouton@atclawfirm.com	

APPLICANT IS THE:	
<input type="checkbox"/> OWNER'S AGENT	<input checked="" type="checkbox"/> PROPERTY OWNER <input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): R100 REQUESTED ZONING DISTRICT: OSC	
PARCEL NUMBER(S): R5248 004, R5248 017, R5248 014, R5248 015, R5248 052, R5248 002 ACREAGE: 119.483	
ADDRESS OF PROPERTY: 1641 Ewing Chapel Road, Dacula, Georgia	
PROPOSED DEVELOPMENT: single-family residential	

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: 178	No. of Buildings/Lots: n/a
Dwelling Unit Size (Sq. Ft.): In accordance with UDO	Total Building Sq. Ft. n/a
Gross Density: 1.49 lots/ac	Density: n/a
Net Density: 1.59 lots/ac	

PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED

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LEGAL DESCRIPTION FOR BROOKS STATION
Geosam Capital US (Georgia), LLC

All that tract or parcel of land lying and being in Land Lots 248 & 265 of the 5th District, Gwinnett County, Georgia and being more particularly described as follows:

COMMENCING at a Land Lot Corner common to Land Lots 248, 249, 264 & 265; THENCE leaving said Land Lot Corner North 20 degrees 03 minutes 56 seconds West for a distance of 1202.79 feet to a point on the Southwesterly Right-of-Way of Ewing Chapel Road (80' R/W), said Point being **THE POINT OF BEGINNING**.

THENCE from said point as thus established South 35 degrees 54 minutes 24 seconds West for a distance of 621.10 feet to a Point; THENCE South 67 degrees 58 minutes 46 seconds West for a distance of 1000.63 feet to a Point in the centerline of a branch; THENCE along the centerline of said branch and following the meandering thereof 2342.1 feet, more or less, in a southwesterly direction to a point at the intersection with the centerline of the Alcovy River (said branch centerline being approximated by the following six (6) traverse bearings and distances: South 66 degrees 45 minutes 11 seconds West for a distance of 138.64 feet to a Point; South 41 degrees 08 minutes 34 seconds West for a distance of 147.46 feet to a Point; South 75 degrees 42 minutes 58 seconds West for a distance of 278.93 feet to a Point; South 47 degrees 30 minutes 06 seconds West for a distance of 467.90 feet to a Point; South 52 degrees 06 minutes 05 seconds West for a distance of 589.42 feet to a Point; South 82 degrees 38 minutes 39 seconds West for a distance of 225.83 feet to a Point; THENCE continuing along the Centerline of Alcovy River for +/-2713 feet in a northwesterly direction to a point) said centerline being approximated by the following seven (7) courses and distances: North 10 degrees 50 minutes 45 seconds West for a distance of 305.07 feet to a Point; North 20 degrees 19 minutes 35 seconds West for a distance of 106.11 feet to a Point; THENCE North 22 degrees 22 minutes 30 seconds West for a distance of 292.04 feet to a Point; THENCE North 22 degrees 22 minutes 30 seconds West for a distance of 259.68 feet to a Point; THENCE North 34 degrees 48 minutes 34 seconds West for a distance of 570.44 feet to a Point; THENCE North 29 degrees 30 minutes 44 seconds West for a distance of 585.90 feet to a Point; THENCE North 49 degrees 37 minutes 14 seconds West for a distance of 352.33 feet to a Point on the Land Lot Line common to Land Lots 247 & 248; THENCE leaving said Traverse Line and Centerline of Alcovy River and along the Land Lot Line common to Land Lots 247 & 248 North 60 degrees 34 minutes 09 seconds East for a distance of 1585.98 feet to a Point; THENCE continuing along said Land Lot Line North 60 degrees 34 minutes 09 seconds East for a distance of 675.82 feet to a Point; THENCE departing said Land Lot Line South 26 degrees 31 minutes 48 seconds East for a distance of 588.89 feet to a Point; THENCE South 26 degrees 37 minutes 15 seconds East for a distance of 560.84 feet to a Point; THENCE North 57 degrees 06 minutes 08 seconds East for a distance of 444.00 feet to a Point; THENCE North 57 degrees 13 minutes 06 seconds East for a distance of 605.11 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road; THENCE continuing along said Right-of-Way South 35 degrees 32 minutes 56 seconds East for a distance of 60.15 feet to a Point; THENCE leaving aforesaid Right-of-Way of Ewing Chapel Road South 57 degrees 14 minutes 05 seconds West for a distance of 629.54 feet to a Point; THENCE South 57 degrees 11 minutes 31 seconds West for a distance of 428.98 feet to a Point; THENCE South 26 degrees 34 minutes 52 seconds East for a distance of 511.03 feet to a Point; THENCE North 57 degrees 12 minutes 21 seconds East for a distance of 1128.72 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road (80' R/W); THENCE continuing along said Right-of-Way the following

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two (2) courses and distances South 33 degrees 49 minutes 10 seconds East for a distance of 40.01 feet to a Point; THENCE South 33 degrees 10 minutes 38 seconds East for a distance of 39.96 feet to a Point; THENCE leaving aforesaid Right-of-Way South 80 degrees 33 minutes 21 seconds West for a distance of 99.68 feet to a Point; THENCE South 57 degrees 13 minutes 38 seconds West for a distance of 338.08 feet to a Point; THENCE North 38 degrees 4 minutes 33 seconds West for a distance of 11.26 feet to a Point; THENCE South 62 degrees 59 minutes 22 seconds West for a distance of 49.03 feet to a Point; THENCE South 25 degrees 28 minutes 48 seconds East for a distance of 16.27 feet to a Point; THENCE South 57 degrees 13 minutes 38 seconds West for a distance of 657.16 feet to a Point; THENCE South 83 degrees 31 minutes 45 seconds West for a distance of 317.87 feet to a Point; THENCE South 22 degrees 01 minutes 14 seconds East for a distance of 697.73 feet to a Point; THENCE North 67 degrees 58 minutes 46 seconds East for a distance of 997.42 feet to a Point; THENCE North 35 degrees 54 minutes 24 seconds East for a distance of 526.30 feet to a Point; THENCE North 31 degrees 31 minutes 31 seconds East for a distance of 100.00 feet to a Point on the aforesaid Right-of-Way of Ewing Chapel Road; THENCE South 34 degrees 18 minutes 58 seconds East for a distance of 39.99 feet to a Point, said point being **THE POINT OF BEGINNING**.

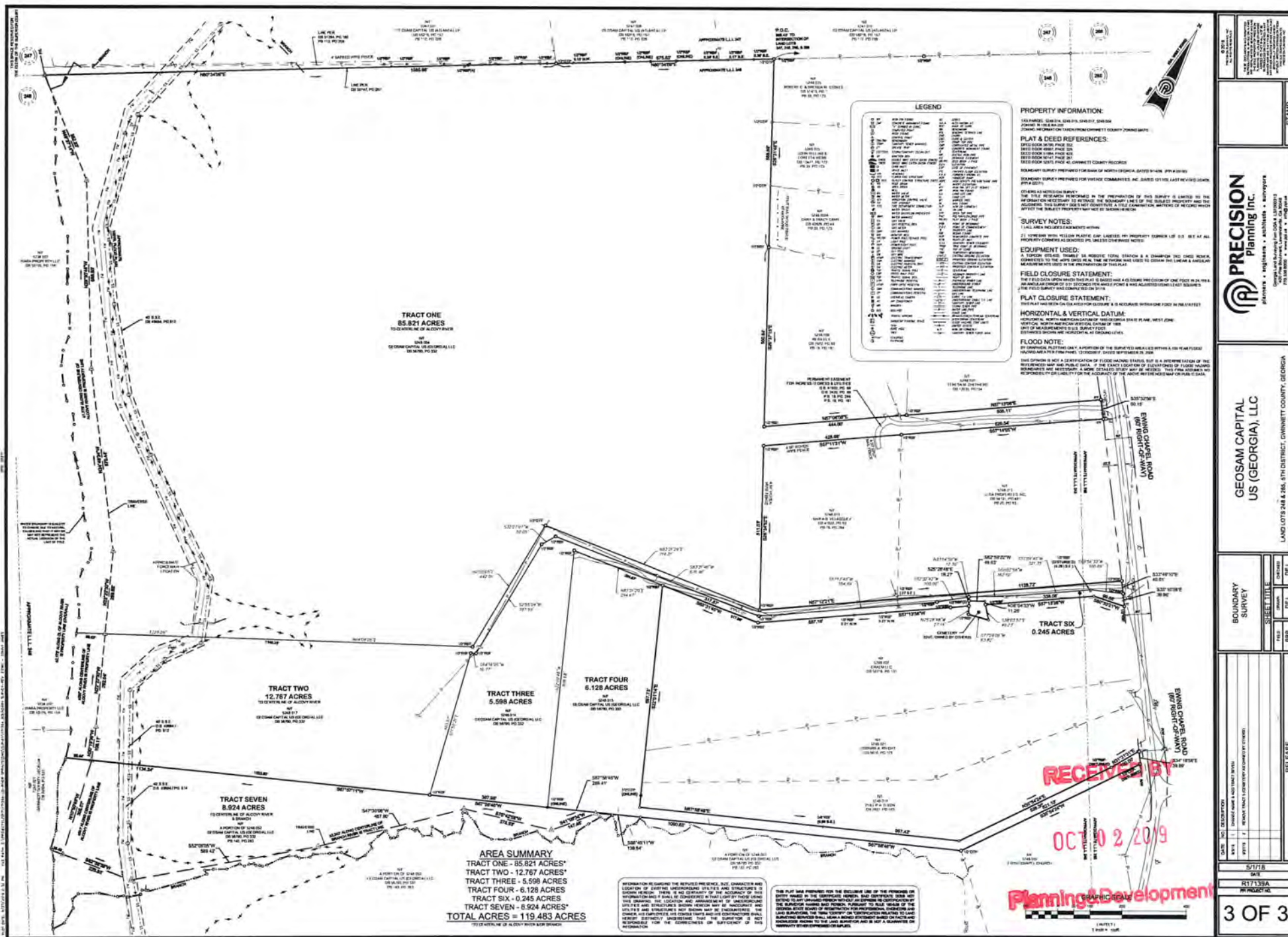
Said property contains 119.483 Acres to the centerlines of the branch and the Alcovy River.

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REZONING APPLICANT GEOSAM CAPITAL US (GEORGIA), LLC'S
RESPONSE TO STANDARDS GOVERNING THE EXERCISE OF ZONING POWER

- A) WHETHER A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

Approval of the proposed rezoning will permit a use that is suitable in view of the use and development of adjacent and nearby property. The proposed development is a single-family residential neighborhood that will conserve important natural areas. The Property is adjacent to land that is zoned R100-CSO and also adjacent to additional land zoned for residential uses.

- B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USEABILITY OF ADJACENT OR NEARBY PROPERTY:

Approval of the proposed rezoning will not adversely affect the existing use or usability of adjacent or nearby properties. Rather the proposed development would complement surrounding residential land uses by providing additional housing options for current and future residents of Gwinnett County. The proposed development is compatible with existing land use and surrounding development.

- C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The Applicant submits that due to the size, location, layout and dimensions of the Subject Property, it does not have reasonable economic use as currently zoned.

- D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

Approval of the proposed rezoning will not result in an excessive or burdensome use of the existing streets, transportation facilities, utilities, or schools. The Property is located off Brooks Road with access to utilities.

- E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

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The proposed rezoning is in conformity with the policy and intent of the 2040 Plan. The subject property is designated as within the Suburban Estate Living Character Area on the 2040 Plan Future Development Map. Encouraged land uses for this character area specifically include single-family residential and open space conservation subdivisions.

- F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER THE APPROVAL OR DISAPPROVAL OF THE ZONING PROPOSAL:

Yes. The Suburban Estate Living Character Area in the 2040 Plan encourages the development of single family residential communities. Therefore, the proposed rezoning is entirely appropriate for the Subject Property in light of the emerging needs for Gwinnett citizens and the current land uses in the surrounding area. The Applicant further submits that the single-family residential nature of the area, and the fact that the Property is adjacent to R-100 CSO, provide additional support for this application.

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Melody A. Glouton

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Direct Dial: 770.339.0475

Direct Fax: 770.236.9719

October 1, 2019

VIA HAND DELIVERY

Gwinnett County Planning and Development
c/o Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, GA 30046-2440

**RE: LETTER OF INTENT FOR REZONING APPLICATION
OF GEOSAM CAPITAL US (GEORGIA), LLC (1641 EWING CHAPEL
ROAD, DACULA, GEORGIA)**

Dear Director and Staff:

Andersen Tate & Carr, P.C. submits this Letter of Intent and attached Rezoning Application on behalf of Geosam Capital US (Georgia), LLC (the "Applicant") for the purpose of requesting the rezoning of an approximate 119.483-acre tract (the "Property") located on the south side of Brooks Road, west of Ewing Chapel Road. The Property is mostly woods and is currently zoned R-100 with convenient access to Sugarloaf Parkway and University Parkway (Georgia State Route 316).

The Property includes six separate tax parcels¹ and is zoned R-100 in unincorporated Gwinnett County. The Applicant proposes to develop a distinctive and attractive single-family residential community under the OSC (Open Space Conservation) zoning classification consisting of 178 homes, to be known as Brooks Village. The proposed development would be served by one entrance on Brooks Road.

The Applicant is proposing to rezone the Subject Property to the OSC zoning classification of Gwinnett County in order to permit the development of the Property for use as a single-family residential community, including a total of 178 detached homes at a size, quality and price commensurate with or exceeding existing homes in the surrounding area. The proposed OSC zoning classification would allow the Applicant to develop the Property for its intended use while also protecting 54 acres of natural areas as primary conservation space. The proposed development is actually *Phase II* of the adjacent property that was rezoned to R-100 CSO (Gwinnett County's first iteration of conservation zoning) in 2005.

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¹ R5248 004; R5248 014; R5248 015; R5248 017; R5248 052; and R5248 002.

The proposed community would include a mixture of one-story ranch and two-story traditional homes with a minimum of 2,000 square feet for the one-story homes, and 2,400 square feet for the two-story homes. The homes proposed would also have two-car garages and attractive architectural design similar to homes in the surrounding area. The front facades of the proposed homes would include a mixture of brick, stone, and/or fiber-cement shake/siding (including board and batten). The proposed development would also maintain a recreation/amenity area for use of the residents, including a pool and cabana area. These amenities will be maintained by the community Homeowner's Association. To address any concerns of adjoining communities, the proposed development will *not* have connectivity to Riversprings subdivision located on Ewing Chapel Road. The proposed development is a low-intensity residential subdivision which would have an overall density of approximately 1.49 units per acre which is consistent with the policies set forth in the Gwinnett County 2040 Unified Plan (the "2040 Plan").

The 2040 Plan Future Development Map identifies the Property as within the Suburban Estate Living Character Area and it is adjacent to land within the Emerging Suburban Character Area. Encouraged land uses for both character areas include single-family detached residences at densities and styles compatible with surrounding uses. Further, the 2040 Plan specifically encourages open space conservation subdivisions within the Suburban Estate Living character area. The proposed development furthers the 2040 Plan's objectives by promoting efficient land use and expanding housing options for current and future residents. Accordingly, the proposed development is in line with the policies of the 2040 Plan and is compatible with surrounding and nearby development. The Property is also adjacent the land previously rezoned R-100 CSO (also known as *Phase I* of the overall project).

The proposed development would be a quality development that is compatible with the development in the surrounding area. The proposed development would also preserve important green space in a rapidly-growing area of Gwinnett County. Specifically, the proposed development would preserve 54 acres of conservation area which is more than 45% of the Property land area. Moreover, the surrounding communities and existing homes would benefit from the substantial amount of buffer required under the Unified Development Ordinance, as well as the extensive buffer preserved by the conservation space.

The Applicant and its representatives welcome the opportunity to meet with staff of the Gwinnett County Department of Planning & Development to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Rezoning Application filed herewith. The Applicant respectfully requests your approval of this Application.

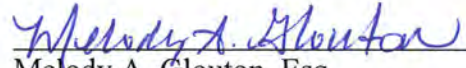
Respectfully submitted this 1st day of October, 2019.

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ANDERSEN TATE & CARR, P.C.



Melody A. Glouton, Esq.

Attorney for Applicant

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Melody A. Glouton
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Telephone: 770.822.0900
Direct Dial: 770.339.0475
Direct Fax: 770.236.9719

October 1, 2019

VIA HAND DELIVERY

Gwinnett County
Attn: Kathy Holland, Director of Planning and Development
446 West Crogan Street
Lawrenceville, Ga 30046

**RE: JUSTIFICATION FOR REZONING FOR GEOSAM CAPITAL US
(GEORGIA), LLC (1641 EWING CHAPEL ROAD, DACULA, GA)**

Dear Chairman and Commissioners:

This letter is written on behalf of Geosam Capital US (Georgia), LLC (the "Applicant"), in connection with the rezoning application for property located at 1641 Ewing Chapel Road, Dacula, Georgia (the "Subject Property").

Constitutional Objections

The portions of the Gwinnett County Unified Development Ordinance, as amended, (the "UDO") which classify or may classify the Subject Property which is the subject of the rezoning application into any more or less intensive zoning classification, development and/or conditions other than as requested by the Applicant are, and would be, unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983, the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

The application of the UDO, as applied to the Subject Property, which restricts its use to the present zoning classification, is unconstitutional, illegal, null and void, constituting a taking of the Applicant's property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983, and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States denying the Applicant any economically viable use of the Subject Property while not substantially advancing legitimate state interests. Under *Lathrop v. Deal*, the application of the UDO in a way that constitutes a taking shall be deemed a waiver of sovereign immunity.¹

¹ *Lathrop v. Deal*, 301 Ga 408, 880-881 S.E. 2d 867 (2017)

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The Subject Property is presently suitable for development under the OSC classification as requested by the Applicant and is not economically suitable for development under its present R100 zoning classification of Gwinnett County. A denial of the requested rezoning would constitute an arbitrary and capricious act by the Gwinnett County Board of Commissioners without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia of 1983 and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

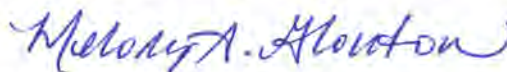
A refusal by the Gwinnett County Board of Commissioners to rezone the Subject Property to OSC zoning classification, with only such additional conditions as agreed to by the Applicant, so as to permit the only feasible economic use of the Subject Property, would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution.

Any rezoning of the Subject Property to the OSC classification, subject to conditions which are different from the requested conditions by which the Applicant may amend its application, to the extent such different conditions would have the effect of further restricting the Applicant's utilization of the Subject Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Subject Property to an unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions as set forth hereinabove.

Accordingly, the Applicant respectfully requests that the rezoning application submitted by the Applicant relative to the Subject Property be granted and that the Subject Property be rezoned to the zoning classification as shown on the respective application.

Respectfully,

ANDERSEN, TATE & CARR, P.C.



Melody A. Glouton

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REZONING APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.


Signature of Applicant

9-23-2019
Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

 9/23/2019
Signature of Notary Public Date



Notary Seal

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REZONING PROPERTY OWNER'S CERTIFICATION

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



Signature of Property Owner

9-23-2019

Date

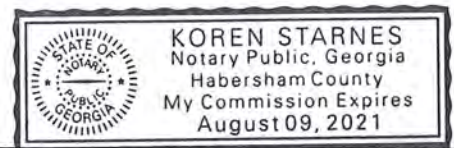
Brett Embry - Authorized Signatory of the LLC

Type or Print Name and Title

 9/23/2019

Signature of Notary Public

Date



Notary Seal

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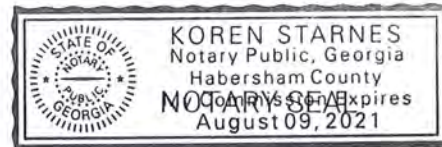
CONFLICT OF INTEREST CERTIFICATION FOR REZONING

The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Brett Embry 9-23-2019 Brett Embry - Authorized Signatory of the LLC
SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

SIGNATURE OF APPLICANT'S ATTORNEY OR REPRESENTATIVE DATE TYPE OR PRINT NAME AND TITLE

Koren Starnes 9/23/2019
SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ YES ☒ NO Brett Embry
YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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CONFLICT OF INTEREST CERTIFICATION FOR REZONING

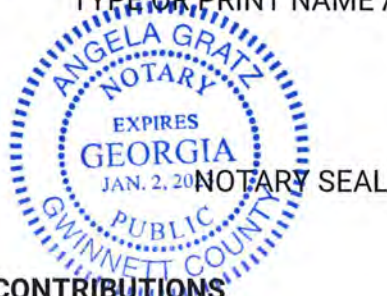
The undersigned below, making application for a Rezoning, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

SIGNATURE OF APPLICANT DATE TYPE OR PRINT NAME AND TITLE

Melody A. Glouton 10/1/19 Melody A. Glouton, Attorney

SIGNATURE OF APPLICANT'S DATE TYPE OR PRINT NAME AND TITLE
ATTORNEY OR REPRESENTATIVE

Angela Gratz 10-1-19
SIGNATURE OF NOTARY PUBLIC DATE



DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

☐ YES ☒ NO Andersen, Tate & Carr, P.C.

YOUR NAME

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note:** A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.

PARCEL I.D. NUMBER: 5th - 248 - R5248-004
(Map Reference Number) District Land Lot Parcel

[Signature] 9-23-2019
Signature of Applicant Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

LOVELL HUNLEY TSA-I
NAME TITLE **RECEIVED BY**
10-1-19 OCT 02 2019
DATE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5th - 248 - 15248-017
(Map Reference Number) District Land Lot Parcel

Brett Embry 9-23-2019
Signature of Applicant Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

LOVELL HANLEY TSA-I **RECEIVED BY**
NAME TITLE
10-1-19 **OCT 02 2019**
DATE

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***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5 B - 248 - K 5248 - 014
(Map Reference Number) District Land Lot Parcel

Brett Embry 9-23-2019
Signature of Applicant Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Lorel Hunley TSA-I
NAME TITLE RECEIVED BY
10-1-19
DATE OCT 02 2019

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PARCEL I.D. NUMBER: 5th - 248 - R5248-015
(Map Reference Number) District Land Lot Parcel

[Signature]
Signature of Applicant

9-23-2019
Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

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TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Lovell Hanley
NAME

TSA - I
TITLE

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VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: _____
(Map Reference Number) District Land Lot Parcel

Signature of Applicant Date

Type or Print Name and Title AUTH. SIGNATORY

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

TAX COMMISSIONERS USE ONLY

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

NAME TITLE RECEIVED BY

DATE OCT 02 2019

VERIFICATION OF CURRENT PAID PROPERTY TAXES FOR REZONING

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

***Note: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

PARCEL I.D. NUMBER: 5th - 248 - R5248-002
(Map Reference Number) District Land Lot Parcel

Brett Embry 9-23-2019
Signature of Applicant Date

Brett Embry - Authorized Signatory of the LLC
Type or Print Name and Title

PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.

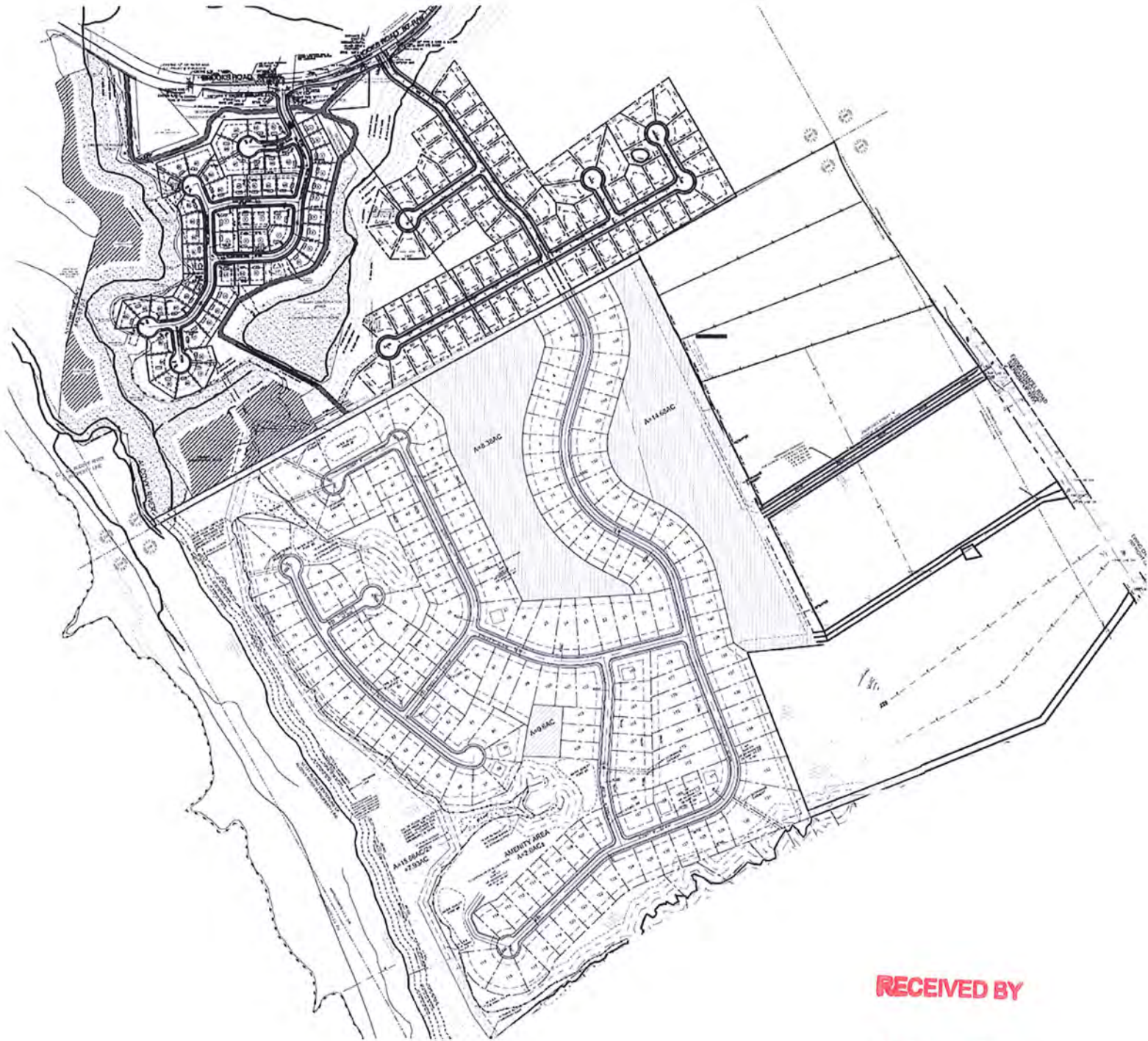
TAX COMMISSIONERS USE ONLY

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LOVELL HUNLEY TSA-I
NAME TITLE RECEIVED BY
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Overall Site Plan



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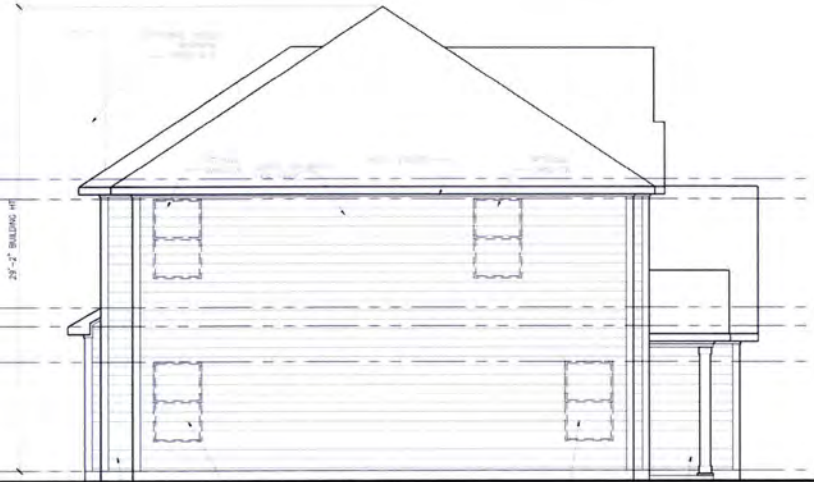


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LEFT ELEVATION "C"

SCALE: 1/8" = 1'-0"



FRONT ELEVATION C6

SCALE: 1/8" = 1'-0"



RIGHT ELEVATION "C"

SCALE: 1/8" = 1'-0"



REAR ELEVATION "C"

SCALE: 1/8" = 1'-0"

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NEWBURGH

ELEVATIONS 'C' FRONT ENTRY

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REVISIONS:

SHEET

C10.1



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REAR ELEVATION "C"

SCALE: 1/8" = 1'-0"

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LEFT ELEVATION C1

SCALE: 1/8" = 1'-0"



FRONT ELEVATION C1

SCALE: 1/8" = 1'-0"



RIGHT ELEVATION C1

SCALE: 1/8" = 1'-0"



REAR ELEVATION C1

SCALE: 1/8" = 1'-0"

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BROOKS VILLAGE PHASE 2

GWINNETT COUNTY, GEORGIA

EXISTING SITE FEATURES

PREPARED September 23, 2019 FOR Mr. David Leonard, P.E. - Precision Planning, Inc.

On February 15, 2018, biologists from NEI reviewed "River Springs" to determine the extent of aquatic areas we believe would be jurisdictional under Section 404 of the Clean Water Act. Streams that exhibited wrested vegetation from normal stream flow were documented in order to identify "stream buffers" where land disturbance would be regulated by the Georgia Environmental Protection Division through the Erosion and Sedimentation Control Act. The study of the property also included the review for potential occurrence of federally protected species, and the identification of known historical or archaeological resources of significance. The property is approximately 98.4 acres in size and can be accessed from Ewing Chapel Road near Givens Road in Dacula, Gwinnett County, Georgia.

PROPERTY DESCRIPTION

The study area was vegetated with a mixed hardwood/pine forest. Topography of the site is typical of the Georgia Piedmont approaching 15 to 20%. The site is tilted generally west with two main valleys, and small streams and wetlands were found in both valleys. The study area is bordered on the south by a neighboring small stream, and the Alcovy River, a north-to-south flowing river, exists along the west side of the property. Upland soils including the following series were prevalent throughout the study area: Appling, Appling-Hard Labor Creek, Ashlar, Ashlar-Wateree Complex, Madison, Pacolet, Rawlings, Toccoa, Wedowee, and Chewacla along the stream valleys. Included with this report is a series of maps to illustrate the location of the aquatic sites.

SUMMARY OF ON-SITE AQUATIC RESOURCES

TOTAL STUDY AREA	98.4 AC
Wetland Area	~ 0.57 AC
Perennial Stream	~ 855 LF
Intermittent Stream	~ 65 LF
Ephemeral Stream	0 LF
Ditch	0 LF

POTENTIAL OCCURRENCE OF FEDERALLY PROTECTED SPECIES

The US Fish and Wildlife Service (USFWS) regulates the taking of federally protected species. The USFWS operates the Information and Planning and Consultation (IPAC) website, which provides a listing of species and other resources such as critical habitat that are known or expected to be on or near the project area. Determining the likelihood and extent of project effects typically requires gathering additional site-specific data. The IPAC site reported that the following plant species may occur on or near the study area: Little amphianthus, *Amphianthus pusillus*, and Black spored quillwort, *Isoetes melanospora*. No other protected species and no critical habit was listed in the IPAC report (see attached). Both plant species are limited to vernal pools and granite outcrops; neither of these plant species and none of the preferred habitat were found in the study area.

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Page 1 of 2

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CULTURAL RESOURCES

The National Park Service web-based listing of the National Register of Historic Places was reviewed to determine if known historic or archaeological resources occur on or near the subject property. The closest listed historic property is about two miles northwest; The site is known as the "Alcovy Grist Mill". No listed resources were reported on or near the subject property.

CLOSING

Based on field review of the subject property, wetlands and streams were documented in two valleys leading offsite to the west. The Alcovy River is positioned near the west property boundary, and a small stream flows along the south property boundary. No federally protected species and no critical habitat was found onsite. The closest known cultural resource listed by the National Park Service is positioned over two miles northwest. If additional information is needed, please contact Nelson Environmental, Inc. at phone 404/862-1665.

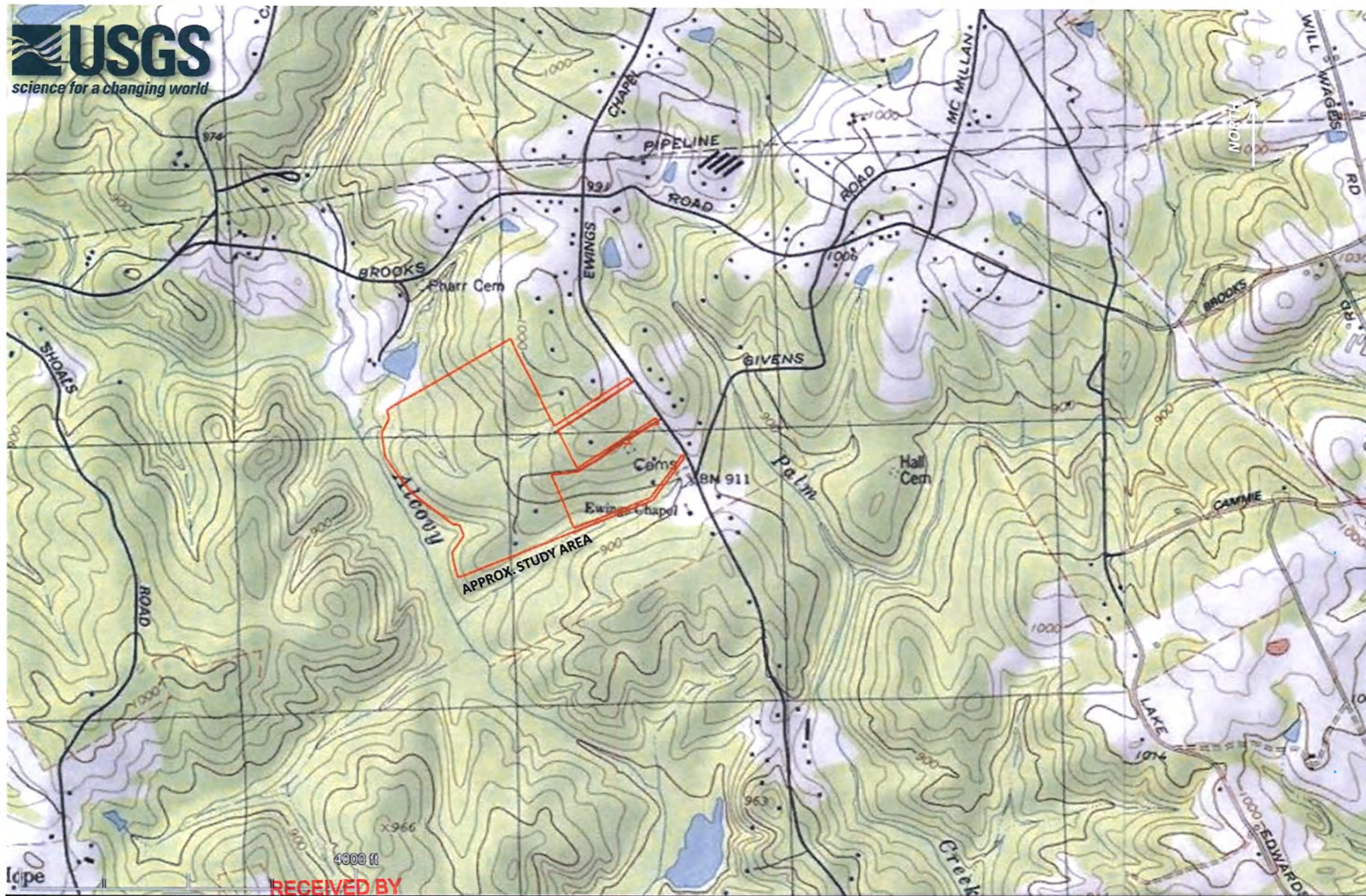
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USGS QUADRANGLE MAP

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Precision Planning, Inc.

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**EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA**

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EXHIBIT 2

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www.NelsonEnvironmental.us PH:404/862-1665



AERIAL PHOTO W/ AQUATIC RESOURCES SKETCH

PREPARED FOR:
Mr. David Leonard, P.E.
Precision Planning, Inc.

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EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA

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EXHIBIT 3

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USFWS NWI MAP

PREPARED FOR:

Mr. David Leonard, P.E.
Precision Planning, Inc.

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EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA

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FEMA FLOODPLAIN MAP

PREPARED FOR:
Mr. David Leonard, P.E.
Precision Planning, Inc.

SEP 02 2019

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EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA

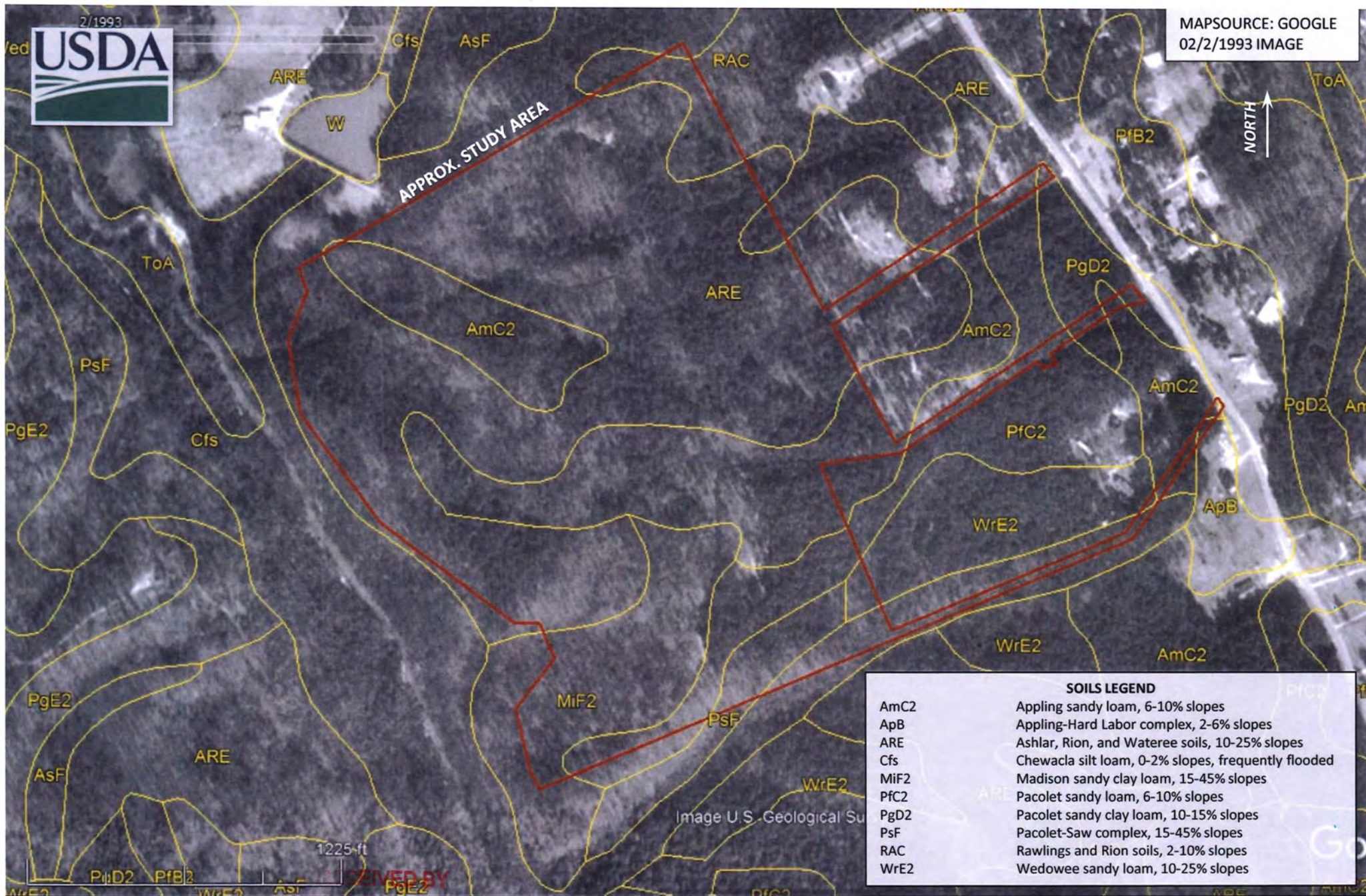
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PREPARED 9/25/2019 BY:

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USDS SOILS SURVEY

PREPARED FOR:
Mr. David Leonard, P.E.
Precision Planning, Inc.

02/2019

Planning Development

EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA

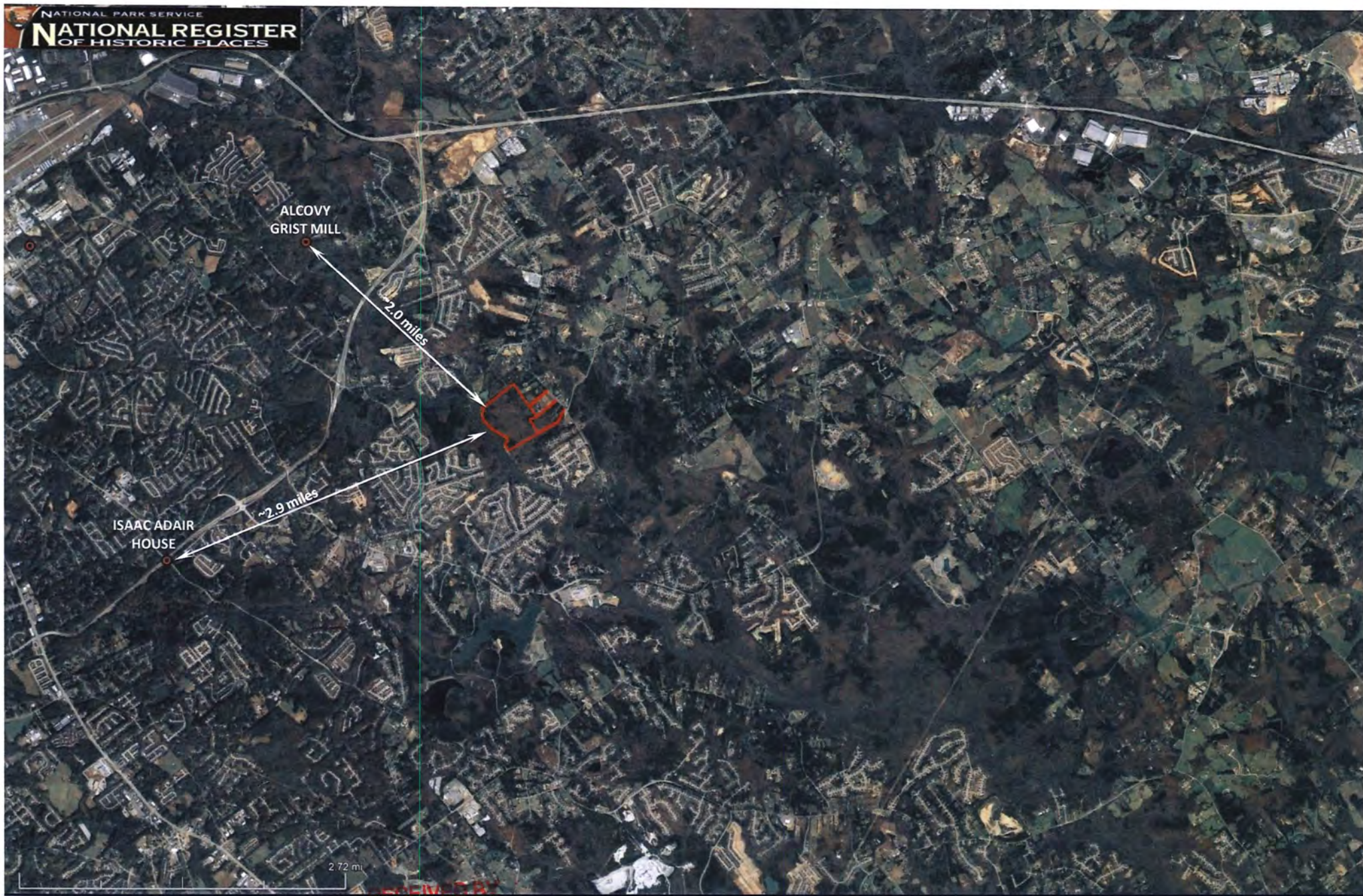
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EXHIBIT 6

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KNOWN CULTURAL RESOURCES

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Mr. David Leonard, P.E.
Precision Planning, Inc.

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EXISTING SITE FEATURES
BROOKS VILLAGE PHASE 2
GWINNETT COUNTY, GEORGIA

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EXHIBIT 7

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IPaC Information for Planning and Consultation **U.S. Fish & Wildlife Service**

IPaC resource list

This report is an automatically generated list of species and other resources such as critical habitat (collectively referred to as *trust resources*) under the U.S. Fish and Wildlife Service's (USFWS) jurisdiction that are known or expected to be on or near the project area referenced below. The list may also include trust resources that occur outside of the project area, but that could potentially be directly or indirectly affected by activities in the project area. However, determining the likelihood and extent of effects a project may have on trust resources typically requires gathering additional site-specific (e.g., vegetation/species surveys) and project-specific (e.g., magnitude and timing of proposed activities) information.

Below is a summary of the project information you provided and contact information for the USFWS office(s) with jurisdiction in the defined project area. Please read the introduction to each section that follows (Endangered Species, Migratory Birds, USFWS Facilities, and NWI Wetlands) for additional information applicable to the trust resources addressed in that section.

Location

Gwinnett County, Georgia



Local office

Georgia Ecological Services Field Office

☎ (706) 613-9493

📅 (706) 613-6059

355 East Hancock Avenue
Room 320

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Athens, GA 30601

NOT FOR CONSULTATION

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Endangered species

This resource list is for informational purposes only and does not constitute an analysis of project level impacts.

The primary information used to generate this list is the known or expected range of each species. Additional areas of influence (AOI) for species are also considered. An AOI includes areas outside of the species range if the species could be indirectly affected by activities in that area (e.g., placing a dam upstream of a fish population, even if that fish does not occur at the dam site, may indirectly impact the species by reducing or eliminating water flow downstream). Because species can move, and site conditions can change, the species on this list are not guaranteed to be found on or near the project area. To fully determine any potential effects to species, additional site-specific and project-specific information is often required.

Section 7 of the Endangered Species Act **requires** Federal agencies to "request of the Secretary information whether any species which is listed or proposed to be listed may be present in the area of such proposed action" for any project that is conducted, permitted, funded, or licensed by any Federal agency. A letter from the local office and a species list which fulfills this requirement can **only** be obtained by requesting an official species list from either the Regulatory Review section in IPaC (see directions below) or from the local field office directly.

For project evaluations that require USFWS concurrence/review, please return to the IPaC website and request an official species list by doing the following:

1. Draw the project location and click CONTINUE.
2. Click DEFINE PROJECT.
3. Log in (if directed to do so).
4. Provide a name and description for your project.
5. Click REQUEST SPECIES LIST.

Listed species¹ and their critical habitats are managed by the [Ecological Services Program](#) of the U.S. Fish and Wildlife Service (USFWS) and the fisheries division of the National Oceanic and Atmospheric Administration (NOAA Fisheries²).

Species and critical habitats under the sole responsibility of NOAA Fisheries are **not** shown on this list. Please contact [NOAA Fisheries](#) for [species under their jurisdiction](#).

1. Species listed under the [Endangered Species Act](#) are threatened or endangered; IPaC also shows species that are candidates, or proposed, for listing. See the [listing status page](#) for more information.
2. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

The following species are potentially affected by activities in this location:

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Flowering Plants

NAME

Little Amphianthus *Amphianthus pusillus*

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6445>

STATUS

Threatened

Ferns and Allies

NAME

Black Spored Quillwort *Isoetes melanospora*

No critical habitat has been designated for this species.

<https://ecos.fws.gov/ecp/species/6315>

STATUS

Endangered

Critical habitats

Potential effects to critical habitat(s) in this location must be analyzed along with the endangered species themselves.

THERE ARE NO CRITICAL HABITATS AT THIS LOCATION.

Migratory birds

Certain birds are protected under the Migratory Bird Treaty Act¹ and the Bald and Golden Eagle Protection Act².

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

1. The [Migratory Birds Treaty Act](#) of 1918.
2. The [Bald and Golden Eagle Protection Act](#) of 1940.

Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

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The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME

BREEDING SEASON (IF A BREEDING SEASON IS INDICATED FOR A BIRD ON YOUR LIST, THE BIRD MAY BREED IN YOUR PROJECT AREA SOMETIME WITHIN THE TIMEFRAME SPECIFIED, WHICH IS A VERY LIBERAL ESTIMATE OF THE DATES INSIDE WHICH THE BIRD BREEDS ACROSS ITS ENTIRE RANGE. "BREEDS ELSEWHERE" INDICATES THAT THE BIRD DOES NOT LIKELY BREED IN YOUR PROJECT AREA.)

Rusty Blackbird *Euphagus carolinus*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds elsewhere

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Wood Thrush *Hylocichla mustelina*

This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.

Breeds May 10 to Aug 31

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Probability of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your

project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is $0.25/0.25 = 1$; at week 20 it is $0.05/0.25 = 0.2$.
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

To see a bar's probability of presence score, simply hover your mouse cursor over the bar.

Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

To see a bar's survey effort range, simply hover your mouse cursor over the bar.

No Data (—)

A week is marked as having no data if there were no survey events for that week.

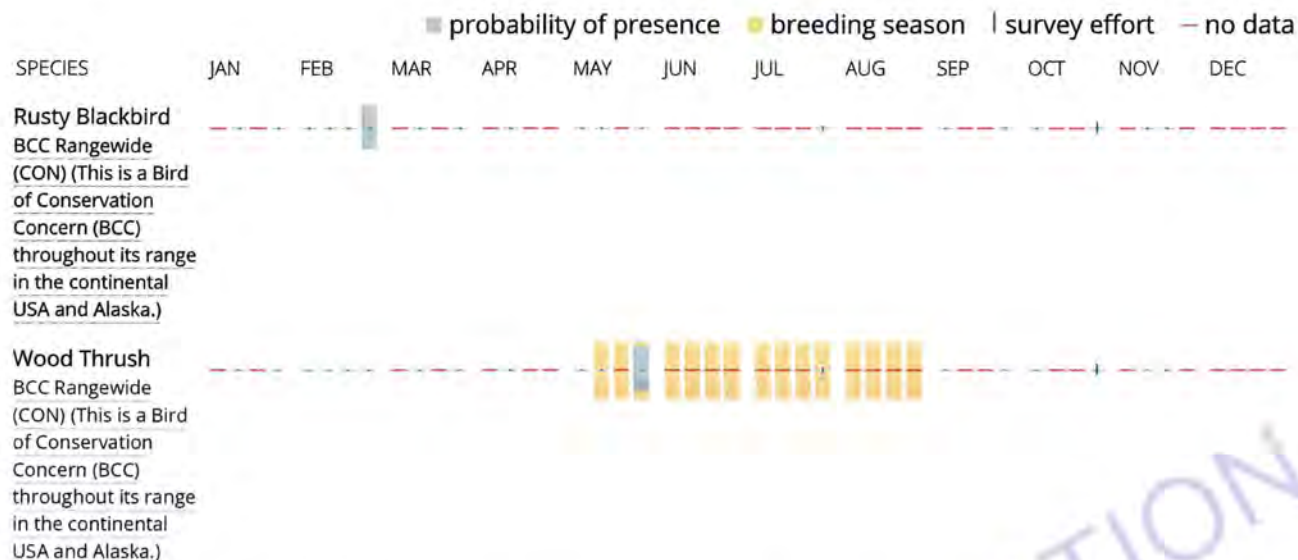
Survey Timeframe

Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based

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on all years of available data, since data in these areas is currently much more sparse.



Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

What does IPaC use to generate the migratory birds potentially occurring in my specified location?

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and](#)

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[citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

What are the levels of concern for migratory birds?

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

Details about birds that are potentially affected by offshore projects

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

What if I have eagles on my list?

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

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Proper Interpretation and Use of Your Migratory Bird Report

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

Facilities

National Wildlife Refuge lands

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS AT THIS LOCATION.

Fish hatcheries

THERE ARE NO FISH HATCHERIES AT THIS LOCATION.

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Wetlands in the National Wetlands Inventory

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

RZR '19022

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

This location overlaps the following wetlands:

FRESHWATER FORESTED/SHRUB WETLAND

PFO1A

RIVERINE

R4SBC

A full description for each wetland code can be found at the [National Wetlands Inventory website](#)

Data limitations

The Service's objective of mapping wetlands and deepwater habitats is to produce reconnaissance level information on the location, type and size of these resources. The maps are prepared from the analysis of high altitude imagery. Wetlands are identified based on vegetation, visible hydrology and geography. A margin of error is inherent in the use of imagery; thus, detailed on-the-ground inspection of any particular site may result in revision of the wetland boundaries or classification established through image analysis.

The accuracy of image interpretation depends on the quality of the imagery, the experience of the image analysts, the amount and quality of the collateral data and the amount of ground truth verification work conducted. Metadata should be consulted to determine the date of the source imagery used and any mapping problems.

Wetlands or other mapped features may have changed since the date of the imagery or field work. There may be occasional differences in polygon boundaries or classifications between the information depicted on the map and the actual conditions on site.

Data exclusions

Certain wetland habitats are excluded from the National mapping program because of the limitations of aerial imagery as the primary data source used to detect wetlands. These habitats include seagrasses or submerged aquatic vegetation that are found in the intertidal and subtidal zones of estuaries and nearshore coastal waters. Some deepwater reef communities (coral or tubercid worm reefs) have also been excluded from the inventory. These habitats, because of their depth, go undetected by aerial imagery.

Data precautions

Federal, state, and local regulatory agencies with jurisdiction over wetlands may define and describe wetlands in a different manner than that used in this inventory. There is no attempt, in either the design or products of this inventory, to define the limits of proprietary jurisdiction of any Federal, state, or local government or to establish the geographical scope of the regulatory programs of government agencies. Persons intending to engage in activities involving modifications within or adjacent to wetland areas should seek the advice of appropriate federal, state, or local agencies concerning specified agency regulatory programs and proprietary jurisdictions that may affect such activities.

OCT 02 2019

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RZR '19 022