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Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

September 10, 2024

Via E-Mail

Skye Lewis, Regional Planner
Coastal Regional Commission of Georgia
slewis@crc.ga.gov

Re: Comments on DRI #4242 - Laurel View PUD

Dear Ms. Lewis:

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 21 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's primary roles is as watchdog on new land development projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK's comments on the Laurel View Planned Unit Development (PUD) fall into five overarching categories. First, the specific details for the site plan should be significantly clarified, as many crucial details are missing from the information included in the Development of Regional Impact (DRI) material. Second, a wetlands plan should be developed to clearly delineate the apparent impacts and to avoid or otherwise mitigation proposed filling. Third, stormwater management plans should be explained, especially in proposed areas within designated flood hazard areas. Fourth, water supply and wastewater treatment demand and planned capacity expansions should be explained, discussed, and considered before approving the project. Fifth and finally, natural areas, wetlands and green spaces should be protected in order to preserve the area's coastal characteristics, ecosystem functions, and natural flood control, and recreation opportunities should be considered. ORK urges careful consideration of these topics prior to any rezoning, annexation, permitting, or construction permission decisions. Ultimately, ORK urges the City of Midway to pause or deny this rezoning, annexation, and development request until and unless all concerns are fully and sufficiently addressed.

1. General development plan clarification needed

The City of Midway should require the applicant to fully explain the proposed development before it approves this project. The information included in DRI application materials is concerningly lacking in some key areas that are vital in the City of Midway's decision making process. Specifically, those include a confirmation of the proposed PUD's property boundaries, a more precise description and representation of the planned residential development, delineation of the project's phases, and an overlay of the wetlands and floodplains on an actual conceptual plan. Without this information, the City's review cannot be complete and could overlook potential issues and concerns. ORK asks the City of Midway to require the developers to include this information before making any rezoning, annexation, or permitting decision for this project.

Determining the precise property lines for the proposed development is the most basic piece of information that should be clarified. While the maps provided by the Coastal Regional Commission (CRC) consistently show the same property parcels, they conflict with the developer's "PUD Districts" map. Specifically, nearly the entirety of the northeastern portion of the "PUD Districts" maps are not delineated in the CRC-provided maps. Likewise, an additional triangle of land north of the Sunbury Road bend is not shown in the CRC maps. The PUD's property boundary is the most fundamental piece of information that should be clarified by the applicant before the City of Midway can make an informed decision. If the PUD proposes to include land not included in the CRC's maps, ORK urges the City decision makers to consider the impacts beyond what is included solely in those maps.

The "PUD Districts" map included in the DRI application is lacking specificity. The map provides little detail beyond the broad category of construction that will take place. Density, lot locations, and building location and orientation are all missing. Likewise, it is difficult to discern the difference between the "residential district" and the "residential mixed district" - both in location and in what building will be allowed in those areas.

Additionally, there are no construction phases identified on the "PUD Districts" map. While a clearly-planned construction phase approach is important in any large development, it is particularly important with the Laurel View PUD. In explaining the gaps in water supply and wastewater treatment capacity, the applicants state that "adequate [water supply and wastewater] capacity to accommodate the initial phase of development" currently exists. However, without identifying what that "initial phase of development" included, neither the public nor the City of Midway can be reassured that this capacity exists. Beyond this issue, delineating and assessing the proposed development phases facilitate a reduction in potentially unnecessary environmental degradation. By prioritizing development in less environmentally damaging areas, the City can ensure that important and sensitive areas like wetlands and greenspace will only be developed after all other less sensitive areas are developed. Based on the gaps in water supply and wastewater treatment capacity and to preserve environmentally sensitive areas, ORK urges the City of Midway to require the applicants to present a proposed development phases plan prior to making any decisions on the project.

Finally, the applicants should also include wetlands and floodplains on its updated "PUD Districts" map. After including more detail of building, lot, and construction design as well as a delineation of the development phases, the City decision makers would benefit from having the locations of wetlands and the floodplain overlaid on the map. This will assist in identifying potentially problematic areas, environmentally sensitive areas, and other information that

would help in determining the best layout possible for the site. The overlay should also include the amount of wetlands that will be impacted in the map's legend.

In summary, ORK asks that:

- the Laurel View PUD developers clarify and confirm the proposed property boundaries,
- the City of Midway requires the applicants to provide updated maps that included more precise construction details as well as development phases, and
- the updated maps also include overlays of wetlands and floodplains.

2. Forward-looking flood damage protection and stormwater management

Whenever this tract is developed, the floodplains and stormwater management should be central in refining the final, approved design and construction of this development. Large portions of the property are located in the Federal Emergency Management Agency's (FEMA) designated 1% Annual Chance Flood Hazard area, also known as the 100-year floodplain or Zone AE. Of particular concern are the proposed developments in the northern portions of the property. Significant portions of the remaining property are also located in the 0.2% Annual Chance Flood Zone areas, also known as the 500-year floodplain or Zone X. The added stormwater and flooding pressure from building and impervious surface should also be proactively addressed. With stronger and more intense storms expected in the coming years and decades, on-site stormwater management should be as resilient as possible. ORK asks that the floodplains present on the property are properly considered, guide layout and siting decisions, and are preserved wherever possible. Likewise, stormwater management should take a long-term view of stormwater management, minimize impervious surface cover to reduce added demand, and add management capacity above minimum standards.

Flooding will be a concern for structures built on this property's floodplains. While the "100-year" flood zone name implies that floods will only occur once every 100 years, this obscures the actual risk. Over 30 years, the actual flood risk is 26%¹ - a more than 1 in 4 chance for properties in the 100-year floodplain. And while the 500-year floodplain, or 0.2% Annual Chance Flood Zones, sees a lower likelihood of flooding, the risk still exists. This creates risk and financial pressure for all future property owners who may face significant flood damage and subsequent increases in insurance rates. It is also important to remember that the FEMA flood zones are based on historic rainfall and flooding data. As storm frequency and intensity is expected to increase in the coming decades, the actual risk of flooding will likewise increase, increasing the likelihood and damage from flooding events. As such, ORK urges the City of Midway's decision makers to keep these flooding concerns in mind when making these planning decisions and to avoid allowing new structures to be built within the floodplain whenever possible. Specifically, ORK asks that no structures are built in the 100-year floods.

The developer's failure to show or overlay these floodplain locations on the PUD Districts map obscures the potential impact of the proposed property layout. The floodplains and riverine areas should be a central metric in deciding where construction should be located. Building within known special flood risk areas unnecessarily creates risk and financial burdens for future homeowners, who will have to deal with frequent threats of flooding, flood

¹ See <https://savannahga.gov/FAQ.aspx?QID=332> and <https://www.floodsmart.gov/flood-zones-and-maps>

damage, and increased insurance rates. By failing to show where those areas of increased risk are on the PUD Districts map, the City of Midway's decision makers cannot as easily see those risks and what alternative layout options might be available. ORK asks the City of Midway to require the developers to update its PUD Districts map to delineate, reconsider the impact of those floodplains and adjust site layout accordingly. None of these lots, areas, and features should be built in the 100-year floodplain. Midway should also give specific attention to the ingress/egress access points, which, if located in floodplain, risk trapping residents in the development during storm events.

ORK urges the City of Midway to require the developers to go beyond the minimum required standards in constructing stormwater management facilities. In such a low-lying area, increased stormwater pressure can quickly lead to flooding issues on the proposed PUD property and onto neighboring properties. And with storms becoming more frequent, previous stormwater processing calculations are less intense than the retention ponds will likely be required to retain and process. To extend the functional lifetime of these retention ponds and to successfully prevent flooding, ORK urges developers and decision makers to go beyond minimum standards in constructing these stormwater features.

Further, The City of Midway should take into account historic and future storm frequency and intensity when calculating stormwater demand and retention pond construction. ORK suggests basing management and construction on the 100-year and/or 500-year storms. Like with floods, these estimates are based on the likelihood of these storms occurring. Currently, the Savannah area's 100-year storm would add 10 inches of rain in a 24-hour period, with the 500-year storm raining 20 inches in 24 hours.² In Midway, those numbers are 11.9 in and 16.1 in over a 24-hour period for the 100 and 500 year storms.³ It is important to note that these storms are understood to be smaller than recent data show and future estimates predict, as the current NOAA calculations are based on 2016 data.⁴ To extend the functional life of these features in protecting the area from flooding, ORK urges the City of Midway to require stormwater features to retain 125% of the 100-year storm⁵ or 100% of the 500-year storm.

Additionally, impervious surface cover should be reduced as much as possible. These hard surfaces speed up stormwater runoff and prevent absorption into the ground, straining stormwater management facilities and increasing the risk of flooding. As such, Midway should require further reduction of impervious surface cover at the development.

In summary, ORK asks that:

- the City of Midway does not allow construction within the 100-year floodplain,
- specifically, the ingress and egress access points not be built in the 100-year flood plain,
- careful consideration goes into building within the 500-year floodplain,
- the City of Midway ensures resilient construction of stormwater management structures able to process increasing storm intensity and frequency,

² See Question 16 at <https://www.savannahga.gov/FAQ.aspx?QID=307>.

³ NOAA Atlas 14 Point Precipitation Frequency Estimates. Available at: https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=ga.

⁴ See UGA

(<https://site.extension.uga.edu/climate/2020/05/has-the-100-year-storm-changed-over-time-it-may-depend-on-where-you-are/>) and Dudek Consultants (<https://dudek.com/will-your-flood-control-system-work-in-a-100-year-event/>).

⁵ 125% of a 11.9-in storm is 14.875 in.

- existing wetlands be preserved to ensure their continued role in natural, cost-free stormwater management,
- artificial stormwater management structure be built to process either 125% of the 100-year storm or 100% of the 500-year storm, and
- impervious surface cover be reduced as much as possible to reduce increased stormwater pressure coming from the site.

3. Wetlands delineation and protection

The wetlands present on the Laurel View PUD properties should receive specific attention. These resources serve crucial roles in flood and stormwater management, pollution filtration, and ecological health of aquatic and terrestrial habitats. Despite the large amount of wetlands located on the proposed site, they are not properly delineated, enumerated, otherwise represented, or properly considered in the PUD Districts maps. Likewise, potential wetlands impacts are glossed over in the applicant's initial and additional DRI information forms, seemingly to limit its analysis only to federally-protected wetlands. ORK asks that all of the wetlands present on the property are properly considered, guide layout and siting decisions, and are preserved wherever possible.

The PUD Districts map and other information submitted fails to represent, consider, and sufficiently protect the wetlands present on the property. As with the missing floodplains information, this missing visual information makes it difficult to clearly see where and to what degree wetlands will be filled by the proposed development. While no exact number is given, the CRC maps show large amounts of the western property contains wetlands - potentially totally in the hundreds acres of wetlands. Without delineation, enumeration, and communication from the applicants, the exact number of total wetlands acres impacted is unclear.

Impacts to wetlands appear to be present as proposed. Despite the "Additional DRI Information" form for this development simply stating that there are "currently no planned impacts to wetlands" and that any future impacts would be coordinated with the U.S. Army Corps of Engineers,⁶ this does not appear to be the case. Commercial Districts in the northwest and southwest portion of the property clearly impact wetlands. While other wetlands impacts also seem to be implicated, without a more defined PUD Districts map, it is difficult to precisely identify the extent of impact. Finally, the northeastern portions of the property included in the PUD District map but not in the CRC maps also raise the potential for further wetlands impacts.

All wetlands play important water quality, flood control, and habitat roles. Based on the statements in the "Additional DRI Information" form, it appears that the applicants only considered impacts to federally-protected wetlands, also known as "jurisdictional" wetlands. While these jurisdictional wetlands require careful consideration and require federal permits for any impacts, all wetlands provide these environmental services. Filling or otherwise harming these so-called "non-jurisdictional" wetlands negatively impacts the area, causing water quality to decline, allowing stormwater and storm surges to more quickly and more intensely flood properties, and displace the wildlife dependent on the wetlands. Stormwater, storm surges, and wildlife do not distinguish between jurisdictional and non-jurisdictional wetlands. Filling and impacting any wetland will necessarily require the City of Midway to artificially replace the environmental services that wetlands currently provide - requiring new stormwater management structure

⁶ See <https://apps.dca.ga.gov/DRI/AdditionalForm.aspx?driid=4242>

and runoff and pollution control measures, among others. City decision makers should consider the ramifications of filling all wetlands, not just federally-protected wetlands.

Further, the City of Midway should seek clarification from the developers on the question of wetlands by requiring a separate wetlands plan to be developed. Failing to delineate and enumerate the wetlands present obscures the actual impact that this development will have on the property's existing aquatic features and appears to show the developers lack of sufficient consideration of these wetlands in their planning. To address this apparent oversight, ORK asks the City of Midway to require the developers to create a wetlands plan that, at minimum, (1) clearly delineates all of the wetlands present on the property and enumerates the acreage proposed to be filled and preserved, (2) prioritizes and details how the development preserves the wetlands present on the site, (3) adjusts the Conceptual Site Plan and site layout to avoid wetland fill wherever possible, and (4) mitigates any lost wetlands with on-site mitigation or restoration efforts as close to the site as possible to reduce localized impacts.

In summary, ORK asks that:

- the City of Midway requires the developers to create a wetlands plan that clearly delineates their location, prioritizes wetlands preservation, adjusts the site layout to avoid wetland fill, and mitigates wetland loss,
- the City of Midway considers impacts to all wetlands, not just federally-protected wetlands, and
- if wetlands are filled, that the impacts of filling to stormwater management, water quality, and habitat be addressed and mitigated.

4. Confirm and Secure Water Supply and Wastewater Treatment Capacity

Both the water supply and wastewater treatment needs of any development in coastal Georgia must carefully consider its long-term impacts, implications, and viability. With existing restrictions on new groundwater withdrawals and large amounts of new housing developments being proposed, the City of Midway should make a fully informed decision of the near- and long-term impacts and viability of this housing development in light of the additional strains it will place on groundwater resources. Likewise, wastewater treatment should take a forward-looking approach, interconnect into existing systems, and avoid on-site treatment options.

Any new water withdrawal demand should be carefully considered. Under the Georgia Department of Natural Resources' Coastal Georgia Water & Wastewater Permitting Plan for Managing Salt Water Intrusion (2006 Plan), the City of Midway and Liberty County fall in the "Yellow Zone" management area.⁷ The 2006 Plan establishes withdrawal restrictions for this zone that include conservation and reuse considerations as well as a justification of need. Importantly, the 2006 Plan also limits all total permitted withdrawals in the Yellow Zone to approximately 20.3 million gallons per day (MGD). At a recent meeting, the Georgia Environmental Protection Division (GA EPD) noted that in 2022, the average annual permitted withdrawals for the Yellow Zone were 30.114 MGD, with a 2025 scheduled limit of

⁷ Georgia Department of Natural Resources. "Coastal Georgia Water & Wastewater Permitting Plan for Managing Salt Water Intrusion" (2006 Plan). June 2006. *Available at:* https://www1.gadnr.org/cws/Documents/saltwater_management_plan_june2006.pdf

29.092 MGD. Continued overutilization of the Floridan Aquifer threatens to increase the rate of saltwater intrusion, endangering the region's main drinking water supply.

In light of the region's anticipated growth, demand and strain on the aquifer will only increase if piecemeal permitting is used rather than a methodically considered approach. The "planned" water supply and wastewater treatment expansion discussed in the "Additional DRI Information" form should be carefully considered, and construction and development should be specifically limited on actual availability, not planned or protected capacity. Further, ORK urges the City of Midway, as well as regional and state decision makers, to take a regional, long-term, and holistic view of the water supply demand issue and develop comprehensive and sustainable solutions that will allow future generations to thrive throughout Georgia's northern coastal region. This should include quickly pursuing alternative, non-groundwater sources of water to offset industrial water demands to preserve groundwater for drinking water and agricultural needs.

In summary, ORK asks that:

- the City of Midway allows construction and development based its actual, not project, ability to meet increased water demand for this project as well as future growth,
- the City of Midway makes efforts to work with local and regional partners to collaboratively pursue and develop alternative, non-groundwater sources of water supply.

5. Thoughtfully Preserve Wetlands, Natural Areas, and Green Space

In developing the Hacks Pasture development, specific attention should be given to protecting and preserving the area's critical natural resources. The development should thoughtfully preserve the large amount of spaces designated as Areas of Significant Natural Resources in order to maximize these areas' positive benefits on the region and its residents through preserving its rural character, recreational activities, flood control, and ecological integrity. ORK asks the developers to proactively plan its open space, green space, and recreational areas.

While thoughtful open space, green space, and recreational areas can take many forms, ORK offers these suggestions for planning purposes. First, the existing wetlands and floodplains should be maintained and preserved for the reasons mentioned above. Second, other existing natural features, such as the riverine areas crossing the property, should be maintained, highlighted, and be the starting point for further development. Third, trees should be preserved and any cutting or clearing should be avoided. Finally, ORK suggests wherever possible that these open and green spaces are as contiguous as possible, avoiding a patchwork of smaller, less beneficial space.

Thank you in advance for your time and consideration; please let me know if you have any questions:

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Ben Kirsch, Legal Director
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