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[www.ogeecheeriverkeeper.org](http://www.ogeecheeriverkeeper.org)  
*Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers*

February 19, 2025

**Via E-Mail**

Caity McKee, Senior Planner  
Coastal Regional Commission  
[cmckee@crc.ga.gov](mailto:cmckee@crc.ga.gov)

**Re: Comments on DRI #4379 - Laurel View Expansion - Liberty**

Dear Ms. McKee:

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) expansion fall into four overarching categories. First, Liberty County must do a better job engaging with, communicating with the public about, and responding to the Coastal Regional Commission during the Development of Regional Impact review process. Second, stormwater management plans should be explained, especially in proposed areas within designated flood hazard areas. Third, a wetlands plan should be developed to clearly delineate the apparent impacts and to avoid or otherwise mitigation proposed filling. Fourth and finally, water supply and wastewater treatment demand and planned capacity expansions should be explained, discussed, and fully accounted for before approving the project. ORK urges careful consideration of these topics prior to any rezoning, annexation, permitting, or construction permission decisions. Ultimately, ORK urges Liberty County to pause or deny this rezoning and development request until and unless all concerns are fully and sufficiently addressed.

1. Liberty County's non-attention to the Coastal Regional Commission and Development of Regional Impact review process

Liberty County, its Board of Commissioners, the Liberty Consolidated Planning Commission, and county staff must do a better job in allowing feedback from both the Coastal Regional Commission and the public in its Development of Regional Impact review process to inform and guide its ultimate zoning, rezoning, and permitting decisions.

Liberty County and its decision-making process did not actively and publicly reflect on the Development of Region Impact (DRI) review process and did not allow for fully informed public comment and feedback in its approval of the Laurel View PUD, DRI #4242.<sup>1</sup> First, the Liberty County Board of Commissioners were not informed and did not discuss the issues raised in the Coastal Regional Commission's (CRC) Final Report for DRI #4242.<sup>2</sup> This lack of discussion not only glosses over serious and legitimate concerns raised by the CRC with the proposed rezoning, it also excludes the vast majority of county residents from learning and reflecting on these issues as well as providing constructive feedback.

Second, the failure to specifically address the concerns raised by CRC in addressing the Liberty County Comprehensive Plan and the Regional Land Use maps threatens to not only delay this project, but ignores the time and effort of all of the county and regional residents who participated in the Comprehensive Planning process. Despite the passing discussion of updates to Liberty County's Future Land Use Map, the potential conflicts raised by the CRC were not directly raised. Liberty County did not explain during the public meeting that the CRC found this inconsistency with both maps. Additionally, even with the statement that the Future Land Use Map<sup>3</sup> had recently been updated, that map does not clearly show that the entire PUD complies with the existing land use designations agreed to in the Comprehensive Plan. Without directly addressing these issues, the public could not provide constructive feedback and the County did not sufficiently address these concerns. ORK calls on Liberty County to better communicate these CRC concerns and the map discrepancies during its upcoming consideration of this PUD expansion, as well as in all future decisions.

Third, Liberty County appears to wholly ignore the CRC's calls for mitigation, wetland preservation, green infrastructure, and broad environmental impact planning. The CRC's final report for the original Laurel View PUD and DRI calls for additional attention to be paid to the designated "Areas of Significant Natural Resources" as well as the core and corridor areas of the "Green Infrastructure Map." The CRC in its final report urged Liberty County to conduct an enhanced environmental impact assessment of the site that specifically focused on providing a comprehensive flood mitigation plan, preserving wetlands under a no-net-loss approach, establishing buffer zones around sensitive areas, and ensuring that community infrastructure can keep pace with growth while protecting environmental resources. Beyond nominal references to the applicant's plans, Liberty County did not share any substantive response to these

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<sup>1</sup> Georgia Department of Community Affairs. Laurel View PUD, DRI #4242 - <https://apps.dca.ga.gov/DRI/AppSummary.aspx?driid=4242>

<sup>2</sup> Laurel View PUD, DRI #4242 Final Report - <https://files.constantcontact.com/4e8f857f201/5927b3a1-0ef0-426d-8b3f-9852afe84a63.pdf>

<sup>3</sup> Georgia Department of Community Affairs. Liberty County w/ Cities, Allenhurst, Flemington, GumBranch, Hinesville, Midway, Riceboro, & Walthourville Comprehensive Plan. Liberty County Plan Amendment 2023. <https://dca.georgia.gov/liberty-county-w-cities-allenhurst-flemington-gumbranch-hinesville-midway-riceboro-walthourville>

CRC-specified concerns. Likewise, these concerns were not publicly addressed or discussed, excluding potentially vital community feedback. ORK calls on Liberty County to better address and communicate these concerns both at the upcoming consideration of this action and in all future decisions.

Fourth and finally, the maps provided for the DRI process were significantly less useful than what was ultimately provided to the CRC. As an applicant, the LCPC has the full ability to demand better, more detailed, and more usable maps from the developer prior to submitting them to the CRC for review. As noted in its Final Report, a demarcation of phased development plans, consideration of infrastructure, and a conceptual plan that provides any kind of usable context is crucial, not only for decision-makers, but also for impacted communities and residents to be fully informed about the proposed development. While improvements to the maps were presented to the Board of Commissioners, addressing some of the concerns, both the CRC and the wider public were not given adequate or meaningful time to reflect on the project. In the future, Liberty County should ensure that detailed and usable maps are submitted to the CRC during the DRI process in order to facilitate the purpose and usefulness of the DRI process.

Taken together, these concerns highlight Liberty County's non-attention to the vital DRI review process. In doing so, it fails to meaningfully include impacted communities, regional planners, and interested residents during the review and approval process. ORK urges Liberty County to take meaningful steps to actively include both its residents and the CRC in these significant rezoning and development decisions.

## 2. Forward-looking flood damage protection and stormwater management

Much of this section carries over ORK's concerns from our previous comments on the initial DRI review. In addition to those previous comments, ORK also highlights the following:

- The additional 209 acres contains significant amounts of both Zone AE and Zone X flood hazard areas. No construction should take place within the flood plain.
- Zone X<sup>4</sup> (aka the 500-year flood plain) is a flood hazard area. Zone X (shaded) is a “moderate flood hazard area” while Zone X (unshaded) is an “area of minimal flood hazard.” Flood hazards exist in both of these areas.
  - Richmond Hill's recent flooding related to Tropical Storm Debby<sup>5</sup> took place outside of a flood hazard area - neither 100-year or 500-year. If devastating flooding can take place outside of these areas, it is MORE likely to take place within flood hazard areas.
- No apparent stormwater planning has taken place or has been required of the original PUD boundaries.
  - The additional impervious surface cover on the 209 acre addition will add further stormwater and flooding pressure on the site.
- The additional 209 acres have no layout/building/lot plans, preventing a real consideration of how construction will take place in a way that minimizes or avoids unnecessary flood risk.

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<sup>4</sup> FEMA definition - <https://www.fema.gov/about/glossary/flood-zones>

<sup>5</sup> Savannah Morning News. “FEMA flood maps left Richmond Hill residents unprepared for Debby's impact.” August 26, 2024.

Available at:

<https://www.savannahnow.com/story/news/environment/2024/08/26/debby-flooding-hit-unprepared-richmond-hill-residents-hardest/74921847007/>

- Likewise, the maps provided do not include the more detailed maps provided during the November 5, 2024 Liberty County Board of Commissioners meeting.

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%<sup>6</sup> - 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 Liberty County'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 damage, and increased insurance rates. By failing to show where those areas of increased risk are on the PUD Districts map, Liberty County's decision makers cannot as easily see those risks and what alternative layout options might be available. ORK asks Liberty County 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. Liberty County 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 Liberty County 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

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<sup>6</sup> See <https://savannahga.gov/FAQ.aspx?QID=332> and <https://www.floodsmart.gov/flood-zones-and-maps>

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, Liberty County 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.<sup>7</sup> In Midway, those numbers are 11.9 in and 16.1 in over a 24-hour period for the 100 and 500 year storms.<sup>8</sup> 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.<sup>9</sup> To extend the functional life of these features in protecting the area from flooding, ORK urges Liberty County to require stormwater features to retain 125% of the 100-year storm<sup>10</sup> 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, Liberty County should require further reduction of impervious surface cover at the development.

In summary, ORK asks that:

- Liberty County 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,
- Liberty County ensures resilient construction of stormwater management structures able to process increasing storm intensity and frequency,
- 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.

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<sup>7</sup> See Question 16 at <https://www.savannahga.gov/FAQ.aspx?QID=307>.

<sup>8</sup> NOAA Atlas 14 Point Precipitation Frequency Estimates. Available at: [https://hdsc.nws.noaa.gov/pfds/pfds\\_map\\_cont.html?bkmrk=ga](https://hdsc.nws.noaa.gov/pfds/pfds_map_cont.html?bkmrk=ga).

<sup>9</sup> See UGA

[\(https://site.extension.uga.edu/climate/2020/05/has-the-100-year-storm-changed-over-time-it-may-depend-on-where-you-are/\)](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/>).

<sup>10</sup> 125% of a 11.9-in storm is 14.875 in.

### 3. Wetlands delineation and protection

Like with the previous flood control section, much of this wetlands section carries over ORK's concerns from our previous comments on the initial DRI review. In addition to those previous comments, ORK also highlights the following:

- Liberty County should demand more detailed information about the wetlands present on the entire site.
  - The applicant's promises<sup>11</sup> that "as a part of [their] planning...no wetlands that are being impacted" is not enough of a guarantee to make this significant a decision on.
  - This is made further clear in the applicant's following statement that they "can never guarantee that no wetlands will be impacted" by future builders.
  - **A detailed wetlands delineation and clearer PUD Phase maps** are necessary to make a fully informed decision.
- Condition approval on completion of the wetlands delineation and more detailed maps. Further, condition any development activity on guaranteeing that "wetland impacts will be minimized and and only for the purpose of access roads and utilities"<sup>12</sup> now and in any future construction.

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,<sup>13</sup> 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

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<sup>11</sup> Liberty County Board of Commissioners meeting - 11.5.24 - <https://www.youtube.com/live/l6oLeY-f4LA> at 1:02:18

<sup>12</sup> See DRI application - <https://apps.dca.ga.gov/DRI/AdditionalForm.aspx?driid=4379>

<sup>13</sup> See <https://apps.dca.ga.gov/DRI/AdditionalForm.aspx?driid=4242>

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 Liberty County to artificially replace the environmental services that wetlands currently provide - requiring new stormwater management structure 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, Liberty County 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 Liberty County 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:

- Liberty County 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,
- Liberty County 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

As with the previous flood control and wetlands sections, much of this water/wastewater section carries over ORK’s concerns from our previous comments on the initial DRI review. In addition to those previous comments, ORK also highlights the following:

- Liberty County should condition any construction activities on fully confirmed wastewater capacity.



- Applicant’s discussion<sup>14</sup> during the November 5, 2024 Liberty County Board of Commissioners meeting did not confirm that all phases of the development would have adequate wastewater capacity.
- ORK strongly urges Liberty County to **prohibit any on-site wastewater management or septic systems** on this property due to (1) its proximity to waterbodies, (2) the presence of floodplains, and (3) the long-term maintenance and pollution costs of these systems.
- Liberty County should confirm and communicate to the public that water supply capacity exists for this project and its projected demand. Likewise, it should explain how future water supply needs will not be negatively impacted by this development.
- Liberty County should consider the total amount of water supply and wastewater demand - not just the additional demand from the 209 acres.
  - Total PUD water supply demand = **1.04 MGD** (0.849935 + 0.1918)
  - Total PUD wastewater treatment demand = **1.04 MGD** (0.849935 + 0.1918)

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, Liberty County 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), Liberty County and Liberty County fall in the “Yellow Zone” management area.<sup>15</sup> 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 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 Liberty County, 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

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<sup>14</sup> Liberty County Board of Commissioners meeting - 11.5.24 - <https://www.youtube.com/live/J6oLeY-f4LA> at 51:05

<sup>15</sup> 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](https://www1.gadnr.org/cws/Documents/saltwater_management_plan_june2006.pdf)



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:

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

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

[ben@ogeecheeriverkeeper.org](mailto:ben@ogeecheeriverkeeper.org).

Ben Kirsch, Legal Director  
Ogeechee Riverkeeper