



THOMAS
&
HUTTON

REZONING APPLICATION

Appleby
PLANNED UNIT DEVELOPMENT (PUD)
TOWN OF RIDGEVILLE, SOUTH CAROLINA

Prepared for:
Lennar Carolinas, LLC

J - 29310

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I. GENERAL DESCRIPTION OF THE PLANNED UNIT DEVELOPMENT

The Appleby Planned Development District (PUD) is in unincorporated Dorchester County on the eastern side of Givhans Road near the intersection of Givhans Road and Campbell Thickett Road. The property is contiguous to lands within the Town of Ridgeville and will be annexed into the Town as part of the PUD rezoning process. The site consists of approximately four hundred and eighty-nine acres (489 ac.) and includes all or part of parcel numbers 109-00-00-050 & 109-00-00-052 from the Dorchester County Tax Map. The property is currently zoned Agricultural Residential (AR) in Dorchester County. The property is bounded by undeveloped properties. Vehicular access to the property will be via driveways along Givhans and Campbell Thickett Roads. An aerial photograph and context map of the property is included as **Exhibit A – Context Map**.

The total property is approximately 489.35 acres consisting of approximately 428.09 acres of uplands and approximately 61.26 acres of wetlands. A Boundary and Wetland Map is attached as **Exhibit B – Boundary and Wetland Map**. The map depicts the property boundary, wetlands, borrow pits, and surrounding land uses.

A. Property Ownership

The Appleby PUD is comprised of two tracts of land owned by the FLORENCE B APPLEBY FAMILY LTD PARTNERSHP. The property owners have given written consent for Lennar to submit this proposed zoning change to The Town of Ridgeville. See **Exhibit C – Consent Letter**.

B. Intent of The Appleby PUD

The proposed project area is designated as a combination of transit oriented development, medium density traditional neighborhood development and low density traditional neighborhood on the Dorchester County Comprehensive Plan and Future Land Use Map. The intent of the PUD rezoning is to provide a mixture of uses including a Neighborhood Commercial node at the intersection of Campbell Thickett Road and Givhans Road consisting of neighborhood commercial, civic, hospitality, retail, service, and/or restaurant uses to serve the growing population in the vicinity. As the property moves away from the interchange the proposed land use will fan out to suburban development with a mixture of attached and detached residential units to meet the demand for housing options in the Town of Ridgeville and this area of Dorchester County and ultimately a Town Park space adjacent to Campbell Thickett Road.

Individual neighborhoods within the residential areas of the PUD will be established based on the natural features of the land including the wetlands and retained green spaces.

Neighborhood Residential streets will include 4-foot sidewalks on both sides of the street. Commercial streets will include a 5-foot sidewalk on both sides of the street. Typical road sections can be found in **Exhibit D - Street Sections**. The Appleby PUD shall commit a minimum Open Space acreage equal to 20%

of the total upland acreage. Not less than 25% of the minimum acreage of Open Space shall be Usable Open Space.

C. The Conceptual Land Use Master Plan

The Appleby PUD is anticipated to be constructed in multiple phases over a period of approximately ten (10) years. Initial development is tentatively believed to begin in 2023 with single-family residential followed by Neighborhood Commercial uses. Development will occur in accordance with the **Conceptual Land Use Master Plan (Exhibit E)** and Section II.A as set forth in this document or as amended in the future. The Conceptual Land Use Master Plan and this text outline the general scope of the development including number of units, maximum commercial use, development standards, open space, and other issues.

The Conceptual Land Use Master Plan shows a maximum 1,200 single-family dwelling units, 120,000 SF of Neighborhood Commercial uses and a 5 acre Town Park.

The Conceptual Land Use Master Plan and the elements of this text seek to establish areas of open space. The open space, ponds, and amenities will be owned and maintained by the developer, homeowner's association, or other legally designated entity. Property deeded to a governmental entity or dedicated to the public becomes the maintenance responsibility of that entity upon proper dedication and acceptance.

The Conceptual Land Use Master Plan and associated PUD text includes amendments and exceptions to the current Town of Ridgeville Land Development Regulations. The provisions of the Conceptual Land Use Master Plan, Exhibits, and Appendices shall apply to the development of the Appleby Planned Unit Development. In the event of a conflict, the hierarchy of documents that control development shall be the Development Agreement, the Appleby PUD, and the Current regulations that are defined in the Development Agreement.

Preliminary Plats for each phase of the development shall be submitted for review and approval by the Town of Ridgeville Planning Commission.

Final Plats for each phase of the development shall be submitted for review and approval at staff level by the Town of Ridgeville.

II. PROPOSED LAND USES AND INTENSITIES

A. Introduction

The Appleby PUD has been divided into four (4) Land Use Areas as indicated on the Conceptual Land Use Master Plan included as **Exhibit E**. The Areas include:

1. Neighborhood Commercial
2. Attached and Detached Single Family Residential
3. Town Park
4. Preserved Wetlands

The Conceptual Land Use Master Plan for Appleby PUD shall maintain flexibility to accommodate specific soil conditions, environmental concerns, physical constraints and smart design parameters. Accordingly, the exact location of boundary lines between planning areas, the location and size of land uses indicated within planning areas, and preliminary design concepts for each tract described herein shall be subject to minor changes as phases of the Conceptual Land Use Master Plan area are submitted for detailed development review over the life of the development; provided that the maximum densities, perimeter buffers, minimum open space, character and intent of the development and other conditions of the Appleby PUD will be adhered to.

B. Allowed Density and Transfer of Density Between Planning Areas

The Conceptual Land Use Master Plan shows a maximum 1,200 single-family dwelling units, 120,000 SF of Neighborhood Commercial uses and a 5 acre Town Park.

The PUD Master Plan for the Appleby PUD shall allow for the transfer of the undeveloped residential dwelling units from one Tract to another and increasing the receiving district's density provided the following conditions are met:

1. Commercial uses shall only be allowed on the Commercial Tract.
2. Commercial densities may not be transferred to residential densities.
3. The maximum densities for development included within the Appleby PUD shall not be exceeded.

For planning purposes, densities for each area have been estimated. The actual number of dwellings or commercial acreage shall not exceed the maximum allowed total densities for the Appleby PUD.

TABLE 1 Density Allocation Table Appleby						
Planning Areas and Land Use	Total Acres	Upland Acres	Wetland Acres	DU's	Maximum Commercial SF	
Neighborhood Commercial	15.0	15.0	-	-	120,000	
Single Family Attached Residential	35.0	35.0	-	350	-	
Single Family Detached Residential	373.09	373.09	-	850	-	
Town Park	5.0	5.0	-	-	-	
Wetlands	61.26	-	61.26	-	-	
Total	489.35	428.09	61.26	1,200	120,000	

FOOTNOTES:

- (a) The PUD Master Plan shall allow for the transfer of the single family attached dwelling units to single family detached dwelling units with no limit, but not the reverse. A maximum of 350 single family attached units total shall be allowed.

C. Allowed Land Uses

The following land uses as designated for each individual Planning Area shall be permitted in the Appleby PUD. The purpose of this portion of the Appleby PUD document is to state which land uses shall be allowed within individual Planning Areas, however, allowing these land uses, and densities does not obligate the Property Owner or his successors to develop the uses, densities or facilities stated herein provided the minimum open space standards and Commercial acreage are adhered to. The development standards for each use are outlined.

Land Uses Terms are defined in Section III below.

Neighborhood Commercial Area

The following uses as defined herein:

- a. Restaurants
- b. Retail
- c. Other uses as provided in the Town of Ridgeville Neighborhood Commercial (NC) zoning district, excluding Multi-Family
- d. Civic
- e. Community Recreation
- f. Model Home/Modular Sales Center
- g. Breweries and Distilleries

Single Family Attached and Detached Residential Areas

The following uses as defined herein:

- a. Community Recreation
- b. Model Home/Modular Sales Center
- f. Open Space
- g. Single Family Attached and Detached Dwelling Units
- h. Active Adult Communities
- i. Cottage Homes, not to exceed 20% of the overall allowable single family detached density.
- j. Build to Rent Homes, not to exceed 25% of the overall allowed density.
- k. Churches and Uses customarily incidental to the operation of a church including, but not limited to, recreation facilities and buildings, educational buildings, parsonage facilities and parking areas.

Town Park

The following uses as defined herein:

- a. Community Recreation
- b. Open Space

Wetlands

The following uses as defined herein:

- a. Community Recreation as allowed by ACOE wetland permit
- b. Forestry Management as allowed by ACOE Wetland Permit
- c. Open Space

III DEFINITIONS OF LAND USE TERMS

In the absence of a term definition in the Appleby PUD, the definitions included in the Current Regulations as defined in the Development Agreement shall apply.

A. Community Recreation

This designation allows for the recreational amenities to serve the community. Land uses may consist of private indoor and outdoor lighted and unlighted recreation facilities, establishments and services which include active and passive sports, and entertainment facilities. Permitted uses include:

- a. Outdoor recreational facilities may include:
 - 1) Swimming pools, pool bath houses and gazebos/pavilions
 - 2) Playgrounds
 - 3) Neighborhood parks
 - 4) Community parks
 - 5) Community gardens
 - 6) Leisure trails and bike trails 6-foot min. width*
 - 7) Other recreational uses

*Surface material of trails may vary between pervious and impervious to better compliment the environment and location of the trail.
- b. Swim Club with pavilion
- c. Accessory Structures
- d. Community offices/administration buildings
- e. Cultural and Arts Centers – Establishments providing for the mental development and enlightenment of the individual and the development of the display and the performing arts, including museums, libraries, art galleries when non-profit and rehearsal and administrative activities associated with orchestral, choral, opera, ballet, dance, theatrical and other performing arts, but not including theaters or other structures and their associated activities when operated as commercial establishments. Establishments providing instruction in music, dance, crafts and art.

B. Dwellings

- a. *Single family Attached or Detached includes:*
 - Detached dwelling other than a mobile home designed for or occupied exclusively by one family.
 - Townhouse, one of a series of attached one-family dwelling units which:
 - o may or may not have a common roof;
 - o Share at least one common wall;

- Primarily sold as individual lots of record.
- Shall not exceed six attached units per building.
- Duplex, a detached or semi-detached dwelling designed for or occupied exclusively by two families living independently of each other. Duplex units will be grouped together in blocks not exceeding eight hundred linear feet of roadway frontage. Blocks of Duplexes will be spread throughout the development as feasible and not grouped together in a single pod.

C. Civic

Civic areas shall allow uses that relate to duties and activities of the people in relation to their town, city or local area. Civic uses may include:

- Government Offices
- Fire Station/EMS
- Educational uses
- Public uses
- Parks and recreation
- Community assembly
- Community services
- Social services
- Library
- Community Gardens

D. Neighborhood Commercial

- a. Commercial uses in the Appleby PUD shall include the allowed uses in Town of Ridgeville Neighborhood Commercial (NC) zoning district except for the following uses that shall not be allowed:

- Junkyards or salvage yards
- Video Poker Parlors
- Sexually oriented businesses
- Multi-Family
- Mobile Homes
- Businesses providing deferred presentment services, check cashing services, high-cost home loans, short-term vehicle secured loans, supervised loans, and restricted loans, as such terms are defined by S.C. Code Ann. §§ 34-39-120(3); 34-41-10(3)-(4); 37-23-20(9); 37-3-413(1); 37-3-501(1); and 37-3-501(3), respectively

E. Active Adult Community

Active Adult Community refers to either an age-targeted or an Age-restricted community designed for people aged 55 or older (sometimes 50 or older). AAC's typically contain recreational facilities promoting active and healthy lifestyles. AAC's shall be allowed to be access restricted (gated) for residents only. If community is gated the streets will remain private and be maintained by the POA/HOA, not the Town of Ridgeville.

F. Model Home/Modular Sales Center

This designation allows for the model homes and office/administrative facilities associated with the primary sale of residential lots and homes. The facility(s) may be permanent in nature with the model homes or sales office being sold as dwelling in the future or a temporary mobile building that may relocate from time to time during the period of development to meet the needs of development phasing.

G. Open Space

Total open space for the Appleby PUD shall be calculated for the boundary of the Property and not on a site-specific basis. Open Spaces shall not be confined to one area but shall be blended throughout the development. The minimum Open Space acreage provided shall be equal to 20% of the total upland acreage. Not less than 25% of the minimum acreage of Open Space shall be Usable Open Space. Refer to Section III Definitions of Land Use Terms for allowed open space uses.

Open space shall consist of:

- a. Wetland Buffers (Passive use)
- b. Parks, active and passive (to include the Town Park donation)
- c. Amenity centers
- d. Stormwater Ponds (water surface can only be included toward open space requirement if it is greater than 5 acres and has accessibility to on-water activities)
- e. Utility Corridors that include sports fields or trails
- f. Trails and paths*
- g. Natural areas
- h. Landscape areas

Usable Open Space shall consist of:

- a. Parks, active and passive (to include the Town Park donation)
- b. Amenity centers
- c. Trails and paths (Calculated as a 25-foot wide corridor)*
- d. Utility Corridors that include sports fields or trails
- e. Community gardens
- f. Playgrounds
- g. Dog parks
- h. Sports fields
- i. Stormwater Ponds greater than 5 acres with accessibility to on-water activities
- j. Other recreational uses

*Sidewalk along existing or proposed roads will not be considered as a corridor and will not count towards required open space

H. Setbacks and Buffers

Setbacks and buffers shall meet the minimum requirement established herein. Buffers shall apply to the perimeter of the Property and between Residential and Commercial uses only; provided, however, that any required wetlands buffers shall apply according to law throughout the Property.

Wetland buffers shall allow selective clearing and tree pruning as allowed by the South Carolina Department of Health and Environmental Control, The Army Corps of Engineers and the Town of Ridgeville Tree Protection Ordinance, unless otherwise noted herein.

Perimeter setbacks and buffers are indicated on the **Conceptual Land Use Master Plan (Exhibit E)**. **Perimeter buffers shall be left as natural as feasible.**

Allowed uses within perimeter setback and buffer zones shall include:

- a. Selective clearing and tree pruning
- b. **Landscape Development as needed to supplement buffer**
- c. **Earth berming as needed to supplement buffer**
- d. Bike/leisure trails/sidewalks
- e. **Utility crossings**
- f. Road crossings
- g. Signage and entry monuments.

I. Single-Family

Consists of Singly-Family Detached and Attached dwellings (Townhomes and Duplexes) as more specifically defined in section III.B Dwellings above.

J. Neighborhood

Section of the Appleby property that is a grouping of like uses with distinguishing characteristics such as individual entry monumentation, unique architecture, amenities, etc. Neighborhoods may also be designated by geographical constraints, such as wetlands or existing waterbodies.

IV. DEVELOPMENT CRITERIA

The Following development criteria shall apply to the Commercial, Civic, and Attached and Detached Single Family Residential Areas of the PUD

**TABLE 2
 Development Criteria
 Appleby**

Lot Type	Min. Lot Size	Min. Lot Width	Min. Front Yd. Setback (ft.)	Min. Side Yd. Setback (ft.)	Min. Rear Yd. Setback (ft.)	Accessory Structure Setback		Max. Impervious Coverage (%)	Max. ht (ft.)
						Side	Rear		
Single Family Detached Cottage (f)(g)(h)	2,380 SF	28	10(c)	5(c)	10(c)	5(c)	5(c)	65	35(e)
Single Family Detached Dwelling	5,000 SF	50	20 (a)(c)(d)	5(c)	10(c)	5(c)	5(c)	65	35(e)
Duplex	N/A	30	20 (a)(c)(d)	5 (b)(c)	10(c)	5(c)	5(c)	75	35(e)
Townhouse	N/A	16	20 (a)(c)(d)	5 (b)(c)	10(c)	5(c)	5(c)	75	40(e)
Neighborhood Commercial	N/A	50	0	10 (b)(c)	10(c)	5(c)	5(c)	75	N/A

FOOTNOTES:

- (a) A minimum front yard setback of 10 feet is allowed when parking is provided at the rear of fee simple single family detached homes, duplex and townhouses.
- (b) Zero setback if buildings are adjoining.
- (c) Steps, eaves and chimneys may encroach into setback areas but not into easements. In any case, local building code will supersede footnote c.
- (d) Front porch setback shall be a minimum of 10 feet provided the garage is setback a minimum of 25 feet from the public right-of-way.
- (e) Building heights are measured to the eve of structure.
- (f) Single Family Detached Cottage Homes shall not exceed 20% of the overall allowable single family detached density.
- (g) Parking for Single Family Detached Cottage Homes shall be provided in the rear of the lot.
- (h) Single Family Detached Cottage Homes do not require Street frontage. They may be subdivided off of Alley Right of Ways as long as the home fronts open space, parks, ponds and other such spaces.

GENERAL NOTES

1. Minimum distance between buildings shall be determined based on Fire Code requirements at the time the building permit application is submitted.
2. Setbacks are measured to the face of proposed structures.
3. Accessory structures are permitted in the rear and side yards only with indicated minimum setbacks from the side and rear property lines.
4. Accessory Dwelling Units (ADU's/garage apartments) shall be allowed and will not count as a dwelling unit, however they can not exceed 850 square feet of conditioned floor area.
5. Corner lots shall comply with development criteria listed in this chart and be considered to have one front, two sides and a rear.
6. Parking in the rear of a residential lot shall be accessed from the front street or by an alley with a minimum 20 foot right of way. Required parking shall be contained within the residential lot.

V. OPEN SPACE

Total open space for the Appleby PUD shall be calculated for the boundary of the Property and not on a site-specific basis. Open Spaces shall not be confined to one area but shall be blended throughout the development. The minimum Open Space acreage provided shall be equal to 20% of the total upland acreage. Not less than 25% of the minimum acreage of Open Space shall be Usable Open Space. The acreage of land donated to the Town for a park shall be considered useable open space. Refer to Section III Definitions of Land Use Terms for allowed open space uses.

VI. STORM WATER MANAGEMENT

The Property Owner or his successors will prepare a storm water management plan for each phase of the Appleby project in accordance with the current stormwater management standards of Dorchester County. The plan will address site hydrological characteristics, predevelopment conditions, post development runoff, and storm water management facilities for flood control and treatment. The storm water management plan will consider future construction, and it will detail the ability of the drainage system to treat runoff and control release rates during storm events as required. A preliminary Drainage Map is included as **Exhibit F - Preliminary Drainage Map**.

VII. WETLANDS

Freshwater wetlands on the property have been delineated by Passarella & Associated. An Approved Jurisdictional Determination (AJD) has been issued by the US Army Corps of Engineers, dated December 16, 2021. A copy of the AJD is included as **Exhibit H – Jurisdictional Determination**.

VIII. WATER AND SEWER SERVICE/UTILITY SERVICES/STREET LIGHTS

Water and Sewer service shall be provided to development within the Property. A coordination letter from Dorchester County Water and Sewer is provided in **Exhibit G – Coordination Letters**.

Developers within the Property shall provide electrical utility services. All new permanent power lines shall be installed underground. Coordination letter from Dominion Energy is included in **Exhibit G – Coordination Letters**.

Developers within the property shall coordinate the placement of proposed street lights with the street tree planting required in, X. TREE PROTECTION below to avoid conflict between the two streetscape elements.

IX. SITE ACCESS, PARKING AND TRAFFIC

Access to the Property currently exists off Campbell Thickett Road. Uses within the property shall be interconnected by private streets, as site and environmental conditions allow, except for Active Adult and Continuing Care Retirement Communities which may be gated but shall include emergency vehicle access to adjacent neighborhoods. Roads shall be private but will be designed in accordance with the current land development standards of Dorchester County for public roads. Traffic calming measures shall be considered for continuous street sections over 1,000

linear feet with approval of the Town Zoning Administrator. Traffic calming measures can include but are not limited to traffic circles, roundabouts, curb extensions, chicanes, splitter islands, and designated on-street parking. Street sections are included as **Exhibit D – Street Sections**.

Single family residential parking requirements for the Appleby PUD shall be subject to Section 4.3 Traditional Neighborhood Residential District (TNR) of the Current Town of Ridgeville Land Development Regulations. All other uses shall be subject to section 4.4 Neighborhood Commercial District (NC) of the Current Town of Ridgeville Land Development Regulations. When feasible, additional visitor parking may be incorporated into street sections.

HDR has worked directly with Dorchester County and the Town of Ridgeville to complete a preliminary traffic impact assessment for the region. A copy of the final traffic impact assessment will be included upon completion herein as **Exhibit J**. The Appleby PUD shall be responsible for site-specific improvements as identified in the traffic impact assessment for the Project and the conditions of the Appleby Development Agreement for Traffic Considerations. The Appleby PUD shall also cooperate with the Town, Dorchester County, and the South Carolina Department of Transportation to plan for and implement off-site improvements, including the preservation of rights-of-way on major roads.

X. TREE PROTECTION

The protection and preservation of existing trees, as well as repopulating and planting new trees, is a critical part of the Appleby PUD. This section sets forth standards for the preservation of existing trees, mitigation for tree removal and conditions for mass clearing and grading.

The Appleby PUD shall be subject to the requirements of the Current Town of Ridgeville Land Development Regulations with the following additions/exceptions.

A. Tree Survey Requirements

- Grand trees 24 inches diameter at breast height shall be surveyed, excluding Pines, Sweet Gum, Chinese Tallow, Bradford Pear and any other invasive species as identified by the State of South Carolina. Trees shall be graded by a certified arborist based on quality and health of the tree.

B. Tree Removal

Mass grading and removal of trees is allowed for residential construction if the following conditions are met:

- Where clearing and grading the lots to final design elevations is required to positively drain the roads and lots or the final pad elevations of the proposed lots will exceed 24 inches of elevation change from existing grades.
- There shall be 2 Canopy trees per single-family home and/or 1 tree per 2 townhome or duplex units planted in a location approved by the

Zoning Administrator. Street trees located in front of home/unit shall count towards required tree count.

- Trees shall be planted at least 10' from any structure including drainage structures.
- Clearing associated with Stormwater Management and Erosion Control and Maintenance shall be exempt from any mass clearing restrictions.

C. Tree Mitigation

- Every effort should be made to design around Grand Trees that are graded A or B by a certified arborist. If this is not feasible, they shall be mitigated at 100%.
- Existing 6" trees preserved on site may be used to count towards mitigation.
- Mitigation can be determined utilizing a ¼ acre sample area of existing 6" diameter breast height trees or greater in lieu of a tree survey.
- Street trees shall be allowed to meet tree mitigation requirements regardless of proximity to removed tree.

D. Exemptions

The following shall be exempt from the tree protection and mitigation provisions herein:

- *Timber Harvesting:* Timber harvesting and forestry operations meeting the requirements of South Carolina Code Subsection 48-23-205(B).
- *Commercial tree farms and nurseries:* Raising trees for sale and transplanting of such trees
- *Infrastructure:* Clearing of road and utility right-of ways and easements, installation of utilities and maintenance of said right-of-way and easements.

XI. LANDSCAPE REGULATIONS

The Appleby PUD shall comply with the landscape requirements included in the current Town of Ridgville Land Development Regulations unless otherwise stated in the PUD document.

Street trees shall be planted in regular patterns of approximately 50' to 60' on- center. If the street trees are planted in a landscape planter strip between the back of curb and the sidewalk the planter strip shall be a minimum of six (6) feet wide. Street trees shall be allowed to meet tree mitigation requirements.

Street Trees shall be a minimum of 2" caliper and of a variety from the following approved street tree list or as approved by the Town Zoning Administrator:

- Quercus lyrata 'Highbeam' Highbeam Overcup Oak
- Quercus nuttallii 'Highpoint' Highpoint Nuttall Oak
- Quercus phellos 'Hightower' Hightower Willow Oak

- Quercus virginiana 'highrise' Highrise Live Oak
- Ulmus parvifolia 'Emerll' Allee Allee Elem

Street tree planting shall be coordinated with the placement of proposed street lights with the street tree planting required to avoid conflict between the two streetscape elements.

XII. SIGNAGE REGULATIONS

Signage for the Appleby PUD shall follow the requirements of Section 4.4.6 Signage of the Town of Ridgeville Land Development Regulations.

XIII. STREET LIGHTING

The streets within the Appleby PUD shall include street lights. Street lights shall be selected from the standard fixtures offered by Dominion Energy. Light pole spacing shall be based on the photometric design standards recommended by Dominion Energy. Final light pole locations shall be coordinated with the street tree plantings to avoid conflict.

XIV. RESIDENTIAL ARCHITECTURAL STANDARDS

1. Building pads will be designed to create positive drainage away from future homes. Pads will be designed to a minimum 18" above the back of curb of the fronting public road right-of-way or as otherwise approved by the reviewing authority.
2. Garages may be detached or attached to the main dwelling, with or without habitable room above. The front wall of the garage shall be on the same plain as the rest of the house placed behind the front façade of the dwelling or constitute less than thirty percent (30%) of the front façade of the building.
3. Stoops are required on the front façade of the homes. Front porches shall be encouraged, but not required. When incorporating a front porch, it shall be a minimum 6' in depth. Front porches may be set back a minimum of 10 feet from the front property line provided the garage is setback a minimum of 20 feet.
4. At least two (2) windows shall be incorporated to each side of the house
5. Minimal repetition of front facades – matching front facades shall not be repeated adjacent, across the street or diagonal to one another.
6. Exterior siding material may include:
 - Hardiboard or equal
 - Brick
 - Stucco
 - Vinyl

Vinyl siding shall meet the following minimum standards:

- Panels shall be at least 0.04 inches thick.
- Soffit panels shall be at least 0.05 inches thick.
- Siding shall contain anti-weathering protection.
- Siding product shall have a minimum 50-year warranty from the manufacturer.
- Vinyl shakes, beadboard and water tables are encouraged, but not required to achieve variety.

Vinyl specifications shall be submitted for review and approval to the Residential design review board of the Property Owner's Association.

7. Band Boards at each foundation shall be required and shall be of greater thickness than the siding such that no edge of the siding will project beyond the face of the band board where they meet. Band board shall be a 6" minimum width with a 1" trim cap.

XV. PROPERTY OWNERS ASSOCIATIONS

Prior to the sale of any property, a Master Property Owners Association (MPOA) shall be established. Membership in the MPOA will be mandatory for any property owner. There may be individual Property Owner Associations (POA's) established for each parcel or group of parcels which will incorporate its own common areas and be managed by each POA and governed by the MPOA. The MPOA may be funded by dues to be established in its recorded restrictive covenants. The MPOA's responsibility will be to manage the affairs of the MPOA including the enforcement of the restrictive covenants and the maintenance of common areas. Common areas will include passive park space, landscape areas and stormwater detention facilities.

XVI. DESIGN REVIEW PROCESS

A. Residential Development

Design review for residential dwellings shall be the Property Owner's Association and based on the design guidelines included in Section XIV.

B. Commercial Development

Prior to developing any commercial parcel, Design Guidelines addressing the following shall be prepared:

- Architectural Standards
- Site Development Standards
- Parking Requirements (Shared parking provisions to be included)
- Buffer requirements
- Tree protection requirements
- Landscaping
- Signage requirements
- Exterior lighting

These guidelines (Appleby PUD Commercial Design Review Guidelines) will be submitted for review and approval by the Town of Ridgeville staff and with the consultation of the Design Review Board. The Appleby PUD Commercial Design Review Guidelines will also detail the formation and responsibilities of an Appleby PUD Commercial Design Review Board which may be established by the MPOA. All new developments or major alterations to existing structures, including accessory structures, other than single family detach or attached residential, shall be reviewed by the Appleby PUD Commercial Design Review Board for conformance to the Design Review Guidelines prior to submittal to the Town of Ridgeville for building or other permits. No submittals to the Design Review Board will be required. Until such time that the Appleby PUD Commercial Design Review Guidelines are approved by the Town, the

Dorchester County Cooks Crossroads Design Standards, dated August 2018, shall govern commercial design standards within Appleby.

XVII. DEVELOPMENT SCHEDULE

Development schedule is provided in **Exhibit I – Development Schedule**.



REZONING APPLICATION
APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT A
Context Map

J – 28640

December 2022



APPLEBY-PUD
 EXHIBIT A
 EXHIBIT A - CONTEXT MAP
 CLIENT:
LENNAR
 LOCATION: TOWN OF RIDGEVILLE, SOUTH CAROLINA
 DATE: _____ DRAWN BY: CM SHEET:
 JOB NUMBER: 29310.0000 REVIEWED BY: CM SCALE: 1" = 1250'

THOMAS & HUTTON
 682 Johnnie Dodds Blvd. • Suite 100
 Mt. Pleasant, SC 29464 • 843.849.0200
 www.thomasandhutton.com



THOMAS
&
HUTTON

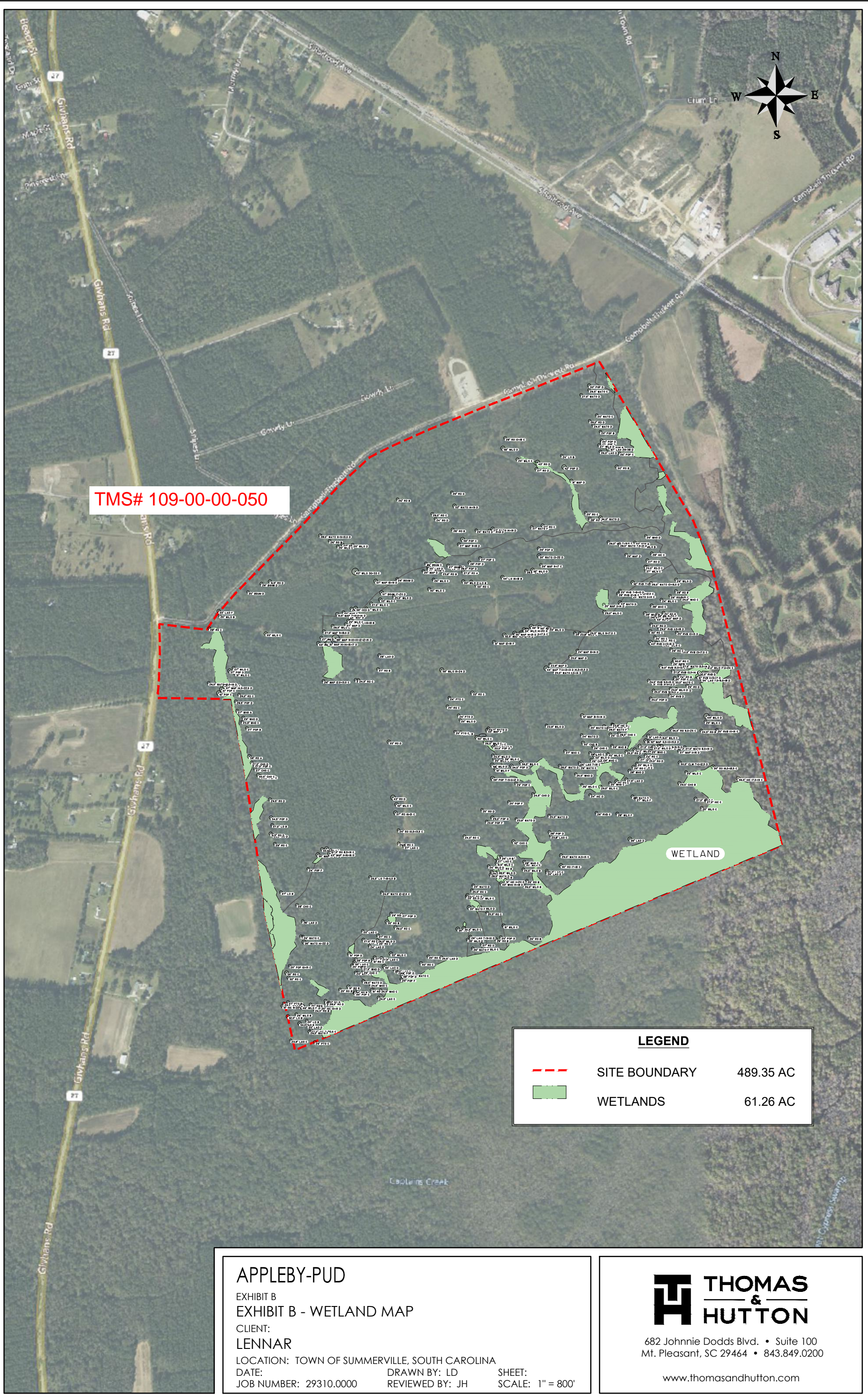
REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT B **Boundary and Wetland Map**



J – 28640

December 2022



TMS# 109-00-00-050

WETLAND

LEGEND		
	SITE BOUNDARY	489.35 AC
	WETLANDS	61.26 AC

APPLEBY-PUD
 EXHIBIT B
 EXHIBIT B - WETLAND MAP
 CLIENT:
LENNAR
 LOCATION: TOWN OF SUMMERVILLE, SOUTH CAROLINA
 DATE: _____ DRAWN BY: LD SHEET:
 JOB NUMBER: 29310.0000 REVIEWED BY: JH SCALE: 1" = 800'

THOMAS & HUTTON
 682 Johnnie Dodds Blvd. • Suite 100
 Mt. Pleasant, SC 29464 • 843.849.0200
 www.thomasandhutton.com



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REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT C Consent Letter

J – 28640

December 2022

May 5th, 2022

Mayor Clarence Hughes
Town of Ridgeville
105 School Street
Ridgeville, South Carolina, 29472

RE: Appleby Tract; TMS No.109-00-00-052 & 109-00-00-050

Dear Mayor Hughes:

Please be advised that representatives of Lennar Carolinas, LLC are authorized to submit on behalf of The Florence B. Appleby Family Limited Partnership, owner of the above referenced properties, applications and other related submissions for the annexation, rezoning and development agreement associated with the properties.

If you have any questions, please do not hesitate to contact us.

Sincerely,

THE FLORENCE B. APPLEBY FAMILY
LIMITED PARTNERSHIP

By: Wendene A. Hutto
Name: Wendene A. Hutto
Its: Partner



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&
HUTTON

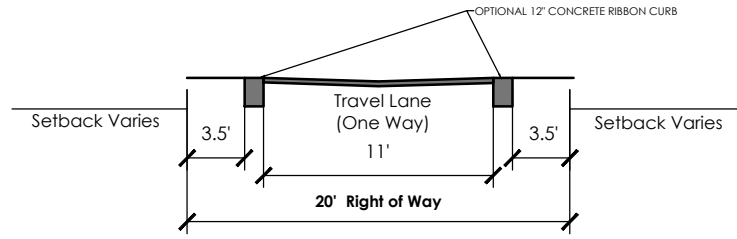
REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

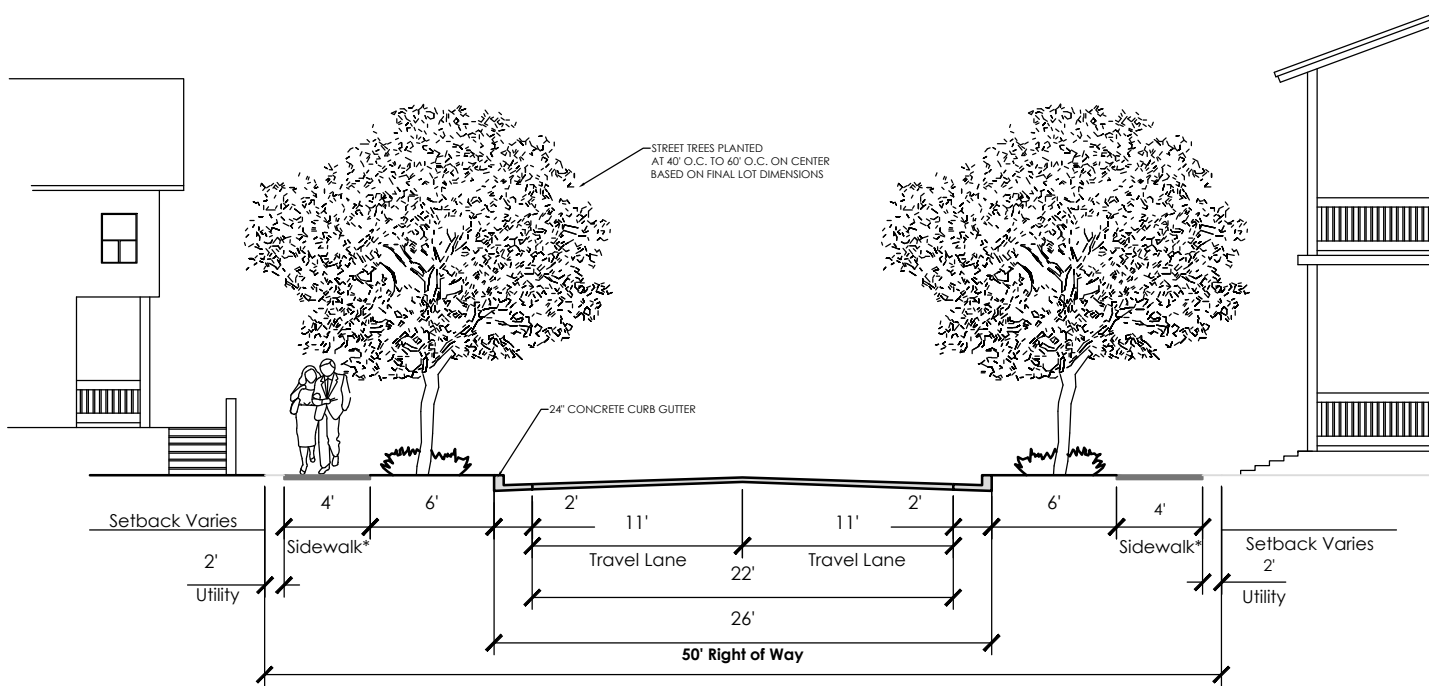
EXHIBIT D Street Sections

J – 28640

December 2022

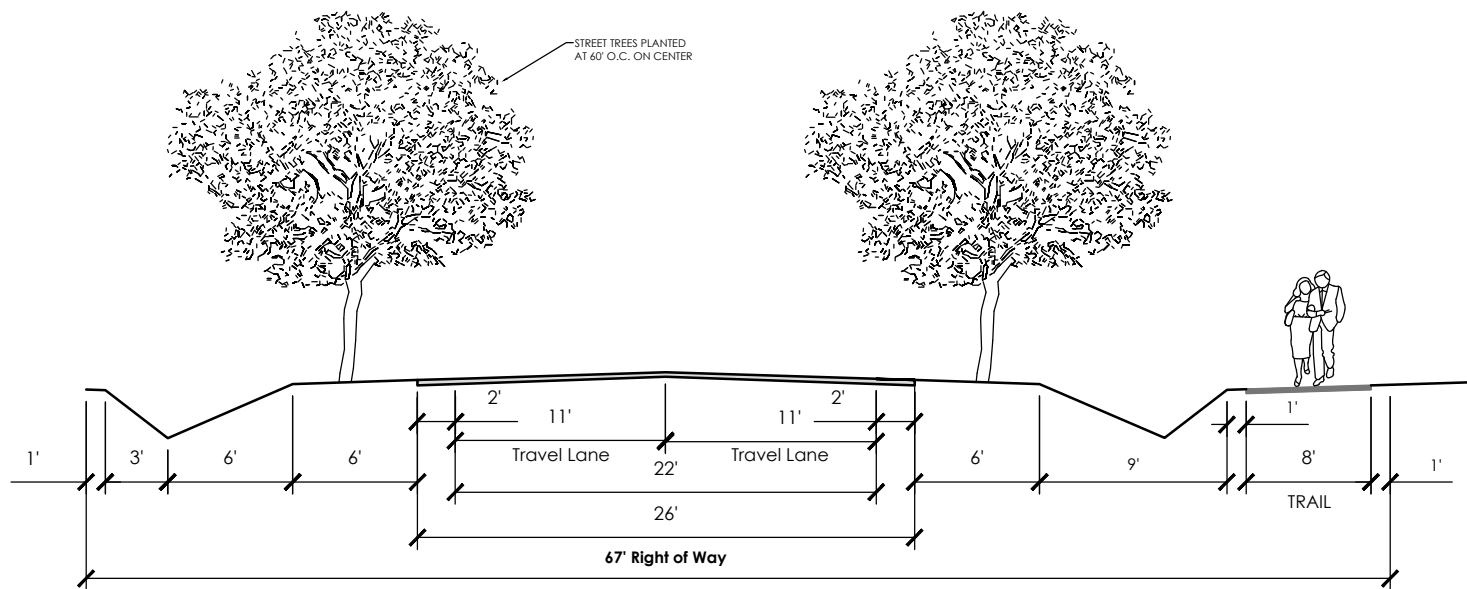


LOCAL ALLEY - 20' RIGHT OF WAY



*5' Sidewalks on Commercial Streets

LOCAL STREET - 50' RIGHT OF WAY



COLLECTOR STREET - 67' RIGHT OF WAY

APPLEBY-PLANNED UNIT DEVELOPMENT
 EXHIBIT D
 ROAD SECTIONS
 CLIENT:
LENNAR
 LOCATION: TOWN OF RIDGEVILLE, SOUTH CAROLINA
 DATE: DRAWN BY: CFM SHEET: EXHIBIT D
 JOB NUMBER: 29310.0000 REVIEWED BY: CFM SCALE: 1" = 10.036'

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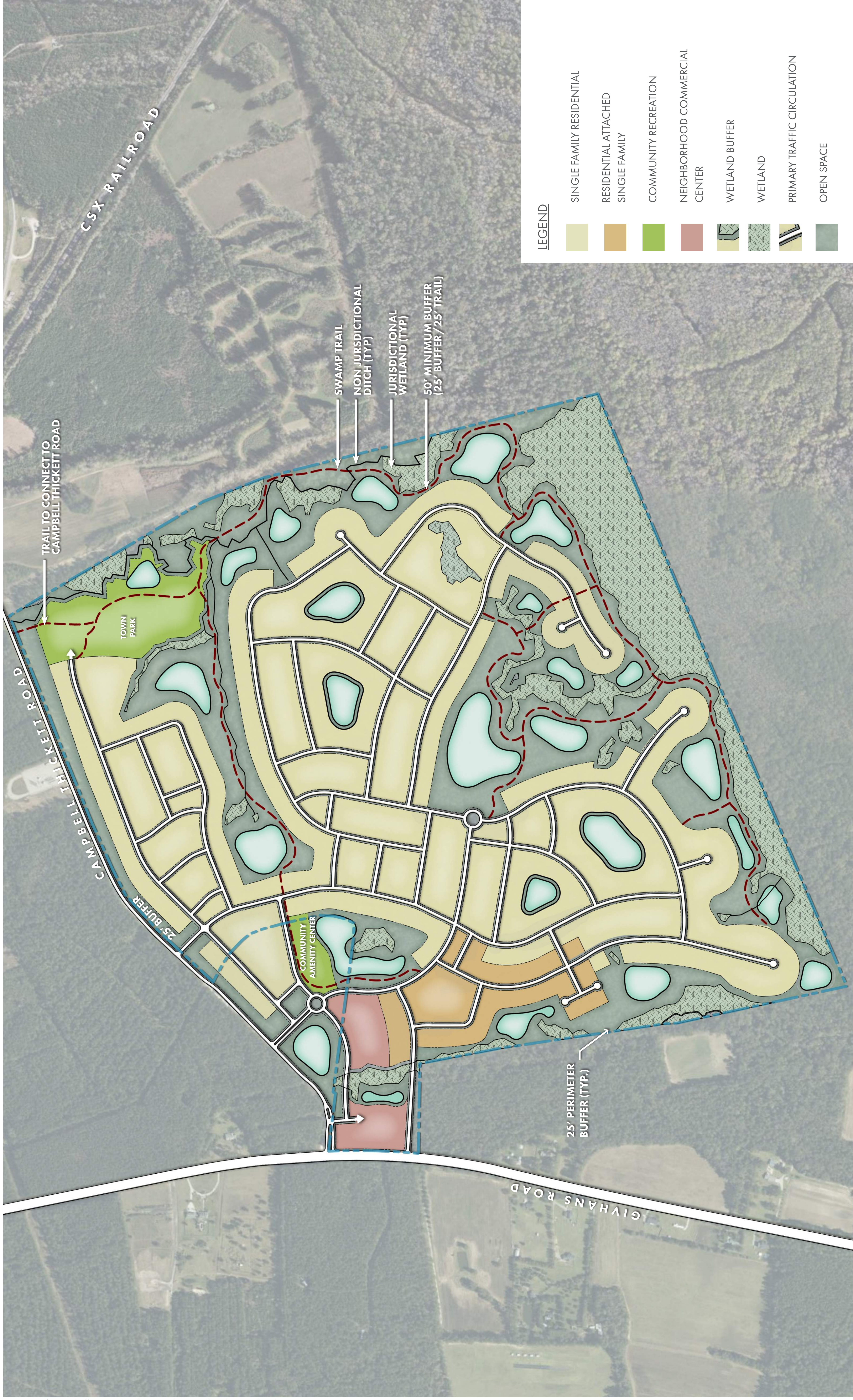
REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT E **Conceptual Land Use Master Plan**

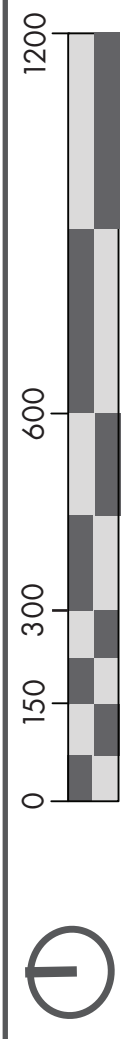
J – 28640

December 2022



LEGEND

- SINGLE FAMILY RESIDENTIAL
- RESIDENTIAL ATTACHED SINGLE FAMILY
- COMMUNITY RECREATION
- NEIGHBORHOOD COMMERCIAL CENTER
- WETLAND BUFFER
- WETLAND
- PRIMARY TRAFFIC CIRCULATION
- OPEN SPACE



Z:\29310\29310.0000\Landscpe Architecture\Illustrative Files\IND\29310.0000 Appleby PUD July 6, 2022 4:41 PM



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REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT F Preliminary Drainage Map

J – 28640

December 2022



APPLEBY-PUD
EXHIBIT F
EXHIBIT F - PRELIMINARY DRAINAGE MAP
CLIENT:
LENNAR
LOCATION: TOWN OF RIDGEVILLE, SOUTH CAROLINA
DATE: DRAWN BY: LD SHEET:
JOB NUMBER: 29310.0000 REVIEWED BY: JH SCALE: 1" = 800'

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REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT G **Coordination Letters**

J – 28640

December 2022



**DORCHESTER COUNTY WATER AND SEWER
235 DEMING WAY
SUMMERVILLE, SC 29483**

Jason Coffman, P.E., Water and Sewer Principal Engineer

(843) 832-0093 * (843) 563-0093 * Fax (843) 832-0073 * (843) 563-0073

October 3, 2022

Chris Magaldi
Thomas and Hutton

RE: Appleby Tract (TMS 109-00-00-050 and -052)

Dear Mr. Magaldi:

The referenced property is in Dorchester County's service area for water and sewer. Dorchester County has a 16-inch force main on the west side of Hwy 27 near the site. Downstream sewer improvements will need to be completed before a subdivision on this property can be served. The downstream improvements are expected to be complete in about 3 years. The downstream improvements include upgrade of the Lower Dorchester Wastewater Treatment Plant, upgrade of Pump Station #72 at Ashley Ridge High School, and a new 18-inch force main from Pump Station #72 to Pump Station #120 at Pine Hill Industrial Campus.

At this time, the closest water main of sufficient size is a 12-inch main in Bridlewood Farms Subdivision. A 16-inch extension is planned to be built by a developer from the entrance to Bridlewood Farms to TMS 119-00-00-037 which would bring water closer to the site. The wells supplying this water system does not have capacity available for the entire proposed development. Dorchester County is looking to increase available capacity by extending a water main from the Lake Marion Regional Water System. In the meantime, the development could increase available capacity by constructing a well interconnected with the existing water system.

Availability of service is subject to approval by County Council, payment of required fees, and the applicant obtaining all required permits and easements. Furthermore, capacity is made available on a first come first served basis at the time impact fees are paid. Dorchester County may require the development to construct water and sewer facilities capable of serving other properties off the site. Do not hesitate to call me at (843) 832-0093 if you have any questions or need additional information.

Sincerely,

Jason D. Coffman, P.E.
Water and Sewer Principal Engineer

cc: Larry Harper – DCWS
Steven Ricker – DCWS



07/11/2022

Chris Magaldi, PE
Thomas & Hutton
682 Johnnie Dodds Blvd.
Mt. Pleasant, SC 29464

Re: Appleby TMS: 109-00-00-50

Chris,

I am pleased to inform you that Dominion Energy will be able to provide natural gas service to the above referenced TMS#s 109-00-00-50 located in Dorchester County. Services will be provided in accordance with Dominion Energy's General Terms and Conditions, other documents on file with the South Carolina Public Service Commission, and the company's standard operating policies and procedures.

Any cost associated with providing service will be determined when a finalized/approved plan is submitted to our office. In order to begin engineering work for the project, the following information will need to be provided:

- 1.) Detailed utility site plan (AutoCAD format preferred) showing water, sewer, and storm drainage. The finalized/approved plan must include lot numbers, street names, and 911 addresses for each lot.
- 2.) Additional drawings that indicate wetlands boundaries, tree survey with barricade plan and buffer zones (if required), as well as any existing or additional easements will also be needed.
- 3.) Copies of the Army Corp of Engineers official delineation and permits. If applicable, OCMR permits should also be included.
- 4.) Signed copy of this letter acknowledging its receipt and responsibility for its contents and authorization to begin engineering work with the understanding that Dominion Energy intends to serve the referenced project.

Dominion Energy's construction standards and specifications are available upon request. For more information or questions, contact me by phone at (843) 614-0951 or at brittany.fickling@dominionenergy.com.

Sincerely,
Brittany Fickling
Dominion Energy



THOMAS
&
HUTTON

REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT H **Jurisdictional Determination**

J – 28640

December 2022



DEPARTMENT OF THE ARMY
U.S. ARMY CORPS OF ENGINEERS, CHARLESTON DISTRICT
69A HAGOOD AVENUE
CHARLESTON, SC 29403

December 16, 2021

Regulatory Division

Mr. Tim Burns
Passarella & Associates, Inc.
363 Wando Place Drive, Suite 200
Mt. Pleasant, South Carolina 29464
timb@passarella.net

Dear Mr. Burns:

This is in response to your request for an Approved Jurisdictional Determination (AJD) (SAC-2021-01212) received in our office on July 2, 2021, for a 489.35-acre site located along Campbell Thicket Road at TMS# 109-00-00-050 and 109-00-00-052, Dorchester County, South Carolina (Latitude: 33.075°, Longitude: -80.303°). An AJD is used to indicate the Corps has identified the presence or absence of wetlands and/or other aquatic resources on a site, including their accurate location(s) and boundaries, as well as their jurisdictional status pursuant to Section 404 of the Clean Water Act (CWA) (33 U.S.C. § 1344) and/or navigable waters of the United States pursuant to Section 10 of the Rivers and Harbors Act of 1899 (RHA) (33 U.S.C. § 403).

The site is shown on the attached depiction entitled "Figure 7 Appleby Parcels Aerial With Boundary Coordinates and Features" and dated June 1, 2021 prepared by Passarella and Associates, Inc. Based on a review of aerial photography, topographic maps, National Wetlands Inventory maps, soil survey information, and Wetland Determination Data Form(s), we conclude the referenced depiction accurately reflects the location and boundaries of aquatic resources within the site. The site contains 56.59 acres of jurisdictional wetlands, and 0.7 acre (8,893 linear feet) of other waters of the United States that are subject to Corps' jurisdiction under Section 404 of the CWA.

The site also contains 3.62 acres of freshwater wetlands as federally defined by the 1987 Corps of Engineers Wetland Delineation Manual and applicable regional supplement; however, the 3.62 acres of freshwater wetlands are not subject to Corps' jurisdiction based upon U.S. Supreme Court decisions. The location and configuration of these non-jurisdictional areas are reflected on the above referenced depiction. It should be clearly noted that decisions of the U.S. Supreme Court to exclude certain waters and wetlands from federal jurisdiction under the CWA have no effect on any state or local government restrictions or requirements concerning wetlands. You are strongly cautioned to ascertain whether such restrictions or requirements exist for the area in question before undertaking any activity which might impact these aquatic resources.

The site in question also contains aquatic resources that are not subject to regulatory jurisdiction under Section 404 of the CWA or Section 10 of the RHA.

Attached is a form describing the basis of jurisdiction for the delineated area(s). Be aware that a Department of the Army (DA) permit may be required for certain activities in the areas subject to Corps' regulatory jurisdiction, and these areas may be subject to restrictions or requirements of other state or local government agencies.

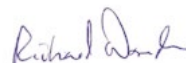
If you submit a permit application as a result of this AJD, include a copy of this letter and the depiction as part of the application. Not submitting the letter and depiction will cause a delay while we confirm an AJD was performed for the proposed permit project area. Note that some or all of these areas may be regulated by other state or local government entities, and you should contact the South Carolina Department of Health and Environmental Control, Bureau of Water, or Department of Ocean and Coastal Resource Management, to determine the limits of their jurisdiction.

This AJD is valid for five (5) years from the date of this letter unless new information warrants revision before the expiration date. This AJD is an appealable action under the Corps of Engineers administrative appeal procedures defined at 33 CFR Part 331. The administrative appeal options, process and appeals request form is attached for your convenience and use.

This AJD was conducted pursuant to Corps of Engineers' regulatory authority to identify the limits of Corps of Engineers' jurisdiction for the particular site identified in this request. This AJD may not be valid for the wetland conservation provisions of the Food Security Act of 1985. If you or your tenant are USDA program participants, or anticipate participation in USDA programs, you should request a certified wetland determination from the local office of the Natural Resources Conservation Service, prior to starting work.

In all future correspondence, please refer to file number SAC-2021-01212. A copy of this letter is forwarded to State and/or Federal agencies for their information. If you have any questions, please contact me at (843) 329-8043, or by email at Richard.L.Darden@usace.army.mil.

Sincerely,



Project Manager

Attachments:

Approved Jurisdictional Determination Form

Notification of Appeal Options

Figure 7 Appleby Parcels Aerial With Boundary Coordinates and Features

Copies Furnished:

Mr. Gabe Ebner

Lennar Homes - Coastal Carolina

1941 Savage Road

Charleston, South Carolina 29407

gabe.ebner@lennar.com

SCDHEC – Bureau of Water

2600 Bull Street

Columbia, South Carolina 29201

WQCWetlands@dhec.sc.gov

SCDHEC - OCRM

1362 McMillan Avenue, Suite 400

North Charleston, South Carolina 29405

OCRMPermitting@dhec.sc.gov

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 3, 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 1 of 2; SAC-2021-01212 Appleby Parcels

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Dorchester County City: Ridgeville
Center coordinates of site (lat/long in degree decimal format): Lat. 33.0746291968105 °, Long. -80.3030370822853 °
Universal Transverse Mercator:

Name of nearest waterbody: Cypress Swamp

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: Ashley River

Name of watershed or Hydrologic Unit Code (HUC): 030502010506

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: December 3, 2021

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain: .

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

TNWs, including territorial seas

Wetlands adjacent to TNWs

Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs

Non-RPWs that flow directly or indirectly into TNWs

Wetlands directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs

Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs

Impoundments of jurisdictional waters

Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: **8,893** width (ft) and/or acres.

Wetlands: **56.59** acres.

c. Limits (boundaries) of jurisdiction based on: Established by OHWM, 1987 Delineation Manual; AGCP Regional Supplement

Elevation of established OHWM (if known): .

2. Non-regulated waters/wetlands (check if applicable):³

Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional.

Explain: **This parcel contains 11 manmade ditches (listed below) and 1 excavated pond that were identified and evaluated for jurisdiction. Each of the 11 ditches was excavated within uplands and exhibits flow in response to precipitation which generally runs off within a few days. None of these ditches exhibits relatively permanent flow and as such are not within the jurisdiction of the Clean Water Act.**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

Ditches (linear feet)

Non-Jurisdictional Ditch 1: 551

Non-Jurisdictional Ditch 2: 782

Non-Jurisdictional Ditch 3: 502

Non-Jurisdictional Ditch 4: 277

Non-Jurisdictional Ditch 5: 380

Non-Jurisdictional Ditch 6: 811

Non-Jurisdictional Ditch 7: 43

Non-Jurisdictional Ditch 8: 213

Non-Jurisdictional Ditch 9: 134

Non-Jurisdictional Ditch 10: 1,827

Non-Jurisdictional Ditch 11: 1,283

Non-jurisdictional Pond 1 is a 0.03-acre open water borrow area that was excavated from uplands for the purpose of borrow material/mining. This feature consists of open water and does not meet the three parameters that define a wetland. As stated in the Preamble to the November 13, 1986, Regulations found on page 41217 (Federal Register vol. 51 No. 219) "waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States" are generally not considered waters of the U.S. For these reasons, Non-Jurisdictional Pond 1 was determined to be non-jurisdictional and not subject to regulation under Section 404 of the CWA.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: .

Summarize rationale supporting determination: .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is "adjacent": .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are "relatively permanent waters" (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

Two tributaries are documented in this section: onsite Jurisdictional Tributary 1 and offsite Cypress Swamp. These tributaries are located close to another in similar geographic settings and landscape positions. While their lengths and dimensions are different, their flow characteristics and other relevant attributes are sufficiently similar to warrant documentation on a single form.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

(i) **General Area Conditions:**

Watershed size: 139,162 acres (3rd order Cypress Swamp - 0305020105)
Drainage area: <139,162 acres (Cypress Swamp); ~500 acres (Jurisdictional Tributary 1)
Average annual rainfall: 50 inches
Average annual snowfall: less than 2 inches

(ii) **Physical Characteristics:**

(a) **Relationship with TNW:**

- Tributary flows directly into TNW. (Cypress Swamp transitions to TNW Ashley River)
 Tributary flows through 2 tributaries before entering TNW. (Jurisdictional Tributary 1 flows to Captains Creek, then to Cypress Swamp, and ultimately to TNW Ashley River)

Project waters are 2-5 river miles from TNW.
Project waters are 1 (or less) river miles from RPW.
Project waters are 2-5 aerial (straight) miles from TNW.
Project waters are 1 (or less) aerial (straight) miles from RPW.
Project waters cross or serve as state boundaries. Explain: N/A.

Identify flow route to TNW⁵: Cypress Swamp transitions to the TNW Ashley River; Jurisdictional Tributary 1 flows to Captains Creek, which flows to Cypress Swamp.
Tributary stream order, if known: Cypress Swamp = 3rd order; Jurisdictional Tributary 1 = 1st order.

(b) **General Tributary Characteristics (check all that apply):**

Tributary is: Natural
 Artificial (man-made). Explain: .
 Manipulated (man-altered). Explain: .

Tributary properties with respect to top of bank (estimate): dimensions here are estimates

Average width: Cypress Swamp = 20 feet; Jurisdictional Tributary 1 = 6 feet
Average depth: Cypress Swamp = 8 feet; Jurisdictional Tributary 1 = 2 feet
Average side slopes: 4:1 (or greater).

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain: .

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain: stable.
Presence of run/riffle/pool complexes. Explain: N/A.
Tributary geometry: Meandering
Tributary gradient (approximate average slope): 0-2 %

(c) **Flow:**

Tributary provides for: Perennial flow
Estimate average number of flow events in review area/year: Perennial
Describe flow regime: Flowing year round.
Other information on duration and volume: .

Surface flow is: Discrete and confined. Characteristics: .

Subsurface flow: Unknown. Explain findings:
 Dye (or other) test performed: .

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

- sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

- High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) Chemical Characteristics:

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: Water is tannin stained and thus dark in both tributaries.

Identify specific pollutants, if known:

(iv) Biological Characteristics. Channel supports (check all that apply):

- Riparian corridor. Characteristics (type, average width): **varies between ~10 feet in Jurisdictional Tributary 1 and hundreds of feet for Cypress Swamp.**
 Wetland fringe. Characteristics: **Palustrine forested wetlands flank both tributaries.**
 Habitat for:
 Federally Listed species. Explain findings:
 Fish/spawn areas. Explain findings:
 Other environmentally-sensitive species. Explain findings:
 Aquatic/wildlife diversity. Explain findings: **Numerous fish species feed and spawn in floodplain swamp tributaries. Wading birds are frequently observed foraging in the channel of these stream corridors.**

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: **0.02 to 40.7 acres (all onsite wetlands)**

Wetland type. Explain: Bottomland hardwood and cypress-gum swamp.

Wetland quality. Explain: Moderate to high quality: **Cypress Swamp is high quality; Jurisdictional Tributary 1 is more moderate in quality based on nearer roadways and onsite forestry activity.**

Project wetlands cross or serve as state boundaries. Explain: N/A.

(b) General Flow Relationship with Non-TNW:

Flow is: **Intermittent flow.** Explain: Not all adjacent wetlands provide continuous flow to the tributary.

Surface flow is: **Discrete and confined**

Characteristics: Non-abutting wetlands are each connected to the tributary by ditching.

Subsurface flow: **Unknown.** Explain findings:

Dye (or other) test performed:

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: Ditches connect the non-abutting wetlands to their tributaries.

Ecological connection. Explain:

Separated by berm/barrier. Explain:

(d) Proximity (Relationship) to TNW

Project wetlands are **2-5** river miles from TNW.

Project waters are **2-5** aerial (straight) miles from TNW.

Flow is from: **Wetland to navigable waters.**

Estimate approximate location of wetland as within the **50 - 100-year** floodplain.

(ii) Chemical Characteristics:

⁷Ibid.

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: water tannic and of 'good' quality; not visibly impaired.
Identify specific pollutants, if known:

(iii) Biological Characteristics. Wetland supports (check all that apply):

- Riparian buffer. Characteristics (type, average width):
- Vegetation type/percent cover. Explain: **Mixed hardwoods and emergent species/75-100%.**
- Habitat for:
 - Federally Listed species. Explain findings:
 - Fish/spawn areas. Explain findings:
 - Other environmentally-sensitive species. Explain findings:
 - Aquatic/wildlife diversity. Explain findings: **Contiguous swamp and forested floodplain wetlands are transitional habitats between terrestrial and aquatic habitats, and as such generally have high wildlife abundance and diversity. Numerous fish species feed and spawn in floodplain swamps, as well as wading birds and mammals. Broad-leaved evergreens support great numbers of insects, which attract insect-feeding birds, amphibians, reptiles, and mammals.**

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **30 or more (Cypress Swamp); 4 (Jurisdictional Tributary 1)**
Approximately **500 acres (Cypress Swamp) / 10 acres (Jurisdictional Tributary 1)** in total are being considered in the cumulative analysis.

For each wetland, specify the following:

<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>	<u>Directly abuts? (Y/N)</u>	<u>Size (in acres)</u>
For Cypress Swamp:		For Jurisdictional Tributary 1:	
Jurisdictional Wetland 4 (Y)	40.7	Jurisdictional Wetland 1 (Y)	2.29
Jurisdictional Wetland 16 (N)	0.08	Jurisdictional Wetland 2 (Y)	0.57
Jurisdictional Wetland 17 (N)	0.02	Jurisdictional Wetland 3 (Y)	3.53
Jurisdictional Wetland 18 (N)	0.14	Jurisdictional Wetland 15 (N)	0.08
Jurisdictional Wetland 19 (N)	0.34	Offsite wetlands (estimated)	5
Jurisdictional Wetland 20 (N)	0.47		
Jurisdictional Wetland 21 (N)	0.06		
Offsite wetlands (estimated)	550		

Summarize overall biological, chemical and physical functions being performed: **For both tributaries: The forested palustrine wetlands which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPWs are collectively performing functions consistent with the following: Biological – wetlands adjacent to these RPWs include riparian and otherwise bottomland swamp. As such, a broad variety of biological functions are being performed which include providing breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and in particular, floodplain wetlands provide important spawning areas for species that inhabit the main channel as adults. These wetlands are essential in providing organic carbon in the form of their collective primary productivity to downstream waters, resulting in the nourishment of the downstream food web. Chemical – Wetlands in the review area(s) are providing the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding uplands, reducing nitrogen and phosphorus loading downstream, and effectively preventing oxygen depletion that can result from eutrophication. Some of the adjacent wetlands in this review area have been ditched which likely has reduced the effectiveness of some of the wetlands' nutrient removal function. Physical – Wetlands in the review area are collectively performing flow maintenance functions, including retaining runoff inflow and storing flood water temporarily. Flow maintenance results in the reduction of downstream peak flows (discharge and volume), helping to maintain seasonal flow volumes.**

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D: **For both tributaries: The forested palustrine wetlands which are similarly situated and adjacent (both directly abutting and non-abutting) to the RPWs are collectively performing functions consistent with the following: Biological – wetlands adjacent to these RPWs include riparian and otherwise bottomland swamp. As such, a broad variety of biological functions are being performed which include providing breeding grounds and shelter for aquatic species, foraging areas for wetland dependent species, and in particular, floodplain wetlands provide important spawning areas for species that inhabit the main channel as adults. These wetlands are essential in providing organic carbon in the form of their collective primary productivity to downstream waters, resulting in the nourishment of the downstream food web. Chemical – Wetlands in the review area(s) are providing the important collective functions of removal of excess nutrients which are contributed by runoff from the surrounding uplands, reducing nitrogen and phosphorus loading downstream, and effectively preventing oxygen depletion that can result from eutrophication. Some of the adjacent wetlands in this review area have been ditched which likely has reduced the effectiveness of some of the wetlands’ nutrient removal function. Physical – Wetlands in the review area are collectively performing flow maintenance functions, including retaining runoff inflow and storing flood water temporarily. Flow maintenance results in the reduction of downstream peak flows (discharge and volume), helping to maintain seasonal flow volumes. Based on the collective functions described above and their importance to the biological, chemical, and physical integrity of the traditional navigable waters of Cypress Creek (and Jurisdictional Tributary 1), this office has determined that there is a Significant Nexus between the review area Relevant Reaches and its adjacent wetlands and the downstream TNW.**

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:
 - TNWs: linear feet width (ft), Or, acres.
 - Wetlands adjacent to TNWs: acres.
2. **RPWs that flow directly or indirectly into TNWs.**
 - Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial: **Four perennial tributaries are present on the site:**
Jurisdictional Tributary 1 = 534 linear feet on site (adjacent wetlands documented in D.4. below)
Jurisdictional Tributary 2 = 5,182 linear feet on site (adjacent wetlands documented in D.4. below)
Jurisdictional Tributary 3 = 469 linear feet on site (no adjacent wetlands)
Jurisdictional Tributary 4 = 2,708 linear feet on site (adjacent wetlands documented in D.4. below)

Each of the onsite tributaries listed above appears on topographic maps as blue line tributaries of the major wetland and tributary system Cypress Swamp, which transitions to the TNW Ashley River. The tributaries, including their channels and water within them, are visible in aerial photography. The National Wetlands Inventory (NWI) classifies the tributaries as riverine, unknown perennial, unconsolidated bottom, and permanently flooded (R5UBH) habitat. For these reasons, each of the onsite tributaries was determined to have perennial flow and jurisdiction by definition.

- Tributaries of TNW where tributaries have continuous flow “seasonally” (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: **8,893** linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .

3. **Non-RPWs⁸ that flow directly or indirectly into TNWs.**

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 - Other non-wetland waters: acres.
- Identify type(s) of waters: .

4. **Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.**

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
- Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: **Wetlands documented in this section are contiguous and directly abutting the perennial tributaries to which they are adjacent (see below). Specifically, this means that each adjacent wetland boundary is coincident with the OHWM of the tributary and that the wetland and tributary are hydrologically continuous and thus water from the tributary can move across the wetland boundary without intervening uplands or other non-wetland pathways (and vice versa).**

Directly abutting Jurisdictional Tributary 1:

Jurisdictional Wetland 1 (2.29 acres)

Jurisdictional Wetland 2 (0.57 acre)

Jurisdictional Wetland 3 (3.53 acres)

Directly abutting offsite tributary Cypress Swamp:

Jurisdictional Wetland 4 (40.7 acres)

Directly abutting Jurisdictional Tributary 2:

Jurisdictional Wetland 5 (2.26 acres)

Jurisdictional Wetland 6 (1.46 acres)

Jurisdictional Wetland 7 (1.28 acres) While the depiction does not show this wetland as contiguous to the tributary, this wetland continues off the site to the east and is part of the much larger wetland system that is directly abutting Jurisdictional Tributary 2 offsite as the tributary and Jurisdictional Wetlands 7 and 5 transition into the Cypress Swamp floodplain wetland system.

Jurisdictional Wetland 8 (0.38 acre)

Jurisdictional Wetland 9 (0.08 acre)

Jurisdictional Wetland 10 (1.54 acres)

Jurisdictional Wetland 11 (0.08 acre)

Directly abutting Jurisdictional Tributary 4:

Jurisdictional Wetland 12 (0.81 acre)

Jurisdictional Wetland 13 (0.38 acre)

Jurisdictional Wetland 14 (0.04 acre)

- Wetlands directly abutting an RPW where tributaries typically flow “seasonally.” Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: **55.4** acres.

5. **Wetlands adjacent to but not directly abutting an RPW that flows directly or indirectly into TNWs.**

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion are provided at Section III.C.

Not directly abutting Jurisdictional Tributary 1:

Jurisdictional Wetland 15 (0.08 acre)

⁸See Footnote # 3.

- Not directly abutting offsite tributary Cypress Swamp:**
Jurisdictional Wetland 16 (0.08 acre)
Jurisdictional Wetland 17 (0.02 acre)
Jurisdictional Wetland 18 (0.14 acre)
Jurisdictional Wetland 19 (0.34 acre)
Jurisdictional Wetland 20 (0.47 acre)
Jurisdictional Wetland 21 (0.06 acre)

Provide acreage estimates for jurisdictional wetlands in the review area: **1.19** acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from “waters of the U.S.,” or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
 Identify type(s) of waters: .
 Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
 Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
 Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
 Other: (explain, if not covered above): **This parcel contains 11 manmade ditches (listed below) and 1 excavated pond that were identified and evaluated for jurisdiction. Each of the 11 ditches was excavated within uplands and exhibits flow in response to precipitation which generally runs off within a few days. None of these ditches exhibits relatively permanent flow and as such are not within the jurisdiction of the Clean Water Act.**

Ditches (linear feet)

Non-Jurisdictional Ditch 1: 551	Non-Jurisdictional Ditch 5: 380	Non-Jurisdictional Ditch 9: 134
Non-Jurisdictional Ditch 2: 782	Non-Jurisdictional Ditch 6: 811	Non-Jurisdictional Ditch 10: 1,827
Non-Jurisdictional Ditch 3: 502	Non-Jurisdictional Ditch 7: 43	Non-Jurisdictional Ditch 11: 1,283

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Non-jurisdictional Pond 1 is a 0.03-acre open water borrow area that was excavated from uplands for the purpose of borrow material/mining. This feature consists of open water and does not meet the three parameters that define a wetland. As stated in the Preamble to the November 13, 1986, Regulations found on page 41217 (Federal Register vol. 51 No. 219) "waterfilled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States" are generally not considered waters of the U.S. For these reasons, Non-Jurisdictional Pond 1 was determined to be non-jurisdictional and not subject to regulation under Section 404 of the CWA.

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the "Significant Nexus" standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: JD Request Package submitted by Passarella and Associates, Inc which included location and other resource mapping.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. (Office concurs with report conclusions.)
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters' study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000; Ridgeville quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: soils data layer from NRCS 2009 overlaid on January 2019 Google Earth aerial image.
- National wetlands inventory map(s). Cite name: NWI data layer from May 2019 overlaid on January 2019 Google Earth aerial image.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)
- Photographs: Aerial (Name & Date): Google Earth, January 2019.
 - or Other (Name & Date): site photographs.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: This form documents the jurisdictional status of four perennial tributaries and their respective onsite adjacent wetlands. Some of the adjacent wetlands are non-abutting, therefore a Significant Nexus Determination was performed, including all wetlands onsite and those in the drainage area outside the project limits. A Significant Nexus Determination was also required because six onsite wetlands are adjacent to, but not directly abutting, Cypress Swamp. Based on the documentation provided in Section III, C of this form, the nexus between each of the two RPWs (and their adjacent wetlands) and the downstream TNW are both Significant Nexuses and on this basis all wetlands documented on this form are within the jurisdiction of the Clean Water Act.

Non-jurisdictional ditches and a former borrow area are also documented on this form. Isolated wetlands on the site are documented on a separate form.

APPROVED JURISDICTIONAL DETERMINATION FORM
U.S. Army Corps of Engineers

This form should be completed by following the instructions provided in Section IV of the JD Form Instructional Guidebook.

SECTION I: BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR APPROVED JURISDICTIONAL DETERMINATION (JD): December 12, 2021

B. DISTRICT OFFICE, FILE NAME, AND NUMBER: JD Form 2 of 2; SAC-2021-01212 Appleby Parcels

C. PROJECT LOCATION AND BACKGROUND INFORMATION:

State: South Carolina County/parish/borough: Dorchester County City: Ridgeville
Center coordinates of site (lat/long in degree decimal format): Lat. 33.0746291968105 °, Long. -80.3030370822853 °
Universal Transverse Mercator:

Name of nearest waterbody: Cypress Swamp

Name of nearest Traditional Navigable Water (TNW) into which the aquatic resource flows: N/A

Name of watershed or Hydrologic Unit Code (HUC): 030502010506

Check if map/diagram of review area and/or potential jurisdictional areas is/are available upon request.

Check if other sites (e.g., offsite mitigation sites, disposal sites, etc...) are associated with this action and are recorded on a different JD form.

D. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

Office (Desk) Determination. Date: December 3, 2021

Field Determination. Date(s):

SECTION II: SUMMARY OF FINDINGS

A. RHA SECTION 10 DETERMINATION OF JURISDICTION.

There **Are no** "navigable waters of the U.S." within Rivers and Harbors Act (RHA) jurisdiction (as defined by 33 CFR part 329) in the review area. [Required]

Waters subject to the ebb and flow of the tide.

Waters are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

Explain:

B. CWA SECTION 404 DETERMINATION OF JURISDICTION.

There **Are no** "waters of the U.S." within Clean Water Act (CWA) jurisdiction (as defined by 33 CFR part 328) in the review area. [Required]

1. Waters of the U.S.

a. Indicate presence of waters of U.S. in review area (check all that apply):¹

- TNWs, including territorial seas
- Wetlands adjacent to TNWs
- Relatively permanent waters² (RPWs) that flow directly or indirectly into TNWs
- Non-RPWs that flow directly or indirectly into TNWs
- Wetlands directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to but not directly abutting RPWs that flow directly or indirectly into TNWs
- Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs
- Impoundments of jurisdictional waters
- Isolated (interstate or intrastate) waters, including isolated wetlands

b. Identify (estimate) size of waters of the U.S. in the review area:

Non-wetland waters: linear feet: width (ft) and/or acres.

Wetlands: acres.

c. Limits (boundaries) of jurisdiction based on: 1987 Delineation Manual; AGCP Regional Supplement

Elevation of established OHWM (if known):

2. Non-regulated waters/wetlands (check if applicable):³

- Potentially jurisdictional waters and/or wetlands were assessed within the review area and determined to be not jurisdictional. Explain: **This site includes six wetlands that are isolated and non-jurisdictional: Non-jurisdictional Wetlands 22, 23, 24, 25, 26, and 27 (acres are provided in Section III F). These six wetlands are depressional wetlands, surrounded entirely by uplands, have no associated ditches or swales that would provide surface hydrologic connections to other wetlands or waters of the U.S., and have no evidence of discrete hydrologic flow through uplands or through other wetlands or waters of the U.S. In addition, these wetlands have no apparent shallow subsurface hydrologic connection,**

¹ Boxes checked below shall be supported by completing the appropriate sections in Section III below.

² For purposes of this form, an RPW is defined as a tributary that is not a TNW and that typically flows year-round or has continuous flow at least "seasonally" (e.g., typically 3 months).

³ Supporting documentation is presented in Section III.F.

and no apparent physical, chemical, or biological connection, to Waters of the U.S. The wetlands also have no apparent ecological interconnection to Waters of the U.S. For these reasons, these six wetlands located within the project review area were determined to be isolated and non-jurisdictional; therefore, they are not regulated by Section 404 of the CWA.

SECTION III: CWA ANALYSIS

A. TNWs AND WETLANDS ADJACENT TO TNWs

The agencies will assert jurisdiction over TNWs and wetlands adjacent to TNWs. If the aquatic resource is a TNW, complete Section III.A.1 and Section III.D.1. only; if the aquatic resource is a wetland adjacent to a TNW, complete Sections III.A.1 and 2 and Section III.D.1.; otherwise, see Section III.B below.

1. TNW

Identify TNW: _____ .

Summarize rationale supporting determination: _____ .

2. Wetland adjacent to TNW

Summarize rationale supporting conclusion that wetland is “adjacent”: _____ .

B. CHARACTERISTICS OF TRIBUTARY (THAT IS NOT A TNW) AND ITS ADJACENT WETLANDS (IF ANY):

This section summarizes information regarding characteristics of the tributary and its adjacent wetlands, if any, and it helps determine whether or not the standards for jurisdiction established under *Rapanos* have been met.

The agencies will assert jurisdiction over non-navigable tributaries of TNWs where the tributaries are “relatively permanent waters” (RPWs), i.e. tributaries that typically flow year-round or have continuous flow at least seasonally (e.g., typically 3 months). A wetland that directly abuts an RPW is also jurisdictional. If the aquatic resource is not a TNW, but has year-round (perennial) flow, skip to Section III.D.2. If the aquatic resource is a wetland directly abutting a tributary with perennial flow, skip to Section III.D.4.

A wetland that is adjacent to but that does not directly abut an RPW requires a significant nexus evaluation. Corps districts and EPA regions will include in the record any available information that documents the existence of a significant nexus between a relatively permanent tributary that is not perennial (and its adjacent wetlands if any) and a traditional navigable water, even though a significant nexus finding is not required as a matter of law.

If the waterbody⁴ is not an RPW, or a wetland directly abutting an RPW, a JD will require additional data to determine if the waterbody has a significant nexus with a TNW. If the tributary has adjacent wetlands, the significant nexus evaluation must consider the tributary in combination with all of its adjacent wetlands. This significant nexus evaluation that combines, for analytical purposes, the tributary and all of its adjacent wetlands is used whether the review area identified in the JD request is the tributary, or its adjacent wetlands, or both. If the JD covers a tributary with adjacent wetlands, complete Section III.B.1 for the tributary, Section III.B.2 for any onsite wetlands, and Section III.B.3 for all wetlands adjacent to that tributary, both onsite and offsite. The determination whether a significant nexus exists is determined in Section III.C below.

1. Characteristics of non-TNWs that flow directly or indirectly into TNW

(i) General Area Conditions:

Watershed size: **Pick List**

Drainage area: **Pick List**

Average annual rainfall: _____ inches

Average annual snowfall: _____ inches

(ii) Physical Characteristics:

(a) Relationship with TNW:

Tributary flows directly into TNW.

Tributary flows through **Pick List** tributaries before entering TNW.

Project waters are **Pick List** river miles from TNW.

Project waters are **Pick List** river miles from RPW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Project waters are **Pick List** aerial (straight) miles from RPW.

⁴ Note that the Instructional Guidebook contains additional information regarding swales, ditches, washes, and erosional features generally and in the arid West.

Project waters cross or serve as state boundaries. Explain:

Identify flow route to TNW⁵:

Tributary stream order, if known:

(b) General Tributary Characteristics (check all that apply):

Tributary is: Natural
 Artificial (man-made). Explain:
 Manipulated (man-altered). Explain:

Tributary properties with respect to top of bank (estimate):

Average width: feet
Average depth: feet
Average side slopes: **Pick List**.

Primary tributary substrate composition (check all that apply):

Silts Sands Concrete
 Cobbles Gravel Muck
 Bedrock Vegetation. Type/% cover:
 Other. Explain:

Tributary condition/stability [e.g., highly eroding, sloughing banks]. Explain:

Presence of run/riffle/pool complexes. Explain:

Tributary geometry: **Pick List**

Tributary gradient (approximate average slope): %

(c) Flow:

Tributary provides for: **Pick List**

Estimate average number of flow events in review area/year: **Pick List**

Describe flow regime:

Other information on duration and volume:

Surface flow is: **Pick List**. Characteristics:

Subsurface flow: **Pick List**. Explain findings:

Dye (or other) test performed:

Tributary has (check all that apply):

Bed and banks
 OHWM⁶ (check all indicators that apply):
 clear, natural line impressed on the bank the presence of litter and debris
 changes in the character of soil destruction of terrestrial vegetation
 shelving the presence of wrack line
 vegetation matted down, bent, or absent sediment sorting
 leaf litter disturbed or washed away scour
 sediment deposition multiple observed or predicted flow events
 water staining abrupt change in plant community
 other (list):
 Discontinuous OHWM.⁷ Explain:

If factors other than the OHWM were used to determine lateral extent of CWA jurisdiction (check all that apply):

High Tide Line indicated by: Mean High Water Mark indicated by:
 oil or scum line along shore objects survey to available datum;
 fine shell or debris deposits (foreshore) physical markings;
 physical markings/characteristics vegetation lines/changes in vegetation types.
 tidal gauges
 other (list):

(iii) **Chemical Characteristics:**

⁵ Flow route can be described by identifying, e.g., tributary a, which flows through the review area, to flow into tributary b, which then flows into TNW.

⁶ A natural or man-made discontinuity in the OHWM does not necessarily sever jurisdiction (e.g., where the stream temporarily flows underground, or where the OHWM has been removed by development or agricultural practices). Where there is a break in the OHWM that is unrelated to the waterbody's flow regime (e.g., flow over a rock outcrop or through a culvert), the agencies will look for indicators of flow above and below the break.

⁷Ibid.

Characterize tributary (e.g., water color is clear, discolored, oily film; water quality; general watershed characteristics, etc.).

Explain: .

Identify specific pollutants, if known: .

(iv) Biological Characteristics. Channel supports (check all that apply):

Riparian corridor. Characteristics (type, average width): .

Wetland fringe. Characteristics: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

2. Characteristics of wetlands adjacent to non-TNW that flow directly or indirectly into TNW

(i) Physical Characteristics:

(a) General Wetland Characteristics:

Properties:

Wetland size: . acres

Wetland type. Explain: .

Wetland quality. Explain: .

Project wetlands cross or serve as state boundaries. Explain: .

(b) General Flow Relationship with Non-TNW:

Flow is: **Pick List**. Explain: .

Surface flow is: **Pick List**

Characteristics: .

Subsurface flow: **Pick List**. Explain findings: .

Dye (or other) test performed: .

(c) Wetland Adjacency Determination with Non-TNW:

Directly abutting

Not directly abutting

Discrete wetland hydrologic connection. Explain: .

Ecological connection. Explain: .

Separated by berm/barrier. Explain: .

(d) Proximity (Relationship) to TNW

Project wetlands are **Pick List** river miles from TNW.

Project waters are **Pick List** aerial (straight) miles from TNW.

Flow is from: **Pick List**.

Estimate approximate location of wetland as within the **Pick List** floodplain.

(ii) Chemical Characteristics:

Characterize wetland system (e.g., water color is clear, brown, oil film on surface; water quality; general watershed characteristics; etc.). Explain: .

Identify specific pollutants, if known: .

(iii) Biological Characteristics. Wetland supports (check all that apply):

Riparian buffer. Characteristics (type, average width): .

Vegetation type/percent cover. Explain: .

Habitat for:

Federally Listed species. Explain findings: .

Fish/spawn areas. Explain findings: .

Other environmentally-sensitive species. Explain findings: .

Aquatic/wildlife diversity. Explain findings: .

3. Characteristics of all wetlands adjacent to the tributary (if any)

All wetland(s) being considered in the cumulative analysis: **Pick List**

Approximately () acres in total are being considered in the cumulative analysis.

For each wetland, specify the following:

Directly abuts? (Y/N) Size (in acres) Directly abuts? (Y/N) Size (in acres)

Summarize overall biological, chemical and physical functions being performed:

C. SIGNIFICANT NEXUS DETERMINATION

A significant nexus analysis will assess the flow characteristics and functions of the tributary itself and the functions performed by any wetlands adjacent to the tributary to determine if they significantly affect the chemical, physical, and biological integrity of a TNW. For each of the following situations, a significant nexus exists if the tributary, in combination with all of its adjacent wetlands, has more than a speculative or insubstantial effect on the chemical, physical and/or biological integrity of a TNW. Considerations when evaluating significant nexus include, but are not limited to the volume, duration, and frequency of the flow of water in the tributary and its proximity to a TNW, and the functions performed by the tributary and all its adjacent wetlands. It is not appropriate to determine significant nexus based solely on any specific threshold of distance (e.g. between a tributary and its adjacent wetland or between a tributary and the TNW). Similarly, the fact an adjacent wetland lies within or outside of a floodplain is not solely determinative of significant nexus.

Draw connections between the features documented and the effects on the TNW, as identified in the *Rapanos* Guidance and discussed in the Instructional Guidebook. Factors to consider include, for example:

- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to carry pollutants or flood waters to TNWs, or to reduce the amount of pollutants or flood waters reaching a TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), provide habitat and lifecycle support functions for fish and other species, such as feeding, nesting, spawning, or rearing young for species that are present in the TNW?
- Does the tributary, in combination with its adjacent wetlands (if any), have the capacity to transfer nutrients and organic carbon that support downstream foodwebs?
- Does the tributary, in combination with its adjacent wetlands (if any), have other relationships to the physical, chemical, or biological integrity of the TNW?

Note: the above list of considerations is not inclusive and other functions observed or known to occur should be documented below:

1. **Significant nexus findings for non-RPW that has no adjacent wetlands and flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary itself, then go to Section III.D:
2. **Significant nexus findings for non-RPW and its adjacent wetlands, where the non-RPW flows directly or indirectly into TNWs.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:
3. **Significant nexus findings for wetlands adjacent to an RPW but that do not directly abut the RPW.** Explain findings of presence or absence of significant nexus below, based on the tributary in combination with all of its adjacent wetlands, then go to Section III.D:

D. DETERMINATIONS OF JURISDICTIONAL FINDINGS. THE SUBJECT WATERS/WETLANDS ARE (CHECK ALL THAT APPLY):

1. **TNWs and Adjacent Wetlands.** Check all that apply and provide size estimates in review area:

TNWs: linear feet width (ft), Or, acres.
 Wetlands adjacent to TNWs: acres.

2. **RPWs that flow directly or indirectly into TNWs.**

Tributaries of TNWs where tributaries typically flow year-round are jurisdictional. Provide data and rationale indicating that tributary is perennial:
 Tributaries of TNW where tributaries have continuous flow "seasonally" (e.g., typically three months each year) are jurisdictional. Data supporting this conclusion is provided at Section III.B. Provide rationale indicating that tributary flows seasonally:

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

3. Non-RPWs⁸ that flow directly or indirectly into TNWs.

- Waterbody that is not a TNW or an RPW, but flows directly or indirectly into a TNW, and it has a significant nexus with a TNW is jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional waters within the review area (check all that apply):

- Tributary waters: linear feet width (ft).
 Other non-wetland waters: acres.
Identify type(s) of waters: .

4. Wetlands directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands directly abut RPW and thus are jurisdictional as adjacent wetlands.
 Wetlands directly abutting an RPW where tributaries typically flow year-round. Provide data and rationale indicating that tributary is perennial in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .
 Wetlands directly abutting an RPW where tributaries typically flow "seasonally." Provide data indicating that tributary is seasonal in Section III.B and rationale in Section III.D.2, above. Provide rationale indicating that wetland is directly abutting an RPW: .

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

5. Wetlands adjacent to but not directly abutting an RPW that flow directly or indirectly into TNWs.

- Wetlands that do not directly abut an RPW, but when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide acreage estimates for jurisdictional wetlands in the review area: acres.

6. Wetlands adjacent to non-RPWs that flow directly or indirectly into TNWs.

- Wetlands adjacent to such waters, and have when considered in combination with the tributary to which they are adjacent and with similarly situated adjacent wetlands, have a significant nexus with a TNW are jurisdictional. Data supporting this conclusion is provided at Section III.C.

Provide estimates for jurisdictional wetlands in the review area: acres.

7. Impoundments of jurisdictional waters.⁹

As a general rule, the impoundment of a jurisdictional tributary remains jurisdictional.

- Demonstrate that impoundment was created from "waters of the U.S.," or
 Demonstrate that water meets the criteria for one of the categories presented above (1-6), or
 Demonstrate that water is isolated with a nexus to commerce (see E below).

E. ISOLATED [INTERSTATE OR INTRA-STATE] WATERS, INCLUDING ISOLATED WETLANDS, THE USE, DEGRADATION OR DESTRUCTION OF WHICH COULD AFFECT INTERSTATE COMMERCE, INCLUDING ANY SUCH WATERS (CHECK ALL THAT APPLY):¹⁰

- which are or could be used by interstate or foreign travelers for recreational or other purposes.
 from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
 which are or could be used for industrial purposes by industries in interstate commerce.
 Interstate isolated waters. Explain: .
 Other factors. Explain: .

Identify water body and summarize rationale supporting determination: .

⁸See Footnote # 3.

⁹ To complete the analysis refer to the key in Section III.D.6 of the Instructional Guidebook.

¹⁰ Prior to asserting or declining CWA jurisdiction based solely on this category, Corps Districts will elevate the action to Corps and EPA HQ for review consistent with the process described in the Corps/EPA Memorandum Regarding CWA Act Jurisdiction Following Rapanos.

Provide estimates for jurisdictional waters in the review area (check all that apply):

- Tributary waters: linear feet width (ft).
- Other non-wetland waters: acres.
- Identify type(s) of waters: .
- Wetlands: acres.

F. NON-JURISDICTIONAL WATERS, INCLUDING WETLANDS (CHECK ALL THAT APPLY):

- If potential wetlands were assessed within the review area, these areas did not meet the criteria in the 1987 Corps of Engineers Wetland Delineation Manual and/or appropriate Regional Supplements.
- Review area included isolated waters with no substantial nexus to interstate (or foreign) commerce.
 - Prior to the Jan 2001 Supreme Court decision in “*SWANCC*,” the review area would have been regulated based solely on the “Migratory Bird Rule” (MBR).
- Waters do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction. Explain: .
- Other: (explain, if not covered above): .

Provide acreage estimates for non-jurisdictional waters in the review area, where the sole potential basis of jurisdiction is the MBR factors (i.e., presence of migratory birds, presence of endangered species, use of water for irrigated agriculture), using best professional judgment (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: **3.62 acres. [Non-jurisdictional Wetland 22: 0.85 acre; Non-jurisdictional Wetland 23: 0.22 acre; Non-jurisdictional Wetland 24: 0.11 acre; Non-jurisdictional Wetland 25: 1.66 acre; Non-jurisdictional Wetland 26: 0.37 acre; Non-jurisdictional Wetland 27: 0.41 acre.] This site includes six wetlands that are isolated and non-jurisdictional: Non-jurisdictional Wetlands 22, 23, 24, 25, 26, and 27. These six wetlands are depressional wetlands, surrounded entirely by uplands, have no associated ditches or swales that would provide surface hydrologic connections to other wetlands or waters of the U.S., and have no evidence of discrete hydrologic flow through uplands or through other wetlands or waters of the U.S. In addition, these wetlands have no apparent shallow subsurface hydrologic connection, and no apparent physical, chemical, or biological connection, to Waters of the U.S. The wetlands also have no apparent ecological interconnection to Waters of the U.S. For these reasons, these six wetlands located within the project review area were determined to be isolated and non-jurisdictional; therefore, they are not regulated by Section 404 of the CWA.**

Provide acreage estimates for non-jurisdictional waters in the review area that do not meet the “Significant Nexus” standard, where such a finding is required for jurisdiction (check all that apply):

- Non-wetland waters (i.e., rivers, streams): linear feet, width (ft).
- Lakes/ponds: acres.
- Other non-wetland waters: acres. List type of aquatic resource: .
- Wetlands: acres.

SECTION IV: DATA SOURCES.

A. SUPPORTING DATA. Data reviewed for JD (check all that apply - checked items shall be included in case file and, where checked and requested, appropriately reference sources below):

- Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: JD Request Package submitted by Passarella and Associates, Inc which included location and other resource mapping.
- Data sheets prepared/submitted by or on behalf of the applicant/consultant. (Office concurs with report conclusions.)
 - Office concurs with data sheets/delineation report.
 - Office does not concur with data sheets/delineation report.
- Data sheets prepared by the Corps: .
- Corps navigable waters’ study: .
- U.S. Geological Survey Hydrologic Atlas: .
 - USGS NHD data.
 - USGS 8 and 12 digit HUC maps.
- U.S. Geological Survey map(s). Cite scale & quad name: 1:24,000; Ridgeville quad.
- USDA Natural Resources Conservation Service Soil Survey. Citation: soils data layer from NRCS 2009 overlaid on January 2019 Google Earth aerial image.
- National wetlands inventory map(s). Cite name: NWI data layer from May 2019 overlaid on January 2019 Google Earth aerial image.
- State/Local wetland inventory map(s): .
- FEMA/FIRM maps: .
- 100-year Floodplain Elevation is: (National Geodetic Vertical Datum of 1929)

- Photographs: Aerial (Name & Date): Google Earth, January 2019.
or Other (Name & Date): site photographs.
- Previous determination(s). File no. and date of response letter: .
- Applicable/supporting case law: .
- Applicable/supporting scientific literature: .
- Other information (please specify): .

B. ADDITIONAL COMMENTS TO SUPPORT JD: This form documents the non-jurisdictional status of six depressional wetlands on the site. Other aquatic features on the site are documented on a separate form.

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant:	File Number:	Date:
Attached is:		See Section below
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the Division Engineer, South Atlantic Division, 60 Forsyth St, SW, Atlanta, GA 30308-8801. This form must be received by the Division Engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD **is not appealable**. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact the Corps biologist who signed the letter to which this notification is attached. The name and telephone number of this person is given at the end of the letter.

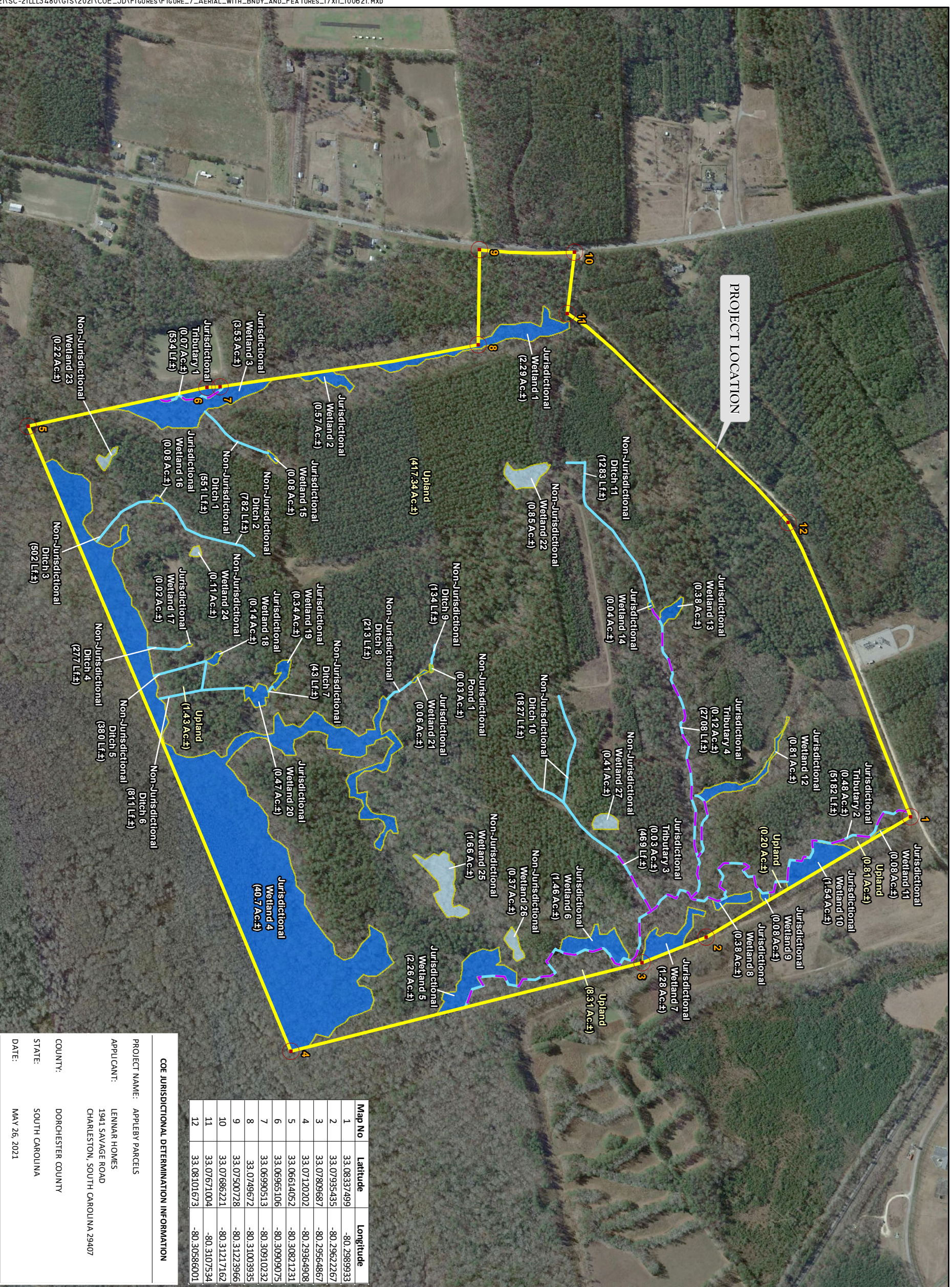
If you only have questions regarding the appeal process you may also contact: Jason W. Steele
Administrative Appeals Review Officer
USACE South Atlantic Division
60 Forsyth St, SW
Atlanta, GA 30308-8801
(404) 562-5137

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

Signature of appellant or agent.

Date:

Telephone number:

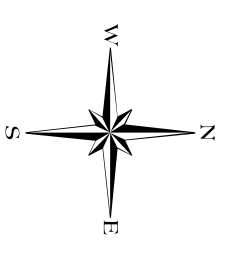


LEGEND

- APPLEBY PARCELS
- JURISDICTIONAL TRIBUTARY
- NON-JURISDICTIONAL DITCH
- JURISDICTIONAL WETLAND
- NON-JURISDICTIONAL WETLAND
- NON-JURISDICTIONAL POND
- NON-JURISDICTIONAL WETLAND

PROJECT ACREAGE TABLE

TYPE	ACREAGE	LINEAR FOOTAGE	% OF TOTAL
UPLAND	428.09 Ac.±		87.5%
JURISDICTIONAL WETLAND	56.59 Ac.±		11.6%
NON-JURISDICTIONAL WETLAND	3.62 Ac.±		0.7%
JURISDICTIONAL TRIBUTARY	0.70 Ac.±	8,893 L.F.	0.1%
NON-JURISDICTIONAL DITCH	0.32 Ac.±	6,803 L.F.	0.1%
NON-JURISDICTIONAL POND	0.03 Ac.±		0.0%
TOTAL	489.35 Ac.±		100.0%



Map No	Latitude	Longitude
1	33.08337499	-80.2989933
2	33.07935435	-80.2962267
3	33.07809687	-80.29564867
4	33.07120202	-80.29364908
5	33.06614052	-80.30821231
6	33.06965106	-80.30909075
7	33.06990513	-80.30910232
8	33.0749672	-80.31003935
9	33.07500728	-80.31223966
10	33.07686221	-80.31217162
11	33.07671004	-80.3107534
12	33.08101673	-80.30586001

COE JURISDICTIONAL DETERMINATION INFORMATION

PROJECT NAME: APPLEBY PARCELS
 APPLICANT: LENMAR HOMES
 1941 SAVAGE ROAD
 CHARLESTON, SOUTH CAROLINA 29407

COUNTY: DORCHESTER COUNTY
 STATE: SOUTH CAROLINA
 DATE: MAY 26, 2021

NOTES:

AERIAL PHOTOGRAPH WAS ACQUIRED FROM GOOGLE EARTH AND THE U.S. GEOLOGICAL SURVEY WITH A FLIGHT DATE OF JANUARY 2021.

PROPERTY BOUNDARY ESTIMATED FROM THE DORCHESTER COUNTY GIS WEBSITE.

UPLAND/WETLAND LIMITS HAVE NOT BEEN REVIEWED BY ANY REGULATORY AGENCY AND ARE SUBJECT TO CHANGE.

WETLAND AND FEATURE LIMITS HAVE NOT BEEN SURVEY LOCATED AND LIMITS SHOWN ARE APPROXIMATE.

REVISIONS

DATE	DESIGNED BY	DATE
6/1/21	T.S./W.C.	6/1/21
6/1/21	T.B.	6/1/21
6/1/21	T.B.	6/1/21

363 Wando Place Drive
 Suite 200
 Mt. Pleasant, SC 29464
 Phone (843) 971-8520
 Fax (843) 971-8522



APPLEBY PARCELS

AERIAL WITH BOUNDARY COORDINATES AND FEATURES

DRAWING NO. SC-21LL3480
 SHEET NO. FIGURE 7



THOMAS
&
HUTTON

REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT I Development Schedule

J – 28640

December 2022

Estimated Development Schedule for the Appleby PUD

Phases of Construction and Development

Appleby PUD will have a build-out program which should take approximately 10 years. The timing of development within the Appleby PUD will be very much affected by the health of the national and local economies, as well as the demand for various housing types for the region. It is extremely difficult, if not impossible, to accurately project timing of future phases of development and lot demand. The property owner has provided the following estimates which are based on information believed to be reasonable at this time. The estimates are subject to change substantially, from time to time, based on market conditions, the supply of competing lots within the area, and other factors not under the control of the property owner.

A. Initial Construction 2023**B. 2023 – 2033**

- 1,200 Single family attached and/or detached homes
- 120,000 SF of Commercial



THOMAS
&
HUTTON

REZONING APPLICATION

APPLEBY
PLANNED UNIT DEVELOPMENT (PUD)

EXHIBIT J Traffic Study

J – 28640

December 2022