



DRAFT DRB DECISION PACKET

Harnett County, North Carolina

Planning Department

420 McKinney Pkwy, Lillington, NC 27546

Phone: (910) 893-7525 Fax: (910) 893-2793

Development Name: CHAMPION COURT RENTALS

Development Type: COMMERCIAL SITE PLAN/PLAT REVIEW

Date: JULY 28, 2021

**The above referenced application
is CONDITIONALLY APPROVED as listed below.**

SHORT TERM CONDITIONS, COMMENTS, OR JUSTIFICATIONS

The following conditions are to be rectified prior to obtaining DRB signature and are subject to change during the course of the meeting.

Engineering: Bill Dreitzler bdreitzler@dm2engineering.com Conditionally Approve:	1. Provide a copy of the NCDOT Driveway Permit upon receipt. 2. Provide a copy of the NC DEQ Erosion Control Permit upon receipt
Fire Marshal (910)893-7580: Banks Wallace bwallace@harnett.org Approve:	1. Fire hydrant shall be located within 400ft of first structure. 2. Approved Knox Box entry system for gate.
GIS/E-911 Addressing (910)893-7523: GIS@harnett.org Conditionally Approve:	Rd Names should be labeled with SR#s if applicable on all map sheets. NC 27 W and Buffalo Lake Rd SR1115 are the correct road names. Road names/SR #s should be updated on Vicinity Map & Cover Sheet. 58 Buffalo Lake Rd is not the address for this project. The address will be assigned when project has received final approval.
Development Services (910)893-7525: Jay Sikes, Landon Chandler jsikes@harnett.org, lchandler@harnett.org Conditionally Approve:	<ul style="list-style-type: none">• Note all buffer types on site plan.• NC 27 should have a landscaped area as well.• Site plan shows Type D along rear and side, nothing noted on fronts. Also, amend Landscape Plan pg to show these changes• Type A & D landscaping buffer is required. In addition to the A & D, all buffer areas shall include at least: 1. A staggered row of large maturing trees, spaced not more than 30' apart; and 2. Low-growing evergreen shrubs or mulch covering the balance of the buffer area. A. Type A Buffer 1. Minimum width of 15' (applies to side and rear property lines) 2. Option 1 A row of evergreen shrubs placed not more than 4'-6' apart which will grow to form a continuous hedge of at least 6' in height within 2 years of planting; or 3. Option 2

A masonry wall located within the required buffer area; such wall shall be a minimum height of 6' (above finished grade;) and, if a block wall, it shall be painted on all sides; or an opaque fence 6' in height; or

4. Option 3

A berm: 3:1 max slope, with stabilizing groundcover and above noted plantings

B. Type D Buffer

1. Minimum width of 15' (applies to property lines adjacent to public right-of-way or as otherwise noted within this Ordinance)

2. Option 1

A row of evergreen shrubs, 10 shrubs for every required large maturing tree, placed not more than 4' apart which will grow to form a continuous hedge of at least 6' in height within 2 years of planting; or

3. Option 2

An opaque fence located within the required buffer area; such fence shall be a minimum height of 6' in height.

- Is an onsite office proposed? If so, show location & parking area (1/300 sq ft) with stop blocks in front of the parking spaces.

- Add note that states "Land Use Classification is Employment Mixed Use"

- Add note that states "NC 24/27 and Buffalo Lake Rd are on the Harnett County Comprehensive Transportation Plan"

- Add note that states "This development is within one mile of a Voluntary Agricultural District."

- Add note that states "This development is within the five mile Military Corridor Overlay Zone, and may be subject to military training activities."

- Note who will be responsible for maintenance of the parking areas, drive aisles, and all landscape buffering.

- Please list UDO regs for mini-storage facilities

A. Maximum building height of 20 feet.

B. A secured fence of at least six (6) feet in height shall surround the perimeter of the storage facility.

C. Adequate lighting shall be provided to illuminate the storage facility. The minimum size streetlight shall be a 175 watt Mercury-vapor (approximately 7,000 lumen class) or its equivalent, spaced at intervals of not more than 300 feet.

D. No outside storage shall be permitted except as provided below.

E. Outdoor storage of boats, vehicles (including motorcycles), recreational vehicles, campers, equipment, materials, etc in designated spaces shall meet the following requirements:

1. If outdoor storage space is proposed the area shall be designated as outdoor storage on the required site plan.

a. Existing facilities expanding to include outdoor storage shall submit a revised site plan showing such, in accordance with the provisions of this Ordinance.

2. Area designated for outdoor storage shall not be visible from

	<p>adjacent right(s)-of-way and shall install a Type D Buffer along the exterior of the perimeter fencing.</p> <p>3. If associated with a mini-storage facility that will have enclosed storage buildings, outdoor storage space(s) shall be located at the rear or side of the site.</p> <ul style="list-style-type: none"> • Sign should be setback at least 10' from NCDOT right-of-way; this will require an additional review, 1 sign per road frontage • Provide a copy of the approved NCDOT driveway permit. Or provide documentation that a d/w permit is not needed. • Add an owner's consent form. Example... <p>As the owner of record, I hereby formally consent to the proposed development shown on this site plan and all regulations and requirements of the Harnett County ordinances.</p> <p>_____</p> <p>Date Owner Signature</p>
<p>Public Utilities (910)893-7575: Shane Cummings scummings@harnett.org Conditionally Approve:</p>	<ul style="list-style-type: none"> • \$250 Review Fee is due and a \$40 per REU Construction Review Fee. • Note the recorded easement information for all sewer easements across this property as well as widths. • Note existing ownership of sewer facilities onsite. Provide the current owner information of the facilities on the site plan. • The note of water and sewer service proposed at this time should be revised to include no sewer service available currently as submitted to HRW. Any proposed connections to the existing sewer system in the future would require review by HRW and NCDEQ prior to approval. Any future connections must comply with the HRW W&S Ordinance and Sewer Use Ordinance. • Utility construction plans and associated supporting documentation must be submitted to HRW for review and approval that will serve the proposed site. Site plan should be updated accordingly. • Include any required main relocations as applicable due to roadway improvements. • The utility extensions must be permitted with NCDEQ. • NCDEQ required permit should be issued for all applicable utility extensions to serve this site. • SDF must be paid in accordance with the HRW W&S Ordinance.
<p>Environmental Health (910)893-7547: Oliver Tolksdorf, otolksdorf@harnett.org Approve:</p>	<p>No current facilities planned. Future plan is public sewer</p>

LONG RANGE CONDITIONS

The following conditions must be satisfied

<ul style="list-style-type: none"> Must meet all requirements set forth by NC DENR. Contact at (910)433-3300. 	
Public Utilities (910)893-7575:	<ul style="list-style-type: none"> Please visit www.harnett.org/utilities for more information on the approval process. <p>Utility Improvements must be designed, permitted and installed in accordance with the latest Harnett County and State requirements.</p> <ul style="list-style-type: none"> The proposed utility extensions for the proposed site must be installed by a licensed utility contractor. The Engineer of record must submit a material list to HRW with the Engineers approval that the materials meet HRW specifications. The EOR must submit all Engineering Final Documents prior to HRW approval of the utility extensions. All existing Harnett County easements and proposed easements must be conveyed and recorded and noted on the proposed plat prior to activation of the utility system. Professional Engineer (P.E.) must provide HRW with a set of As-Built Drawings. The EOR must provide HRW a Cost Statement indicating the cost to install the water lines (materials and labor) that will serve this site. The Utility Contractor must provide HRW with a one (1) year warranty on the water utilities to cover any and all repairs due to poor workmanship, defective materials or anything that does not meet HRW Standards and Specifications at the time the work was performed to install the water and sanitary sewer utilities. No services will be activated until all utilities are approved in accordance with State regulation and the latest HRW rules and regulations.
:	
:	
:	
:	

A FINAL copy, consisting of any corrections, etc., will be sent after the meeting.
Upon resubmittal, additional comments/ corrections may be required.

****Please remember all applicable fee's****

- If **APPROVED**, your signed plat/plan may be picked up at the Planning Department or will be mailed to you within two (2) business days.
- If **APPROVED WITH CONDITIONS**, you must submit 5 copies of the plat/plan to the Planning Department showing that all items listed under Short Term Conditions have been rectified. Please be aware that review will not be done while you wait, as all DRB members will have to review the plat/plan for compliance.
- If **HELD**, you must submit 5 copies of the plat/plan showing that all items listed under Short Term Conditions have been rectified. To attend the next DRB meeting, revised plat/plans must be submitted by noon on Wednesday following the meeting the application was put on hold.
- If **DENIED**, you may appeal the Board's Decision to the Harnett County Planning Board within 30 days or meet with Planning Staff to discuss other potential options.

ROY COOPER

Governor

ELIZABETH S. BISER

Secretary

BRIAN WRENN

Director



NORTH CAROLINA
Environmental Quality

November 30, 2021

LETTER OF DISAPPROVAL

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

CERTIFIED RECEIPT #: 7019 0700 0000 3642 8595

Champion Court Rental, LLC
Attn: Greg Stafford, Member Manager
901 Jordan Hills
Chapel Hill, NC 27517

RE: Project Name: Champion Court Rental
Acres Approved: 5.0
Project ID: HARNE-2022-031
County: Harnett, City: Barbeque, Address: NC Hwy 27 W
River Basin: Cape Fear
Stream Classification: Other
Submitted By: The Site Group, LLC
Date Received by LQS: November 15, 2021
Plan Type: New

Dear Mr. Stafford:

The erosion and sedimentation control plan submitted for the subject project has been reviewed and is disapproved for the reasons listed on the attached sheet.

You may submit a revised erosion and sedimentation control plan for approval addressing those items outlined on the enclosed form. Under the authority of NCGS 113A-54.1(a), this office has 15 days from the date of receipt to approve or disapprove your revised plan. However, if you wish to contest the disapproval of this plan, you must request an administrative hearing within 60 days of your receipt of this Letter of Disapproval.

This request must be in the form of a written petition, conforming to Chapter 150B of the North Carolina General Statutes, and filed with the Office of Administrative Hearings, 6714 Mail Service Center, Raleigh, North Carolina 27699-6714. A copy of the petition must be served on this Department as follows:



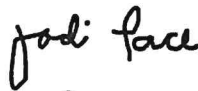
North Carolina Department of Environmental Quality | Division of Energy, Mineral and Land Resources
Fayetteville Regional Office | 225 Green Street, Suite 714 | Fayetteville, North Carolina 28301
910.433.3300

Office of General Counsel
Department of Environmental Quality
1601 Mail Service Center
Raleigh, North Carolina 27699-1601

Pending approval of a revised plan or a decision on an appeal, commencement of any land-disturbing activity associated with this project shall constitute a violation of the Sedimentation Pollution Control Act of 1973 (NCGS 113A-51 through 66).

Please feel free to contact Jodi Pace of this office at your convenience if you have any questions or if we can provide any assistance in resolving this matter.

Sincerely,

A handwritten signature in black ink that reads "Jodi Pace". The signature is written in a cursive, flowing style.

for
Timothy L. LaBounty, PE
Regional Engineer
Land Quality Section

Enclosures: Reasons for Disapproval

cc: Stephen Odom, The Site Group, LLC (electronic copy)
Landon Chandler, Senior Planner (electronic copy)
DEMLR - Fayetteville Regional Office File

REASONS FOR DISAPPROVAL

Project Name: CHAMPION COURT RENTAL
Project Number: HARNE-2022-031
County: HARNETT

The clean Water Diversion must have matting, more robust than straw w/ net, "Immediately Upon Construction". This must be big and bold with a leader line.

Provide some additional elevations on the existing contours both north and south of the basin.

Identify the Drainage swales of the chart on SITE 301

Ref: G.S. 113A-54.1 through G.S. 113A-57
Sections 15A NCAC 04A.0101 through 15A NCAC 04E.0504
General Permit NCG 010000 NPDES for Construction Activities

Sam Nye

From: Farkas, Jim J <Jim.Farkas@ncdenr.gov>
Sent: Tuesday, December 21, 2021 8:38 AM
To: srn@thesitegroup.net
Cc: svo@thesitegroup.net
Subject: RE: SW6210905; Champion Court Rental

Samuel,

I was looking over the additional information you provided on November 15, 2021. Everything looks good except for a few small issues:

Please correct the following:

- **Original Comment 2** – There still appears to be consistency issues with the drainage area information throughout the submission. Section IV, 10 of the Application and the Supplement-EZ Form show the drainage area to the proposed wet pond to be 183,823 sf while the provided post-development drainage area plan sheet, D.A. 2.0, shows the drainage area A (which drains to the proposed wet pond) as 183,789 sf. The total impervious land cover as shown in the Application, Supplement-EZ Form, and drainage area plan sheet is 144,264 sf (approximately 3.31 ac) whereas the calculations show the total amount of BUA within the drainage area to be 3.4 ac. Adding up the individual land use types for post development drainage area A on the drainage area plan sheet (D.A. 2.0) results in 202,030 sf of drainage area whereas the “total” line indicates only 183,823 sf of drainage area. Etc... Please revise as needed for correctness and consistency and QA/QC the submission prior to resubmittal.
- **Original Comment 4** – Please correct the following issues with the Supplement-EZ Form:
 - o Drainage Areas Page:
 - Drainage Area 1 Column, Line 8 – This value should correspond to the total amount of BUA located within the drainage area to the proposed wet pond (a sum of Lines 9, 10, 11, and 15).
 - Drainage Area 1 Column, Line 20 – The design volume of the proposed wet pond is calculated based on the 1.0” design storm, not the volume that can be stored below the bypass weir.
 - o Wet Pond Page:
 - Line 2 – This value appears to be incorrect (see earlier comment about the calculations using 3.4 acres of BUA whereas the other submission items use 3.31 ac).
 - Line 20 – The plans indicate an excavated bottom elevation of 259 ft (260 ft is shown in this form). Revise as needed.
 - Line 21 – The plans indicate a sediment storage top elevation of 260 ft (261 ft is shown in this form). Revise as needed.
 - Line 26 – The calculations indicate a main pool (not a total permanent pool) surface area of 5,656 sf (6,898 sf is shown in this form). Revise as needed.
 - Line 27 – The calculations indicate a main pool volume of 15,888 cf (13,412 cf is shown in this form). Revise as needed.
 - Line 31 – The plans indicate the width of the submerged portion of the vegetated shelf as 3 ft (6 ft is shown in this form). Revise as needed.
 - Line 32 – The calculations indicate a forebay volume of 2,779 cf (2,490 cf is shown in this form). Revise as needed.
 - Line 34 – The cleanout depth of the forebay is the distance between the permanent pool surface elevation and the top elevation of the sediment storage zone, expressed in inches. Revise as needed.
 - Line 37 – This cell of the spreadsheet rounds values to the nearest whole number. Please indicate the actual orifice diameter, 1.75”, in the additional information area (Line 55).

- Line 40 – The calculations indicate a drawdown time of 2 days (3 days is shown in this form). Revise as needed.
 - Line 43 – The depth of the forebay at the entrance is the distance from the permanent pool surface elevation to the excavated bottom elevation of the forebay near its entrance, expressed in inches. Per Wet Pond MDC 5b, the entrance of the forebay must be deeper than the exit of the forebay (Line 43 > Line 44).
 - Line 44 – The depth of the forebay at the exit is the distance from the permanent pool surface elevation to the excavated bottom elevation of the forebay near its exit, expressed in inches. Per Wet Pond MDC 5b, the entrance of the forebay must be deeper than the exit of the forebay (Line 43 > Line 44).
 - Line 48 – The plans indicate that
- **Original Comment 5** – Since the Applicant is also the Property Owner, Section X of the Application should be signed (Section IX of the Application was mistakenly signed instead of Section X).
 - **Original Comment 13** – Please provide the electronic files for the items submitted on November 15, 2021. Electronic submissions are required per 15A NCAC 02H .1042(2).
 - There appears to be an issue with the orifice/drawdown calculations. The design volume used in the calculations, 12,222 cf, is not equal to the design volume of the proposed wet pond.
 - There appears to be 3,750 sf of new BUA that is not being treated in an SCM. In order to meet Runoff Treatment, "...the volume of stormwater runoff generated from all of the built-upon area of a project at build-out during a storm of the required storm depth is treated in one or more primary SCMs..." (15A NCAC 02H .1002(43)). 15A NCAC 02H .1003(3)(b) does not require existing BUA to be treated, but all new BUA (or an equivalent area of untreated BUA equal to the net increase in BUA) should be treated in one or more SCMs. If it is not possible/practical to direct this much BUA to SCMs please let me know.

Please provide the following:

- Revised drainage area, site plan, and/or calculation information, as needed (2x hard copies of any plan sheets, 1x hard copy of any other documents, and 1x electronic copy of all revised items).
- 1x hard copy and 1x electronic copy of the revised pages of the Supplement-EZ Form.
- 1x original signed & notarized hard copy and 1x electronic copy of the corrected signature page of the Application.
- 1x electronic copy of all of the hard copy items provided in the November 15, 2021 submission.

Hard copies should be mailed to me at the following address:

For FedEx/UPS:
 Jim Farkas
 512 N. Salisbury Street, Office 640E
 Raleigh, NC 27604

For USPS:
 Jim Farkas
 1612 Mail Service Center
 Raleigh, NC 27699-1612

Electronic copies should be uploaded at the following location:

<https://edocs.deq.nc.gov/Forms/SW-Supplemental-Upload>

Since these are really minor things, once I get the hard copies, anything else that may have changed from addressing these issues, and the documents are uploaded to Laserfiche (Provided everything is still in order), we can issue the permit without doing another formal 30-45 day review.

Let me know if you have any questions.

Jim Farkas

Environmental Engineer

North Carolina Department of Environmental Quality

Division of Energy, Mineral, & Land Resources – Stormwater Program

512 N. Salisbury Street

1612 Mail Service Center

Raleigh, NC 27699-1612

(919) 707-3646

Jim.Farkas@ncdenr.gov



Email correspondence to and from this address is subject to the North Carolina Public Records Law and may be disclosed to third parties.

Based on the current guidance to minimize the spread of COVID-19, the Department of Environmental Quality has adjusted operations to protect the health and safety of the staff and public. Many employees are working remotely or are on staggered shifts. To accommodate these staffing changes, all DEQ office locations are limiting public access to appointments only. Please check with the appropriate staff before visiting our offices, as we may be able to handle your requests by phone or email. We appreciate your patience as we continue to serve the public during this challenging time.

From: Farkas, Jim J
Sent: Wednesday, October 27, 2021 12:09 PM
To: srn@thesitegroup.net; stafford@gregstafford.com
Cc: svo@thesitegroup.net; Lawyer, Mike <mike.lawyer@ncdenr.gov>
Subject: SW6210905; Champion Court Rental

Good Afternoon,

The Division of Energy, Mineral and Land Resources (DEMLR), received a Stormwater Management Permit Application for the subject project on September 21th, 2021. A review of that information has determined that the application is not complete. Attached is a letter describing the items that need to be submitted. If you have any questions, please feel free to contact me. My contact information is listed below.

Thank you,

Jim Farkas

Environmental Engineer

North Carolina Department of Environmental Quality

Division of Energy, Mineral, & Land Resources – Stormwater Program

512 N. Salisbury Street
1612 Mail Service Center
Raleigh, NC 27699-1612

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U.S. ARMY CORPS OF ENGINEERS
WILMINGTON DISTRICT

Action Id. SAW-2021-01487 County: Harnett U.S.G.S. Quad: NC-Olivia

NOTIFICATION OF JURISDICTIONAL DETERMINATION

Requestor: **Champion Court Rental, LLC**
Gregory Wayne Stafford
Address: **901 Jordan Hills**
Chapel Hill, NC 27517
Telephone Number: **919-215-8782**
E-mail: **N/A**

Size (acres) **6.22 acres**
Nearest Waterway **Barbecue Creek**
USGS HUC **03030004**

Nearest Town **Sanford**
River Basin **Cape Fear**
Coordinates Latitude: **35.331988**
Longitude: **-79.046762**

Location description: **The project site is located on a 6.22-acre Parcel (PIN:9587-65-0971.000), at 58 Buffalo Lake Road, Sanford, Harnett County, North Carolina.**

Indicate Which of the Following Apply:

A. Preliminary Determination

- ☐ There appear to be on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). The have been delineated, and the delineation has been verified by the Corps to be sufficiently accurate and reliable. The approximate boundaries of these waters are shown on the enclosed delineation map dated. Therefore this preliminary jurisdiction determination may be used in the permit evaluation process, including determining compensatory mitigation. For purposes of computation of impacts, compensatory mitigation requirements, and other resource protection measures, a permit decision made on the basis of a preliminary JD will treat all waters and wetlands that would be affected in any way by the permitted activity on the site as if they are jurisdictional waters of the U.S. This preliminary determination is not an appealable action under the Regulatory Program Administrative Appeal Process (Reference 33 CFR Part 331). However, you may request an approved JD, which is an appealable action, by contacting the Corps district for further instruction.
- ☐ There appear to be on the above described project area/property, that may be subject to Section 404 of the Clean Water Act (CWA)(33 USC § 1344) and/or Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403). However, since the have not been properly delineated, this preliminary jurisdiction determination may not be used in the permit evaluation process. Without a verified wetland delineation, this preliminary determination is merely an effective presumption of CWA/RHA jurisdiction over all of the at the project area, which is not sufficiently accurate and reliable to support an enforceable permit decision. We recommend that you have the on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.

B. Approved Determination

- ☐ There are Navigable Waters of the United States within the above described project area/property subject to the permit requirements of Section 10 of the Rivers and Harbors Act (RHA) (33 USC § 403) and Section 404 of the Clean Water Act (CWA)(33 USC § 1344). Unless there is a change in law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ There are on the above described project area/property subject to the permit requirements of Section 404 of the Clean Water Act (CWA) (33 USC § 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.
- ☐ We recommend you have the on your project area/property delineated. As the Corps may not be able to accomplish this wetland delineation in a timely manner, you may wish to obtain a consultant to conduct a delineation that can be verified by the Corps.
- ☐ The on your project area/property have been delineated and the delineation has been verified by the Corps. The approximate boundaries of these waters are shown on the enclosed delineation map dated. We strongly suggest you have this delineation surveyed. Upon completion, this survey should be reviewed and verified by the Corps. Once verified, this survey will provide an

SAW-2021-01487

accurate depiction of all areas subject to CWA jurisdiction on your property which, provided there is no change in the law or our published regulations, may be relied upon for a period not to exceed five years.

☐ The have been delineated and surveyed and are accurately depicted on the plat signed by the Corps Regulatory Official identified below on. Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.

☒ **There are no waters of the U.S., to include wetlands, present on the above described project area/property which are subject to the permit requirements of Section 404 of the Clean Water Act (33 USC 1344). Unless there is a change in the law or our published regulations, this determination may be relied upon for a period not to exceed five years from the date of this notification.**

☐ The property is located in one of the 20 Coastal Counties subject to regulation under the Coastal Area Management Act (CAMA). You should contact the Division of Coastal Management in **Morehead City, NC, at (252) 808-2808** to determine their requirements.

Placement of dredged or fill material within waters of the US, including wetlands, without a Department of the Army permit may constitute a violation of Section 301 of the Clean Water Act (33 USC § 1311). Placement of dredged or fill material, construction or placement of structures, or work within navigable waters of the United States without a Department of the Army permit may constitute a violation of Sections 9 and/or 10 of the Rivers and Harbors Act (33 USC § 401 and/or 403). If you have any questions regarding this determination and/or the Corps regulatory program, please contact **Liz Hair at 910-251-4049 or sarah.e.hair@usace.army.mil.**

C. Basis For Determination: See the approved jurisdictional determination form dated 8/18/2021.

D. Remarks: Provided written concurrence that no waters exist onsite on August 18, 2021; refer to attached map titled: Figure 3-Sketch Map, Buffalo Lake Road, dated June 14, 2021.

E. Attention USDA Program Participants

This delineation/determination has been conducted to identify the limits of Corps' Clean Water Act jurisdiction for the particular site identified in this request. The delineation/determination 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.

F. Appeals Information (This information applies only to approved jurisdictional determinations as indicated in B. above)

If you object to this determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the following address:

US Army Corps of Engineers
South Atlantic Division
Attn: Mr. Philip A. Shannin
Administrative Appeal Review Officer
60 Forsyth Street SW, Floor M9
Atlanta, Georgia 30303-8803
AND
PHILIP.A.SHANNIN@USACE.ARMY.MIL

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by **02/08/2022**.

****It is not necessary to submit an RFA form to the Division Office if you do not object to the determination in this correspondence.****

Corps Regulatory Official: Liz Hair

Date of JD: **8/18/2021** Expiration Date of JD: **12/09/2026**

SAW-2021-01487

The Wilmington District is committed to providing the highest level of support to the public. To help us ensure we continue to do so, please complete our Customer Satisfaction Survey, located online at <https://regulatory.ops.usace.army.mil/customer-service-survey/>.

Electronic Copy Furnished:
Steven Ball; S&EC

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: **Champion Court Rental, LLC, Gregory Wayne Stafford**

File Number: **SAW-2021-01487**

Date: **8/18/2021**

Attached is:

See Section below

<input type="checkbox"/>	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
<input type="checkbox"/>	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
<input type="checkbox"/>	PERMIT DENIAL	C
<input checked="" type="checkbox"/>	APPROVED JURISDICTIONAL DETERMINATION	D
<input type="checkbox"/>	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 or <http://www.usace.army.mil/Missions/CivilWorks/RegulatoryProgramandPermits.aspx> or the 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 district engineer. 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:

District Engineer, Wilmington Regulatory Division
Attn: Liz Hair
Wilmington Regulatory Office
U.S Army Corps of Engineers
69 Darlington Avenue
Wilmington, North Carolina 28403

If you only have questions regarding the appeal process you may also contact:

MR. PHILIP A. SHANNIN
ADMINISTRATIVE APPEAL REVIEW OFFICER
CESAD-PDS-O
60 FORSYTH STREET SOUTHWEST, FLOOR M9
ATLANTA, GEORGIA 30303-8803

PHONE: (404) 562-5136; FAX (404) 562-5138
EMAIL: PHILIP.A.SHANNIN@USACE.ARMY.MIL

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.

<hr/>	Date:	Telephone number:
Signature of appellant or agent.		

For appeals on Initial Proffered Permits send this form to:

District Engineer, Wilmington Regulatory Division, Attn: Liz Hair, 69 Darlington Avenue, Wilmington, North Carolina 28403

For Permit denials, Proffered Permits and Approved Jurisdictional Determinations send this form to:

Division Engineer, Commander, U.S. Army Engineer Division, South Atlantic, Attn: Mr. Philip Shannin, Administrative Appeal Officer, CESAD-PDO, 60 Forsyth Street, Room 10M15, Atlanta, Georgia 30303-8801
Phone: (404) 562-5137



U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 18-AUG-2021

ORM Number: SAW-2021-01487

Associated JDs: N/A

Review Area Location¹:

State/Territory: NC City: Sanford County/Parish/Borough: Harnett County

Center Coordinates of Review Area: Latitude 35.331988 Longitude -79.046762

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list **MUST** be selected. Complete the corresponding sections/tables and summarize data sources.

- ☒ The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: The site does not meet wetland criteria. See data form dated June 14, 2021.
- ☐ There are "navigable waters of the United States" within Rivers and Harbors Act jurisdiction within the review area (complete table in section II.B).
- ☐ There are "waters of the United States" within Clean Water Act jurisdiction within the review area (complete appropriate tables in section II.C).
- ☐ There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A	N/A	N/A	N/A

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters)³

(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A	N/A	N/A	N/A

Tributaries ((a)(2) waters):

(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A	N/A	N/A	N/A

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):

(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A	N/A	N/A	N/A

Adjacent wetlands ((a)(4) waters):

(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
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¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where independent upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD form.

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps Districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



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N/A	N/A	N/A	N/A
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D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12))⁴:

Exclusion Name	Exclusion Size	Exclusion ⁵	Rationale for Exclusion Determination
N/A	N/A	N/A	N/A

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

☒ Information submitted by, or on behalf of, the applicant/consultant: SEC AJD Request Buffalo Lake Rd, received July 2, 2021.

This information is sufficient for purposes of this AJD.

Rationale: N/A

☐ Data sheets prepared by the Corps: *Title(s) and/or date(s).*

☒ Photographs: Provided with AJD request

☐ Corps Site visit(s) conducted on: *Date(s).*

☐ Previous Jurisdictional Determinations (AJDs or PJDs): *ORM Number(s) and date(s).*

☐ Antecedent Precipitation Tool: provide detailed discussion in Section III.B.

☐ USDA NRCS Soil Survey: *Title(s) and/or date(s).*

☐ USFWS NWI maps: *Title(s) and/or date(s).*

☒ USGS topographic maps: Figure 1: USGS Map dated June 14, 2021

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.

B. Typical year assessment(s): N/A or provide typical year assessment for each relevant data source used to support the conclusions in the AJD.

C. Additional comments to support AJD: provided written concurrence that no waters exist onsite on August 18, 2021

¹ Map(s)/Figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District's list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

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NC Center for Geographic Information & Analysis

Project Number: **14803.W1**

Project Manager: **SB**

Scale: **1" = 250'**

Date: **06/14/2021**

Map Title:

Figure 3 - Sketch Map
Buffalo Lake Rd

Source: **US One Map**

0 250 500
Feet

N



S&EC

Soil & Environmental Consultants, PA

8412 Falls of Neuse Road, Suite 104, Raleigh, NC 27615 • Phone: (919) 846-5900 • Fax: (919) 846-9467
sandec.com