

Opposition to the Application for Re-Zoning & Land Use Change requested by BB&G Resorts, LLC

December 4, 2020

Board of County of Commissioners
Franklin County
34 Forbes Street
Apalachicola, Florida 32320

I am writing to strongly oppose the proposed land use change requested by BB&G Resorts, LLC (471 McIntyre Road, Parcel #1-06S-03W-0000-0010-0050 containing 41.64 acres. My name is Wade Brown and I own 41.6-acre tract located at 465 McIntyre Road, directly adjacent to the proposed RV site. While most of the land surrounding the proposed site is now owned by the State, I have spoken with most of the private property owners located nearby and all of them unanimously oppose the proposed development. Opponents include: MJD Ventures, Inc (Parcel ID #10-06S-03W-0000-0010-0030); McIntyre Bluff, LLC (Parcel ID #10-06S-03W-0000-0010-0020); Jimmys Spot, LLC (Parcel ID #10-06S-03W-0000-0010-0010).

During 2010 myself and four other partners purchased 200+ acres from St. Joe Timberland Co. with the understanding that the existing land use of the property was agriculture and existing zoning was agriculture which allows one single family residence per 40 acres. March 2011, we divided the property amongst us five parties with equal river frontage and equal acreage. The applicant's property being one of the divisions. Each parcel contains approximately 41.6 acres. On 3-17-2020 BB&G Resorts, LLC (the applicant) purchased 471 McIntyre Road, being one of the original divisions, from one of my partners understanding the agriculture land use density being one family residence per 40 acres.

I have constructed a residence on my parcel and have made many property improvements for my family's enjoyment and with the intent on being my permanent retirement residence. Knowing that the surrounding property would only allow one family residence per 40 acres. The 40 acre tracts allow for a nice structure as well as being able to enjoy the remaining acres as recreational use for hunting, farming, silvicultural farming (pine trees).

We embarked on this knowing/trusting the other landowners would have to adhere to the 1 per 40 land use. It is also noteworthy that the state purchased thousands of acres that surround the original 5 parcels on the North, East & west in efforts to conserve the Ochlocknee and Crooked River system and prohibit any future development.

The proposed land use change – which allows the construction of an RV Park in an environmentally sensitive and historically significant area is a very bad idea and is at odds with applicable zoning, land use, and environmental laws. It would also wreak environmental havoc in an area which is largely wetlands, and which has no available potable water system nor available connection to a centralized sewer system that might lessen the impact.

While I am an advocate of private property rights, the public good must sometimes take precedence, especially in situations where a proposed land use change could adversely affect so many. This is such a situation.

The proposed RV Park is adjacent to McIntyre Landing, just off of McIntyre Road, and directly on the Ochlocknee River. The land where BB&G proposes to construct the RV Park is a historical site and once was the center of a struggling company town where McIntyre Mill operated. An old railroad bed crosses the property, and it includes a ditch which provides drainage of thousands of adjacent acres.

The land is of historic significance, not only because of McIntyre Mill, but also because it was used as a camping site for native Americans for thousands of years. Many artifacts, including native American pottery and arrowheads have been uncovered during recreational digs.

Because it is located on the Ochlocknee River and is a drainage port, the environmental impact from an RV Park would be enormous. There is also no public need for such an RV Park, since the Ochlocknee River State Park is about two miles away as the crow flies. In the end, the public would be the victims of the development because of pollution to the River and the aquifer.

The significance of this area is demonstrated by the State's recent acquisition of thousands of acres of surrounding land. It would be a travesty to allow an RV Park to be developed in this gem of an area that the State has purchased to preserve untarnished for future generations.

The proposed land use change should be denied for the foregoing and following reasons:

- The proposed land use of "campground" requested does not exist as a land use designation under the Comprehensive Plan.
- The application notes that the existing land use is "Agriculture/Fishcamp." This is incorrect. The Land Use Map under the Comprehensive Plan designates this property as Agriculture Land Use. Fish camp does not exist.
- The proposed rezoning to C-3 is inconsistent with the existing Agriculture Land Use designation. The proposed Land Use Change failed to comply with Franklin County Land Use Element, Policy 1.1 and 1.2.
 - o Policy 1.1 The Future Land Use Maps will be reviewed to be sure adequate infrastructure is in place before areas are permitted for development. Adequate infrastructure is defined as the infrastructure necessary to maintain the adopted levels of service in this plan. The County shall not issue development orders that will degrade the existing levels of service below that level adopted as the minimum in this Comprehensive Plan.
 - o Policy 1.2 The Future Land Use Maps will be reviewed to ensure that the proposed uses, in the various categories, do not conflict with the prevailing natural conditions including:
 - (a) **SOIL CONDITIONS** – When the US. Soil Conservation Services completes and publishes the maps of their soil survey for Franklin County the County will coordinate the land use maps with the soil survey maps to ensure that areas proposed for development have soils suitable to support the proposed development.
 - (b) **TOPOGRAPHY** – Areas of excessive topographical relief shall be classified for low density development.

- (c) DRAINAGE – Natural drainage features will be protected and preserved to ensure the continuation of their natural function.
- (d) WETLANDS – No development will be allowed within 60 feet of wetlands, except as allowed pursuant to policies 1.6 and 1.7 of this element, Policies 1.1, 1.2, and 1.5 of the Coastal Conservation Element or as provided in paragraphs 1-6 below.
- The proposed rezoning to C-3 constitutes spot zoning. No commercial zonings exist in any close proximity to the subject property.
 - **See attached spot zoning information based on past court cases.**
- The Application does not contain suitable data and analysis to support land use amendment. No field truthing investigations, studies or reports have been provided to substantiate the claims in the application that no endangered species, historical or cultural resources exist on-site. The documents provided are not the best available data nor adequate to ensure compliance and compatibility with the Comprehensive Plan.
- The statement in the application that no historical or cultural resources exist on-site is completely untrue as the historic GF&A railroad bed lies within and through the boundaries of the subject property. Subject property lies within the old McIntyre town site. Additional undiscovered historically significant sites may also exist within this property.
 - Land Use Element, Objective 3 provides that "the County shall ensure the protection of natural and historical resources . . ."
 - Land Use Element, Policy 3.7 "Historic resources shall be protected . . ."
- The applicant did not provide any traffic analysis to support the claim that the project will only increase traffic from 3-5 per day currently to 8-10 a day.
 - Traffic Element Policy 3.2 provides "Land use changes will not be made that will cause the peak hour level of service on the roads that service that area to fall below the level of service . . ." (Application lacks sufficient data to support change and ensure compliance with level of service standards.)
 - McIntyre Road is currently dirt measuring 1.5 miles from US 319 to subject property and cannot support commercial traffic. Furthermore, there is a Franklin County ordinance on McIntyre Road #92-3 that states Road is closed to vehicles having more than two axles. Increased traffic volumes will increase the cost of maintenance on the County would result in a violation of Franklin County ordinance #92-3, which does not allow McIntyre Road to be used by vehicles with tandem axles.
- Studies regarding environmental conditions, endangered species, historical and cultural resources, and traffic impacts should be prepared by licensed professionals and utilizing acceptable methodology.
- The Applicant has not demonstrated consistency with the Comprehensive Plan:
 - The first Goal outlined in the Land Use Element of the Comprehensive Plan is to "Ensure that the character and location of land uses in Franklin County

minimize the threat to the natural environment . . ." Objective 1 directs that "Future development activities shall be directed to appropriate areas as depicted on the Future Land Use Maps to assure that soil conditions, topography, drainage, and natural conditions are suitable for development and adequate public facilities are available . . ." (site is 85% wetlands, that drain into the Ochlocknee and Crooked riverine system, and no public facilities are available).

- o Land Use Element, Policy 1.2(d) provides "No development will be allowed within 50 feet of wetlands..." (the entire site lying south of McIntyre Road is a wetland (85%) of the project and a riverine system exists on the north side of McIntyre Road)
- o Land Use Element, Policy 3.1 provides "Development, alteration of native vegetation, and habitable structures within 50 feet landward of wetlands or waters of the State, is prohibited..." (site is all wetland lying south of McIntyre Road)
- o Coastal/Conservation Element, Objective 1 states, "The wetlands of Franklin County shall be conserved and protected such that no net loss (after mitigation) shall occur." Further, Policy 1.6 (c) provides for the discouragement of altering wetlands but requires mitigation. The application fails to demonstrate conservation, protection and/or mitigation of wetlands and therefore also violates Objective 2 of this Element.
- o Coastal/Conservation Element Policy 2.2 prohibits high density development adjacent to sensitive wetlands and prohibits destruction of wetland vegetation.
- o Failed to provide documentation of compliance with Land Use Element, Policy 1.6.
- o Land Use Element, Policy 3.10, Infrastructure Element, Policy 2.2, and Coastal/Conservation Element Policy 4.3 prohibits installation of septic tanks within 150 feet of wetlands and shorelines. Applicant proposes to install multiple septic systems within wetlands.
- o Land Use Element, Policy 6.1 provides "...replacement of land uses which are incompatible with the Future Land Use Plan shall be prohibited." Changing the land use on this site for commercial uses is incompatible with the nature of the area, existing surrounding uses and inconsistent with the Land Use Element of the Comprehensive Plan.
- Land Use Element, Objective 8 states "to prevent urban sprawl the County shall encourage infill in already developed area..." Further, Policy 8.2 provides that the County should "encourage infill in already developed areas through the

provision of existing infrastructure. "Policy 8.1 requires urban sprawl factors to be considered during the review of map and plan amendments. (Subject property is outside of any urban service area, surrounded by conservation land use as per the land use map and nowhere near any other developed lands or commercial uses.)

- Coastal/Conservation Element Policy 13.9 requires "Any Future Land Use Map amendments and corresponding density and intensity assignments shall be consistent with the requirements of Chapter 163, Part II, of the Florida Statutes, and the Franklin County Comprehensive Plan . . . and must and must be supported by the best available data and analysis..."
- **Finally, the Applicant has not demonstrated consistency with Chapter 163, Part II, Florida Statutes which is required on a large scale map amendment that the State of Florida will review.**

In view of all of the above, the proposed land use change should be denied.

I would like to further comment on the Topographical Survey and the Site Plan provided by applicant as part of application and how it is inconsistent with Franklin County Comprehensive plan.

Topographical Survey prepared by Thurman Roddenberry & Associates provided by applicant

- Has only been performed in the area lying north of McIntyre Road (approximately 15% of property)
- The entire property has a significant slope from the McIntyre Road to the edge of Ochlocknee River
- There are 3 natural drainage areas to the Ochlocknee River which drain the area lying south of McIntyre Road via culverts lying under the road as well as sheet flow drainage across the road
- Shows the railroad bed of the historic GF&A Railroad
- This parcel contains the historic Ochlocknee River trussel crossing an abutment on the Franklin County side
- Fails to show mean high water line along the Ochlocknee River as well as any wetlands along the riverbank
- Shows the entire property lying within a Zone AE elevation 13 flood zone

Site Plan prepared by Marvin HeyMann & Associates provided by applicant

The applicants site plan and data exhibits provided show the following:

- Site map of the National Wetlands Inventory of subject property shows the entire parcel lying south of McIntyre Road is a fresh water emergent wetland which encompasses (makes up) approximately 85% of subject property. The remaining 15% of property that is located entire river frontage is in a Riverine system located at the confluence of Crooked River and Ochlocknee River, both tidal water bodies.

- Site plan shows approximately 32 RV sites, roadway system, 3 septic tanks and 2 large septic drain fields lying on the south side of McIntyre Road. As illustrated on the National Wetlands Inventory Map it is entirely within wetlands. Furthermore, based on the site plan the easterly side of the 32 sites would encroach over my property line in a triangular shape approximately 40 feet on the south side by 160 feet heading back north.
- On the northerly side of McIntyre road, it appears that an approximately 1,225 square foot shower/bath facility, a 1,225 square foot store, as well as a 3,600 square foot septic field is proposed.
- There is also an undesignated area for primitive camping, it is unclear how many camping sites are proposed.
- Proposed dock is also shown without any riparian rights lines determined.
- No proposed storm water management facilities or demonstration of how storm water runoff would be diverted from draining directly into the river on this excessive natural slope.
- Proposed septic field on the north side of McIntyre lies within one of the natural drains, draining the southerly lands to the river.
- The septic field, shower/bathroom facility, store and primitive camping are located around the natural ground contour elevation between 8 and 6 feet, which lies anywhere between 7 to 5 feet below the base flood elevation of AE-13 feet.
- Fails to provide any type of shoreline revetment plan to prevent erosion along the river bank.

If you need further information or would like to otherwise discuss this matter, I can be reached at wadebrown@embarqmail.com or 850-524-2413.

I will attend the Planning & Zoning meeting scheduled for December 8, 2020, as well as the Board of County Commission meeting scheduled for December 15, 2020 and will be available for questions.

Sincerely,

Wade Brown