

APALACHICOLA RIVERKEEPER®

S A V I N G A N A M E R I C A N T R E A S U R E

April 6, 2010

Mayor Pete Whiddon & Chattahoochee City Council
City Hall
Chattahoochee, Florida

Re: Ordinance Nos. 535, 536, and 537

Dear Mayor Whiddon and Council Members:

As you know, since 2008 the Apalachicola Riverkeeper has been interested in the development of the property that will be subject to Ordinances 535-537. Our interest in the Chattahoochee Landings' development has arisen from the property's unique and ecologically sensitive character, its proximity to the Apalachicola River and Mosquito Creek, its proximity to important wildlife habitats, the opportunity to rebuild its natural character after years of degradation by previous owners, and its potential to offer an economic and ecological resource to the community and visitors to better appreciate, understand and experience the Apalachicola River and Floodplain.

We recognize that the natural functioning of the property was degraded by the previous owners and that Chattahoochee Landings' ownership provides, other than public ownership as conservation land and expansion of the City's public park, the best opportunity to cause the least impact on the environment while adding important and significant economic values. Our comments are offered to help you ensure that the development will strengthen the functioning of the onsite floodplain and wetlands and protect public and private property downstream of this flood prone site.

We applaud the provisions in proposed Ordinance 536 that require the:

- Continued protection of the natural resources of the Outstanding Florida Water of the Apalachicola River;
- Location of launch, mooring, and rental facilities away from submerged aquatic vegetation and shellfish beds;
- Avoidance of negative impacts to wetlands;
- Education to power boaters;
- Prohibition of discharge of untreated bilge water into the Apalachicola River;
- Prohibition of dredging; and
- Prohibition of seawalls and revetments.

We also applaud the aspiration expressed in Ordinance 536 to use Low Impact Development standards. We know that the owner of Chattahoochee Landings LLC, George Kirvin Floyd, has a strong interest in responsible and innovative "green" development techniques.

We are most hopeful that the City and the developer will include language in the Ordinances that requires the developer to restore impacted wetlands and floodplain features on site.



We have reviewed proposed Ordinance 535, 536, and 537 (the Ordinances) and have the following concerns for the City to consider at its transmittal hearing on Tuesday April 6, 2010.

First, we would like to point out that if enacted, Ordinances 536 and 537 will directly conflict with and repeal significant components of the City's provisions for environmental protection, including:

- Future Land Use Element (FLUE) Objective 1.5 which prohibits commercial development within the Mosquito Creek floodplain.
- FLUE Policy 1.5.11, which requires that structures be sited on the non-floodplain portions of developments or be elevated on pilings.
- Conservation Element Policy 1.4.4, which prohibits the storage of hazardous material and petroleum products below the 75' FEMA 100-year flood elevation.
- Conservation Element Policy 1.8.1, which encourages that floodplains be treated as natural resource areas to be conserved or used only in a limited manner for recreational activities. Restaurants and motels aren't recreational activities, are they?

We point this out so that the City will consider measures to ensure that the threats addressed by these repealing provisions be dealt with in other ways.

In addition, we hope that the City will enforce the provisions of its comprehensive plan and land development regulations that are not in direct conflict with the Ordinances, including:

- FLUE Policy 1.6.2, which requires that FEMA's requirements, including those for base floor elevations, be met.
- FLUE Policy, which establish base floor elevations to regulate development in areas subject to seasonal and periodic flooding. A major flood occurred on site within the last 12 months.
- Conservation Element Policy 1.3.4, which requires a native vegetation survey and protection of listed species.
- Conservation Element Objective 1.5, which establishes a development review process to ensure the preservation of conservation activities.
- Conservation Element Policy 1.8.7, which prohibits future development that will adversely affect environmental quality and hydrologic functioning of the flood zone and

A NON-PROFIT ORGANIZATION DEDICATED TO THE PROTECTION AND STEWARDSHIP OF THE APALACHICOLA RIVER AND BAY

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Apalachicola River. We believe that the City could ensure an overall improvement of the environmental quality and hydrologic function of the flood zone by requiring the restoration of the former floodplain character and vegetation on site where development will not occur.

In addition, Objective 2.2 should require that Shoreline Erosion and Restoration be addressed and that petroleum storage, i.e. mobile tanks, be addressed.

Further, Policy 2.2.1 should include a clause that ensures that the development will not harm threatened and endangered species, critical habitat, and other significant off-site environmental values that could be harmed by development activities. It should also include a requirement that wetland and floodplain vegetation and functioning be restored.

We are concerned that the City will allow a “limited fueling site” and “permanent or long-term mooring” as part of this development. Contamination of the public waters downstream of the site during and after major flooding and the increase of pollutants in stormwater after more routine precipitation could cause significant harm to the Apalachicola River and Floodplain. The application recognizes these concerns, but we believe that on river fueling is extremely risky and the placement of permanent fuel tanks inappropriate. We all recognize that accidents happen. The siting of a fueling station could cause an accident from which we are all left with nothing but regret.

As an editorial comment, note that Objective 2.1 of Ordinance 536 is inaccurate in stating that development shall be limited to the land uses and intensity standards in Policy 2.1.2 as Policy 2.1.2 does not contain land use or intensity standards. The reference should be to Policy 2.1.3.

Likewise, Objective 2.2 of Ordinance 536 is inaccurate in that it references Policy 2.1.3(i). Ordinance 536 does not contain Policy 2.1.3(i). It is likely that the reference should have been to Policy 2.1.3 (h).



In a more general vein, will the City require:

Wetland and floodplain restoration at the mouth of Mosquito Creek and along the Apalachicola River using native, flood tolerant vegetation;

A management plan for what to do when the property floods;

That docks and launches float 28' above the mean high water line;

That the development has a wastewater pump-out facility for the public;

That recently installed on-site septic system be closed and abandoned;

That the property owner ensure that the bridge across Mosquito Creek is structurally sound;

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That the City's Capital Improvements Element be revised to include the cost of putting in a sewer line to the site;

The use of a fueling truck instead of a fueling facility at the development; and

The remaining contiguous 120 acres m.o.l. that belong to George Kirvin Floyd or Chattahoochee Landings, LLC be restored and placed in a conservation easement?



Given size, type, and location of this potential development, we appreciate that the Florida Department of Community Affairs will review these Ordinances.

We appreciate the Chattahoochee City Council for allowing us this opportunity to express our concerns about this potentially great development.

All the best,

A handwritten signature in black ink, appearing to read "Andy Smith", with a long, sweeping tail that curves back towards the start of the signature.

Andy Smith
Executive Director