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Working Together to Protect the Ogeechee, Canoochee and Coastal Rivers

January 23, 2024

Via E-Mail

Simon Hardt, Senior Regional Planner
Coastal Regional Commission of Georgia
shardt@crc.ga.gov

Re: Comments on DRI # 4118 - Warnell Farms PUD - Pembroke

Dear Mr. Hardts:

Ogeechee Riverkeeper 501(c)(3) (ORK) works to protect, preserve, and improve the water quality of the Ogeechee River basin, which includes the Canoochee River, tributary streams, and all of the streams flowing out to Ossabaw Sound and St. Catherine's Sound. The Ogeechee River system drains more than 5,500 square miles across 21 counties in Georgia. ORK works with local communities to retain the ecological and cultural integrity of rivers, streams, wetlands, and related habitats throughout the Basin. One of ORK's primary roles is as watchdog on new land development projects throughout the watershed that could pose a significant threat to its water quality and aquatic environments.

ORK's comments on the Warnell Farms Planned Unit Development (PUD) fall into four overarching categories. First, the proposed development does not appear compatible with county and city comprehensive plans and the rezoning recommendation for the character area it is planned to be built. Second, water supply to and wastewater management from this proposed PUD raises concerns that should be considered and addressed as early as possible. Third, the impacts that this development will have on wetlands and floodplains and should receive additional clarification and attention. Fourth, ORK offers some suggestions to the decision makers and developers for maximizing the benefits of the planned but undefined open space, green space, and recreational areas. ORK urges careful consideration of these topics prior to any rezoning, permitting, or construction decisions from the decision makers and, ultimately, urges those decision makers to deny this rezoning, annexation, and development request.

1. Character Area, Comprehensive Planning, and Comparison to Wyndham PUD

The proposed Warnell Farms PUD is not compatible with the comprehensive planning of either Bryan County or the City of Pembroke. Combined with the PUD's isolation in an otherwise low-density area, the site is not suitable for this type of development. As such, ORK urges local planners and decision makers to deny the annexation, rezoning, and construction requested here.

Bryan County's recently adopted Comprehensive Plan and associated Character Area maps do not contemplate a PUD being built on the property in question.¹ The proposed Warnell Farms PUD is located in the "low density residential" area, which allows a maximum density of 3 dwelling units per acre (du/ac). The developers are proposing an average density of 5.79 du/ac. It should also be noted that the densities for the specific areas of development range from 3.5 du/ac up to 16 du/ac - all which exceeds Bryan County's maximum density allowed for "low density residential areas". Further, the proposed PUD plans to develop 56.3 acres as mixed use commercial development - around a third of the site's 165.98 total acres. Without more information, decision makers should be guided by Bryan County's Comprehensive Plan and only allow commercial activity that falls under the B-1 Neighborhood Commercial and B-2 General Commercial requirements. Finally, the rezoning requested here is for a Planned Unit Development. Bryan County's Comprehensive Plan contemplates these "Planned Development" not in the "low density residential" areas, but rather in the "emerging suburban" areas. Keeping these planning and zoning considerations in mind, ORK urges the local decision makers to deny this proposed development.

Further, this property is currently located in unincorporated Bryan County, with annexation being sought by the City of Pembroke. Allowing annexation and subsequent development to occur would require a comprehensive plan amendment within the first year of Bryan County's new Comprehensive Plan - ignoring years of work, efforts, and public feedback. ORK calls on Bryan County to oppose annexation in favor of maintaining consistency with its Comprehensive Plan.

The City of Pembroke's own Comprehensive Plan also conflicts with this proposed PUD.² This property falls outside of the "Proposed Expansion" areas detailed in the City's Character Areas map, ignoring previous expansion area for an isolated property that will require additional efforts to service. Further, the requested "PUD" rezoning is not discussed for any of the Character Areas in Pembroke's Comprehensive Planning and would be quite distinct from any other part of the City of Pembroke. Its inconsistency with the Comprehensive Plan and the resulting isolation following a potential annexation make this proposed PUD questionable. ORK urges the City of Pembroke to adhere to its Comprehensive Plan and reconsider this planned development.

This proposed action closely mirrors the recent Wyndham PUD DRI. That proposed development, which is located immediately adjacent to the proposed Warnell Farms PUD, was found to have these same Comprehensive Planning compatibility and consistency issues by the Coastal Regional Commission.³ In addition, these two developments would have trouble coexisting. They would be competing for water and wastewater services from the City of Pembroke and would add dense development in an otherwise rural area, requiring additional services to be provided to the distant area. ORK draws attention to the issues that developing these two PUDs would cause and strongly urges caution before approving annexations, rezoning, or construction at either site.

¹ Bryan County. "Bryan County Comprehensive Plan 2023 Update." October 2023. Available at:

<https://www.bryancountyga.org/home/showpublisheddocument/12922/638328055705270000>

² City of Pembroke. "City of Pembroke Comprehensive Plan Update 2018-2028." June 21, 2018 . Available at:

https://www.dca.ga.gov/sites/default/files/city_of_pembroke_final_comp_plan_6_21_18.pdf

³ Coastal Regional Commission. "Development of Regional Impact Report - Prepared for Pembroke DRI # 4099 Wyndham PUD." December 5, 2023. At page 8.

2. Water Supply and Wastewater Treatment

Both the water supply and wastewater treatment needs of any development in coastal Georgia must carefully consider its long-term impacts, implications, viability. Since at least 2006, Upper Floridan Aquifer (UFA) has received special protections from withdrawals and wastewater discharge due to decades of overutilization. With Bryan County and the City of Pembroke falling in one of the UFA management zones, permittees and decision makers should make a fully informed decision of the near- and long-term impacts and viability of this housing development in light of the additional strains it will place on groundwater resources. Likewise, wastewater treatment should take a long-term view and embrace a regional approach to respond to the areas anticipated and projected growth.

Any new water withdrawal demand should be carefully considered. Under the Georgia Department of Natural Resources' Coastal Georgia Water & Wastewater Permitting Plan for Managing Salt Water Intrusion (2006 Plan), the City of Pembroke and Bryan County fall in the "Yellow Zone" management area.⁴ The 2006 Plan establishes withdrawal restrictions for this zone that include conservation and reuse considerations as well as a justification of need. Importantly, the 2006 Plan also limits all total permitted withdrawals in the Yellow Zone to approximately 20.3 million gallons per day (MGD). At a recent meeting, the Georgia Environmental Protection Division (GA EPD) noted that in 2022, the average annual permitted withdrawals for the Yellow Zone were 30.114 MGD, with a 2025 scheduled limit of 29.092 MGD. Continued overutilization of the UFA threatens to increase the rate of saltwater intrusion into the UFA, threatening the region's main drinking water supply. In light of the region's anticipated growth, demand and strain on the UFA will only increase if piecemeal permitting is used rather than a methodically considered approach. ORK urges local, regional, and state decision makers to take a regional, long-term, and holistic view of the water supply demand issue and develop comprehensive and sustainable solutions that will allow future generations to thrive throughout Georgia's northern coastal region.

Wastewater treatment must also be considered in the context of the quickly growing area where the Warnell Farms development is proposed. Ultimately, the City of Pembroke should strongly consider and begin pursuing a regional solution to its growing wastewater treatment needs. In its application, the Warnell Farms PUD alone will require treatment capacity for 0.246 MGD of wastewater. With the applicant's plan to rely on the City of Pembroke to treat 246,000 gallons per day (GPD), this single project will use 82% of the recently approved 300,000 GPD expansion at the Pembroke Water Pollution Control Plant (WPCP). With more growth expected in the region, the Pembroke WPCP will not be able to meet all of this anticipated demand. For example, the proposed Wyndham PUD would require an additional 229,000 GPD of wastewater treatment - overrunning the City of Pembroke's expanded wastewater treatment capacity by 175,000 GPD. As development continues and available land becomes more scarce, it will be more difficult to site and rely on a scattering of on-site treatment systems to address wastewater treatment capacity needs. The construction and operation of the nearby North Bryan Water Reclamation Facility presents an opportunity to address long-term wastewater treatment capacity needs in Pembroke and North Bryan County as a whole. ORK urges city, county, and state decision makers to take a regional view and approach to addressing growing treatment demands ahead of anticipated growth.

⁴ Georgia Department of Natural Resources. "Coastal Georgia Water & Wastewater Permitting Plan for Managing Salt Water Intrusion" (2006 Plan). June 2006. Available at: https://www1.gadnr.org/cws/Documents/saltwater_management_plan_june2006.pdf

3. Wetlands, Floodplains, and Stormwater Management

Additional considerations and attention should be given to wetlands and floodplains specifically as well as managing stormwater more generally. As the area continues to develop and more impervious surfaces are placed on the landscape, stormwater management will become more important. Combined with the increasing frequency and intensity of storms, protecting the environmental services that wetlands are already providing and thoughtfully building with floodplains in mind is essential for the resiliency of this development, the City of Pembroke, and North Bryan County. ORK urges the developers, permittees, and decision makers to take a long-term and comprehensive approach to its stormwater management.

Fill and impacts to wetlands should be avoided at every opportunity. Wetlands provide a wide range of environmental services that benefit the residents of Bryan County and beyond, including flood control, pollution filtration, aquifer recharge, and recreation by providing habitat and forage to a variety of species. While the Warnell Farm's DRI documents state that there are no wetlands on the property, U.S. Fish and Wildlife Service maps⁵ indicate that there are at least 2.34 acres of wetlands.⁶ This map is attached below as Attachment 1. ORK asks for clarification from the developers about the presence of wetlands, clear delineation of the presence of wetlands on development plan maps, and urge decision makers to protect and preserve wetlands.

Warnell Farm's developers and local decision makers should also be conscious and very cautious of building within the floodplain that exists on the site. Much of the property is located in the 0.2% Annual Chance Flood Hazard area, also known as the 500-year floodplain. While this has a lower chance of flooding, it is still an elevated risk. And with storm frequency and intensity predicted to increase in the coming decades, this risk increases. ORK urges local decision makers to keep these flooding concerns in mind when making these planning decisions.

Additionally, on-site stormwater management should be as resilient as possible. As noted above, storms are becoming strong and more frequent. As such, demand on stormwater management systems will likewise increase. To reduce negative flooding and inundation impacts, the applicants should be forward-looking in the stormwater management. Preserving wetlands will help reduce these risks. Reducing impervious surfaces wherever possible to lower the projected 50% impervious surface coverage estimation will further help to slow water down and reduce flooding. Further, ORK asks for clarification from the developers of the "interconnected pond system" that is planned for stormwater management - specifically their location and designs. Finally, ORK asks that these stormwater ponds be built to process storms beyond the 25-year storm will help to lengthen their function lifetimes and futureproof stormwater management on site.

4. Open Space, Green Space, and Recreational Areas

In developing the Warnell Farms PUD, specific attention should be given to protecting and preserving the area's critical natural resources. The development should thoughtfully preserve the large amount of spaces designated

⁵ U.S. Fish and Wildlife Service. "National Wetlands Inventory." Last visited: January 22, 2023. See: <https://fwsprimary.wim.usgs.gov/wetlands/apps/wetlands-mapper/>

⁶ Including a 0.7 acre pond, 0.89 acre freshwater forested/shrub wetland, and two riverine habitats of 0.34 and 0.41 acres respectively.

as Areas of Significant natural resources in order to maximize these areas' positive benefits on the region and its residents through preserving its rural character, recreational activities, flood control, and ecological integrity. ORK asks the developers to proactively plan its open space, green space, and recreational areas.

While thoughtful open space, green space, and recreational areas can take many forms, ORK offers these suggestions for planning purposes. First, the existing wetlands and floodplains should be maintained for the reasons mentioned above. Second, other existing natural features should be maintained and be the starting point for further development. Finally, ORK suggests wherever possible that these open and green spaces are as contiguous as possible, avoiding a patchwork of smaller, less beneficial space.

Thank you in advance for your time and consideration; please let me know if you have any questions:
ben@ogeecheeriverkeeper.org.

Ben Kirsch, Legal Director
Ogeechee Riverkeeper

Attachment 1

U.S. Fish and Wildlife Service's
National Wetlands Inventory
for the
Warnell Farm PUD Property

