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Cumberland Island wrestling with zoning proposal

Fate of property on pristine island hangs in balance

In negotiations taking place behind closed doors, private landowners are edging toward an agreement about the fate of private property within the Cumberland Island National Seashore.

The landowners, who represent five groups of island families, some of them direct descendants of the Gilded Age industrialists who once used Cumberland as their winter playground, have been in talks with Camden County officials and representatives from environmental groups. The families own about 800 acres of property within the park boundaries. The Nature Conservancy owns another 200 acres.

The zoning ordinance they are preparing currently advocates for a density of one house per 15 acres with setbacks from sensitive areas and incentives aimed at keeping the homes secluded from park goers. While it is still in flux, it is expected to be presented to the Camden County Board of Commissioners on June 13 with the board at that point deciding to proceed with variance appeals, zoning, and/or continued negotiations with the National Park Service.

“Once the Board of Commissioners gives staff direction we will begin advertising for public hearing (if necessary), which would likely be in July,” Director of Planning and Development Eric Landon wrote in an email Friday.

Sparked by a variance

Camden initiated the negotiations after one family’s request for a variance sparked a wider debate about future development. In February, Camden officials approved the variance to allow Lumar LLC, made up of Coca-Cola heirs including the Rev. Sam

Candler, dean of the Episcopal Cathedral of St. Philip in Atlanta, to divide an 88-acre tract near the park's Sea Camp into 10 lots. The variance was granted over the objections of hundreds of Cumberland lovers from around the country who saw it as an affront to the wilderness experience in the national park.

The Southern Environmental Law Center on behalf of the National Parks Conservation Association and the St. Marys EarthKeepers appealed the variance as did Camden County resident William Bruce. But before the appeal could be heard, Camden officials decided to try to work out an agreement all the landowners and the others could live with to avoid litigating future requests one by one.

Following an initial roundtable discussion with stakeholders in March, Camden officials in April offered their compromise. Their proposed zoning district on Cumberland would allow one house per 15 acres of land and impose setbacks of 150 feet from rivers, the beach and National Park Service property. To encourage clustering of houses and preserve the wilderness experience, the ordinance offers a bonus of 50 percent greater density if 80 percent of the parcel is placed in a conservation easement.

Participants agreed to keep the negotiations confidential. But a request made by the Savannah Morning News to Camden County under the Georgia Open Records Act produced both the zoning proposal and a set of letters in which the landowners and environmental groups indicate what parts of the proposal are “dealbreakers.”

Density, setbacks at issue

In the letters, landowners with the exception of The Nature Conservancy argue for higher densities — as dense as one house per 2 acres — and shorter setbacks — as little as 15 feet. They also want to lower the bar to access the bonus provision, suggesting as little as 50 percent of their property in a conservation easement should trigger the increased density of the remaining land. The environmental groups — the Southern Environmental Law Center, the Georgia Conservancy and One Hundred Miles — argue mainly for the document as written or for more restrictions.

Several landowners emphasized they don't foresee the land actually being developed at the densities they propose, but want to keep the higher density to retain their property's value.

“The proposed density of one dwelling per 15 acres is unacceptable,” wrote Walter S. Langshaw, a fifth generation landowner who is chairman of the Greyfield Board of Directors. “My reason for seeking a higher density has a single purpose. That purpose being to retain a value that protects our property from being subject to eminent domain, made easier through severely reduced valuation.”

Several owners argue for the county to apply zoning similar to that seen on the adjacent Little Cumberland where development is already allowed on privately owned land within the boundaries of the park at a density of one house per 2 acres.

Higher densities could affect land swaps. F. Whit Foster and his sister live on Cumberland in the homes called Stafford Place and Chimneys. Those properties are not owned outright but are life estates that expire upon their deaths. In January, Foster proposed a land exchange with the National Park Service.

“This land exchange would be of immense mutual benefit to the National Park Service and the Foster Family because it would allow the Park visitor to enjoy Stafford Place and the Chimneys without viewing any new construction and the Fosters would be able to enjoy their homes and private property in seclusion,” Foster wrote.

But he also wants to reserve rights that benefit owners only.

“There is no sound reason that my children should be denied the right to build a pool or tennis court on their free land,” he wrote.

On setbacks, landowners said the proposed limits could produce the unintended consequence of pushing development toward the main road and the “parallel track,” a foot path used by hikers, ultimately preventing the houses from being hidden.

That would especially be the case with Lumar’s 88 acres, wrote Glenn Warren, one of the owners.

“The point of this is that all of the future residences would be built within close proximity to the main road and would impact the visitors who traverse the road. It would also have an impact on the parallel trail as it would potentially run right through a group of homes,” he wrote. “This same thing applies to the Rockefeller and McFadden properties north of the Lumar tract. While I appreciate the desire to have a buffer between Park property

and private property, the unintended consequence of the proposed buffer is not good for the public. A much more reasonable approach would be to make all setbacks on all property at 50 feet.”

Environmental groups

The proposed zoning would allow 65 new homes to be constructed within the National Seashore boundary in addition to the 24 already there, the Southern Environmental Law Center noted in its comments. SELC suggested decreasing the density to one house per 30 acres, but would ultimately prefer no new residential development within the Cumberland Island National Seashore.

It also called on the county to “exercise its zoning powers consistent with the public interest to promote the “general welfare of the community.””

“Although we understand the inholders’ desire to avoid eminent domain, it is inappropriate for them to use the County zoning process as a method to gain leverage in that fight,” SELC Senior Attorney Bill Sapp wrote. “Instead, any density requirement should reflect the actual appropriate and intended use of the property.”

Inflating the value of inholdings could create unacceptable levels of future development.

“Although we trust the current inholders when they say that they would not sell their inholdings or build to their requested density, we believe that future generations may,” Sapp wrote. “As the National Park Service has put it, “There is no assurance that the existing land uses and preservation ethics will continue.”

The Georgia Conservancy and One Hundred Miles emphasized balancing private property rights with the long term conservation goals of the park, offered mainly minor changes on the draft ordinance.

One Hundred Miles counts among its 2016 donors Sam and Boog Candler as well as the Cumberland Island Conservancy, which is made up of private landowners. That connection has raised red flags, but executive director Megan Desrosiers dismissed them, pointing out that the organization’s position is in opposition to that of the donors in this case.

“We’ve always made it known to our donors that our positions are our own,” she said. “We made it clear in this case and they never demanded anything from us.”

More than 70 percent of Camden residents are opposed to the rezoning proposal, a telephone survey commissioned by SELC recently revealed.

Among those opposed is Alex Kearns, chair of the St. Marys Earthkeepers. Her group appealed the variance and sat down at the negotiating table, but only briefly.

“The St. Marys EarthKeepers exited the ‘negotiations’ when it became clear that those involved were moving toward rezoning to allow development,” Kearns said. “Given Cumberland Island National Seashore’s enabling legislation and stated purpose, we could not support any level of new construction on the Island.”