

LETTERS OF OPPOSITION



**Alva Inc. is dedicated to preserving the tranquility and beauty of Alva
P O. Box 2022, Alva FL 33920**

December 5, 2008

Sent via USPS, emailed to harry.w.bergmann@usace.army.mil and faxed to 239-334-0709 (fax less attachment)

District Engineer
Department of the Army
Jacksonville District Corps of Engineers
Attention: Mr. Skip Bergmann
1520 Royal Palm Square Boulevard Suite 310
Fort Myers FL 33919

Dear Mr. Bergmann:

Reference is made to USACOE Permit Application SAJ 2008-1327 submitted by the Bonita Bay Group under the name North River Communities LLC.

There is widespread opposition to this development. The proposed Lee County Comprehensive Plan amendment has been deemed urban sprawl by the County staff and they have recommended denial. A copy of their report is attached. Other opposed organizations include the Conservancy of Southwest Florida, East Lee County Council, Concerned Citizens of Bayshore, Alva Inc. community association and the Responsible Growth Management Coalition.

The opposition described above preceded the very recent disclosure of the developer's intention to provide for 570 boats, dredging of wetlands, and commercialization of a river island.

We respectfully request the permit be denied. Specific reasons are:

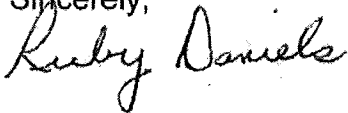
- Uses requested under the permit are not consistent with the Lee Comprehensive Plan. While the applicant has requested Comprehensive Plan changes to accommodate their desires, these changes have not been approved.
- The magnitude of the project and the significant dredging of wetlands.
- The overwhelming environmental impact to the Caloosahatchee River associated with the introduction of 570 boats.
- The increased threat of injury or death to manatees, especially during winter season when they are traveling to and from the FPL Fort Myers power plant's warm water discharge.

Mr. Skip Bergmann
December 5, 2008
Page 2

- Destruction of lifestyle – creating a Fort Lauderdale-style marina in the last bastion of rural life in Lee County.
- The magnitude of public opposition.
- The Lee County Staff recommendation to deny the requested Comprehensive Plan change.
- Lack of demonstrated need for the development and the boat slips.
- Our understanding is the Babcock Ranch project to the north intends sending significant amounts of water through Owl and Trout Creeks. Accommodation of this water does not appear to have been considered in the permit application.

Thank you for your consideration.

Sincerely,



Ruby Daniels
President, Alva Inc

The following join Alva Inc. in this request for denial:

Save the Manatee Club
Artie Wong
Staff Biologist

Calusa Group
Sierra Club
Karen Kamener
Conservation Chair

Responsible Growth Management Coalition
Eleanor H. Boyd
President

The Concerned Citizens of
Bayshore Community Inc.
Matt Smith
President

East Lee County Council
Ed Kimball
President

Caloosahatchee River Citizens Association
Marti Daltry
Mary Ruth Prouty
Co-Presidents

Cape Water Action
Mary Ann Parsons
Co-Founder

Mr. Skip Bergmann
December 5, 2008
Page 3

Attachment: Lee Staff LPA Public hearing Document, September 29, 2008.

CC(less attachment):

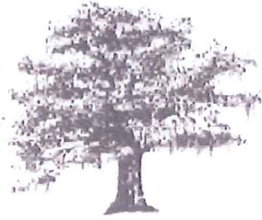
The Honorable Bob Janes
Commissioner, District One

The Honorable Brian Bigelow
Commissioner, District Two

The Honorable Ray Judah
Commissioner, District Three

The Honorable Tammy Hall
Commissioner, District Four

The Honorable Frank Mann
Commissioner, District Five



ALVA
A Living Vision of Alva

Alva Inc. is dedicated to preserving the tranquility and beauty of Alva
P O. Box 2022, Alva FL 33920

November 25, 2008

District Engineer
Department of the Army
Jacksonville District Corps of Engineers
1520 Royal Palm Square Boulevard Suite 310
Fort Myers FL 33919

Attention: Mr. Skip Bergman

Dear Mr. Bergman:

Reference is made to USACOE Permit Application SAJ 2008-1327 submitted by the Bonita Bay Group under the name North River Communities LLC.

There is widespread opposition to this development. The proposed Lee County Comprehensive Plan amendment has been deemed urban sprawl by the County staff and they have recommended denial. A copy of their report is attached. Other opposed organizations include the Conservancy of Southwest Florida, East Lee County Council, Concerned Citizens of Bayshore, Alva Inc. community association and the Responsible Growth Management Coalition.

The opposition described above preceded the very recent disclosure of the developer's intention to provide for 570 boats, dredging of wetlands, and commercialization of a river island.

We respectfully request the permit be denied. Specific reasons are:

- Uses requested under the permit are not consistent with the Lee Comprehensive Plan. While the applicant has requested Comprehensive Plan changes to accommodate their desires, these changes have not been approved.
- The magnitude of the project and damage to wetlands.
- The overwhelming impact of 570 boats on this very narrow section of the Caloosahatchee River.
- Resulting devastation to manatees visiting the nearby FPL Plant warm water discharge area.
- Destruction of lifestyle – creating a Fort Lauderdale-style marina in the last bastion of rural life in Lee County.
- The magnitude of public opposition.

- The Lee County Staff recommendation to deny the requested Comprehensive Plan change.
- Lack of demonstrated need for the development and the boat slips.

Thank you for your consideration.

Sincerely,

Ruby Daniels
President, Alva Inc

The following join Alva Inc. in this request for denial:

Miller, Janet M.

From: Jamie Armstrong [jjk8086@earthlink.net]
Sent: Friday, September 26, 2008 6:42 AM
To: Miller, Janet M.
Subject: LPA / North River Village Project by Bonita Bay

Attn: Local Planning Agency Members and Board of County Commissioners:

I am writing this memo in hope that all consideration is taken where the proposed North River Village Project comes before you on Monday.

As a resident of Alva I am EXTREMELY concerned that if Bonita Bay is granted their density increase it opens the floodgates for all developers. Any increase in density will spoil the only true rural area left in Lee County. NO DENSITY INCREASE!!!

My husband is a Fort Myers native, and I moved here 31 years ago. We've both graduated from Lee County high schools and lived most of our lives in South Fort Myers. About 9 years ago we bought property in North River Estates in Alva, and built our home almost 8 years ago. We moved to Alva to get away from all the "bustle" and traffic in town. Many, if not most, of Alva "transplants" are not from "out of town", but local Lee County residents seeking a more rural style of life. There is a REASON we are all here. We enjoy the tranquility, as well as plant and wildlife of this area.

We know that development is inevitable. What we need is **smart growth**, not urban sprawl. We want to maintain our rural "feel" in the last bit of what hasn't been developed in Lee County. We do not want to become another Estero or Bonita Springs.

Increased density will bring along increased traffic. One of the most beautiful roads in Lee County is North River Road, from SR31 to Labelle, in Hendry County. If you don't believe that, sit out on North River Road on a Saturday or Sunday and watch the cars and motorcycles just "out for a drive", enjoying this beautiful scenery.

Bonita Bay was well aware that the density was one per acre when they bought that property. They, as well as ANY other developer, should be held to that standard. NO EXCEPTIONS!

Please protect this area from becoming another Estero. Developers are welcome, as long as they can maintain within the guidelines of what makes Alva the place that it is. Alva is not just a place for Alva residents. It's a beautiful area that all Lee County residents can enjoy, whether just a Sunday drive, enjoying our parks or areas along the Caloosahatchee River. A density increase in Alva will hurt ALL of Lee County.

PLEASE.....NO DENSITY INCREASES, IN ALVA, OR ANYWHERE ELSE IN LEE COUNTY.

Sincerely,

John and Jamie Armstong

9/26/2008

Miller, Janet M.

From: ManateeBuff@aol.com
Sent: Friday, September 26, 2008 4:23 PM
To: Miller, Janet M.
Subject: N. River Village

It has come to my attention that Bonita Bay Properties has proposed a project at the corner of S.R. 31 and S.R. 78 with an increased density of about 3 times the amount of what is now allowed in that area. This change if it were granted would not reflect the rural nature of this community.

The result of this density on the traffic would most likely cause congestion.

The need for water and septic systems with increased density would have a negative impact on the Caloosahatchee.

Please do not grant any increase in density for this project.

Sincerely,

Anita Buff
P.O. Box 485
Alva, Florida 33920

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CALOOSAHATCHEE
RIVER
WATCH

September 29, 2008

Local Planning Agency
Lee County
P. O. Box 398
Ft. Myers, FL 33902

Re: North River Village Development

Dear Members:

The Caloosatchee River Citizens Association aka Riverwatch is a river advocacy organization, established in 1995. Riverwatch is dedicated to the protection of the River and its watershed through education and promotion of the responsible use of the river for the enjoyment of all people. In compliance with our mission statement, we are interested in any proposed developments along the River and its impacts on the water, the environment and the community.

Bonita Bay's proposed project, North River Village, features many appealing aspects; green buildings, native plants and public access to its marina and Trout Creek. However, we have grave concerns to this project which we would like to address as follows:

- 1) Density- The proposed project's density exceeds that of the already approved land use community plan and is directly in opposition to the rural character of the Alva community
- 2) Impact on water quality/ usage of 1000 units and possibly 1500 additional units
- 3) Water and sewage hookups would present an economic hardship to many Alva residents
- 4) Increase in traffic (both cars and boats) on the area's roads and the River would cause additional problems.

Based on these concerns, we support Alva Inc.'s position on this issue. Unless density is reduced to comply with the existing Alva Comprehensive Plan, we cannot support this proposed development.

Respectfully submitted by:

Marti Daltry

Marti Daltry, Co-President

On behalf of the Caloosahatchee River Citizens Association/Riverwatch



Calusa Group

Serving Southwest Florida

8791 Corkskrew Rd.
Estero, Florida 33928

November 4, 2008

**District Engineer
Department of the Army
Jacksonville District Corps of Engineers
1520 Royal Palm Square Boulevard; Suite 310
Fort Myers Florida 33919**

**Subject: Permit Application No. SAG-2008-1327
North River Communities LLC**

Dear Sir or Madame,

The Calusa Group of the Sierra Club includes people from a five county area in Southwest Florida: Lee, Collier, Hendry and Glades. The Calusa Group takes its name from the Calusa Indians, who are now extinct. The Calusa Indians lived and thrived along the coast of Southwest Florida. They thrived through living in harmony with our Southwest Florida environment

Our Mission

The Sierra Club's Statement of Purpose is: To explore, enjoy and protect the wild places of the earth; to practice and promote the responsible use of the earth's ecosystems and resources; to educate and enlist humanity to protect and restore the quality of the natural and human environment; and to use all lawful means to carry out these objectives.

The Calusa Group of the Sierra Club request that you would deny this permit as the adverse impacts this project will cause to the environment does not correlate with the goals of our mission.

We as a group agree with and support the concerns of the communities that this project will affect. The Alva and Bayshore planing communities will bear the brunt of this project's negative impacts which will be a slow decline and eventual elimination of their rural communities which has been the pattern in a majority of Lee County over the recent decades.

The impacts to the endangered and threatened species that reside in these rural communities or off of their shores in the Caloosahatchee River is a burden they do not need to bear. The river also needs less of an impact on it and inundating its shores and islands with additional high rises and urban development in a Coastal High Hazard Flood zone is irresponsible with the amount of catastrophic damage and costs that have inundated Florida and the Gulf as of late. Lee County Emergency Management has not endorsed the request for increased density due to the location of this development.

With the predicted affects of Global Warming and rise in sea level the conditions that new waterfront developments will find as hurdles are not the same as in the past. Why as a society would we deliberately allow additional stresses to an already fragile and volatile economy especially the insurance industry.

We hope you will pay the utmost attention to the seriousness of this situation as it will set precedent for an epidemic of development that will soon resemble the concrete canyons and jungles of Miami and other large Cities. Their brown skies, traffic and manic pace is something we should not emulate. If we become just another wall to wall city where will people escape to? Those who come here for the nature will bypass Lee County for places that practice responsible growth.

Thank you for the opportunity to express our concerns.

Sincerely Yours,

**Karen Kamener
Conservation Chair
Calusa Group
Sierra Club**



CONSERVANCY Of Southwest Florida

*Preserving Southwest Florida's
natural environment and
quality of life ... now and forever.*

December 5, 2008

Mr. Harry Bergmann
U.S. Army Corps of Engineers
Fort Myers Regulatory Office
1520 Royal Palm Square Blvd., Suite 310
Fort Myers, Florida 33919

Subject: SAJ-2008-1327, North River Communities, LLC

Dear Mr. Bergmann:

The Conservancy of Southwest Florida, representing our over 6,000 members, is writing to express our numerous substantial concerns with regard to the proposed North River Communities, LLC development. The Conservancy of Southwest Florida believes that the proposed project design is not compliant with the federal regulatory provisions of the Endangered Species Act (ESA), the Marine Mammal Protection Act (MMPA), the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA). Therefore, we respectfully recommend that the US Army Corps of Engineers (the Corps) deny this permit application.

Introduction

The proposed North River Communities project is located on the north shore of the Caloosahatchee River, immediately east of State Road 31. The applicant proposes to construct a mixed use residential community with boating facilities. The applicant plans to destroy 23.49 acres of jurisdictional wetlands, 17.59 acres of non-jurisdictional wetlands, 8.91 acres of jurisdictional waters and 2.83 acres of non-jurisdictional waters. The applicant is proposing to construct four marinas, Owl Creek I Marina, Owl Creek II Marina, Williams Island Marina, and Dunes Highway Docks, resulting in an additional 474 slips. The impact of these slips will be greater than the 474 additional slips and associated boats because transient slips with multiple users and increased frequency of use are planned at the Owl Creek 1, Williams Island, and Duke Highway Docks marinas. The weir at the mouth of Owl Creek will be removed.

Owl Creek I Marina – This marina would be located at the mouth of owl creek. The basin at Owl Creek I Marina would be dredged and enlarged, with 1.01 acres and 35,100 cubic yards of material dredged. The basin would be -6 feet Mean Low Water (MLW). The marina would have transient docking, fueling, and sewage pumpout. A shuttle service to Williams Island would be operated. Seventy permanent wet slips to accommodate vessels up to 80 feet in length and 300 dry storage slips would be constructed.

Owl Creek II Marina – This marina would be located in an oxbow of the Caloosahatchee River. A flushing channel would be created by dredging 6,230 cubic yards of material. The developer plans to

construct 150 wet slips. Basin dredging would include 33,262 cubic yards of material from 12.8 acres to create depths of -5 feet MLW.

Williams Island Marina – Approximately 3,735 cubic yards of material would be dredged to create depth of -5 feet MLW. Forty wet slips would be constructed. Williams Island would be a destination point, with cottage, picnic areas, a restaurant, trails, a canoe launch, a fish cleaning station, a pool, a spa, meeting facilities and green space for events. A barge landing facility would be located along the Caloosahatchee River.

Duke Highway Docks – This area is a proposed destination point, with picnic tables, gazebos, bathrooms, first pits, and cooking grills. Eight transient slips are proposed.

The federally endangered Florida manatee utilizes the waters adjacent to the site and highly uses the Caloosahatchee River. Woodstorks have been observed and documented on the site. Potential habitat for the Florida panther, eastern indigo snake, the Florida scrub jay, the Audubon's crested caracara, and the red-cockaded woodpecker is at the site, but the applicant has not observed any nesting or other signs of these species during their survey visits.

I. Unacceptable Impacts to the Endangered Florida Manatee

The Caloosahatchee River system (including tributaries) is heavily used by manatees and boats and is the deadliest waterway on Florida's west coast for manatees due to collisions with watercraft. Since 1974, there have been at least 95 watercraft-related manatee deaths documented in the Caloosahatchee River system (the Caloosahatchee River and its tributaries) by the Florida Fish and Wildlife Conservation Commission (FWCC). Forty-four of the 95 deaths (46 percent) occurred since 1999, or in the last 10 of 35 years. The most recent three watercraft-related manatee deaths were documented in January, February and June 2008. Objections to the proposed project are heightened when considering the results of the Gorzelany boating studies funded by the FWCC, which show that the vast majority of boats exit the Caloosahatchee River into San Carlos Bay, where two watercraft-related manatee deaths were recorded in 2006, two in 2007 and one in 2008. Eleven other watercraft-related deaths have been documented in San Carlos Bay from 2000 through 2005, bringing the total to 16 watercraft-related manatee deaths.

The proposed project is consistent with the Lee County manatee protection plan (MPP). However, the MPP absolutely does not protect manatees and should be discarded as a permitting guidance document. During the three years prior to the Lee County MPP's approval (July 2000 – June 2004), 55 watercraft-related manatee deaths were documented. In the four years since MPP approval (July 2004 – June 2008), 60 watercraft-related manatee deaths were documented. An MPP is supposed to create safer conditions for manatees, not deadlier ones, or even maintain the status quo. Lee County leads the state yet again in 2008, with 14 watercraft-related manatee deaths through November 14.

The situation becomes even more concerning considering the number of factors that have adversely affected boating in the last five years. Gasoline prices have skyrocketed (until the last two months) and the southwest Florida economy has plummeted since the MPP was approved. Lee County's economy has been particularly hard hit, with major housing-related employers laying off thousands of workers and the number of housing foreclosures skyrocketing. These unfortunate events have clearly trickled into other parts of the economy, such as declining tourism and job loss in other economic sectors. Boat and other vehicle repossessions have increased as well. In addition, the 2004 and 2005

hurricane seasons were very active and seriously affected boating in southwest Florida and the Lee County area in particular. Under these conditions, it is reasonable to expect a decline in boating and a concomitant reduction in watercraft-related manatee deaths. Clearly, the opposite has happened in Lee County.

It is important to note that Charlotte County and Collier County, which are adjacent to Lee County, experienced the expected reduction in watercraft-related manatee deaths. The table below clearly illustrates that Lee County is in a crisis situation, and denial of this permit application is necessary and legally supportable by the Corps.

	July 2000 – June 2004	July 2004 – June 2008
Lee	55	60
Charlotte	14	8
Collier	27	13

The urgency to ensure no adverse impacts to manatees is further heightened by the most recent and best available information on the Florida manatee population: “A Core Stochastic Population Projection Model for Florida Manatees (*Trichechus manatus latirostris*)” produced by Dr. Michael C. Runge, et.al. of the United States Geological Survey’s Patuxent Wildlife Research Center in March 2007. This model reveals that the Southwest Florida manatee population, which includes Lee County, is projected to continue its decline.

In his 2003 work related to the U.S. Fish and Wildlife Service’s proposed Florida manatee Incidental Take Regulations, Dr. Runge found that the number of watercraft-related manatee deaths that the USFWS could authorize each year in compliance with the Marine Mammal Protection Act (MMPA) is *less than one* in three regions of Florida and zero watercraft-related deaths in Southwest Florida, which includes Lee County. Consequently, Incidental Take Regulations were never adopted. The lack of these regulations makes it impossible to permit the proposed project.

The manatee situation is so dire in Southwest Florida, that even if no additional watercraft-related manatee deaths occurred, the recovery of the Southwest Florida manatee population may be very difficult, if not almost impossible, at this point. Therefore, the Southwest Florida manatee population cannot suffer any additional impacts from new projects. The aerial survey data collected by the FWCC further add to the evidence that this project will adversely affect manatees. As illustrated on the enclosed GIS maps of FWCC manatee aerial survey data from 1994-1995 and 1997-1998, the oxbow on which the project is located is significantly used by manatees, primarily for resting. While the entire oxbow is used by manatees, the Owl Creek area in particular is an important area. Oxbows in general are significant manatee use areas, as is observable from the aerial survey data in the oxbows to the east and west of the project area.

In addition to the manatee mortality and aerial survey data, the Corps and the USFWS must consider the cumulative impacts of this project and others in the Caloosahatchee River system. For example, the Corps issued a permit for Leeward Yacht Club in 2008. Leeward Yacht Club, with 128 additional wet slips, is located on the Orange River downstream from the Florida Power and Light power plant, which is the most significant thermal refuge for manatees on Florida’s west coast. The Leeward basin itself is used by hundreds of manatees for resting and thermoregulating. The Leeward boating traffic is anticipated to disturb the hundreds of manatees using the basin, in effect taking their habitat, and

increase the threat of watercraft collisions with manatees in the Caloosahatchee River. The 128 Leeward slips and the 474 North River slips, for a total of 608 new boating slips, in combination with the continually and unacceptably high number of watercraft-related manatee deaths in the Caloosahatchee River/San Carlos Bay system, must be deemed inconsistent with the MMPA.

With respect to the ESA, Section 7(a)2 requires the Corps, in consultation with the USFWS, "to insure that any action authorized, funded, or carried out" by the Corps "is not likely to jeopardize the continued existence of any endangered species." ESA regulations interpret this provision to prohibit any agency action "that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both survival and recovery of a listed species in the wild." Section 9 of the ESA prohibits "take" of endangered species, and in the case of this project, "take" can be reasonably expected. In the context of an application for a permit under Clean Water Act section 404, CWA regulations also prohibit the Corps from permitting the discharge of dredged or fill material if permitting such a discharge "jeopardizes the continued existence of species listed as endangered or threatened under the Endangered Species Act of 1973."

Clearly this project is not consistent with the requirements of the MMPA or ESA, and the project should be denied.

II. Unacceptable Impacts to the Endangered Wood Storks

The project site is located within the core foraging area of an active documented wood stork rookery. Additionally, wood storks have been observed foraging on the project site by the applicant's consultants. Specific location information regarding foraging sites was not included in the public notice. As stated in Paragraph IV. below, the Conservancy of Southwest Florida is concerned regarding avoidance and minimization of habitat impacts by the applicant.

The applicant proposes to preserve and enhance 187.62 acres of wetlands and 9.73 acres of other waters on-site, but the applicant does not adequately show that these measures will offset the destruction of foraging habitat that is proposed. Wood stork foraging locations must be adequately protected. Therefore, the applicant must present additional information regarding how they have avoided and minimized their impacts, as well as the location and quality of foraging habitat that will be destroyed to demonstrate that the proposed improvements to foraging areas will result in a net benefit to the wood stork.

III. Potential Impacts to Other Protected Species

The applicant states that while the site contains habitat for the Florida panther, eastern indigo snake, the Florida scrub jay, the Audubon's crested caracara, and the red-cockaded woodpecker, no signs of these species were observed. With available habitat shrinking in Southwest Florida, it is critical that the Corps and the U.S. Fish and Wildlife Service verify that protected species habitat is not being used by those species. The need for verification increases considering the size of the proposed project -over 1,200 acres, and the quality of portion of the habitat. The Conservancy recommends that the Corps conduct an independent assessment of the area for the presence of or use by the Florida panther, eastern indigo snake, the Florida scrub jay, the Audubon's crested caracara, and the red-cockaded woodpecker.

IV. Avoidance and Minimization Statement

The applicant's avoidance and minimization statement is inadequate. Even if conditions were safe enough from a manatee perspective to increase boat slips (which again the conditions are unsafe and deadly and the number of slips should not be increased), the applicant should plan facilities for boats that can operate at the *existing* depths, and the number of slips should be limited to the number the waterway can accommodate without the applicant enlarging the basin. Such planning would avoid the dredging that is proposed.

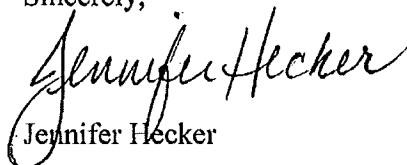
Regarding avoidance of impacts to wetlands within a core foraging area for the endangered woodstork, it is unacceptable that the applicant has decided to destroy some of the isolated wetlands with high habitat value that could be avoided. While these wetlands are not subject to the regulatory review that connected wetlands are, they do provide significant habitat for numerous species and should be preserved. Therefore, the applicant should be required to further avoid and minimize their impacts to wetlands on-site.

V. Conclusion

Because the applicant has not adequately avoided their impacts to the endangered Florida manatee and wood stork, as well as to wetlands, their application should be denied. If the Corps is not prepared to deny this permit application, then the Conservancy strongly recommends that an Environmental Impact Statement (EIS) be prepared consistent with NEPA. An EIS is necessary because approval of this project constitutes a major federal action that may significantly affect the environment. This massive marina complex (474 new slips), placed on the deadliest west coast waterway for manatees due to collisions with boats, and in a county that clearly has a very ineffective MPP that has created deadlier conditions for manatees, must be more thoroughly reviewed and addressed if the Corps does not believe the data currently warrant denial of the permit application.

Finally, the Conservancy of Southwest Florida requests a public hearing on the proposed project to allow for the substantial public interests involved to be carefully considered. We also request being added as an interested stakeholder on any correspondence, documentation, email distribution lists, and meeting notices relating to this project. If you have any questions or would like to discuss further, please feel free to call me at (239) 262-0304 x250. Thank you very much for your consideration in this matter.

Sincerely,



Jennifer Hecker

cc: Sam Hamilton, USFWS
Paul Souza, USFWS Vero Beach
Ken Haddad, FWCC
Carol Wehle, SFWMD
Jewelene Harris, SFWMD
Commissioner Ray Judah, Lee County

RECEIVED
MAY 09 2008

COMMUNITY DEVELOPMENT



CONSERVANCY
Of Southwest Florida

P.O. Box 511895
Punta Gorda, FL 33951-1895
Phone 239-293-7460/941-575-7475
Fax 941-575-7082
www.conservancy.org

5/06/08

Matt Noble
Principal Planner
Lee County Department of Community Development
Division of Planning
P.O. Box 398
Fort Myers, FL 33902-0398

Mr. Noble:

We at the Conservancy of Southwest Florida, representing our membership in Lee County wish to share with you our concerns with the latest sufficiency response from Delisi Fitzgerald, Inc. on the North River Village Large Scale Plan Amendment (CPA2006-12) dated March 6, 2008. The Conservancy has met on several occasions with applicants for the North River Village and at each meeting we have stated our position that gifts of bonus density should not be allowed unless density is retired from another location. We have stated our support for a Transfer of Development Rights (TDR) as a vehicle for allocating density where it can be accommodated, and for preserving environmentally sensitive areas. In addition, the Conservancy believes that the community must be part of the planning process for such land use changes, especially when the community has a guidance document for future growth and maintenance of community character. Such is the case with the Alva community and the Conservancy acknowledges and supports the Alva Community Plan.

One important concern raised by the Conservancy regarding the proposed North River Village is the proposed creation of a new Future Land Use Map category. We believe a new category is unnecessary, as has been pointed out by staff in numerous meetings between staff and the Alva Inc. Board of Directors.

Density/Rural Character:

On Page 1, in the first paragraph of their "Summary of Remaining Issues", Mr. Delisi claims that somewhere, someone has claimed that "...the only measure of rural character is density or intensity of development". We agree that density and intensity of development are measures by which rural character can be impacted. They are not, however the only measures by which communities measure and value the existing rural character.

But the intrusion of density and intensity into areas not previously planned for, and supported by the community in their Community Plan can only be seen as inappropriate. Alva, Inc. has articulated their vision for the preservation of the rural character of the Alva Community in the Community Plan currently under consideration by the County. That Plan provides for increased density in the Rural Village Overlay District.

As to the protection of Owl Creek and Trout Creek and the implied impacts to the integrity of those water bodies, we would point out that the County Department of Environmental Protection and State of Florida Department of Environmental Protection have the authority to require protections of surface waters in Lee County and the State of Florida and mitigation for any impacts, The U.S. Army Corps of Engineers and the Environmental Protection Agency (EPA) jointly administer the Clean Water Act, which among other provisions requires a Section 404 permit prior to impacting any "waters of the United States", and requires mitigation for any impacts permitted.. Therefore, proper management of the waterways is not so much a gift to the community, but is, through required adherence to County, State and Federal regulations, is assured in Lee County is therefore assured.

In paragraph 2, Mr. Delisi makes the case for clustering density, which is a concept that the Conservancy supports. However the Conservancy supports clustering density that has been removed from other, more sensitive, lands. The North River Village project is assuming a gift of density without retirement of density elsewhere. We cannot support bonus density, regardless of the alternative proposed by the developer to develop as the Lee Plan and the Alva Community Plan currently dictate. We do not believe that the venerable Bill Spikowski, Randall Arendt (who was a class mate of mine at the University of Massachusetts when the concept of Rural by Design was developed) or Ian McHarg, would, as is suggested by Mr. Delisi, be supportive of a plan to increase density by 150%, and the introduction of a new commercial core in a current agricultural setting, without any concrete assurances that the act would result in the establishment of conservation easement on an area containing equal development rights. There really is no need to respond to the Collier County Rural Fringe Guidelines, as they are irrelevant in this setting.

As to the issue of whether this proposal represents sprawl, we would hold that it meets the definition in many respects. The Alva Community has, through its Community Plan identified the Rural Village Overlay District as the urban center for the Community, and efforts to create new centers far flung from that core, can only be considered sprawl.

"163.2511 Urban Infill and redevelopment.--

(1) Sections [163.2511](#)-163.2526 may be cited as the "Growth Policy Act."

(2) It is declared that:

(a) Fiscally strong urban centers are beneficial to regional and state economies and resources, are a method for reduction of future urban sprawl, and should be promoted by state, regional, and local governments. "

All parties are familiar with DCA's position on sprawl, as it was stated in their ORC for the West Hendry Area Plan, as I paraphrase it here:

"... The County is proposing to change the land use designation of the land on the Eastern part of the County. The amendment does not promote the maximization of existing and future infrastructure since it does not direct developments to areas with existing and planned infrastructure. Furthermore, the amendment promotes the premature conversion of agricultural land to other uses. Although the County is proposing to allow clustering in conjunction with these amendments, adequate standards have not been provided to guide how clustering will occur in order to overcome urban sprawl."

Population Accommodation:

Mr. Delisi discusses the anticipated population increase to be experienced by Lee County, and suggests that "...the expectation would be that the percent would remain constant or increase, given the direction of growth and development pressure." If the County were to allocate population distribution based on where the development community would direct or pressure, would be to repeat the mistakes of decades past. In those times land was over platted, through the assumption that lots would be sold and new population settles on those plats. That has not been the case, and the County suffers now with a significant excess in platted lots that the development community refuse to deal with. We trust that the County has learned the lesson of the past decades and does not intend to repeat the mistakes. In the years since the original platting in communities such as Lehigh Acres, the state has passed the Growth Management Act, and has acknowledged the responsibility of local governments to infill areas where existing infrastructure can serve the residents, and where the local government can invest in improvements that strengthen the existing urban areas and limit the pre-mature conversion of agricultural lands.

Environmental Questions:

The proposed reclassification of approximately 250 acres of uplands and wetland to conservation could translate into approximately 250 additional development units, if the lands reclassified are environmentally significant, and proper restrictions are placed on the development potential of those acres. This would represent approximately 17% of the additional density units being sought by Bonita Bay in this application. The applicants promise to designate additional lands during the Zoning process. At that point, the County would be placing themselves in the position of defending any decision that they might make not to allow the density in the absence of the designation of the appropriate and adequate sending areas to justify the density increase.

A statement of adherence to Policies 77.3.6 and 77.3.7 by the applicants is admirable, but unnecessary. If they choose to do so while refusing the incentives and impact fee credits, as they suggest, is a decision they will have to make independent of their responsibility to adhere to the Policies. The suggestion seems to be that the County overlooks the fact that they will be granting a 150% increase in allowable density, because the applicants agree not press for further incentives and impact fees.

The coordination of greenway planning and open space connectors, along with provision of connections to the trail way system is not intended to be entirely a gift to the community at large, but to provide a level of service for all residents. Therefore adherence to policies requiring these amenities should not be viewed as only benefiting the residents outside the subject development proposal.

In conclusion the Conservancy has met with applicants for the North River Village and has at each meeting stated our position with regard to bonus density and our support for a Transfer of Development Rights (TDR) as a vehicle for allocating density where it can be accommodated, and for preserving environmentally sensitive areas. Additionally, the Conservancy supports self determination by local communities, and specifically, we believe that The Alva Community is deserving of better development in their Community, and development that acknowledges and supports the Alva Community Plan.

Respectfully,



Steven L. Brown, AICP
Environmental Policy Specialist
Conservancy of Southwest Florida

Cc: Nicole Ryan, Conservancy

Miller, Janet M.

From: Dianne DeBoest [ladydialva@wildblue.net]
Sent: Friday, September 26, 2008 11:47 AM
To: Miller, Janet M.
Subject: North River Village Project

I would appreciate your forwarding this communication to the LPA Members and our Lee County Commissioners.

My husband, Richard, and I have lived in the Alva area for over 35 years and are very much against any increase in the density already granted to Bonita Bay for this project. An increase from 997 homes to 2,500 homes is absolutely unacceptable. This developer should not expect to change the rules and should accept the density allocation in the Lee Plan, that being 997 homes. Any increased density will degrade the rural character of Alva, add significantly to traffic and congestion on roads that are ill-prepared to handle same, have an enormous impact on our water resources and create urban sprawl. This is not smart growth.

Thank you for your consideration of our concerns. Dianne DeBoest, 3141 Bateman Road, Alva, FL 33920.

9/26/2008

Miller, Janet M.

From: Julie DeMeo [artexperielady@hotmail.com]
Sent: Sunday, September 28, 2008 3:49 PM
To: Miller, Janet M.
Subject: LPU Meeting in Regard to North River Village

Dear Ms Miller,

As an Alva resident, I was sent this information regarding the upcoming LPU Meeting. As time is of the essence, I would like it acknowledged of my assent to this letter below. Thank you very much.

Julie DeMeo
17880 Caloosa Road
Alva, FL 33920
239-782-2714

From: Terri Fields <blissfullyoga@yahoo.com>
Subject: LPU Meeting in Regard to North River Village
To: millerjm@leegov.com
Date: Thursday, September 25, 2008, 3:04 PM

Dear Ms Miller,

Please be sure to deliver this urgent email prior to the upcoming LPA meeting in regards to Bonita Bay's request to increase density from 997 homes to 2,500 homes on the North River Village property that surrounds our home at 14080 Duke Hwy, Alva, Fl

I am completely opposed to increasing density on the above named property and even more adamantly opposed to a change in the land use category! I feel that this a degradation of the rural lifestyle and beauty that still remains in Lee County.

Everywhere else has become part an urban sprawl. We will experience increased traffic and congestion and the accompanying dangers of driving. At present we often witness many drivers and motorcycle enthusiasts enjoying a ride along North River Road for the beauty and relative lack of traffic. With the addition of 2500 homes along with the development of Babcock Ranch, that last vestige of a bucolic and beautiful area will be gone forever.

This is also a habitat for all kinds of wildlife: Sandhill Cranes, Wild Turkeys, Owls, Bald Eagles, Coyotes, Land Tortoise to name a few.

The Caloosahatchee River has been under environmental strain through degradation of our water. Some of the problems originate from Lake Okeechobee. However, when we keep adding housing densities, commercial build out and the increased water vehicles on the river, it only stands to reason that there will be a huge cumulative affect on the quality of the river water.

There is a huge glut of lots for build out in Lee County especially in Lehigh Acres and Cape Coral, not to mention the absorption of empty homes in Lee County due to the housing downfall. There is no demand for more land to build upon. Allowing Bonita Bay to develop with almost triple the allowable density in this area of Lee County

constitutes no more than **Urban Sprawl** as there are virtually no infrastructure to support these additional homes. The lack of roads, fire protection, lack of central sewer and water nor additional schools will only lead Lee County to providing these services and further creating a tax burden on the citizens of Lee County who are already feeling over taxed and over burdened.

Respectfully Submitted,
Theresa E Fields
14080 Duke Hwy
Alva, Fl
239-693-3933

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East Lee County Council

P.O Box 50422 Fort Myers, Fl. 33994

"Striving to improve the quality of life in the member communities"

Council Members

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Alabama Groves
Buckingham
Fort Myers Shores
Hawks Preserve
Hickey/Oak Creek
Morse Shores
Oasis Park
Olga
Orange Harbor Park
Orange River Hills
Pine Ridge Village
Palm Beach
Development Corp.
River Forest
River Grove Estates
River Hall
Riverdale
Russell Park
Sun'n'Fun
Tice Association
Verandah

May 6, 2008

Board of County Commissioners:

The Bonita Bay Group has requested a Large Scale Comprehensive Plan Amendment which is not, in the opinion of the East Lee County Council, consistent with the best interests of East Lee County residents and taxpayers.

This proposal establishes a new land use category entitled "River Village" within which the North River Village project would be designated. As proposed, this new category could be used to propagate the requested North River Village density increase scenario to other properties in East Lee County – from I 75 to the Hendry County line. The new category would allow a tripling of the density and would destroy the "Rural Character" of this area. East Lee County Council is opposed to the supplanting of the current Rural Land Use Category and establishment of the River Village land use category.

Bonita Bay's North River Village project requests a density increase from 997 units to 2,500 units on 1,200 acres designated within the Rural, Wetland, and Outer Island land use categories. The property is located in the Alva Community Planning Area at the southeast corner of North River Road and SR 31. The East Lee County Council is opposed to any density increase on this property. We believe the proposal would reduce the quality of life in East Lee County by further clogging SR 31, CR78 and Bayshore Road. This project would overdevelop a scenic "rural area" in lieu of placing development in areas consistent with the Lee Plan; where infrastructure exists and higher density is allocated. The project is an example of "Sprawl".

The Board of Commissioners, Lee Staff and taxpayers have supported the communities in East Lee County in the development of community plans, some of which are still in the approval process. The River Village land use category is inconsistent with and flies in the face of these community planning efforts. We believe the existing land use categories are appropriate, and can be supplemented with overlays where appropriate.

Thank you for your efforts to maintain our quality of life in Lee County.

Sincerely,

Ed Kimball

President

East Lee County Council

Miller, Janet M.

From: Terri Fields [blissfullyoga@yahoo.com]
Sent: Thursday, September 25, 2008 3:05 PM
To: Miller, Janet M.
Subject: LPU Meeting in Regard to North River Village

Dear Ms Miller,

Please be sure to deliver this urgent email prior to the upcoming LPA meeting in regards to Bonita Bay's request to increase density from 997 homes to 2,500 homes on the North River Village property that surrounds our home at 14080 Duke Hwy, Alva, Fl

I am completely opposed to increasing density on the above named property and even more adamantly opposed to a change in the land use category! I feel that this a degradation of the rural lifestyle and beauty that still remains in Lee County. Everywhere else has become part an urban sprawl. We will experience increased traffic and congestion and the accompanying dangers of driving. At present we often witness many drivers and motorcycle enthusiasts enjoying a ride along North River Road for the beauty and relative lack of traffic. With the addition of 2500 homes along with the development of Babcock Ranch, that last vestige of a bucolic and beautiful area will be gone forever.

This is also a habitat for all kinds of wildlife: Sandhill Cranes, Wild Turkeys, Owls, Bald Eagles, Coyotes, Land Tortoise to name a few.

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There is a huge glut of lots for build out in Lee County especially in Lehigh Acres and Cape Coral, not to mention the absorption of empty homes in Lee County due to the housing downfall. There is no demand for more land to build upon. Allowing Bonita Bay to develop with almost triple the allowable density in this area of Lee County constitutes no more than **Urban Sprawl** as there are virtually no infrastructure to support these additional homes. The lack of roads, fire protection, lack of central sewer and water nor additional schools will only lead Lee County to providing these services and further creating a tax burden on the citizens of Lee County who are already feeling over taxed and over burdened.

Respectfully Submitted,
Theresa E Fields
14080 Duke Hwy
Alva, Fl
239-693-3933

Rob Fowler

Fowler's Way, Alva Florida 33920

Tough Decisions ? The very nature of my life has been just that, both in my personal life and my career as a builder and developer in Lee County and Southwest Florida for the past 38 years. Often I have to look from within and examine the possibility of hypocrisy existing within my character for I have earned my living from an avocation that has been good to me, the building and development industry, yet, I find myself often at odds between that which may be the best for land development interests and those values that are in the very best interests of our community as a whole. These values should not conflict but so often do.

In the 1980's, through a State mandated process of controlling growth, our Lee County representative government went to our citizens and asked for direction related to how this Community would like to grow into the future. After years of struggling with so many issues, consensus was reached and the Lee County Comprehensive Land Use Plan was adopted after approval of the State and most importantly, the citizens of our Community. We as a total Community had a vision, a vision garnered from all facets of our social and economic structure including builders and developers like myself, government planners, environmentalists, real estate professionals, medical and legal professionals and so many more. Yes, at last there was a Plan, a Plan comprehensive in its content and well conceived through Community consensus.

From that point forward, as a developer I find great satisfaction in my building endeavors with the knowledge that, as County staff would term, my desire to build is "CONSISTENT" with the Comp. Plan and; therefore, is consistent with the vision of my community. This "Plan" gives me direction and tells me with little question in what manner the land is deemed to be developed. It establishes the desired growth patterns. As a developer we establish the dollar amount for which we can afford to purchase the land based specifically on the criteria that the Plan establishes. We cannot with good business sense purchase the land for a much higher amount and then expect our Community and its representative government to alter the Plan by increasing allowable density (number of livable units) to make our developing effort "affordable". There should be no claim by the developer that suggests that to now make it possible to develop the land with "Smart Growth" concepts, the Plan must be amended and allowable density increased to make it affordable and to develop the project in such a manner. The opportunity for the developer to purchase the land and make his development affordable was there when the land cost was negotiated and that opportunity is lost after the fact if the developer purchases the land with the expectation that the Community will alter its Plan to make the development affordable.

"Smart Growth" is a term so often misunderstood and abused. Because of my interests in our growth patterns, I was a founding appointee by the Lee County Commission to serve on the Lee County Smart Growth Advisory Committee. During my tenure on this Board, I listened to the presentations of several individuals who made attempts to attach the term "smart growth" to their agenda. The term sounds good, looks good and is much like the term. "reduced fat" often found on food labels. The words sell but so often offer an incorrect perception of the truth. In truth it is difficult to define with great specificity the exact definition of "Smart Growth"; however, its goal is to achieve a good balance between community livability, economic viability and environmental sensitivity and to maintain community character. What is very clear is that "Smart Growth" joins with our Comprehensive Land Use Plan in defining "urban sprawl, and vigorously attempts to dissuade communities from allowing this phenomena to occur.

Land is a limited resource and as the resource diminishes, the rush is on by developers to acquire the remaining land while it is still available to support the industry. Such is the case right now with East Lee County where yet another effort is being made by a developer to amend our Lee Plan to permit the allowable density of its use to be doubled. The subject planned development is North River Village located in the heart of the rural

area known as the Alva Community Plan. The developer claims that doubling the density / intensity of the subject 1232 acres is necessary to make it affordable to “properly” develop the land in accord with Smart Growth concepts. The fact is that regardless of any design concepts being proposed, the doubling of the density in this rural area alone contravenes one of the most basic elements of Smart Growth. Smart Growth defines this as Urban Sprawl and, as Wayne Daltry, the Director of Lee County’s Smart Growth Initiative, has so clearly stated, this Plan Amendment Change request is NOT Smart Growth and IS Urban Sprawl and is precisely what is so contrary to the visions of the Alva community as clearly defined in the Alva Community Plan, a plan openly created by residents of the rural Alva area and presented to the County Commission

Being a developer / builder myself, it would be foolish for me to say I am against growth for it is the lifeblood of my industry. However, I strongly believe that growth must first be responsible and extremely attentive to the clearly stated visions of the community in which it takes place before it is designed to solely meet the needs of the developer. That is the very heart of Smart Growth This is not a “no growth” philosophy for I recognize that the North River Village Land will be developed at some point in time; however, it is my sincere belief that the land can creatively be developed successfully while at the same time complimenting the vision that the rural community of Alva established in its Alva Community Plan.

As Smart Growth promotes, the Alva Community Plan is inclusive and collaborative and brought together people of diverse views in an effort to develop a community consensus on a vision for future growth and community character. That vision has been stated and it would be shameful to now disregard the community’s wishes by arbitrarily negating the very heart of that vision and doubling the density / intensity of this rural land.

Tough Decision? It shouldn’t be.

Miller, Janet M.

From: n.harmon@att.net
Sent: Sunday, September 28, 2008 4:38 PM
To: Miller, Janet M.
Subject: North River Village (Bonita Bay)

Dear Ms. Miller;

I am sorry I can not attend your hearing this morning for subject matter but I would like to express my concerns about the density of the number of homes that is proposed to build on the property on the corner of Rt 31 and Rt 78. I feel that this property is designed as rural land and should remain that way, the present road structures would not accommodate the proposed 997 to 2,500 homes. Any change in this type of density would cause serious problems in that area as well as Rt 80. The proposal for height of some of their buildings on the waterways also seems out of line with the present area development. We presently have problems with our River and added boat traffic would only increase the concerns of the River.

Thank you for accepting my concerns.

Nora Harmon

Miller, Janet

From: Karen Kamener [Shadowfaxfan@earthlink.net]
Sent: Wednesday, February 18, 2009 5:40 AM
To: Miller, Janet
Subject: [Fwd: Lack of DNR substantive review comments for North River Village]
Attachments: NRV Staff Report-2.pdf

Hi Janet,

Are things like this letter below important for the record? I do not want to overwhelm you with things that are not relevant. I think I may have told you I am still learning how this game is played. I do appreciate your time. Take care, Karen

----- Original Message -----

Subject: Lack of DNR substantive review comments for North River Village

Date: Wed, 18 Feb 2009 05:28:40 -0500

From: Karen Kamener <Shadowfaxfan@earthlink.net>

To: Commissioner Mann <dist5@leegov.com>, Commissioner Bigelow <dist2@leegov.com>, Commissioner Judah <dist3@leegov.com>, Commissioner Janes <dist1@leegov.com>, Commissioner Hall <dist4@leegov.com>, "Noble, Matthew A." <NOBLEMA@leegov.com>, oconnops@leegov.com, "Daltry, Wayne E." <WDaltry@leegov.com>

CC: Shelley Traurig <Sat300@aol.com>, Debbie Jackow <debjack12@gmail.com>, Rachel Abrams <rachabrams@juno.com>, Barbara Rodd <Bkaraim@aol.com>, Carolyn Morton <mortonpalm@yahoo.com>, Laura Alvarez <Laura@AINurcc.com>, Matt Smith <matthsmith@biofilters.com>, Maynard Houston <maynardh@embarqmail.com>, Steve Brodtkin <SteveB239@aol.com>, Ralph and Phyllis Picking <rpicking@aol.com>, Dorothy and John Kantaris <JoDoKant@aol.com>, Plambeck <Lehighcorp@aol.com>, Rhoda Beutler <rbeutler@echonet.org>, Lori Davidson <Lori.davidson@53.com>, Bill Hannong <HaRa7sec@aol.com>, Mr John Bordonaro <johnbord@yahoo.com>, Irby English <irbye@exoconnect.com>, Steven Brown <stevenb@conservancy.org>, Larry Eckhardt <Elarry839@aol.com>, pegasustfts@aol.com, Evelyn <EZGH1@yahoo.com>, "d.urich@comcast.net" <d.urich@comcast.net>, bleegrüniger <bleegrüniger@comcast.net>, Ellie Boyd <geboyd64@earthlink.net>, Ellen Peterson <ecrone1@gmail.com>, Jim Green <jgreen@cyberstreet.com>, Loren <lorenLW@aol.com>, 'RGMC - Cullum Hasty' <cullumhasty@comcast.net>, Carl Veaux <CVeaux@aol.com>, Connie Langmann <GAEAKayaks@aol.com>, DonEhat@earthlink.net, "Demers, Dr. Nora" <ndemers@fgcu.edu>, coolcherokee <coolcherokee@comcast.net>, Cathy Hendrickson <CHendr7108@aol.com>

Dear Commissioners Hall, Mann, Janes, Judah, Bigelow and Smart Growth Director Wayne Daltrey,

I would like to present some concerns to you. As you know there has been an

increase of flooding over the decades in the 120 square mile area of North Lee and Southern Charlotte counties between I -75 and RT. 31, including undocumented volumes flowing over Rt. 31 to the east. The increase in flooding was confirmed in a letter that I received from Chip Merriam Deputy Executive Director of Water Resources SFWMD . Various County, State and Federal agencies seem to have different opinions on how to address and possibly provide solutions to this problem.

Kitson and Partners propose to bring some of this water under Rt. 31 and canal it to Owl Creek. Owl and Trout creeks were on the list{below} of creeks in the North Fort Myers Surface Water Management Plan, yet Trout Creek{#17} seems to have been removed from the study. Trout Creek joins with Owl Creek before they enter the Caloosahatchee river and a significant amount {approximately 4/5ths} of the Trout Creek FEMA floodway is proposed to be removed through a FEMA LOMA. Both of these creeks will receive substantial flows from the proposed Babcock Community.

In light of this it has been brought to my attention by inquiring about the issue that the Bonita Bay application for the North River Village Comprehensive Plan Amendment has not received "substantive review comments" from the Lee County Division of Natural Resources concerning the Surface Water Management issues affecting this proposed development. The North River Village application also speaks of restoring historical flowways but the fact that they intend to apply for a FEMA LOMA to significantly reduce the existing floodway on Trout Creek and halve the Floodway on Owl Creek has not been addressed.

There are also concerns with this paragraph from the attached letter to the LPA from Paul O'Connor AICP Director of Planning found on page one.

The applicant's representatives have indicated that they are in agreement with this language one exception. Their exception concerns the last sentence of Policy 1.10.19, paragraph applicant objects to including specific language in the amendment concerning this specific floodway. This is not a new issue from a staff perspective. The original staff report, issued September 2008, contained the same staff recommendation.

Could you please request that these "substantive review comments" from DNR are added to the staff report going before the Local Planning Agency on Feb. 23rd, 2009 or else have this application continued to the following month if this is not possible. It would be a shame if the type of flooding found in Bonita Springs caused by upscale communities deleting the escape of water through the natural sloughs, wetlands and flowways/floodways were to be found and then exacerbated north of the Caloosahatchee River resulting in millions to clean up and address the problem, after the fact.

Thank you for your time in this matter,
Best Regards, Karen Kamener
Secretary for The Concerned Citizens of Bayshore

ATTACHMENT NO. 1 TO EXHIBIT A

Lee County
North Fort Myers Surface Water Management Plan

SCOPE OF WORK**PROJECT AREA:****Focus Area:**

Between US-41 and SR-31. From Charlotte County line up to Caloosahatchee River.

Watersheds:

The following watersheds located in and around the Focus Area will be included in the study. Other minor tidally-influenced unnamed watersheds near the Caloosahatchee River within the focus area will also be studied.

1. Gator Slough
2. Yellow Fever Creek -- East Branch
3. Powell Creek
4. Marsh Point Creek
5. Cohn Branch
6. Daughtrey Creek -- East Branch
7. Daughtrey Creek
8. Chapel Branch
9. Bayshore Creek
10. Popash Creek
11. Stroud Creek
12. Palm Creek
13. Unnamed watershed located between Stroud Creek and Palm Creek
14. Kickapoo Creek
15. Owl Creek
16. Unnamed watershed located between Kickapoo Creek and Owl Creek
17. Trout Creek
18. Otter Creek
19. Unnamed watershed immediately east of Otter Creek
20. Yellow Fever Creek
21. Hancock Creek (Watersheds 15 through 19 are located outside the Focus Area. They will be studied with a detail sufficient to provide tailwater/basin transfer conditions)

Miller, Janet M.

From: rmlong02 [rmlong02@aol.com]
Sent: Friday, September 26, 2008 7:08 AM
To: Miller, Janet M.
Subject: North River Village

Good Morning Ms. Miller. Allow me to introduce myself: My name is Robert M. Longfellow and I and my wife Janice are residents of 14260 Duke Highway Alva, Fl 33920. We are proud of our neighborhood and wish to express our feelings regarding the Bonita Bay request for density change. First please let me say Bonita Bay is welcome here in Olga with only one concrete provision, the density stays the same that **all** of us have lived with here for many many years. To destroy this area with 2500+ homes and condos is totally unacceptable not only to me but to the other residents and my neighbors as well. There are only 2 households that I'm aware of support this request. They call themselves the Olga Group but please know both of these households have recently or currently have their property for sale and seek financial gain from this, nothing more. I recall a meeting some months ago that a poll was taken at the Alva Community Center after some long discussion and the vote was 48 to 2 with one person attending for the east coast and Diane Starlucci (Olga Group) being the **ONLY** for votes. This area is precious and can not be allowed to be forever destroyed by high density development. This latest manuver from Bonita Bay to offer "credits" from Veranda to gain additional consideration in North River Village is not acceptable to anyone I have spoken with and should not be a consideration here. With the 2 lone exceptions mentioned above **EVERY** resident or property owner I have talked with strongly opposes this density change. Thus we are united in our position. In closing, on a personal note, my wife of 36 years Janice is suffering from ALS which is a terminal disease and I as the only caregiver can not leave her to attend Monday's meeting and speak to the board. In view of these circumstances I ask that ,if necessary a exception be made so that I could speak with the County Comissioners at a later date should this request move forward. I will be willing to make whatever arrangements necessary, to be there to speak if allowed. Ms. Miller Thank You for time and it is my hope that this sheds some light on the united position of residents and property owners of Duke Highway. Respectfully Submitted, Robert M. Longfellow. (694-0077)

Find phone numbers fast with the [New AOL Yellow Pages!](#)

1670 Werner Drive
Alva, FL 33920
September 25, 2008

To:
Local Planning Agency Members
Board of Lee County Commissioners

Re: ALVA, Inc. LPA Hearing, Bonita Bay Group, North River Village

My husband and I have been residents of Alva for over two years now. We moved here from Gateway, where we had lived for seven years, precisely to get away from their over-building and crowded and dangerous roads. We fell in love with the "country" tranquility and peaceful atmosphere that living on the Caloosahatchee has to offer!!

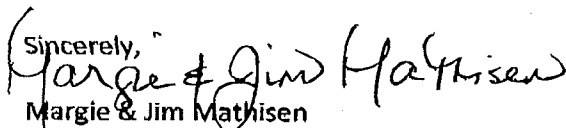
We would just like to go on record as saying that we DO NOT oppose the Bonita Bay Group building a development on North River Road, but WE DO STRONGLY OPPOSE THE NUMBER OF HOMES THEY ARE PROJECTING TO BUILD-- 2500 homes is very unrealistic, especially since the present infrastructure here cannot handle what we have now and adding this burden to our already crowded and dangerous SR 80, as well as SR 31, just isn't using common sense. It may be a money-maker for this developer, but it will put a stranglehold on the rest of us.

Furthermore, the Caloosahatchee is the "life-blood of Lee County" from here to Sanibel. The present marina that occupies this land is for repair-purposes only and not for recreational boats. If only half of the people who will eventually purchase homes in North River Village have boats that they intend to launch into our river, it will be total over-kill. We already have Sweetwater Marina (owned by Bonita Bay) and Steamboat Marina--all within the same area. The only difference is that the North Village Marina will be on the north side of the river and not the south. This is not the Gulf of Mexico, it's the Caloosahatchee!! Our waterway will become "River 41 or River I-75" instead of Canal 43, as the Army Corps of Engineers refers to it.

Bonita Bay has heretofore built beautiful new developments and we assume they will do the same on North River Road. But, North River Village, with the present proposal, will not only increase the "density" on the land, but also the density on the river. We also need to save the Caloosahatchee from overcrowding. All of the recreational activities out there now are a real danger to both adults and children because of the recklessness it inspires.

The rural character that Alva, and other communities along the river, have tried so hard to preserve for many years, will just become another "urban sprawl," instead of "smart growth," which seems to be the "coined" phrase these days. It's paramount that developers also use smart growth!

Thank you for your consideration.

Sincerely,

Margie & Jim Mathisen

Miller, Janet M.

From: f musco [fvmusco@hotmail.com]

Sent: Friday, September 26, 2008 10:33 AM

To: Miller, Janet M.

Subject: Lee Planning/County Commission, Bonita Bay, North River Village

I plan on attending meeting on Monday, Sep 29 to voice my thoughts on the request from Bonita Bay to increase their home density for North River Village. I am a full time resident of Alva and have been in my present location at 18110 North Olga Drive for 10+ years and a resident in Lee County for past 30 years. I continue to support the present Lee County Comprehensive Plan and stand by its controlled growth to secure the landscape and population growth of Lee County. In its most simplest term, I support the present Lee County Comprehensive Plan and its density requirements and request that the local planning agency at their meeting this Monday, reject Bonita Bays request to increase density at their North River Village project. Please add my email to you documents for rejection of this request. Thanks.

Frank V. and Rose Musco

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new

28 1/3

Subj: Re: FW: North River Village
Date: 9/28/2008 2:44:57 P.M. Eastern Daylight Time
From: ecrone1@gmail.com
To: rawessel@sccf.org

Comments for the Calusa Group of Sierra Club
N. River Village

Calusa Group of Sierra Club wishes to ask that this development concept be rebuffed "strongly". Though we have not had sufficient time to review thoroughly, we note that there are enough of the following type of requirement that reinforce the belief that this intensive type development is not appropriate for the edges of our waterways. (which are significantly endangered presently.)

Flow ways will be restored if they are found to be of significant value."---How meaningless can one get

Ellen W. Peterson, Chair

from the staff report that which is a soft recommendation of denial of N River Village - 1,500 members

>

>

> From: Rae Ann Wessel [mailto:rawessel@sccf.org]
> Sent: Saturday, September 27, 2008 6:05 PM
> To: Rae Ann Wessel
> Subject: FW: North River Village

>

>

>

> FYI. Staff report on North River Village....a "soft" recommendation of denial for Mondays LPA meeting

>

>

>

> Rae Ann Wessel
> Natural Resource Policy Director
> Sanibel Captiva Conservation Foundation
> Tel: 239.731.7559
> Fax: 239.731.3779
> Email: rawessel@sccf.org

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> Web: www.sccf.org

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Miller, Janet M.

From: Embarq Customer [williamred2@embarqmail.com]
Sent: Friday, September 26, 2008 12:05 PM
To: Miller, Janet M.
Subject: North River Village density

For county commissioners and Lee Planning Agency members:

Hello, my name is Linda Redfern. I am a long time Alva resident living on 14651 Duke Hwy. which is very near the North River Village development site. I understand that Bonita Bay is requesting an increase in its allowable density. I am very much opposed to such an amendment to the land use plan. My greatest concern is to the natural rural and environmental character of this site. It has a large gopher tortoise population, two creeks with native existing vegetation, orange groves and pastureland. To increase the density would have an adverse effect on the native flora and fauna and also destroy the rural character of our region. I am a realist. I know some development will come. Historically I have supported Bonita Bay's environmentally responsible method of development. Frankly I am appalled at their change from their original concept of low density-pro environment formula for development originated by their founder. Development must be within the boundaries of what this land can handle. The impact on our resources, traffic capacities, and rural nature must not be overextended by the grant of a density increase request to this unique area NORTH of the Caloosahatchee River. I join with my many neighbors and friends here and throughout this county in asking you to preserve at least a part of this unique landscape for our children and grandchildren so that they can hike, boat, fish and live in a somewhat rural area. Don't let urban sprawl eat up the region. Thank you.

Linda Redfern, resident

P.S. Are they REALLY requesting to develop the green islands along the Caloosahatchee? No thank you. Leave them be!

9/26/2008

Miller, Janet M.

From: Embarq Customer [williamred2@embarqmail.com]
Sent: Friday, September 26, 2008 11:19 AM
To: Miller, Janet M.
Cc: Ruby Daniels; Rob and JoAnne Fowler
Subject: North River Village density request OPPOSED

Please share this communication with the five Lee County Commissioners, all pertinent members of the Land Planning Agency and hearing examiners as needed. Thank you.

My name is William Redfern. I live at 14651 Duke Hwy in Alva which is five acres over from the North River Village site. I am opposed to Bonita Bay's request to increase the density to allow over its legal limit of 997 home sites. I am not opposed to development and Bonita Bay Group per se but do not want urban sprawl in this unique rural landscape in Lee County. I consider Bonita Bay Group's request for up to 2500 sites (or ANY increase) a de facto demand for a bailout. Time and again they have stated to residents in their meetings that without this increase they cannot provide the needed amenities (sewer, water, green space, etc.) to make the development attractive enough to make a profit. My answer to this is--What? Do you also want to be bailed out of a bad investment? Actually I think their gorgeous piece of property COULD be very attractive to home buyers if the density were even lower than one unit per acre and have suggested the concept to Bonita Bay management at their public meetings.

The idea seems to throw them into confusion. They can only envision packing people in to the maximum (actually beyond the maximum.) But creative kinds of development within the land use plan limits is what their planners must accomplish. I have lived in my home here for 30 years and owned the land before that. I had to abide by certain rules and densities when I bought the land. Why should any company EXPECT special treatment by this county to conduct their business? I am concerned about the impact to wildlife, water, flood control, traffic density, public safety and the character of our North Olga region that it would experience if even one more home site were allowed. There is a small group of Bonita Bay supporters who have incorporated and call themselves the North Olga Association. Their leadership is very aggressive and say they speak for the people of this region. No they don't. They don't speak for me and my house. In fact we will present you a large number of petition signers who have actively requested by their signatures that Bonita Bay not be allowed ANY density increase. These names will be presented at the hearing. They are my immediate neighbors who have been greatly encouraged to join the Bonita Bay increase crusade. Bonita Bay is the right company with the wrong density idea. I am aware that Bonita Bay is trying to trade development credits from the Verandah and use that to get the density increase. Shame! The Verandah is located in an already impacted area and they have already been approved for development. They know that our corner of the county north of the river is more marketable because of its rural ambiance. That rural character will cease to exist if Bonita Bay were granted this increase.

Finally I would like to point to the recent primary to illustrate the region's receptivity to density increase. Shawn Seliger was known for his acceptance of large amounts of contributions from BBG and other developers. Frank Mann ran on a promise of preservation of the character of this area. In the general primary it was 60% to 40% Mann over Seliger. However, in precinct one which is Alva, the margin was THREE to ONE and in the other east Lee County precincts it was TWO to ONE. People know the value of what is out here and want it preserved to the letter and spirit of the law and the land use plan.

Thank you for consideration of my comments in your decision making on this vital issue.

William E. Redfern, Jr.

Miller, Janet M.

From: Roberge, Mark [mark.roberge@leememorial.org]
Sent: Wednesday, September 24, 2008 12:29 PM
To: Miller, Janet M.
Subject: Alva

Dear Janet,

I am writing in regard to the North River Village Project. We can not allow 2500 homes to ruin Alva. Our home values will be effected by this development and so will our peaceful Alva. This is not smart growth. The traffic can not handle such a large magnitude of homes along with the our natural resources such as our water table and what about the sewage and trash? One other problem will be the wild life. The ramification from this project regarding our wild life will be detrimental and irreversible for ever.

Alva needs to grow and mature and prosper with careful considerations and thought out decisions. The North River Project is all about money. The project has no beneficial advantages to the community. This project will destroy our rural community.

Thank you.

Mark R Roberge



Save the Manatee® Club

The Voice For Manatees For More Than 25 Years

Mr. Skip Bergmann
Department of the Army
Jacksonville District Corps of Engineers
1520 Royal Palm Square Boulevard; Suite 310
Fort Myers, Florida 33919

November 26, 2008

Subject: Permit Application SAJ 2008-1327, North River Village

Dear Mr. Bergmann,

I have reviewed the subject permit application for North River Village located east of SR 31 on the north side of the Caloosahatchee River in Lee County (Lat 26.732°N, Long 81.745°W). The applicant, North River Communities, LLC proposes a mixed use residential boating facility consisting of 270 wet slips and 300 dry slips for a total of 570 slips. This is a net increase of 194 wet slips and 280 dry slips, for a total net increase of 474 slips. The applicant also proposes to dredge a total of 93,227 cubic yards of adjacent wetlands, existing basin, and river bottom. The project will pose a significant threat to the large number of manatees that occur in the area. I recommend that this permit application be denied as it will result in unauthorized take of manatees as prohibited by the Marine Mammal Protection Act.

I am requesting the permit denial because the project is adjacent to USFWS critical manatee habitat. This area is also designated by the Corps as an important manatee area. Boats from this project will likely travel into the Caloosahatchee River-San Carlos Bay USFWS Manatee Refuge. Also down river, approximately 4 miles from the project site, there is the entrance to the Orange River which is a manatee warm water aggregation area. The potential vessel activity from the proposed North River Village combined with the 128 vessels from the recently permitted, Leeward, LLC marina in the Orange River, will introduce a total of 698 vessels within approximately a 5 mile radius. Furthermore, the impact of the vessel activities will extend well beyond this radius of origin. Granting of this permit is clearly contradictory to the manatee protection measures established by the USFWS for manatee critical habitat.


I am also concerned about the indirect impacts of this project which include: increased debris associated with human activity on and near the waterway; the immediate decline in habitat from the considerable amount of dredging that is proposed; and the general increased disturbance to manatees from the on water activities. It is understood that waterways need to be available as a resource to people. However, in the case of this project, the boating activity will be entering into protected manatee areas and be inherently detrimental to the manatees that comprise the southwest management region.

The proposed project is also a serious concern at the county level. The applicant is currently applying for a county comprehensive plan amendment to achieve an "urban" designation for land use, in order to introduce the density of homes proposed in the upland portion of the proposed project. A staff report prepared by Lee County's Division of Planning identified the proposed project as "urban sprawl" (80926StaffReport-1.pdf attached). I encourage the Corps to coordinate with the county and state agencies so that all of the project's impacts can be fully evaluated by the various reviewers, because the project has been met with considerable concern at the local level.

I recognize that the USFWS and FWC have not yet provided comment on this project. I respect the opinion and comment of the agencies, and understand their importance in the review process. If necessary I would like the opportunity to provide additional comment, following their written reviews.

Thank you for taking my comments into consideration. Please provide a copy of the biological opinion from USFWS when it becomes available.

Sincerely,



Artie Wong, Staff Biologist

Email cc: Jewelene Harris, SFWMD
Kalani Cairns, USFWS
Anne Richards, FWC
Frank Mann, Lee County District 5 Commissioner
Ray Judah, Lee County District 3 Commissioner