



CONSERVANCY
Of Southwest Florida

March 2, 2010

Data and Analysis to Support Removal of Rural Communities Designation, Especially the Rural Community at Edison Farms

Background – Overall Support for DR/GR Comprehensive Plan Amendments

By establishing a comprehensive study of the DR/GR in Southeast Lee County, the Board recognized the need to revisit the mix of land uses allowed within the 1990 designation of the DR/GR, which is an ecologically and financially important area. From an ecological perspective, the DR/GR contains not only extensive intact wetland systems but also a mosaic of interconnected habitat for listed species. The DR/GR is also important for residents of Southwest Florida for its hydrologic features, primarily its role as providing approximately 70% of Lee County Utilities potable water supply. However, over the years, it has become obvious that one unit per 10 acres, agriculture, conservation, open space/recreation and mining with a rezone were not always compatible and were often in direct conflict with each other.

The DR/GR study and subsequent Comprehensive Plan amendments offered the opportunity to correct these incompatibilities and protect the area from over-development, impacts to listed species, degradation of water quantity and quality, destruction of wetlands and the piecemeal chipping away of the DR/GR through Comp Plan amendments. However, protection of our resources can only occur if amendments to the DR/GR are based on sound science and planning principles and produce policies that truly protect our resources.

Lee County has done a tremendous job creating a cohesive DR/GR amendment package that incorporates science and planning, along with protecting the future water supply and allowing for Lee County to be a regional supplier of aggregate through the planning horizon of 2030. Unfortunately, one glaring exception to this is the designation of a Rural Communities, especially the Rural Community at Edison Farms.

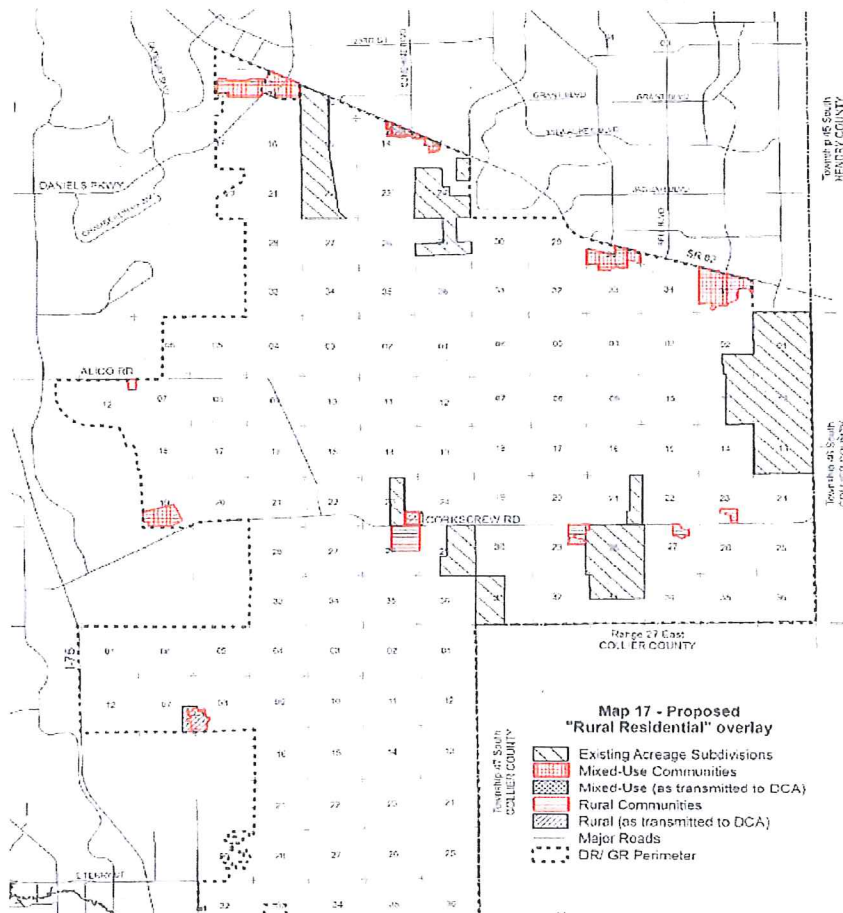
Establishment of Rural Communities

One component of the DR/GR amendments drafted by the County's consultants was the establishment of Rural Communities along Corkscrew Road and at Edison Farms. While staff initially had concerns about Rural Communities in

general and opposed such designation at Edison Farms, at the transmittal hearing staff indicated that they now supported such designation.

The purpose of Rural Communities is to allow owners of large tracts of land to cluster their development onto one portion of their property and to add a commercial component that will, according to staff, reduce traffic on the adjacent roadway network by providing for a portion of the residents' commercial needs on-site. Based on the desire to locate these Rural Communities where large properties exist rather than locating them adjacent to more urbanized areas, the result is Rural Communities spread out along a two-lane Corkscrew Road. Such development patterns are not much different than the gated golf course communities along Corkscrew that constitute the leapfrog development intended to be avoided per Lee Plan Objective 2.1: Development Location, which states,

Contiguous and compact growth patterns will be promoted through the rezoning process to contain urban sprawl, minimize energy costs, conserve land, water, and natural resources, minimize the cost of services, prevent development patterns where large tracts of land are by-passed in favor of development more distant from services and existing communities.



There can be no doubt that placing Rural Community land use designations on a map clearing delineating their location miles from urbanization and in a leapfrog pattern into the surrounding agricultural lands constitutes urban sprawl and is a land use pattern that the DR/GR study was designed to avoid. While these proposed communities will be clustered and will minimize overall impacts to the site, they need to be also viewed in the larger context of their overall location, which is miles from services and existing communities.

Such concerns were clearly stated in the Department of Community Affairs' (DCA) Objections, Recommendations and Comments (ORC) Report dated January 15, 2010. DCA objected to the Mixed-Use Community at the western end of Corkscrew Road and all of the Rural Communities, based in part upon their determination that these designations, "are not supported by data and analysis demonstrating that the proposed locations and land uses are consistent with maintaining the rural character of the area." DCA also stated that these Rural Communities, "are not environmentally suitable in order to protect natural resources (wetlands, wildlife habitat, wildlife, panther movement, and hydrological resources)." Finally, DCA stated that these Rural Communities, "are not supported by data and analysis demonstrating that the locations of the proposed designations are environmentally suitable for the proposed land use types and densities and intensities of land use that would be allowed."

Their Recommendation was removal of the Western Corkscrew Road Mixed-Use Community and all of the Rural Communities, including the Rural Community at Edison Farms. We believe that such removal would be the most prudent action and support DCA's official Recommendation. However, if Lee County continues to move forward with the Rural Community designation, we believe it is important to distinguish one Rural Community from the rest, due to its absolute incompatibility with principles of appropriate planning and sound science. This site is the proposed Rural Community at Edison Farms.

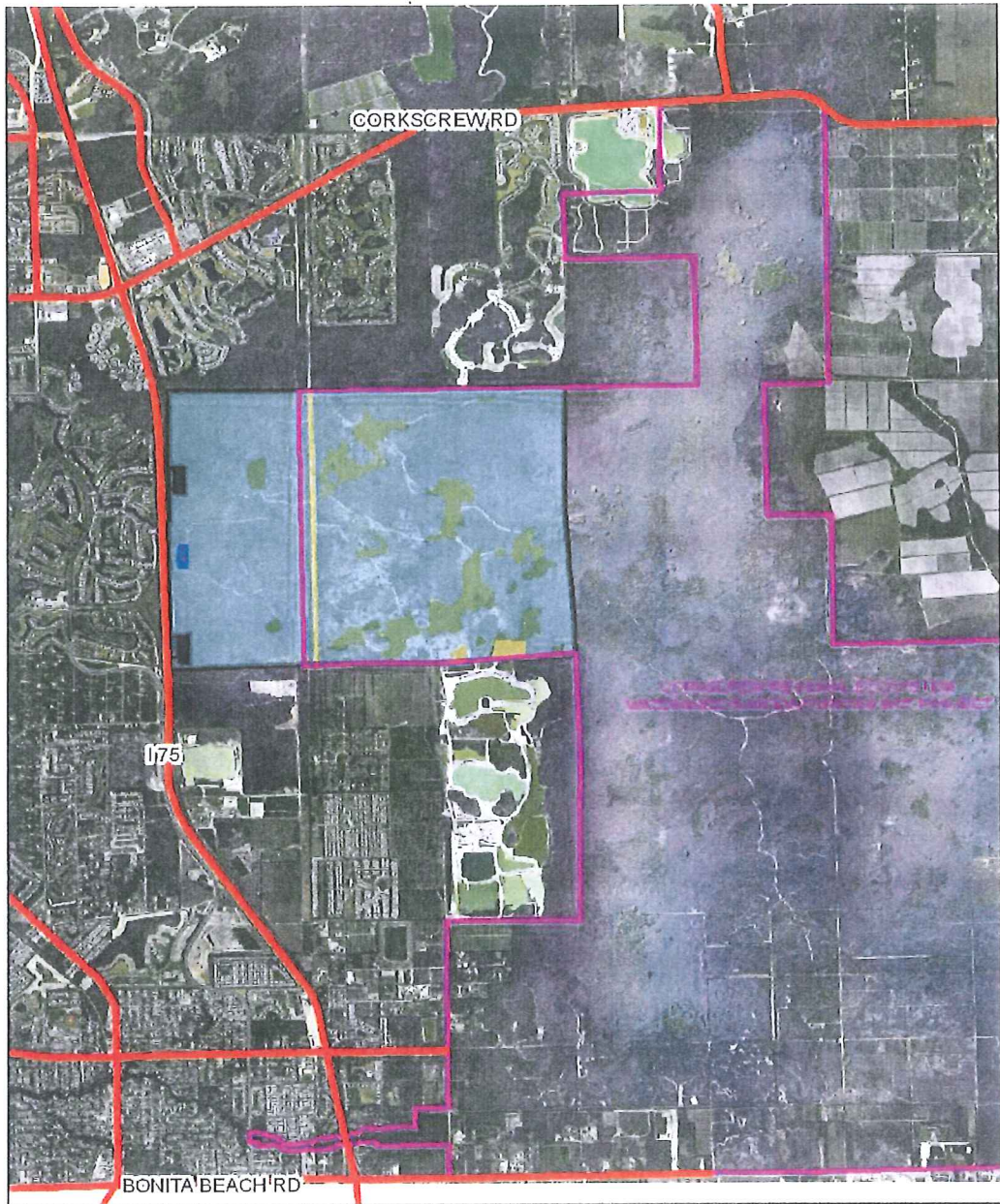
Generally speaking, the establishment of a viable TDR program allows landowners to transfer density from more sensitive lands to areas appropriate for development. This provides a scientific basis for determination of both sending and receiving lands. However, as we have seen from the designation of Rural Communities, Lee County has opted to allow density to be clustered on site, versus requiring that density from these lands be transferred off-site. This weakens the TDR program, as it creates a system based not upon the environmental value of the lands, but on the desire to allow each large landowner a clustered residential development. Nowhere is this more apparent than on the Edison Farms site.

Proposed Rural Community at Edison Farms Incompatible with Protection of Wetland Resources

Staff's recommended location focused the development footprint in the only upland portion of the site. However, it is unrealistic to expect that development impacts would be confined to those uplands and that no impact will occur to the adjacent wetlands, as the development footprint is surrounded on every side by wetlands. The 4,000 acre Edison Farms site is heavily vegetated, with approximately 80% of the site containing intact wetlands. The secondary and cumulative impacts of developing this site would be tremendous and incompatible with the intent of these DR/GR amendments to maintain wetland systems and direct development to more appropriate locations.



Edison Farms Aerial Looking South



Legend

-  Edison Farms Boundary
-  SW Florida Major Roads
-  Florida Forever Project Boundary

FLUCCS

-  Disturbed/Electric Easement
-  Uplands
-  Water
-  Wetlands



Proposed Rural Community at Edison Farms Incompatible with Listed Species Protection

The entirety of the Edison Farms property is located within primary panther habitat. According to Kautz et. al. in *How Much Is Enough? Landscape Conservation for the Florida Panther*, the primary zone is considered to contain the minimum habitat essential for maintaining the current population of Florida panthers. This means that any loss of primary habitat will result in negative impacts to the panther. Therefore, designation of a Rural Community within primary habitat is inconsistent with the Endangered Species Act, which requires that listed species and their habitat be protected.



Edison Farms Panther Habitat



Legend

-  Edison Farms Boundary
-  SW Florida Major Roads

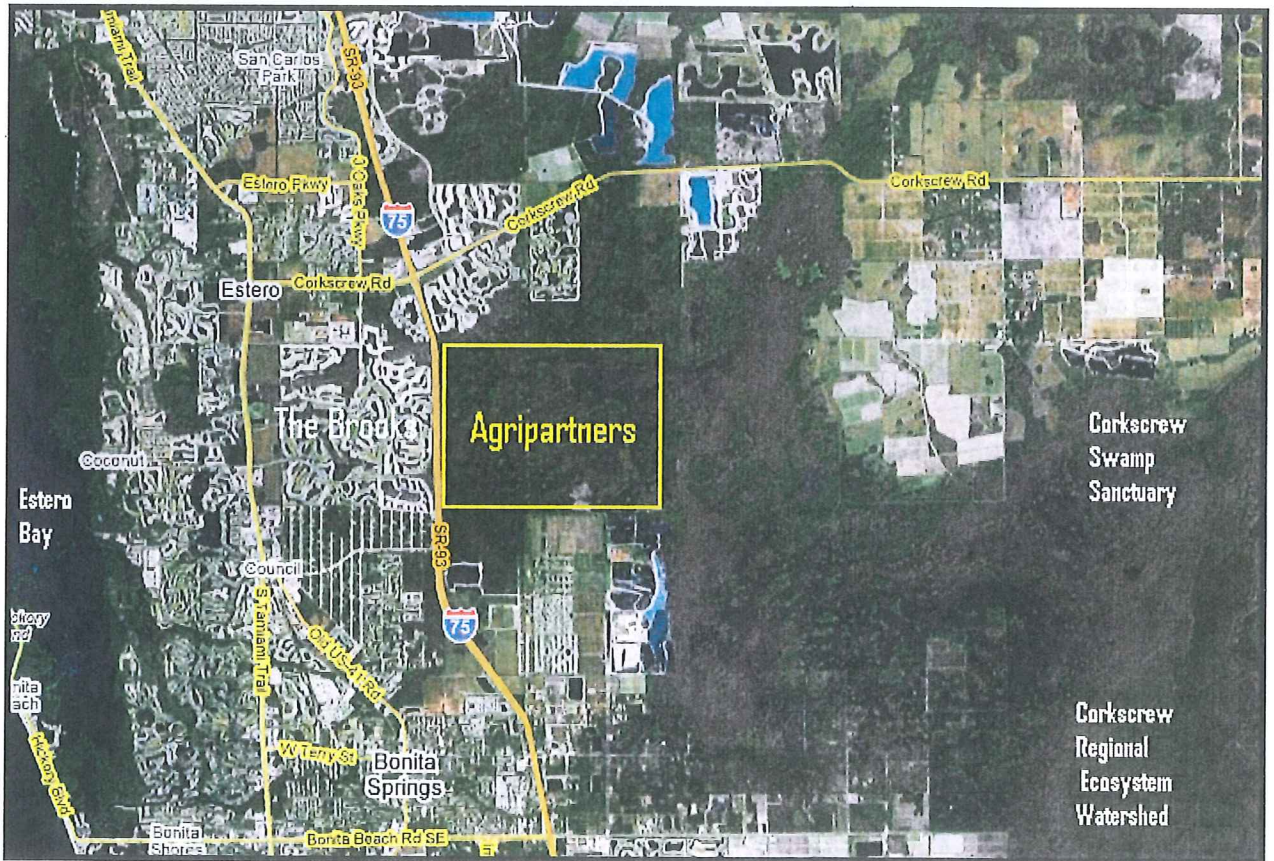
Panther Habitat Zones

- ZONE**
-  Primary
 -  Secondary

Proposed Rural Community at Edison Farms Incompatible Due to Lack of Infrastructure

Currently, the only access to the Edison Farms property is from a small, dirt road to the south. There is no interstate access, and no such access is planned in the future. The feasibility of a Rural Community at Edison Farms is based strictly upon the assumption that CR951 will be extended through the property at some point in the future. However, the probability of this road ever being built is unlikely, due to significant environmental constraints and the questionable financial feasibility of the road. While Lee County does include the \$795 million CR951 extension within the 2030 Long Range Transportation Plan, it is contingent upon the road being tolled, which would be problematic and may conflict with future tolling of I-75.

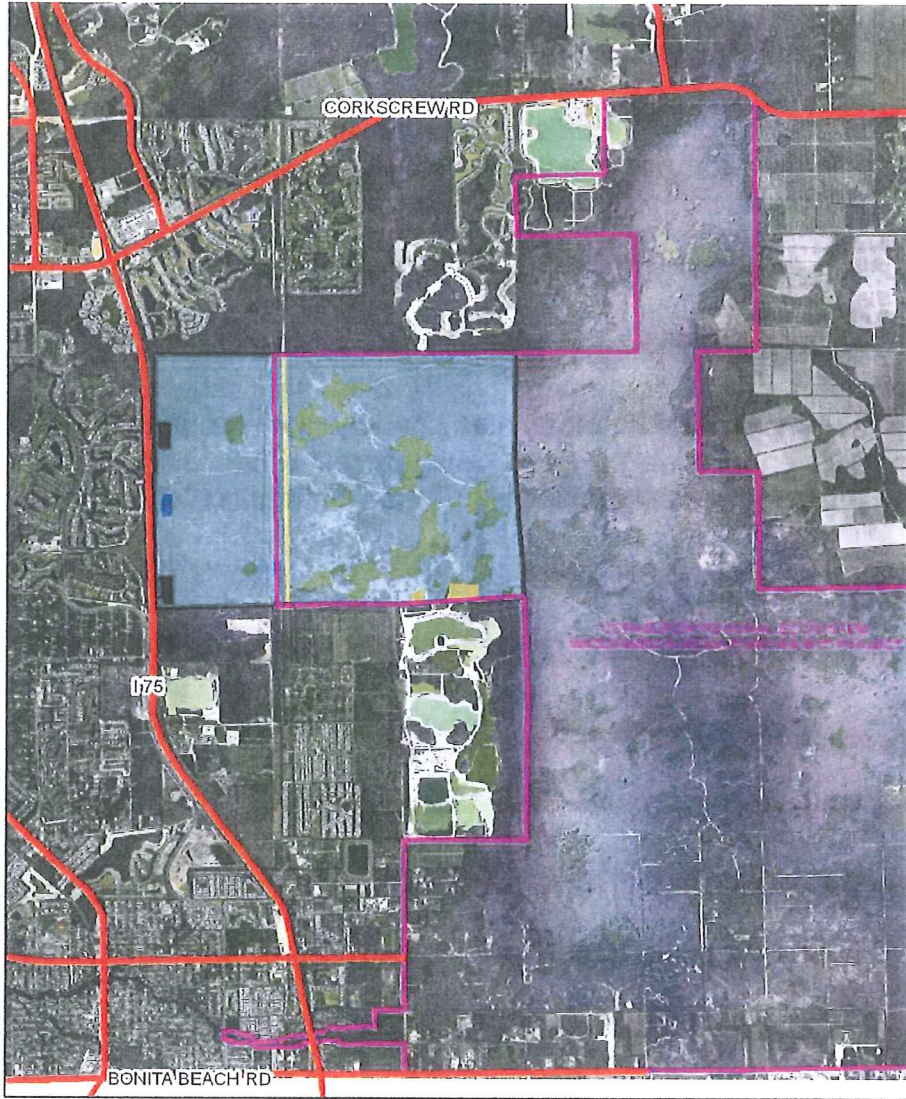
In fact, in December 2009, the Board voted to no longer pursue the CR951 extension and to cease work on the NEPA process. While the Board did not give direction to staff to remove CR951 from the 2035 Long Range Transportation Plan update, it will be nothing more than a line on a map, as the County is no longer moving forward with the project. With no current infrastructure – roads, water and sewer, this is clearly not a site where clustered development could appropriately be directed.



Edison Farms Aerial Demonstrating no Road Access

Proposed Rural Community at Edison Farms Inconsistent with Florida Forever Land Acquisition Program

The eastern four sections of the Edison Farms property, where the Rural Community is proposed to be located, are within the Florida Forever acquisition boundary for the Corkscrew Regional Ecosystem Watershed (CREW). The 60,000 acre Corkscrew watershed, located in Lee and Collier Counties, is the largest intact watershed in South Florida, providing both ecological and economic benefits that include protection of listed species habitat, flood protection, aquifer recharge and water quality benefits. While Florida Forever is a willing seller program, inclusion within its boundaries gives a clear indication to local governments that acquisition of these lands provides an important public benefit. Thus, it would be inappropriate for Lee County to allow intensification of use at Edison Farms through the designation of a Rural Community within the site.



Legend

-  Edison Farms Boundary
-  SW Florida Major Roads
-  Florida Forever Project Boundary

FLUCCS

-  Disturbed/Electric Easement
-  Uplands
-  Water
-  Wetlands



Proposed Rural Community at Edison Farms Inconsistent with the Lee Plan

As previously addressed, the proposed Rural Communities designation, especially the designation at Edison Farms, is inconsistent with the Lee Plan Objective 2.1: Development Location, which requires avoidance of urban sprawl and leapfrog development. In addition, the Rural Community at Edison Farms is inconsistent with the Conservation and Coastal Management Element of the Lee Plan, specifically Objective 107.4 and Policies 107.4.2 and 107.4.4.

Objective 107.4: Endangered and Threatened Species in General states,

Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.

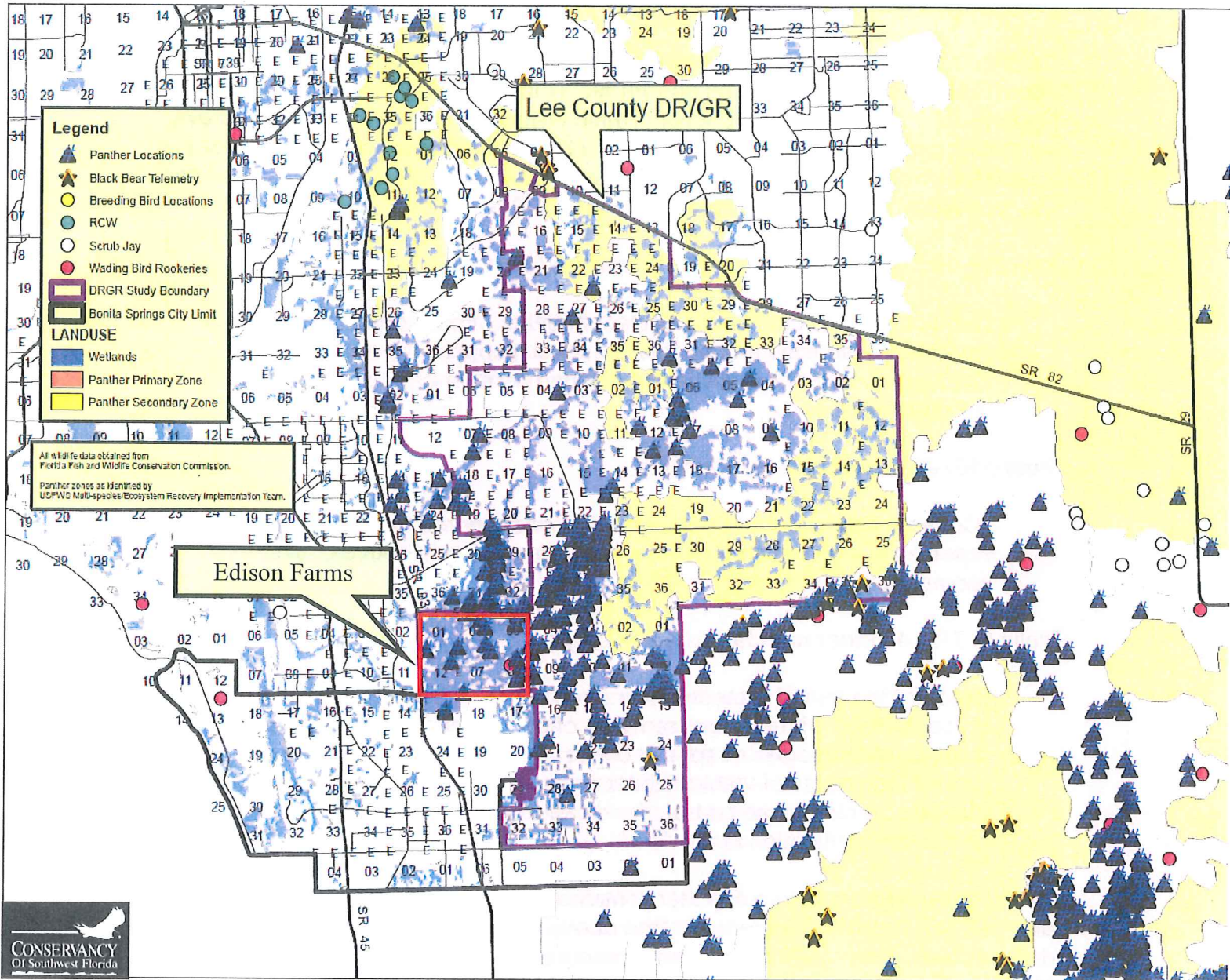
Policy 107.4.2 requires Lee County to,

Conserve critical habitat and rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.

Policy 107.4.4 further mandates Lee County to,

Restrict the use of protected plant and wildlife habitat to that which is compatible with the requirements of endangered and threatened species and species of special concern. New developments must protect remnants of viable habitats when listed vegetative and wildlife species inhabit a tract for development, except where equivalent mitigation is provided.

Directing development to a site that contains listed species, listed species habitat and wetlands is not consistent with the above policies, and as the map below demonstrates, there are many natural resources contained in the Edison Farms site that make it inappropriate to be designated as a Rural Community. In order to be consistent with the Conservation and Coastal Management Element, Lee County should ensure the design of the TDR program directs development away from listed species habitat and intact wetlands by removal of the Rural Communities designation at Edison Farms.



Potential for Proposed “Floating” Footprint at Edison Farms Inconsistent with State Statutes

While the concept of a “floating” footprint for the Rural Community at Edison Farms was not part of the transmittal package, it was discussed by the Board and direction was given to revisit the concept during the amendment adoption. While it may be tempting to allow for adjustments to the Rural Community boundaries, the ability to designate a Rural Community and then move it around a parcel at the discretion of a landowner or the Board is inconsistent with the intent of designating such uses on a Future Land Use Map. Thus, consideration of a “floating” footprint is inconsistent with Florida Statutes, Section 163.31779(6)(a), which states, in part,

The proposed distribution, location, and extent of the various categories of land use shall be shown on a land use map or map series which shall be supplemented by goals, policies, and measurable objectives.

Moreover, any movement of this footprint would result in directly impacting wetlands, and no footprint relocation would keep development out of primary panther habitat, as the entire site is designated as such. Thus, as a Rural Community at Edison Farms cannot be improved by relocation, it should be removed in its entirety, allowing the landowner to participate in the program through the selling of TDR credits for development in a more appropriate location, along the SR82 corridor.

Conclusion

As Lee County completes its final steps for adoption of the Comprehensive Plan Amendments for the DR/GR area, it is important to critically review all proposed land uses. While we support that majority of staff’s proposed amendments and laud the extensive time, effort, and studies that have resulted in this plan, we have obvious concern with the inclusion of the Rural Communities designation, especially the Rural Community at Edison Farms. This location is replete with important natural resources, wildlife habitat, and wetland system connections. There are other locations that are not as environmentally sensitive and are better situated for infrastructure improvements that can be targeted as TDR receiving areas. It is important that the most environmentally significant areas are targeted for restoration and protection by directing development away from them, not toward them as the proposed community would do. We strongly request that you do not adopt Rural Communities, especially the Rural Community at Edison Farms, within the DR/GR area amendments.

If you have any questions about this data and analysis to support the removal of Rural Communities within the DR/GR amendments, please contact Nicole Ryan, Governmental Relations Manager, at (239) 403-4220 or nicoler@conservancy.org.

