



Brandon D Dunn, Principal Planner
Planning Section
Lee County Department of Community Development
1500 Monroe Street
Fort Myers, FL 33902

March 30, 2017

**Re: Verdana CPA
CPA2016-00009
Sufficiency #2 submittal**



Mr. Dunn,

In response to the comment letter dated October 10, 2016, please find the following responses for your review:

1. **PREVIOUS COMMENT:** Please further explain the rationale for expanding the overlay and what other properties could benefit from the expansion. The application materials do not fully recognize the potential impacts to public facilities that expansion of the overlay would have.

Staff recognizes the changes that were made to the proposed language to address these concerns, but staff does not agree with your conclusion that the subject property would be the only property that the proposed text could apply. The narrative response on page 2, number 4, says the expansion will only apply to Tier 1, but this is not provided for in the proposed text amendment.

In addition, the EEPC Overlay exhibit at page 23 of 53 of your February 3rd resubmittal identifies "Expanded Area" 1, 2, and 3. This exhibit seems to indicate that the overlay would be expanded to these areas. Please withdraw or modify the exhibit as necessary.

The text amendment has been revised to specifically state that the amendment is only applicable to Tier 1 properties. The EEPC Overlay Exhibit is to demonstrate that no additional properties within 2 miles on the south side of Corkscrew Road will benefit from the proposed text amendment. The areas that are labeled as "expansion areas" are simply those areas within 2 miles of Corkscrew Road.

It is important to reiterate that the purpose of the Environmental Enhancement and Preservation Overlay is to restore hydrology, protect groundwater resources and restore wildlife corridors. Because water flows from northeast to southwest in the DR/GR, the desired restoration, per the Lee Plan, cannot occur unless a project, or the County, is able to connect to an area of conservation so that the hydrologic and wildlife benefits are restored and not interrupted and "undone" by residential or agricultural development located between restoration areas that require drained

land. The text amendment is written to allow the increase in density only where properties are providing an uninterrupted wildlife corridor and flow way.

2. Currently the Lee Plan allows the Overlay to extend one mile north and south along Corkscrew Road in the vicinity of the subject property in order to minimize additional infrastructure and facilities that must be constructed within Southeast Lee County. Please provide additional justification for locating more than 50 percent of the units more than one mile south of Corkscrew Road.

While the overlay area may limit the total number of units developed along east Corkscrew Road, the 1-mile line runs counter to the goal of wildlife corridor creation and flowway restoration in the DR/GR. The 1 mile area was established based on the extent of the first two projects utilizing the Overlay, not based on the goal of restoring flow way and wildlife connections to the South.

The intent of the Overlay is to incentivize the restoration of the major conservation and wildlife destination - the Corkscrew Regional Ecosystem Watershed (CREW), many of the benefits achieved with an individual project's on-site restoration will be undone the moment water or wildlife leave the site headed toward CREW. Policy 33.3.4. provides that the Overlay is targeting "a significant regional hydrological and wildlife connection and have the potential to improve, preserve, and restore regional surface and groundwater resources and indigenous wildlife habitat. The purpose of the Overlay as it currently is written doesn't include all of the significant property that can provide the desired connections.

This was a point raised by the Florida Wildlife Federation during the adoption of the initial overlay. Since the overlay was adopted concurrent with two proposed amendments north of Corkscrew Road, the focus was on the two projects under consideration and there was not sufficient consideration given to how far the overlay should extend south of Corkscrew Road. However, as stated by the FWF in their June 25, 2015 letter to the Department of Economic Opportunity commenting on the Corkscrew Farms application which established the overlay:

"The Federation advocates that the Environmental Enhancement and Preservation Communities overlay not be restricted to one mile north and south of Corkscrew Road east of Alico Road to Imperial Marsh Preserve. Two miles bisected by a busy roadway does not provide strategic and critical wildlife connections.

The Environmental Enhancement and Preservation Communities overlay should include all Tier 1 and Tier 2 lands south of Corkscrew Road east of Alico Road. These lands provide the regional opportunities to restore wildlife habitat links south to conservation lands. (Attachments 2 and 3)"

The exhibits that FWF attached in their letter showed Lee Plan Map 1, Page 4, the Priority Restoration Map, and a map showing that wildlife movement traverses

Tier 1 properties moving toward CREW lands. Wildlife do not simply traverse a 1-mile area along Corkscrew Road where they would otherwise be vulnerable to vehicular accidents.

Ms. Payton was correct in her assessment of the shortcomings of the Overlay. Policy 33.3.4 states that Overlay properties should:

“provide important hydrological connections to the Flint Pen Strand and the Stewart Cypress Slough as well as important wildlife habitat connections between existing CREW and Lee County properties.”

Making a connection to CREW would require contiguity to CREW. The 1-mile limit of the overlay negates any hope of providing a hydrologic or wildlife connection to any property in CREW. The 1-mile limit simply creates an artificial separation between restoration activities within the Overlay and the CREW properties, which start at the County line in this area.

The design of the development allows for an uninterrupted wildlife corridor connecting the Corkscrew Regional Mitigation Bank to the north with the Panther Island Mitigation Bank to the south. Placing more units in the north would serve simply to constrict the wildlife corridor. From a growth management stand point, there is no benefit to having more units closer or farther from Corkscrew Road, other than internal trip lengths to access Corkscrew Road.

The primary site planning goal of the property to maximize the hydrologic restoration and the ability of wildlife to move across the property. This was done because the property owner was aware of the strategic importance of the property’s location adjacent to regional mitigation banks to both the north and to the south. As already mentioned, placing more units in the northern mile would constrict the wildlife corridor Whereas in the southern area there is more land width providing more design flexibility in creating a larger contiguous wildlife and flow way restoration area.

The design of the site clusters development in areas outside of existing wetlands and historic flow ways, both the major flow way shown on the County’s historic flow way map, and the “minor” flow way that was not shown on the County’s map. The units were located to accommodate the natural flow of water and to connect the existing preserve areas, and the units were located in a manner consistent with the corridors. The county will not be extending infrastructure on-site, the developer will be undertaking that effort. The property is already developed with Citrus and the residential units will have far less impact than the active agriculture.

3. The intent of Objective 107.4 is to maintain or enhance existing population numbers and distributions of listed species. The proposed wildlife corridors identified in the concurrent zoning are constricted in the northern section. Staff is

concerned that the configuration shown will not provide regional wildlife habitat benefits as required to be included within the Environmental Enhancement and Preservation Communities Overlay.

Please demonstrate that large mammals will be able to easily move through the site to access conservations lands to the north and south of the subject property.

The intent of Objective 107.4. is implemented through the implementing polices. Policy 107.4.2. indicates that the county will conserve critical habitat through development review, regulation, incentives, and acquisition. The applicant is providing a connection that does not presently exist. The connection should be incentivized. Policy 107.4.4. provides that new development is to protect remnants of viable habitat. The applicant has proposed a corridor that vastly exceeds the provision of a remnant. Remnant areas do not have to be provided if alternative mitigation is provided and yet impacts to onsite existing remnant wetlands are negligible. The property that is proposed for protection is not denning habitat for large mammals, but is a corridor. The corridor is sufficient to permit the safe passage of large mammals. It should be noted that what is occurring in this instance is restoration in addition to protection which has a significantly higher cost.

At its narrowest point, the restoration area at the north end of the project has a width of 480' of restored habitat. In addition, the buffer lakes on either side of the restoration area add 280' for a total distance between development areas of 760'. This width is consistent with the design of other previously approved projects in the EEPC Overlay. While the buffer lakes are not being considered as conservation or restoration area to meet the 55% preserve requirement, they do act as a valuable natural buffer separating developed area from the corridor. In addition, Darrell Land of Florida Fish and Wildlife Conservation Commission reviewed the Verdana plan during a meeting on March 3, 2017 and did not express any concerns with the plan and the restoration zone widths as they pertained to potential utilization and panther movements.

4. Please demonstrate that the easements (OR 1287, PG 349 and OR 1415, PG 1742) will not impact the ability of the subject property to regional surface water flows as required to be included within the Environmental Enhancement and Preservation Communities Overlay. The indigenous preservation, restoration and management plans do not indicate restoration of the easements. Policy 33.3.4 requires improvement, preservation and restoration of regional surface and groundwater resources. How is this being addressed if the easements are not restored? Please address who has rights to use the various easements on the property? Will the easements be vacated? Do the easements contain culverts to allow surface or groundwater flow or will those be installed?

The two right of way easements that extend north to Corkscrew Road (OR 1415, PG 1742) and east to Carter Road (OR1287, PG 349) have negligible use. The narrow (30' & 40') easements are in favor of the 40 acre outparcel on the western side of the

property and are for the stated purpose of providing access to the 40 acre parcel. It is not the intention to vacate the easements as they do not in any way alter the proposed restoration plan or diminish its effectiveness. The easement areas will remain unpaved and pervious. Where necessary, the easement areas will have culverts installed under them to allow northeast to southwest flow of surface water through the restoration area. While the easements will be generally clear of vegetation they will not represent obstacles to the movement of wildlife or the flow of surface water. Future use cannot increase to any significant degree to create an adverse impact to the proposed restoration activities.

5. Please indicate who staff should coordinate with to schedule a site visit of the property.

Please feel free to coordinate with me to set up an appropriate time for a site visit.

Please feel free to contact me if you have any questions.

DeLisi, Inc.



Daniel DeLisi, AICP

cc. Pan Terra Holdings, LTD
Neale Montgomery, Pavese Law Firm



PROPOSED CHANGES TO THE LEE COUNTY COMPREHENSIVE PLAN

The following are the text and map amendments that are being proposed to the Lee County Comprehensive Plan.

Map Amendments:

1. Map 6 – Future Water Service Area (attached)
2. Map 7 – Future Sewer Service Area (attached)
3. Map 17 – SE DR/GR Residential Overlay (attached)

Text Amendments:

Policy 33.3.4(1)

These lands are within the “Environmental Enhancement and Preservation Communities” overlay as designated on Map 17 of the Plan. Lands eligible for the Environmental Enhancement and Preservation Communities overlay must be consistent with one of the criteria below;

- a. Lands located west of Lee County 20/20 Imperial Marsh Preserve (Corkscrew Tract), and within one mile north or south of Corkscrew Road. Properties south of Corkscrew Road designated as Tier 1 Priority Acquisition may extend the overlay an additional mile south only for properties fronting on Corkscrew Road, where the extension will result in connecting conservation land the north of Corkscrew Road to conservation land in the CREW area.
- b. Lands located west of the intersection of Alico Road and Corkscrew Road must be located north of Corkscrew Road and south of Alico Road.

Policy 33.3.4 (2) i.

Elimination of any agricultural row crop uses at the time of first development order for the area encompassed within the development order application.

Narrative Justification

The purpose and intent of the “Environmental Enhancement and Preservation Communities” is to provide an incentive for environmental restoration so that environmental corridors and wildlife connections can be established. The existing limitation of extending the overlay to only within one mile south of Corkscrew Road, simply does not achieve this purpose for properties south of Corkscrew Road.

The proposed amendment has been revised to only affect the Verdana property. Within the overlay area, the subject property is the only property that has both frontage on Corkscrew

Road and can connects to CREW to the south within a two-mile distance. The attached "EEPC Overlay Exhibit shows the specific areas that are within two miles of Corkscrew Road within the Overlay. Areas 2 and 3 do not have access to Corkscrew Road and would be unable to fulfill the requirements by making a connection to Corkscrew Road. Area 1 has access to Corkscrew Road, but is further separated from CREW by an additional two miles to the south and a platted residential area to the east. Both the agricultural operation south of the 2-mile area and the residential lots to the east would block any ability to make a connection under the proposed language.

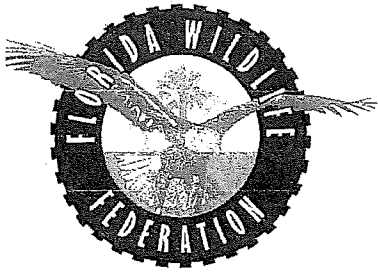
The proposed plan amendment provides an opportunity for the County to provide this critical connection from preserve lands north Corkscrew Road to preserve south of Corkscrew Road, restoring flows and providing a critical wildlife corridor. Additionally, the extension of the 1-mile area allows the county to redirect water that currently flows down 6Ls Farms Road (where the residents experience flooding events).

The Corkscrew Regional Ecosystem Watershed (CREW) project boundary is located south of Corkscrew Road and provides an incredibly valuable service for the area's water flow, water quality and wildlife movement. CREW, which is a partnership effort between the South Florida Water Management District, Lee County, Collier County, adjacent private land owners and local environmental organizations to acquire and preserve land within the 60,000 acre footprint area, has been successful in setting aside and restoring large areas of natural lands. Creating Environmental Enhancement and Preservation Communities along the northern edge of CREW, in essence extending the natural environment and wildlife habitat, by restoring lands at no cost to the tax payer, fits well within the purpose of the Environmental Enhancement and Preservation Communities.

However, by stopping the overlay short of the CREW boundary, the County is creating an arbitrary barrier that would only serve to limit the benefits gained by the restoration of the property's hydrology and the benefits to wildlife movement. By not extending south of the 1-mile limit, the existing man-made farming barrier would continue to negate many of the benefits that could otherwise be gained through hydrologic and habitat restoration and limiting future properties' utility in restoration.

The proposed plan amendment demonstrates the value of providing these north/south connections. The proposed plan restores historic flows across the property from the northeast to the southwest, into the Panther Island Mitigation Bank in Collier County. In addition, because the property will connect to environmental lands to the south, the opportunity exists to divert water from the Pepperland project to the west and divert flow away from 6Ls Farms Road.

Restoring the timing and distribution of flows to the south will benefit the current restoration efforts of Panther Island Mitigation Bank. Having a separation of long term active agriculture between a restored property and the Audubon lands would negate many of the water timing and distribution benefits. The plan also demonstrates how extending the area south to the CREW boundary helps facilitate wildlife movement the creation/establishment of a new wildlife corridor.



FLORIDA WILDLIFE FEDERATION

Affiliated With National Wildlife Federation

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Naples, Florida 34105

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Email: nancypayton@fwfonline.org

June 25, 2015

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399

Re: Amendment to Lee Plan
CPA2015-01, Corkscrew Farms

Dear Mr. Eubanks:

Florida Wildlife Federation participated in the June 17, 2015, Corkscrew Farms Transmittal Hearing and supported transmittal with lingering questions about Objective 33.3 and the proposed Environmental Enhancement and Preservation Communities overlay.

Objective 33.3 states that the properties in the Environmental Enhancement and Preservation Communities overlay “provide opportunities to protect, preserve, and restore strategic regional...wildlife connections.”

Corkscrew Farms does not provide significant, important, or regional wildlife connections. It does offer “short cuts” to conservation lands (Attachment 1) bordering on the east and north; and it is to be commended for fencing off the residential pods to keep wildlife from backyards and moving south onto the road.

The Federation advocates that the Environmental Enhancement and Preservation Communities overlay not be restricted to one mile north and south of Corkscrew Road east of Alico Road to Imperial Marsh Preserve. Two miles bisected by a busy roadway does not provide strategic and critical wildlife connections.

The Environmental Enhancement and Preservation Communities overlay should include all Tier 1 and Tier 2 lands south of Corkscrew Road east of Alico Road. These lands provide the regional opportunities to restore wildlife habitat links south to conservation lands. (Attachments 2 and 3)

The overlay requires a problematic 100' vegetative buffer on both sides of the entire length of Corkscrew Road east of the Alico Road to Imperial Marsh Preserve. This four-mile 200' linear natural area split by a road will likely increase vehicular collisions with black bear, Florida panther and other wildlife.

The Federation understands that the scope of work for the proposed Traffic Study (Policy 38.1.9) will include a wildlife movement study that addresses habitat connectivity and underpasses. The Federation urges that Lee County release the scope of work as soon as possible so Department of Economic Opportunities, Florida Fish and Wildlife Conservation Commission, the Federation, and others can grasp the regional wildlife benefits of the Environmental Enhancement and Preservation Communities overlay and how Corkscrew Farms supplements a "strategic regional" habitat network.

In summary, the Federation supported the transmittal of the Corkscrew Farms amendment for its positive benefits to wetland, wetland dependent species, and water quality. However, its regional benefits to wildlife, particularly Florida panther and black bear, have yet to be demonstrated by Lee County.

Sincerely,



Nancy A. Payton
Southwest Florida Field Representative

Attachments: 3

cc: Brandon Dunn, Lee County
Ray Blackwell, Camprop, Inc (Corkscrew Farms)
Scott Sanders, Florida Fish and Wildlife Conservation Commission



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CAMP
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INC.

4504 ROYAL GULF DRIVE
 FORT MYERS, FL 33903

PROJECT DESCRIPTION

**1360 ACRES
 CORKSCREW
 FARMS**

LEE COUNTY, FLORIDA

THIS PLAN IS PRELIMINARY AND
 INTENDED FOR CONCEPTUAL
 PLANNING PURPOSES ONLY.
 LAYOUT AND LAND USE
 INTENTIONS OR LOCATIONS MAY
 CHANGE SIGNIFICANTLY BASED
 UPON SURVEY, ENVIRONMENTAL
 ENGINEERING, AND / OR
 REGULATORY CONSIDERATIONS
 AND / OR COSTS/FEASIBILITY.
**NOT FOR
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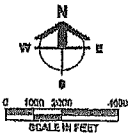
ALL DIMENSIONS SHOWN SHALL BE THE RESULT OF
 SURVEYING AND FIELD MEASUREMENTS. ALL
 DIMENSIONS SHOWN IN THIS PLAN ARE APPROXIMATE.
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 DATE: 08/20/2014
 BY DATE: 08/20/2014
 DRAWN BY: FRANCIS GALEY

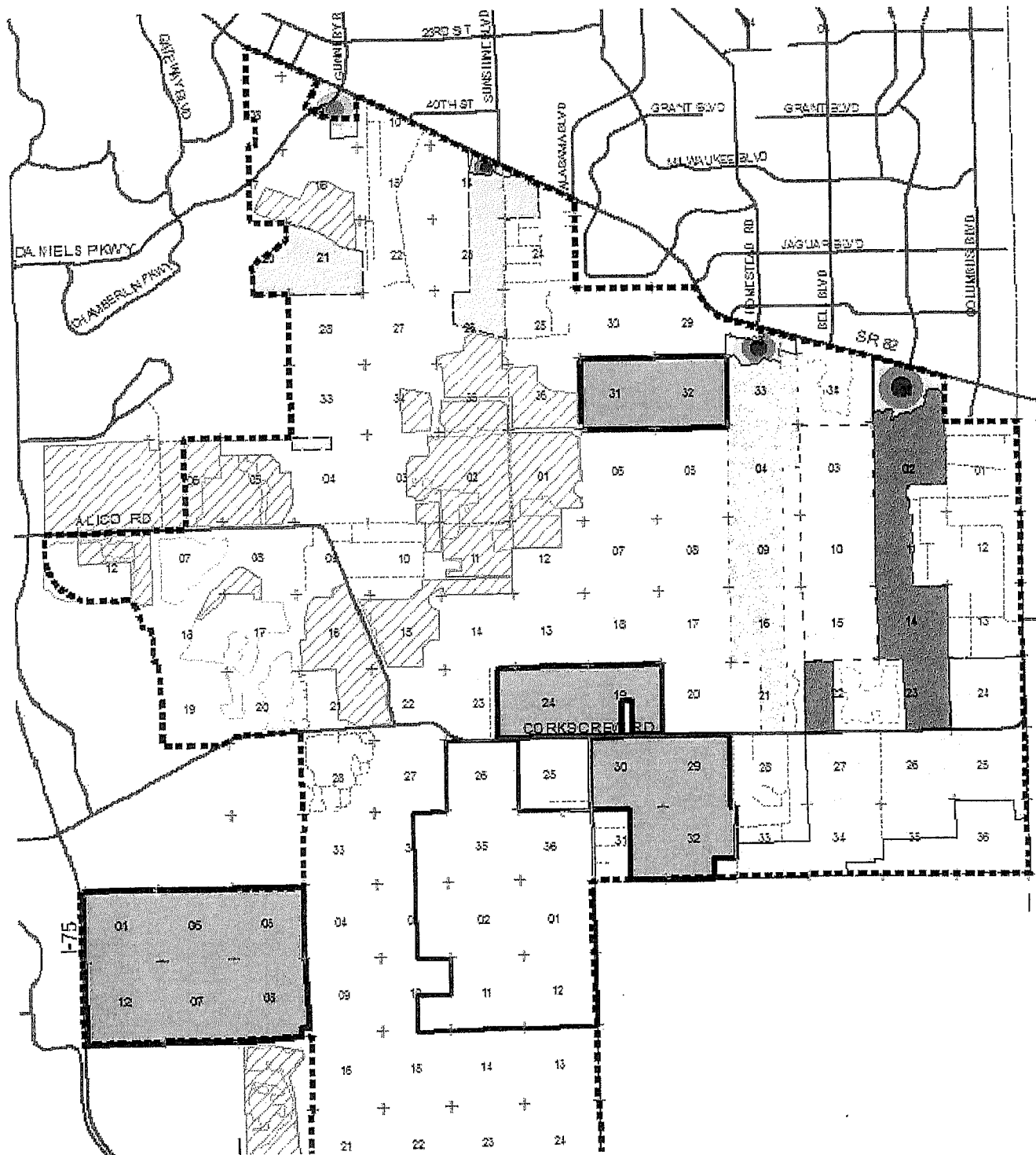
PLAT NUMBER

PLAN STATUS

**SURROUNDING
 CONSERVATION
 LANDS MAP**

PROJECT NUMBER: 23244
 BY: FRANCIS GALEY





Priority Restoration Strategy

- Tier 1 (highest priority)
- Tier 2
- Tier 3
- Tier 4
- Tier 5
- Tier 6
- Tier 7
- Public lands
- Mixed-Use Communities
- Future Limerock Mining overlay
- Existing & approved limerock pits
- Major roads
- DR/GR perimeter

