

**STATE AGENCY REVIEW COMMENTS**  
**FOR**  
**CPA2016-00003 PEPPERLAND RANCH**

- X Department of Economic Opportunity
  - Department of Agriculture and Consumer Services
  - Department of Education
- X Department of Environmental Protection
  - Florida Department of State
- X Florida Fish and Wildlife Conservation Commission
- X FDOT District Office
- X South Florida Regional Planning Council
- X South Florida Water Management District

**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

April 7, 2017

The Honorable John Manning, Chairman  
Lee County Board of County Commissioners  
Post Office Box 398  
Fort Myers, Florida 33902-0398

Dear Chairman Manning:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 17-1ESR), which was received on March 17, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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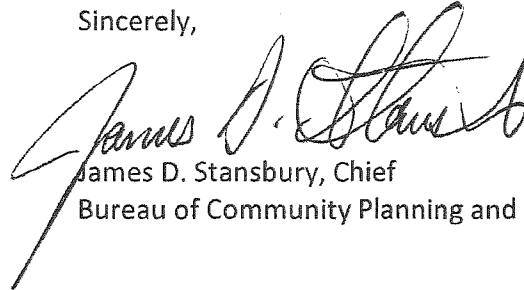
The Honorable John Manning, Chairman

April 7, 2017

Page 2 of 2

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at [scott.rogers@deo.myflorida.com](mailto:scott.rogers@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is written in a cursive style with a large, sweeping initial "J".

James D. Stansbury, Chief  
Bureau of Community Planning and Growth

JS/sr

Enclosure: Procedures for Adoption

cc: David Loveland, Director, Lee County Department of Community Development  
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

**SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS  
FOR EXPEDITED STATE REVIEW**

Section 163.3184(3), Florida Statutes

**NUMBER OF COPIES TO BE SUBMITTED:** Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

**SUBMITTAL LETTER:** Please include the following information in the cover letter transmitting the adopted amendment:

\_\_\_\_\_ Department of Economic Opportunity identification number for adopted amendment package;

\_\_\_\_\_ Summary description of the adoption package, including any amendments proposed but not adopted;

\_\_\_\_\_ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

\_\_\_\_\_ Ordinance number and adoption date;

\_\_\_\_\_ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

\_\_\_\_\_ Name, title, address, telephone, FAX number and e-mail address of local government contact;

\_\_\_\_\_ Letter signed by the chief elected official or the person designated by the local government.

**ADOPTION AMENDMENT PACKAGE:** Please include the following information in the amendment package:

\_\_\_\_\_ In the case of text amendments, changes should be shown in strike-through/underline format.

\_\_\_\_\_ In the case of future land use map amendments, an adopted future land use map; **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

\_\_\_\_\_ A copy of any data and analyses the local government deems appropriate.

**Note:** If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

\_\_\_\_\_ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

\_\_\_\_\_ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

\_\_\_\_\_ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

\_\_\_\_\_ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

## Miller, Janet

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**From:** Rozdolski, Mikki  
**Sent:** Monday, April 10, 2017 11:45 AM  
**To:** Miller, Janet; Dunn, Brandon  
**Subject:** Fwd: DEO Response Letter  
**Attachments:** LEE CO. 17-1ESR (A).pdf; ATT00001.htm

Mikki

Sent from my iPhone

Begin forwarded message:

**From:** "Loveland, David" <[DLoveland@leegov.com](mailto:DLoveland@leegov.com)>  
**Date:** April 10, 2017 at 10:09:10 AM EDT  
**To:** "Rozdolski, Mikki" <[MRozdolski@leegov.com](mailto:MRozdolski@leegov.com)>  
**Subject:** FW: DEO Response Letter

FYI

David M. Loveland, AICP  
Director  
Lee County Dept. of Community Development  
1500 Monroe Street  
Fort Myers, FL 33901  
Office Phone: (239)533-8509  
Cell Phone: (239)839-1988  
[DLoveland@leegov.com](mailto:DLoveland@leegov.com)

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**From:** DEO Amendment Correspondence [<mailto:deoamendmentcorrespondence@deo.myflorida.com>]  
**Sent:** Monday, April 10, 2017 9:42 AM  
**To:** Dist1, John Manning; Loveland, David; ext-Wuerstle, Margaret ([swfrpc.org](http://swfrpc.org))  
**Cc:** Rogers, Scott  
**Subject:** FW: DEO Response Letter

Please disregard the Lee County letter that was emailed to you on Friday, April 7, 2017. Please accept this letter as the correct Adopted Lee Co. 17-1ESR Amendment. If you have any questions, please contact Scott Rogers at (850)717-8510.

Please see attached correspondence from the Department of Economic Opportunity regarding the above comprehensive plan amendment. In addition to this electronic message, a paper copy of the letter is being mailed to the addressee. Paper copies of the attached correspondence are available upon request. Please contact the Department planner identified in the attached letter if you have any questions or concerns. Thank You.

This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this

communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to DEO via email may be subject to disclosure. Under Florida law email addresses are public records.

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This email communication may contain confidential information protected from disclosure by privacy laws and is intended for the use of the individual named above. If the reader of this message is not the intended recipient, this is notice to you that any dissemination, distribution or copying of this communication or any attachment to it may be a violation of federal and state privacy laws. If you have received this email in error, please notify the sender immediately by return email and delete this message. Please note that Florida has a broad public records law, and that all correspondence to me via email may be subject to disclosure. Under Florida law email addresses are public records.

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Wednesday, April 05, 2017 2:25 PM  
**To:** Rozdolski, Mikki; Miller, Janet  
**Subject:** FW: Lee County 17-1ESR Proposed

Please see mail below from Florida DEP.

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

---

**From:** Plan\_Review [<mailto:Plan.Review@dep.state.fl.us>]  
**Sent:** Wednesday, April 05, 2017 9:28 AM  
**To:** Dunn, Brandon; DCPexternalagencycomments  
**Cc:** Plan\_Review  
**Subject:** Lee County 17-1ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 17-1ESR – Expedited Review of Proposed Comprehensive Plan Amendment

*\*Please note the new contact information below.*

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
2600 Blair Stone Rd. MS 47  
Tallahassee, Florida 32399-2400



**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Tuesday, March 28, 2017 10:08 AM  
**To:** Miller, Janet; Sweigert, Rebecca  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County 17-1ESR (CPA2016-00003)  
**Attachments:** Pepperland Ranch\_31025\_101416.pdf

Here is FWC's letter.

Becky, will you forward this to Shane.

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

---

**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Tuesday, March 28, 2017 9:59 AM  
**To:** [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com); Dunn, Brandon  
**Cc:** Keltner, James; Wallace, Traci; Chabre, Jane  
**Subject:** Lee County 17-1ESR (CPA2016-00003)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff have reviewed the project referenced above. We previously provided comments and recommendations through a related commenting process for a project related to this amendment (see attached). Our previous comments and recommendations for fish and wildlife resources and any potential impacts from this project remain the same.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions, please contact Jim Keltner at (239) 332-6972 x9209 or by email at [James.Keltner@MyFWC.com](mailto:James.Keltner@MyFWC.com).

Thank you,

Jason Hight  
Biological Administrator II  
Office of Conservation Planning Services  
Division of Habitat and Species Conservation  
620 S. Meridian Street, MS 5B5  
Tallahassee, FL 32399-1600  
(850) 228-2055

Lee County 17-1ESR\_32668



**Florida Fish  
and Wildlife  
Conservation  
Commission**

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Executive Director

(850) 487-3796  
(850) 921-5786 FAX

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resources for their long-term  
well-being and the benefit  
of people.*

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620 South Meridian Street  
Tallahassee, Florida  
32399-1600  
Voice: (850) 488-4676

Hearing/speech-impaired:  
(800) 955-8771 (T)  
(800) 955-8770 (V)

MyFWC.com

October 14, 2016

Jewelene Harris  
South Florida Water Management District  
2301 McGregor Boulevard  
Fort Myers, FL 33901  
[jharris@sfwmd.gov](mailto:jharris@sfwmd.gov)

RE: Pepperland Ranch, South Florida Water Management District (SFWMD)  
Environmental Resource Permit (ERP) Application #160520-30, Lee County

Dear Ms. Harris:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the above-referenced permit application. We provide the following comments and recommendations as technical assistance during your review of the ERP application under Chapter 373, Florida Statutes (F.S.), and in accordance with FWC's authorities under Chapter 379, F.S.

### Project Description

The applicant is seeking a permit modification to construct a stormwater management system that would serve 700 single-family homes, a clubhouse facility, and associated infrastructure on approximately 638 acres located approximately 3.0 miles east of the Alico Road and Corkscrew Road intersection, immediately south of Corkscrew Road in Lee County. The dominant land covers on the proposed site consist of row crops, fallow crops, berms, cypress, shrub wetland, and other surface waters. Based on the proposed site plan, the applicant intends to impact 9.43 acres of other surface waters. The applicant is proposing to enhance and preserve 51.3 acres of on-site wetlands and restore 298.79 acres of agricultural lands.

### Potentially Affected Resources

According to the *Protected Species Survey* (Rev. September 2016) by Passarella & Associates, Inc., submitted in support of the permit application, a listed species survey was conducted in February and May 2016. Based on the results of this survey, Florida sandhill crane (*Grus canadensis pratensis*, State Threatened [ST]), little blue heron (*Egretta caerulea*, State Species of Special Concern [SSC]), roseate spoonbill (*Ajaja ajaja*, SSC), snowy egret (*Egretta thula*, SSC), tricolored heron (*Egretta tricolor*, SSC), white ibis (*Eudocimus albus*, SSC), wood stork (*Mycteria americana*, Federally Threatened [FT]), Audubon's crested caracara (*Polyborus plancus audubonii*, FT), and bald eagle (*Haliaeetus leucocephalus*) were documented on the proposed project site.

FWC staff conducted a geographic information system (GIS) analysis of the project area. Our analysis confirmed the information from the *Protected Species Survey* and also found that the project area is located near, within, or adjacent to:

- One or more wood stork nesting colony core foraging areas (CFA). The CFA constitutes an 18.6-mile radius around the nesting colony.
- U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:
  - Florida scrub-jay (*Aphelocoma coerulescens*, FT)
  - Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
  - Everglade snail kite (*Rostrhamus sociabilis plumbeus*, FE)
  - Florida panther (*Felis concolor coryi*, FE) - Primary Zone
  - Florida bonneted bat (*Eumops floridanus*, FE)
- Potential habitat for state- and federally listed species:
  - Eastern indigo snake (*Drymarchon corais couperi*, FT)
  - Big Cypress fox squirrel (*Sciurus niger avicennia*, ST)
  - Sherman's short-tailed shrew (*Blarina shermani*, SSC)
  - Everglades mink (*Neovison vison evergladensis*, ST)
- Potential habitat for the Florida black bear (*Ursus americanus floridanus*) - South Bear Management Unit

### Comments and Recommendations

The applicant submitted a *Protected Species Management and Human-Wildlife Coexistence Plan* (PSMP) (Rev. September 2016) for the Pepperland Ranch project. This plan addresses conservation, avoidance, minimization, and potential mitigation measures for the Eastern indigo snake, American alligator (*Alligator mississippiensis*, FT because of similarity of appearance), Audubon's crested caracara, Florida bonneted bat, Big Cypress fox squirrel, Florida black bear, Florida panther, wood stork, and listed wading birds. According to the PSMP, the applicant intends to conserve approximately 351 acres on-site comprised of 200 acres of wetlands and 151 acres of uplands following completion of the mitigation activities. The preserve areas will be managed for listed species occurring or potentially occurring on-site based on habitat type. The applicant intends to place a conservation easement over the conservation areas or other equivalent deed restriction with approval granted to Lee County.

In addition, a 4'x10' box culvert wildlife crossing will be installed where the north-south entrance road bisects the preserve areas to maintain the connectivity as a wildlife corridor. The project's site design also includes a six-foot chain link fence around the residential areas to deter large mammal access. Signs identifying the preserve as a "nature preserve area" are anticipated to be placed around preserve areas and should include language stating "No dumping allowed". Signs will be no closer than 10 feet from residential property. The applicant proposes to conduct periodic seminars with



future residents to further educate the community about the preservation areas, wetland benefits, human wildlife coexistence, and the benefits of prescribed fire.

The habitat management, avoidance, minimization, and mitigation measures proposed generally follow accepted guidelines and practices for those species mentioned above. The FWC offers the following recommendations to enhance the intent of the PSMP.

#### Florida Sandhill Crane

As noted in the PSMP, Florida sandhill cranes have been documented on the proposed site. The freshwater emergent marshes in the northern part of the project area may provide potential nesting habitat for this species. The site plan indicates potential development may fall within 400 feet of potentially suitable Florida sandhill crane nesting habitat. If construction will occur within 400 feet of an active Florida sandhill crane nest, we recommend that the applicant contact FWC staff identified below to discuss potential permitting needs.

#### Big Cypress Fox Squirrel

As noted in the PSMP, Big Cypress fox squirrel (BCFS) may potentially utilize the habitats found onsite and the applicant proposes to restore approximately 151 acres of suitable fox squirrel habitat. Big Cypress fox squirrels typically nest between October and February and from April to August. If construction or restoration activities occur within 125 feet of a nest tree, then steps should be taken to determine if the nest is active. The applicant should then coordinate with FWC staff to discuss permitting alternatives.

#### Everglades Mink

The project site is within the accepted current range of the Everglades mink. The Everglades mink does not avoid human activity and frequently makes use of man-made structures such as canals and levees (FWC 2013). FWC has developed a Species Action Plan for the Everglades Mink which can be accessed at the following web address: <http://myfwc.com/media/2738256/Everglades-Mink-Species-Action-Plan-Final-Draft.pdf>. The population size and trend is unknown for the Everglades mink and has been inferred from limited data. We recommend that the applicant coordinate with FWC staff if mink are observed onsite to determine if the proposed activities may affect Everglades mink.

#### Prescribed Burning

According to the PSMP, prescribed burning will be used to maintain the native vegetative communities in the conservation areas. FWC recommends that the applicant also include provisions for a community covenant that would ensure the ability to perform prescribed burns on fire-dependent plant communities within the preserved areas, as well as inform prospective home buyers that prescribed burning is an acceptable practice for land management and provide educational materials on what residents can expect during prescribed burns.

Federal Species

This site may also contain habitat suitable for the other federally listed species identified above. We recommend the applicant coordinate with USFWS South Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species and the need for additional conservation, avoidance, minimization, and potential mitigation measures. The USFWS South Florida Ecological Services Office (ESO) can be contacted at (772) 562-3909.

We appreciate the opportunity to review this project. If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at [FWCConservationPlanningServices@MyFWC.com](mailto:FWCConservationPlanningServices@MyFWC.com). If you have specific technical questions regarding the content of this letter, please contact Mark Schulz at (863) 648-3820 or by email at [Mark.Schulz@MyFWC.com](mailto:Mark.Schulz@MyFWC.com).

Sincerely,



Jennifer D. Goff  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

jdg/mas  
ENV 1-12-2  
Pepperland Ranch\_31025\_101416

cc: David Underhill, Banks Engineering, [dunderhill@bankseng.com](mailto:dunderhill@bankseng.com)  
Shane Johnson, Passarella & Associates, Inc., [shanej@passarella.net](mailto:shanej@passarella.net)

**Reference Cited**

FWC. 2013. A species action plan for the Everglades mink. Tallahassee, Florida.

Kellam, J., D. Jansen, A. Johnson, and R. Arwood. 2013. Big Cypress fox squirrel home range and habitat use in cypress dome swamp and pine forest mosaic habitats. Final report. National Park Service, Big Cypress National Preserve, Ochopee, FL. 27 pp. Available at [http://www.nps.gov/bicy/naturescience/upload/Kellam-et-al-2013-Big-Cypress-Fox-Squirrel-Home-Range-and-Habitat-Use-in-Cypress-Dome-Swamp-and-Pine-Forest-Mosaic-Habitats\\_-REVISED-March-2014.pdf](http://www.nps.gov/bicy/naturescience/upload/Kellam-et-al-2013-Big-Cypress-Fox-Squirrel-Home-Range-and-Habitat-Use-in-Cypress-Dome-Swamp-and-Pine-Forest-Mosaic-Habitats_-REVISED-March-2014.pdf).





## *Florida Department of Transportation*

RICK SCOTT  
GOVERNOR

10041 Daniels Parkway  
Fort Myers, FL 33913

RACHEL D. CONE  
INTERIM SECRETARY

April 21, 2017

Brandon Dunn, Principal Planner  
Lee County Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398

### **RE: Lee County 17-1ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments**

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-1ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-1ESR CPA, locally known as CPA2016-00003, proposes to Amend Lee Plan Map 17 (Southeast Density Reduction/Groundwater Resources (DR/GR) Residential Overlay), to designate a 637.5± acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community." The CPA also includes amendments to Lee Plan Maps 6 and 7 to add the property within the Future Potable Water and Sewer Service areas. The subject property is located at the southeast quadrant of the intersection of Corkscrew Road and Six Ls Farm Road, approximately 3 miles east of the Alico Road/Corkscrew Roads intersection.



The requested overlay will allow the property to be developed with a residential community (700 residential dwelling units), pending the property being rezoned. According to the staff report, the Applicant has filed a companion rezoning application that is being reviewed concurrently with the plan amendment application by the Lee County Zoning Division.

According to the adopted FLU designation of DR/GR, the maximum development that could occur on the 637.5± acres is 63 single family dwelling units (1 DU/10 Acres), which would result in approximately 687 daily trips or 69 p.m. peak hour trips. The 700 residential dwelling units would result in approximately 6,292 daily trips or 605 p.m. peak hour trips;

resulting in a net increase of 5,605 daily trips or 536 p.m. peak hour trips. The following table summarizes the trip generation for the proposed development based on the adopted FLU and proposed overlay, as well as the change in trips as a result of the amendment.

### TRIP GENERATION AS PROPOSED FOR CPA2016-0003

Scenario	Land Use Designation	Maximum Allowed Density / Intensity	Land Use Code	Size of Development		Daily Trips <sup>1</sup>	PM Peak Hour Trips <sup>1</sup>
				Acres	Allowed Development		
Adopted	DR/GR	1 DU/10 Acres	210	637.5	63 DUs	687	69
Proposed	RES	NA	210	637.5	700 DUs	6,292	605
<b>Change in Trips</b>						<b>+5,605</b>	<b>+536</b>

<sup>1</sup> Trip generation based on the rates and equations obtained in the ITE Trip Generation Manual (9th Edition)

As seen in the following tables, a planning level analysis was prepared to establish whether State roadways in the vicinity of the project will operate at their adopted level of service (LOS) standards during the existing (2015), short-term (2021), and long-term (2040) horizon year conditions.

### YEAR 2015 EXISTING ROADWAY CONDITIONS

Roadway	From	To	SIS/ESIS?	LOS Std. <sup>1</sup>	2015 Daily Conditions				
					No. of Lanes	Service Volume	Volume <sup>2</sup>	LOS	Acceptable?
I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	SIS	D	6	111,800	91,500	C	Yes
I-75	CR 850/Corkscrew Rd	Alico Rd	SIS	D	6	111,800	93,000	C	Yes

1. Adopted LOS Standard obtained from Lee County.
2. 2015 Volumes obtained from 2015 FDOT District One LOS Spreadsheet

### YEAR 2021 SHORT-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2021 Daily Conditions (E+C)								
			No. of <sup>1</sup> Lanes	LOS <sup>2</sup> Std.	Service Volume	Back-ground Volume <sup>3</sup>	Project Distribu-tion <sup>4</sup>	Project Trips	Total Volume	LOS	Accept-able?
I-75	CR 865/Bonita Beach Rd	CR 850/Corkscrew Rd	6	D	111,800	105,400	12.0%	673	106,073	D	Yes
I-75	CR 850/Corkscrew Rd	Alico Rd	6	D	111,800	104,300	8.0%	448	104,748	D	Yes

1. Number of Lanes (based on E+C Condition) obtained from 2015 FDOT District One LOS Spreadsheet
2. Adopted LOS Standard obtained from Lee County
3. The short-term planning horizon year 2021 background volume was obtained based on historical trend analysis.
4. Project Trip Distribution was obtained from the traffic study provided by the Applicant.



### YEAR 2040 LONG-TERM HORIZON ROADWAY CONDITIONS

Roadway	From	To	2040 Daily Conditions								
			No. of <sup>1</sup> Lanes	LOS <sup>2</sup> Std.	Service Volume	Back- ground Volume <sup>3</sup>	Project Distribu- -tion <sup>4</sup>	Project Trips	Total Volume	LOS	Accept- able?
I-75	CR 865/ Bonita Beach Rd	CR 850/ Corkscrew Rd	6	D	111,800	149,200	12.0%	673	149,873	F	No
I-75	CR 850/ Corkscrew Rd	Alico Rd	6	D	111,800	149,200	8.0%	448	149,648	F	No

1. Number of Lanes from 2040 District One Regional Planning Cost Feasible Model
2. Adopted LOS Standard obtained from Lee County
3. The long-term planning horizon year 2040 background volume was obtained based on historical trend analysis.
4. Project Trip Distribution was obtained from the traffic study provided by the Applicant.

Based on the planning level analysis, the State and Strategic Intermodal Systems (SIS) roadways located within the vicinity of the project are expected to operate at acceptable levels of service (LOS) under existing (2015) and short-term (2021) conditions with the project. The segment of I-75 from CR 865/Bonita Beach Road to Terminal Access Road is expected to exceed the LOS standard by year 2040, both with and without the project.

The Lee County Metropolitan Planning Organization (MPO) 2040 Long-Range Transportation Plan (LRTP) Needs Plan Projects, includes I-75 from Collier County Line to Lockett Road (which includes the impacted segment) for widening from 6-lanes to 8-lanes. The 2040 LRTP also includes the I-75/Corkscrew Farms Road interchange improvement project.

In addition to this proposed CPA, several larger developments have recently been approved, or are being reviewed in this area, including WildBlue (approved), Corkscrew Farms (approved) and Verdana (under review). Due to the potential traffic impacts of these and other nearby developments, the traffic conditions along Corkscrew Farms Road is being cumulatively studied per Lee Plan Policy 38.1.9 (Environmental Enhancement Communities Preservation Overlay (EECPO) traffic study). Per Policy 38.1.9, and a Lee County memo dated November 14, 2016 named "Pepperland (CPA2016-00003/DC12016-00003)", the study is scheduled for completion and implementation in 2017.

**FDOT Comment #1:**

*Per Lee Plan Policy 33.3.4(3.a), as a Tier 1 restoration property under the Environmental Enhancement and Preservation Community overlay, the maximum development that can occur on the site is one DU/Acre, which results in 637 DUs. However, the amendment references 700 DUs, which is an increase of 63 DUs. Please clarify the required density for this amendment.*



FDOT Technical Assistance Comment #1:

*As previously noted, the cumulative developments will add a large number of residential developments (over 4,500 DUs) to the area along Corkscrew Road (east of I-75). These developments will generate a significant amount of local and single automobile vehicle trips. FDOT is concerned that these local trips could have adverse impacts on I-75, and offers the following suggestion for the County to revisit the need for a north/south roadway, east of I-75; which would aid in relieving local trip impacts on I-75.*

FDOT Technical Assistance Comment #2:

*The various developments approved and planned along Corkscrew Road are large residential areas. FDOT notes that these developments do not include specific language regarding the use of multimodal transportation alternatives (pedestrian, bicycle and transit use). Pedestrian and bicycle paths/trails and a robust transit network can help to decrease overall passenger vehicle trips on local and State/SIS roadways. The use of multimodal alternatives aid in mitigating potential transportation impacts, promote safety and economic development, and improve quality of life for all communities in the County. This context sensitive approach promotes healthy, safe, and economically viable communities that encourages quality of life, incorporating all modes of transportation.*

*FDOT welcomes the opportunity to partner with, and provide technical assistance to Lee County to minimize potential future transportation impacts on nearby State and SIS transportation facilities, and offers several initiatives that complement the goals expressed in the County's Comprehensive Plan, such as "Complete Streets"<sup>1</sup>, modern roundabouts<sup>2</sup>, and a commitment to bicycle and pedestrian safety<sup>3</sup>.*

FDOT General Comment for Lee County:

*FDOT is aware of and supports Lee County in conducting the traffic study identified under Policy 38.1.9 (EECPO Traffic Study), which includes cumulative traffic impacts of approved developments and planned developments under review, including WildBlue, Corkscrew Farms, Verdana and the subject to this amendment (Pepperland Ranch).*

***Per the Scope of Services for the EECPO Traffic Study, the segment of I-75 from Corkscrew Road to Alico Road is included as part of the study area roadways. In order to fully understand the traffic impacts on State/SIS facilities resulting from the cumulative development, FDOT recommends that the boundaries of the EECPO Traffic Study be expanded to include the following State/SIS facilities:***

- I- 75 from Bonita Beach Road to Corkscrew Road***
- SR 82 from Corkscrew Road to Daniels Parkway***

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<sup>1</sup> <http://www.flcompletestreets.com/>

<sup>2</sup> <http://www.dot.state.fl.us/rddesign/Roundabouts/Default.shtm>

<sup>3</sup> <http://www.alerttodayflorida.com/>

Brandon Dunn  
Lee County 17-1ESR Proposed CPA – FDOT Technical Assistance Comments  
April 21, 2017  
Page 5 of 5

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or [sarah.catala@dot.state.fl.us](mailto:sarah.catala@dot.state.fl.us).

Sincerely,



Sarah Catala  
SIS/Growth Management Coordinator  
FDOT District One

*CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity*

1400 Colonial Blvd., Suite 1  
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817  
www.swfrpc.org

April 18, 2017

**RECEIVED**  
APR 20 2017  
COMMUNITY DEVELOPMENT

Ms. Mikki Rozdolski  
Planning Manager  
Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County CPA2016-00003/DEO 17-1ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-1ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its May 18, 2017 meeting. Council staff is recommending that the request be found regionally significant with regards to location. Council staff is also recommending that the proposed changes are conditionally consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments. The conditions are as follows:

1. Lee County follows the recommendations of the Florida Fish and Wildlife Conservation Commission (FWC).
2. Lee County Utilities commits to providing wastewater treatment to the proposed development.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,

**Southwest Florida Regional Planning Council**

Margaret Wuerstle, AICP  
Executive Director

MW/DEC  
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development





**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 17-1ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance

<u>Proposed Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 17-1ESR	Yes	No	No	(1) Regionally significant (2) Conditionally consistent with SRPP

**RECOMMENDED ACTION:**

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

## COMMUNITY PLANNING ACT

### Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;  
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

## COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

### **Regional Planning Council Review**

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

**NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.**

**LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-1ESR)****Summary of Proposed Amendment**

Lee County DEO 17-1ESR proposes to amend Lee Plan Map 17, Southeast DR/GR Residential Overlay, to designate a 637.5 +/- acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community" and Lee Plan Map 6 and 7 to include the property within the Future Potable Water and Sewer Service areas. The property is located approximately 3 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments will allow the property to be developed with a residential community (Pepperland Ranch) pending the property being rezoned. The property acreage is 51.31 acres of wetlands and 586.19 acres of uplands. The current maximum allowable development for this property is 1 dwelling unit per 10 acres. The proposed amendment would allow for a maximum of 1 dwelling unit per acre to be developed in the 637.5 acres.

The Density Reduction/Groundwater Resources (DR/GR) future land use category was adopted to protect groundwater resources. The Environmental Enhancement and Preservation Communities Overlay targets critical restoration areas, requires enhanced development standards, and provides predictable density incentives, furthering the County's goals for the Southeast DR/GR. The Overlay has previously been found to be consistent with Lee Plan Objective 107.1, Policy 1071.1, Policy 107.2.8 and Policy 107.11.4. In 2015, the amendments that allowed WildBlue and Corkscrew Farms developments were adopted. Both of these developments are significantly larger than the proposed Pepperland Ranch.

The subject property contains a historic flowway that has been impacted by decades of agricultural uses. Restoration of the flowway can be accomplished using the standards provided in the Overlay. The proposed amendment will provide continued protection of the DR/GR as an area that can provide substantial groundwater recharge to aquifers suitable for wellfield development. No significant impacts on present or future water resources will result from the change. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and restored lands. The County states that this project will create the following ecological benefits:

- Preservation, enhancement, and restoration of 350± acres of indigenous habitat
- Preservation of 100% of the project's existing indigenous vegetation
- Restoration of historic hydrologic conditions to the greatest extent practicable
- Enhance and restore surface and ground water resources
- Eliminate farming activities
- Improve water quality
- 55% of the total project area will be preserved and placed under conservation easement
- Restoration of historic flow-ways
- Provide increased wildlife habitat and connection to adjacent conservation lands
- Preservation of 100% of existing wetlands
- Long-term maintenance in perpetuity of preserve areas
- Restoration of historic ecosystems

- Increased foraging habitat for wading birds

The County provided the following summary on water levels and recharge:

- Current water levels highly impacted by agricultural dewatering and irrigation
- Proposed water management system is designed to mimic historic conditions
- Proposed water level controls based on:
  - Historic biologic indicators
  - Over 20 years of nearby monitoring
- Allowable discharges reduced by 50%
- Annual water use reduced by over 60%
- Dry season water use reduced by over 90%
- Modeled water level increase of >5 feet at project center and >2 feet at boundaries
- Groundwater recharge increased by over 300 million gallons annually

The County also promises that this project will increase regional connectivity. Currently the subject property provides no direct connection to regional surface water systems. The project provides for restoration of historic onsite flowway and provides potential connection to all known adjacent flowways.

#### **Regional Impacts**

Attached are comments from the SWFRPC's environmental planning staff concerning water, utilities, and wildlife resources.

The South Florida Water Management District determined that the proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package.

Council staff has reviewed the requested changes and finds that the Project is regionally significant with regards to location. The DR/GR is an ecologically important area and this amendment package requests increased residential density in that area. Staff recommends conditional approval of these amendments. The conditions are:

1. Lee County follows the recommendations of the Florida Fish and Wildlife Conservation Commission (FWC) which are outlined in the following environmental report.
2. Lee County Utilities commits to providing wastewater treatment to the proposed development.

#### **Extra-Jurisdictional Impacts**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.



**Conclusion**

Staff recommends that this project be found regionally significant with regards to location and recommend approval given that the two conditions above are met.

**Recommended Action**

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

## Comments on proposed amendment package by James Beaver, SWFRPC

The Pepperland Ranch proposal is to Amend Lee Plan Map 17, Southeast DR/GR Residential Overlay, to designate a 637.5 +/- acre property along Corkscrew Road as an "Environmental Enhancement and Preservation Community" and Lee Plan Maps 6 and 7 to include the property within the Future Potable Water and Sewer Service areas. The property is located approximately 3 miles east of the intersection of Alico and Corkscrew Roads. The requested amendments will allow the property to be developed with a residential community pending the property being rezoned.

The subject property is identified in the Lee Plan as a Tier 1 Priority Restoration property. Lee Plan Policy 33.2.2 provides that the Priority Restoration overlay depicts land where protection and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas. Tier 1 lands are the highest priority for protection from irreversible land-use changes. By requesting to be added to the Overlay the applicant is opting to utilize the incentive based language that would allow for increased density on the site where the project improves, preserves, and restores regional surface water and groundwater resources and indigenous wildlife habitats.

The applicant has provided materials that demonstrate regional hydrological and wildlife connectivity can be provided through the restoration of the existing agricultural fields consistent with Goals, Objectives, and Policies identified in the Lee Plan, including Policy 2.4.2 and 2.4.3 which require a finding that no significant impacts on present or future water resources will result from the change.

The subject property contains a historic flowway that has been impacted by decades of agricultural uses. Restoration of the flowway can be accomplished using the standards provided in the Overlay. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and restored lands. The requested Comprehensive Plan Amendment is to allow higher residential densities in turn for the restoration of historic flowways and wildlife habitat on property identified by the Lee Plan as a Tier 1 restoration area.

This project proposes to provide connectivity for wildlife movement and restoration of active agricultural into native habitat, consistent with Goal 33. The applicant and the County state that given its location and environmental features the property provides opportunities to protect, preserve, and restore strategic regional hydrological and wildlife connections consistent with Policy 33.3.4. Through the concurrent rezoning case the applicant has proposed, and Policy 33.3.4(2) requires, that development of the property will provide the following regional benefits:

- Preservation of all existing native wetlands habitats and approximately 350 acres of land to be placed into a conservation easement. These preserves will include exotic removal, re-grading and replanting/seeding/natural recruitment. Along with common open space and water management conveyance areas and lakes results in 60% open space.

- Enhance, restore and create historic hydric pine, cypress and marsh wetland habitats as well as upland habitats in the approximately 380 acres of preserved lands. This will include restoring historic water levels and hydro-periods in wetlands, removal of exotic species and restoration/creation of wetlands and uplands within existing disturbed agriculture areas. This is a drastic increase over the 20.41 acres of existing indigenous preservation currently on the site.
- Improve critical wildlife connections to nearby public conservation lands to the north and south. Preservation of water resources through reductions in water use allocation and
- the use of native plants to reduce irrigation.
- Restore historic flowways and allow off-site connection of flowways.
- Connection to sewer and water instead of the currently approved well and septic use.

Of the 637.5± acres, only 3% is indigenous vegetation. The remaining areas are used for agricultural purposes and contain row crops, agricultural ditches or roads. The agricultural property provides limited value for wildlife in its current state. With the removal of the agricultural berms, cessation of agricultural irrigation and restoration of 60% of the property to native habitat, the site will provide more value for wildlife by allowing increased opportunities for wood storks and other wading birds to forage or nest and for panthers and other wide-ranging species to hunt, traverse, or den on the property.

**GROUNDWATER:** The subject site is located at the south of the Lee County Utilities Corkscrew Wellfield. In fact, one third of the northern portion of the property is located within wellfield protections zones. The current use on the property is agriculture. There are a number of existing permitted wells for agriculture use. Most of those wells will be properly abandoned or possibly utilized as monitoring wells. Lee County Natural Resources staff has reviewed the information provided by the applicant including the Groundwater Analysis for the subject site, prepared by Water Science Associates. Compared to the current agricultural land use, the proposed amendment will reduce impacts on groundwater resources by using potable water supply provided by Lee County Utilities. The proposed centralized irrigation system utilizes on site lakes replenished by the newly constructed wells on an as necessary basis. This system will be designed to meet the requirements of the Lee County "Water Conservation Ordinance".

#### **SURFACE WATER:**

The subject site is located south of mitigation or conservation lands owned by other agencies. The residential community located west of the subject property along 6L's Farm Road experiences flooding from time to time. Farm ditches have been excavated within and around the property altering historical surface water drainage and runoff patterns. The proposed restoration plan will preserve an onsite wetland area located on the northwestern section of the property. The master concept plan attempts to restore on-site wetlands by incorporating them into recreated flow ways. The restoration plan will also provide a flow way interconnect for proposed future connection along the northern and south eastern portions of the project to help relieve some of the flooding of adjacent properties. In addition, the proposed

development pods are chosen in a way to accommodate and enhance flow ways to mimic historic flow and to provide wildlife habitat.

#### WATER QUALITY:

Water quality is a major concern on this project due to its close vicinity to the public water supply system. The applicant has agreed to provide additional treatment of surface water prior to discharging to water management lakes. One of the conservation goals listed in the Dover Kohl study was to maintain and enhance surface and groundwater resources. This goal is achieved by using lake water for irrigation, providing potable water from Lee County Utilities, elimination of septic systems, and restoration of flow ways through the property. Further, incorporation of a monitoring well network will provide a tool for managing the natural system and work towards achieving other goals listed in the Dover Kohl study.

The following items shall be addressed and resolved during the Zoning approval process:

- 1) Flow way restoration and maintenance plan.
- 2) Flowway and Outfall Easement agreement.
- 3) Potential contamination of public water supply system due to construction or operational activities on the project site.
- 4) Design of the water management system to mimic the functions of the natural system.
- 5) Maintain historic flow through the property and avoid flooding of adjacent properties.
- 6) Setback requirements of Chapter 62-532 with regard to sanitary sewer lines from public water supply system.
- 7) Compliance with Wellfield Protection Ordinance.

Based on the information provided and given the above concerns are to be addressed in the subsequent approval processes, the Lee County Division of Natural Resources finds that no significant impacts on present or future water resources are expected as a result from the change. Therefore, the Division of Natural Resources staff recommends that the Board of County Commissioners make a formal finding that no significant impacts on present or future water resources are expected as a result from changing the Future Land Use Category, as required in Lee Plan Policy 2.4.2 and Policy 2.4.3. This memo does not intend to relieve the applicant from complying with any other part of the Lee Plan.

#### POTABLE WATER:

LCU' s current total combined water treatment capacity is 45.9 million gallons per day (MGD). The Green Meadows Water Treatment Plant (WTP) is in the process of being expanded from 9.00 MGD to 14.00 MGD which will bring the total combined treatment capacity of the water

system to 50.9MGD, The projected water system demand included in LW's Integrated Water Resource Master Plan dictates a total water system demand of 37.04 MGD annual average daily flow (AADF) in the year 2030. This represents a surplus capacity of 13.86 MGD. The 2015 annual average daily demand in LCU's water system was 23.41 MGD. The 2015 maximum month average daily demand in LCU's water *system* was 27.25 MGD. Based on *the* information presented above there is sufficient water treatment capacity to serve the proposed development.

#### SANITARY SEWER:

The current permitted treatment capacity of the Three Oaks Wastewater Treatment Plant (WWTP) is 6.0 MGD. The current sand average daily flow to the Thee Oaks WWTP is 3.15 MGD. There currently is capacity at the Three Oaks WWTP to provide service to the proposed development. Regarding sufficient treatment capacity in the future, the following should be noted. LCU has recently completed a study of the Three Oaks WWTP service area which included a flow projection to the Facility. This study was completed by a Consultant. The flow projection for this study was based on the Three Oaks WWTP future service area at the time the projection was completed.

The Pepperland Ranch project is currently not located within the Three Oaks WWTP future service area, therefore, the wastewater flow projected from the Pepperland Ranch development (140,000gallons per day) was not included in the flow projection performed in the study referenced above. Utilizing the flow projection performed during the study referenced above the effect the Pepperland development projected flow will have on the available capacity at the Three Oaks WWTF' can be determined. The flow projection was revised to add the flow generated from Pepperland Ranch as well as comprehensive plan amendments approved for the projection was performed. It was assumed that the Pepperland Ranch project would be fully built out by the year 2020. The revised projection indicates that the annual average daily flow to the Three Oaks WWTP will not exceed the permitted capacity until the year 2028. Because the wastewater flow to the Three Oaks WWTP is projected to exceed the permitted capacity in the future, Lee County Utilities has initiated a study to identify options for treatment of wastewater flows that are projected to be generated within the Three Oaks WTPs service area. This study is currently underway. Therefore there is no guarantee at this time that Pepperland Ranch will have central wastewater treatment.

#### WETLANDS AND WILDIFE:

The applicant is seeking a permit modification to construct a stormwater management system that would serve 700 single-family homes, a clubhouse facility, and associated infrastructure on approximately 638 acres located approximately 3.0 miles east of the Alico Road and Corkscrew Road intersection, immediately south of Corkscrew Road in Lee County. The dominant land covers on the proposed site consist of row crops, fallow crops, berms, cypress, shrub wetland, and other surface waters. Based on the proposed site plan, the applicant intends to impact 9.43 acres of other surface waters. The applicant is proposing to enhance and preserve 51.3 acres of on-site wetlands and restore 298.79 acres of agricultural lands.

#### **Potentially Affected Resources**

According to the *Protected Species Survey* (Rev. September 2016) by Passarella & Associates, Inc., submitted in support of the permit application, a listed species survey was conducted in February and May 2016. Based on the results of this survey, Florida sandhill crane (*Grus canadensis pratensis*, State Threatened [ST]), little blue heron (*Egretta caerulea*, State Species of Special Concern [SSC]), roseate spoonbill (*Ajaja ajaja*, SSC), snowy egret (*Egretta thula*, SSC), tricolored heron (*Egretta tricolor*, SSC), white ibis (*Eudocimus albus*, SSC), wood stork (*Mycteria americana*, Federally Threatened [FT]), Audubon's crested caracara (*Polyborus plancus audubonii*, FT), and bald eagle (*Haliaeetus leucocephalus*) were documented on the proposed project site.

FWC staff conducted a geographic information system (GIS) analysis of the project area. Our analysis confirmed the information from the *Protected Species Survey* and also found that the project area is located near, within, or adjacent to:

One or more wood stork nesting colony core foraging areas (CFA). The CFA constitutes an 18.6 mile radius around the nesting colony.

U.S. Fish and Wildlife Service (USFWS) Consultation Area for the following federally listed species:

- Florida scrub-jay (*Aphelocoma coerulescens*, FT)
- Red-cockaded woodpecker (*Picoides borealis*, Federally Endangered [FE])
- Everglade snail kite (*Rostrhamus sociabilis plumbeus*, FE)
- Florida panther (*Felis concolor coryi*, FE) - Primary Zone
- Florida bonneted bat (*Eumops floridanus*, FE)

Potential habitat for state and federally listed species:

- Eastern indigo snake (*Drymarchon corais couperi*, FT)
- Big Cypress fox squirrel (*Sciurus niger avicennia*, ST)
- Sherman's short-tailed shrew (*Blarina shermani*, SSC)
- Everglades mink (*Neovison vison evergladensis*, ST)

Potential habitat for the Florida black bear (*Ursus americanus floridanus*) - South Bear Management Unit

The applicant submitted a *Protected Species Management and Human-Wildlife Coexistence Plan* (PSMP) (Rev. September 2016) for the Pepperland Ranch project. This plan addresses conservation, avoidance, minimization, and potential mitigation measures for the Eastern indigo snake, American alligator (*Alligator mississippiensis*, FT because of similarity of appearance), Audubon's crested caracara, Florida bonneted bat, Big Cypress fox squirrel, Florida black bear, Florida panther, wood stork, and listed wading birds. According to the PSMP, the applicant intends to conserve approximately 351 acres on-site comprised of 200 acres of wetlands and 151 acres of uplands following completion of the mitigation activities. The preserve areas will be managed for listed species occurring or potentially occurring on-site based on habitat type. The applicant intends to place a conservation easement over the conservation areas or other equivalent deed restriction with approval granted to Lee County.

In addition, a 4'x10' box culvert wildlife crossing will be installed where the north-south entrance road bisects the preserve areas to maintain the connectivity as a wildlife corridor. The project's site design also includes a six-foot chain link fence around the residential areas to deter large mammal access. Signs identifying the preserve as a "nature preserve area" are anticipated to be placed around preserve areas and should include language stating "No dumping allowed". Signs will be no closer than 10 feet from residential property. The applicant proposes to conduct periodic seminars with future residents to further educate the community about the preservation areas, wetland benefits, human wildlife coexistence, and the benefits of prescribed fire. The habitat management, avoidance, minimization, and mitigation measures proposed generally follow accepted guidelines and practices for those species mentioned above. The FWC offered the following recommendations to enhance the intent of the PSMP.

#### Florida Sandhill Crane

As noted in the PSMP, Florida sandhill cranes have been documented on the proposed site. The freshwater emergent marshes in the northern part of the project area may provide potential nesting habitat for this species. The site plan indicates potential development may fall within 400 feet of potentially suitable Florida sandhill crane nesting habitat. If construction will occur within 400 feet of an active Florida sandhill crane nest, we recommend that the applicant contact FWC staff identified below to discuss potential permitting needs.

#### Big Cypress Fox Squirrel

As noted in the PSMP, Big Cypress fox squirrel (BCFS) may potentially utilize the habitats found onsite and the applicant proposes to restore approximately 151 acres of suitable fox squirrel habitat. Big Cypress fox squirrels typically nest between October and February and from April to August. If construction or restoration activities occur within 125 feet of a nest tree, then steps should be taken to determine if the nest is active. The applicant should then coordinate with FWC staff to discuss permitting alternatives.

#### Everglades Mink

The project site is within the accepted current range of the Everglades mink. The Everglades mink does not avoid human activity and frequently makes use of man-made structures such as canals and levees (FWC 2013). FWC has developed a Species Action Plan for the Everglades Mink which can be accessed at the following web address: <http://myfwc.com/media/2738256/Everglades-Mink-Species-Action-Plan-Final-Draft.pdf>. The population size and trend is unknown for the Everglades mink and has been inferred from limited data. We recommend that the applicant coordinate with FWC staff if mink are observed onsite to determine if the proposed activities may affect Everglades mink.

#### Prescribed Burning

According to the PSMP, prescribed burning will be used to maintain the native vegetative communities in the conservation areas. FWC recommends that the applicant also include provisions for a community covenant that would ensure the ability to perform prescribed burns on fire-dependent plant communities within the preserved areas, as well as inform prospective

home buyers that prescribed burning is an acceptable practice for land management and provide educational materials on what residents can expect during prescribed burns.

#### Federal Listed Species

This site may also contain habitat suitable for the other federally listed species identified above. We recommend the applicant coordinate with USFWS South Florida Ecological Services Office (ESO) as necessary for information regarding potential impacts to these species and the need for additional conservation, avoidance, minimization, and potential mitigation measures. The USFWS South Florida Ecological Services Office (ESO) can be contacted at (772) 562-3909.

The applicant has provided materials that demonstrate regional hydrological and wildlife connectivity can be provided through the restoration of the existing agricultural fields consistent with Goals, Objectives, and Policies identified in the Lee Plan, including Policy 2.4.2 and 2.4.3 which require a finding that no significant impacts on present or future water resources will result from the change.

The subject property contains a historic flowway that has been impacted by decades of agricultural uses. Restoration of the flowway can be accomplished using the standards provided in the Overlay. Preservation of wildlife habitat on the subject property will help to connect large areas of publicly owned conservation and other areas of privately preserved and restored lands. The requested Comprehensive Plan Amendment is to allow higher residential densities in turn for the restoration of historic flowways and wildlife habitat on property identified by the Lee Plan as a Tier 1 restoration area.



# **MAPS**

**Lee County**

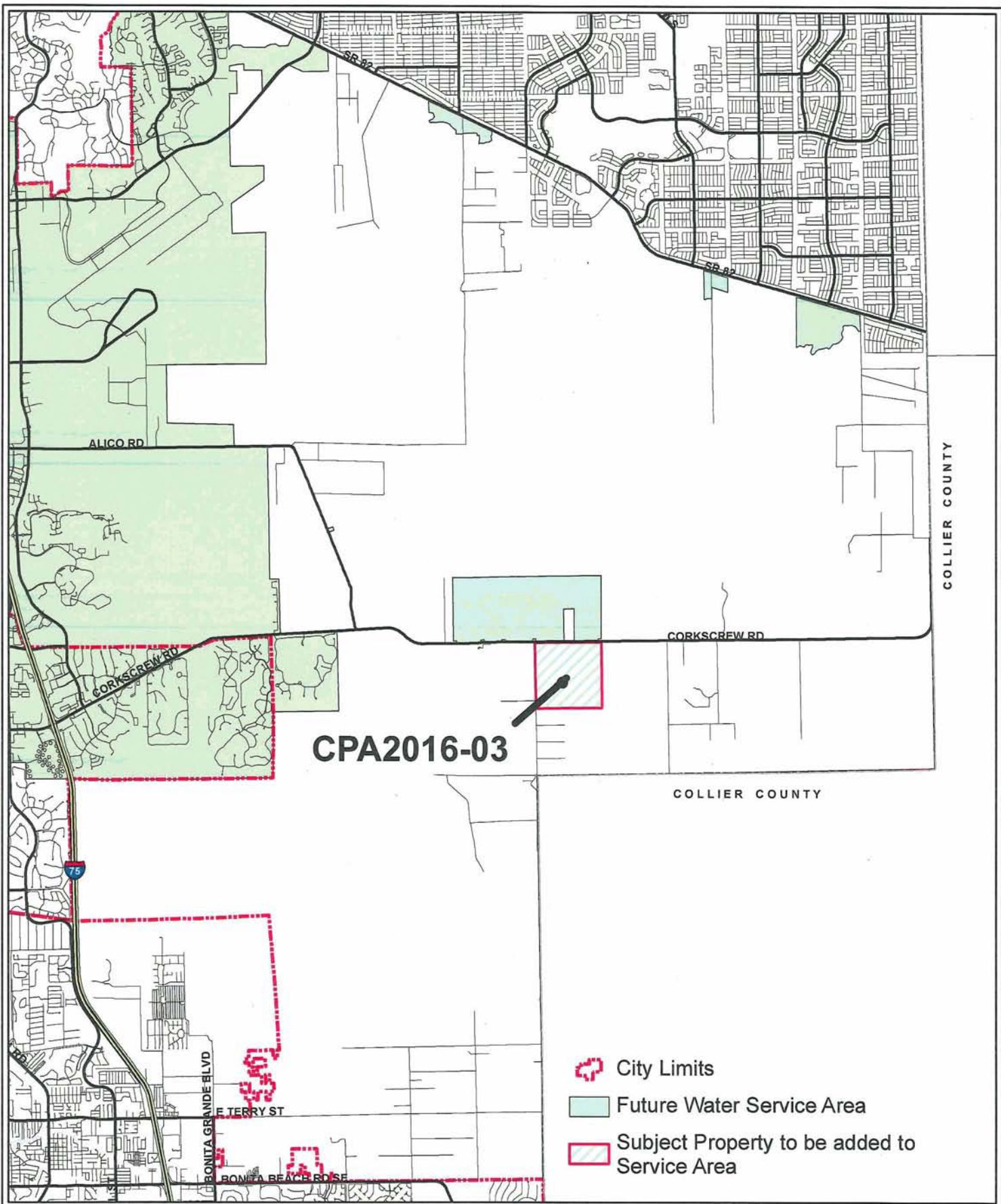
**DEO 17-1ESR**

**Growth Management Plan**


**Comprehensive Plan Amendment**



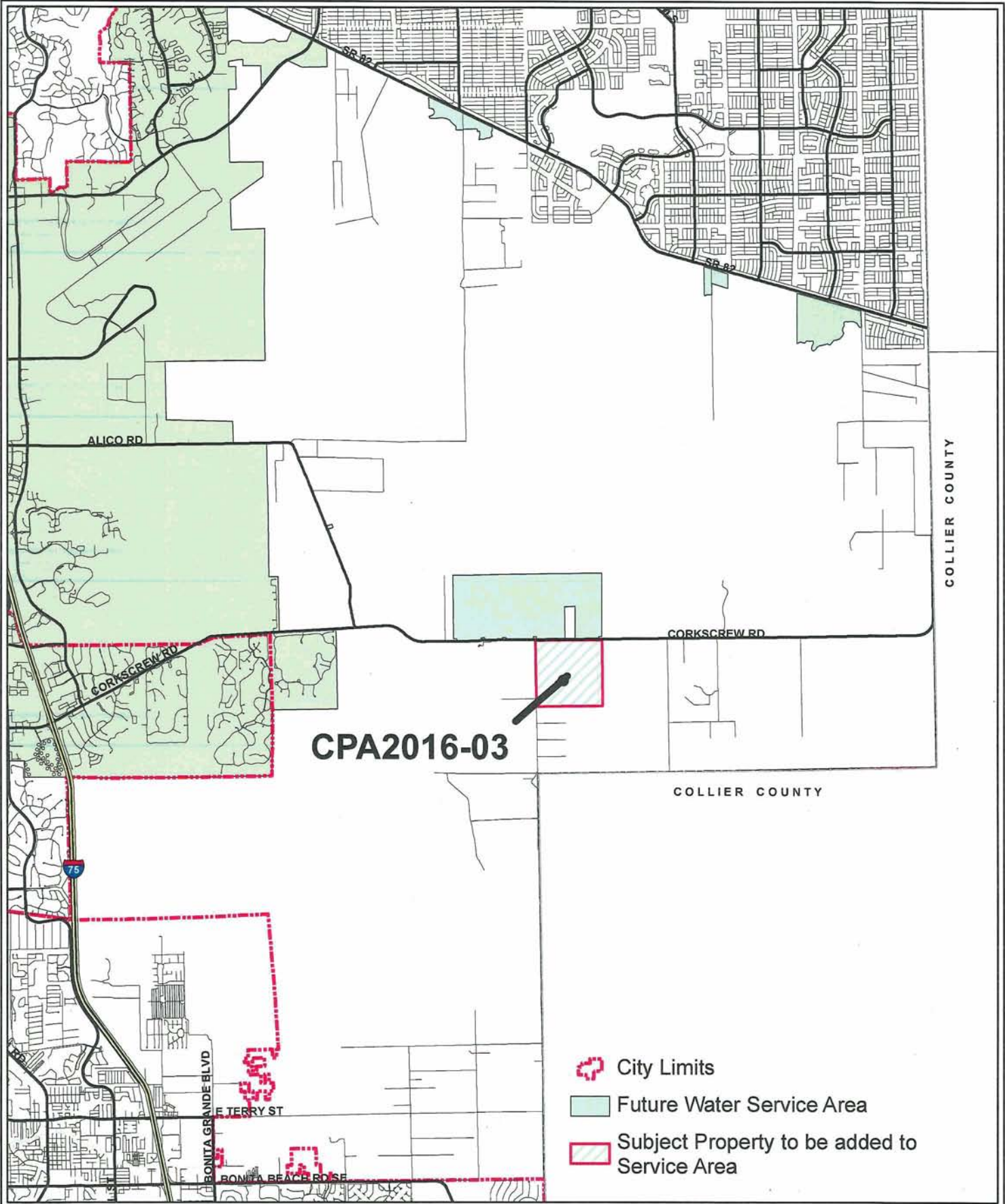







**CPA2016-03**

-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area

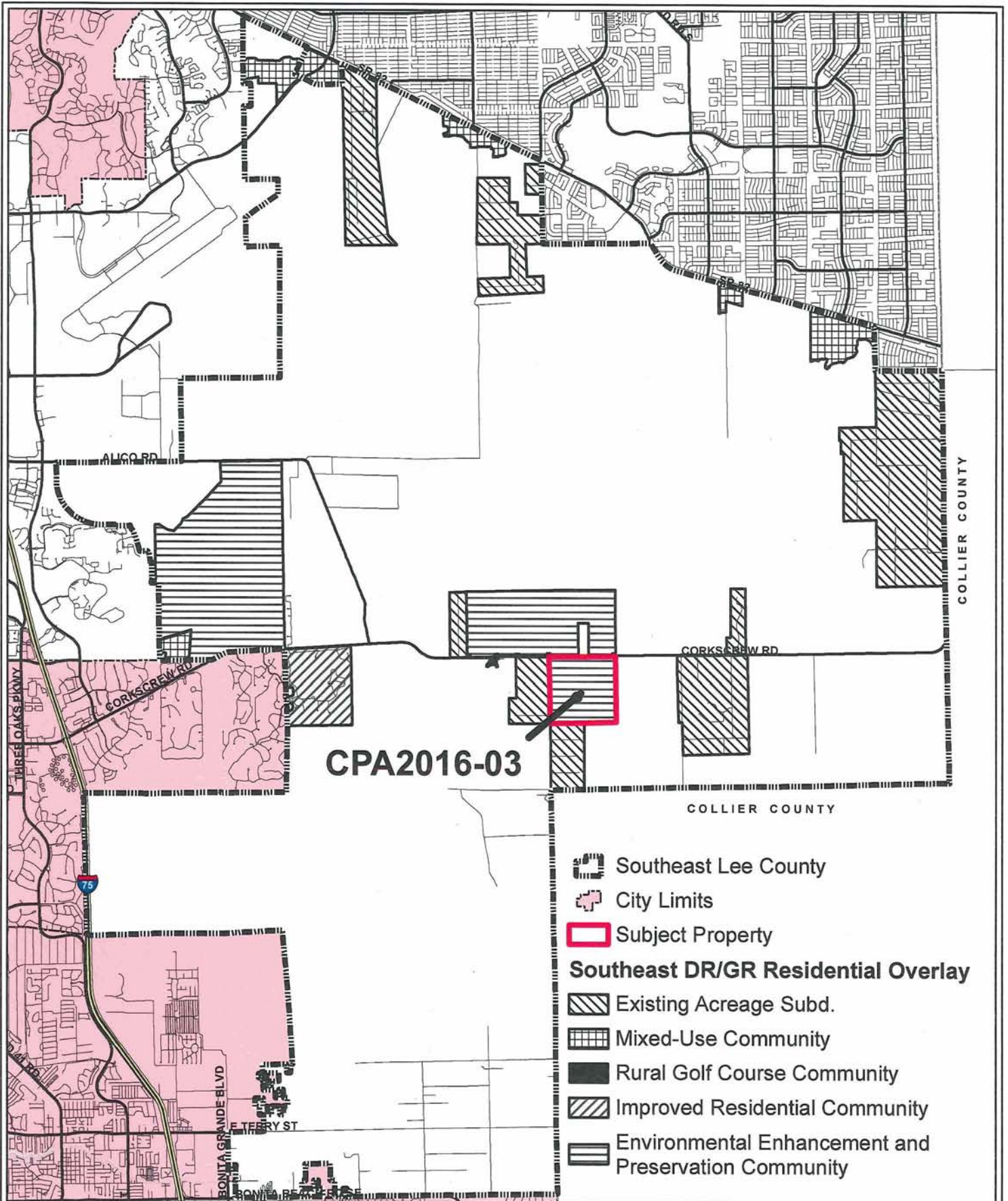




-  City Limits
-  Future Water Service Area
-  Subject Property to be added to Service Area







Map Generated December 2016  
Prepared by Lee County DCD/Planning

**CPA2016-00003 - PEPPERLAND RANCH  
LEE PLAN MAP 17  
SOUTHEAST DR/GR RESIDENTIAL OVERLAY**





PROJECT  
LOCATION

**LEGEND**  
 PEPPERLAND RANCH



0 1,000 2,000  
 Feet

**NOTES:**  
 AERIAL PHOTOGRAPHS WERE PROVIDED BY THE LEE COUNTY PROPERTY APPRAISER'S OFFICE AND WERE FLOWN JANUARY-FEBRUARY 2015.  
 PROPERTY BOUNDARY PER BANKS ENGINEERING, INC. DRAWING NO. 8112-SR EM-1-26-2016.DWG DATED JANUARY 27, 2016.  
 ROADWAY NETWORKS WERE ACQUIRED FROM THE FLORIDA GEOGRAPHIC DATA LIBRARY WEBSITE.

**EXHIBIT A. AERIAL WITH BOUNDARY  
 PEPPERLAND RANCH**

DRAWN BY	DATE
W.C.	2/15/16
REVIEWED BY	DATE
S.J.	2/15/16
REVISED	DATE



J:\004515\0258\0100512366\Environmental\Exhibit A\_Aerial.mxd - 3/17/2016 @ 9:31:13 AM





DENSITY REDUCTION/GROUNDWATER RESOURCE

24

19

25

30

29

SUBJECT PROPERTY

31

32

**NON-URBAN AREAS**

- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland

**ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**

- Wetlands
- Conservation Lands - Wetland
- City Limits

**BANKS ENGINEERING**

Professional Engineers, Planners, & Land Surveyors  
Serving The State Of Florida

10511 SIX MILE CYPRESS PARKWAY  
FORT MYERS, FLORIDA 33909  
PHONE: (239) 939-8490 FAX: (239) 939-9923

ENGINEERING LICENSE # EC 04500  
SURVEY LICENSE # LS 8880

WWW.BANKSENG.COM

FUTURE LAND USE MAP (IV.A.2 & IV.A.3)

**PEPPERLAND RANCH**

LEE COUNTY, FLORIDA

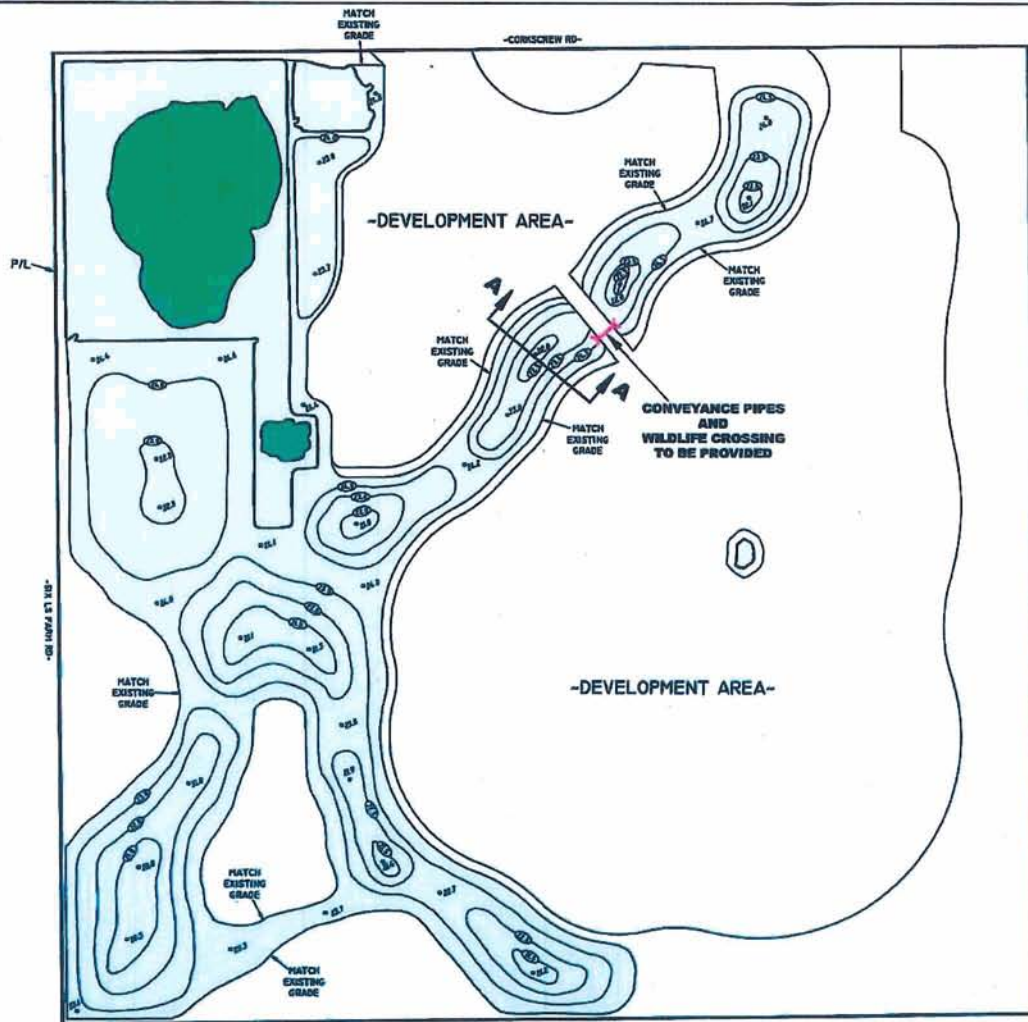
DATE	PROJECT	DRAWING	DESIGN	DRAWN	CHECKED	SCALE	SHEET
03/04/2016	B112	_FLUM	SDJ	SDJ	SWH	N.T.S.	1

S:\Jobs\17\1708112\Zoning\17-FLUM.dwg, 3/5/2016 11:56:03 AM, sbjcy/hex/alt





ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE. DATE OF DECLASSIFICATION IS INDEFINITE. THIS DOCUMENT IS UNCLASSIFIED EXCEPT WHERE SHOWN OTHERWISE.



N.T.S.

- LEGEND**
- INDIGENOUS WETLAND PRESERVATION AND ENHANCEMENT (28.41 Ac.s)
  - INDIGENOUS WETLAND RESTORATION (79.83 Ac.s)
  - INDIGENOUS UPLAND RESTORATION (66.69 Ac.s)
  - TOPOGRAPHIC ELEVATION (DAVD)
  - SURVEYED WETLAND LINE



**WETLAND RESTORATION CROSS-SECTION**

**NOTES:**

SITE PLAN AND SURVEYED WETLAND LINES PER BANKS ENGINEERING, INC. DRAWING No. 812.DWG DATED AUGUST 29, 2016.

SURVEYED WETLAND LINES PER BANKS ENGINEERING, INC. DRAWING No. MCF-BASE.DWG DATED MAY 10, 2016.

UPLAND/WETLAND LIGHTS WERE FIELD REVIEWED AND APPROVED BY SPWMD STAFF ON JULY 27, 2016.

SEE PLANS PREPARED BY BANKS ENGINEERING, INC. FOR ADDITIONAL RESTORATION CROSS-SECTIONS.

REVISIONS	DATE	DESIGNED BY	DATE
		D.B.	8/31/16
		CHECKED BY	8/31/16
		S.J.	8/31/16
		DATE	8/31/16
		S.J.	8/31/16

11620 Metropolitan Avenue  
Suite 200  
Fort Myers, Florida 33912  
Phone (239) 274-0067  
Fax (239) 274-0069



**PEPPERLAND RANCH**  
INDIGENOUS VEGETATION PRESERVATION AND RESTORATION PLAN

DRAWING NO.	15BCF2189
SHEET NO.	

**Miller, Janet**

---

**From:** Rozdolski, Mikki  
**Sent:** Monday, March 27, 2017 2:05 PM  
**To:** Miller, Janet  
**Cc:** Dunn, Brandon  
**Subject:** FW: Lee County, DEO #17-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Mikki Rozdolski  
Manager of Planning  
Lee County Community Development  
email: [mrozdolski@leegov.com](mailto:mrozdolski@leegov.com)  
phone: 239-533-8309

---

**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Monday, March 27, 2017 1:05 PM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret ([swfrpc.org](http://swfrpc.org))  
**Subject:** Lee County, DEO #17-1ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment revises Map 17, Southeast DR/GR Residential Overlay to designate a 637.5 acre property as an Environmental Enhancement and Preservation Community, and include the subject property in the Future Potable Water and Sewer Services area. The proposed changes do not appear to adversely impact the water resources in this area; therefore, the District has no comments on the proposed amendment package.

The District offers technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)