

April 8, 2019

Thaddeus Cohen
Department Head, Growth Management Department

Kris Van Lengen
Community Planning Division

Growth Management Department
2800 Horseshoe Drive
Naples, FL 34104

Re: RLSA Overlay Recommendations

Dear Mr. Cohen and Mr. Van Lengen:

The League of Women Voters Collier County asks that the County Planning Division consider the comments below in making their recommendations to the Board of County Commissioners (BCC) on changes to the 2002 RLSA Overlay. As you know, the goals of the Overlay are to prevent premature conversion of agricultural land, direct development away from listed species habitat and environmentally sensitive lands, and avoid sprawl. The RLSA Overlay does not accomplish these goals. The 2009 5-Year Review Committee recommendations to increase development acreage to 45,000 and add at least 106,000 credits to the Stewardship Credit System will make the situation worse.

We urge the County to bring the RLSA Overlay back in line with the intent of the 2002 goals. To this end, we ask for the following revisions to the Overlay and we would like to meet with you both in April to discuss these matters.

- 1. Preserve Agricultural Land and Panther Corridors by Recalibrating Credits Within the Existing Stewardship Credit System. Do not Add Credits to the System as Recommended by 2009 the 5-Year Review Committee—this will Result in Even More Excess Credits and Development.**

The 5-year review recommendation to add 106,000 credits to the system will not fix the problems with the RLSA Overlay and instead will increase the excessive

number of credits, which will ultimately lead to more development. Consider that from the beginning and through the 5-year review process, the amount of potential credits that could be earned has been considerably underestimated by WilsonMiller (now Stantec).

At the time of adoption of the 2002 RLSA Overlay, the CCPC, Environmental Advisory Council (EAC), BCC, county staff and the public were all told that the Overlay would result in 16,800 acres of development based on 134,388 credits. However, at a 2003 CCPC hearing to implement the 2002 RLSA Overlay, there was discussion about the late addition of early entry bonus credits and restoration credits. Commissioner Mark Strain provided calculations showing a potential for 254,000 credits being earned. (May 1, 2003 CCPC Tape 1A). Nancy Linnan, Collier County's outside counsel, responded that "nobody anticipates, including state agencies, those numbers...." *Id.* at 24:23.

Then, at the start of the 5-year review process, WilsonMiller reported that the 2002 RLSA Overlay provides 315,000 potential credits, which could allow 43,300 acres of Stewardship Receiving Area (SRA) development. (WilsonMiller Memorandum to Tom Jones, 9-18-08.) It is likely that 315,000 is an underestimate because there are more credits than anticipated being earned from the restoration provisions. WilsonMiller's credit calculations are outdated.

In 2008, WilsonMiller also estimated that the 5-Year Review Committee recommendation to add credits for agriculture stewardship and panther corridors would provide a total of 421,000 credits.¹ The CCPC and EAC were both concerned about creating excess credits if this recommendation was adopted. See April 9, 2009 BCC hearing on the 5-year review recommendations. The CCPC and many commenters recommended to the BCC that the total number of credits not be increased. During the April 2009 BCC hearing, Collier County Planning staff also expressed concern about creating surplus credits if the 5-Year Review Committee recommendation was accepted. Pg. 138-140.

More credits mean more development, when many think the RLSA Overlay is already out of whack in allowing 43,300 acres of development for approximately 300,000 new residents. Instead of the 5-year review Committee recommendation

¹ WilsonMiller reduced this number to 404,000 credits based on assumptions which appear to no longer be accurate. The County should update the credit numbers.

to increase the number of credits, the County should consider revising the RLSA Overlay as follows:

- A. Recalibrate credits by transferring credits from restoration potential (R-1 credits) to preservation of agriculture and panther corridors, and increase the number of credits required per acre of SRA to 10 or more credits per acre.**

It is becoming clearer that too many credits are being awarded for just designating land for potential restoration. Landowners have obtained and will continue to obtain more and more R-1 credits, but acknowledge that for the most part they will not be restoring land. So far, more than 129,987 credits have been approved and 54,688 are pending, but less than 500 acres restored. The RLSA Overlay provisions are not working to get important environmentally sensitive land restored. Landowners are getting credits for designating land for potential restoration, but are electing not to restore the land to earn additional credits (R-2 credits). Eliminating R-1 credits may provide an incentive for landowners to do the restoration, as well as free up credits that can be awarded for preservation of agriculture and panther corridors.

R-1 credits are duplicative of base credits landowners already obtained for removing layers of use. They do not give up more rights for these additional credits. Most SSAs have layers removed down to agriculture. Take, for example, SSA #15 (5259 acres). Collier Enterprises will receive 10,095 “base use” credits for removing 5 layers of land use on 4820 acres (keeping Ag 2 uses). Collier Enterprises will then get an additional 14,178 credits for designating 3545 acres of the 4820 acres as land that can be restored. Because Collier Enterprises gets credits for taking off most layers of land use, it is difficult to understand why it should also get so many additional credits just for designating a portion of the land for potential restoration.

- B. County Commissioners that adopted the RLSA Overlay and RLSA landowners understood that the County has the Authority to change the Stewardship Credit System and RLSA Overlay rules.**

The County has the responsibility to review the RLSA Overlay and the authority to revise the RLSA Overlay as needed to keep the program in line with the original

intent and the Final Order. Some RLSA landowners claim that the County cannot change the provisions of the RLSA Overlay unless the landowners agree to such changes. They are also quick to suggest changes without their consent could result in a Bert Harris claim. But the RLSA landowners do not automatically have “vested rights” in the provisions of the RLSA Overlay.

CCPC and BCC hearing testimony make clear that County Commissioners understood they could change RLSA provisions, including revision of the credit system, if the program was not accomplishing its goals or otherwise not working as intended.

May 1, 2003 CCPC hearing

As previously noted, there was discussion about Mark Strain’s calculation of a potential 254,000 credits being earned at a 2003 CCPC hearing to implement the 2002 RLSA Overlay. Upon further discussion of Commissioner Strain’s numbers, Planning Commissioner Dwight Richardson expressed concern about the program growing out of bounds, or not working well if we double the population of Collier County.

Nancy Linnan responded: “First of all, you can amend the comprehensive plan at any time assuming you do it during the twice a year state [cycles] so you have that ability to see it getting out of whack. You have a five-year period where there is a mandatory check with certain requirements that you have to look at. You also have your EARs where you are going to be doing it and it doesn’t preclude you from asking at any point please bring us up to speed on where we are, give us an accounting on where we are on the credits. And so you will be seeing all of the SSAs coming in, you will be seeing all of the SRAs coming in, so you will have a pretty good idea of what is going on out there.” (Tape 1A at 40:54.)

Dwight Richardson: “So we can change the rules at that time if it’s not working?”
Nancy Linnan: “Yes.”

April 9, 2009 Hearing on the 5-Year Review Committee recommendations.

During the BCC hearing on 5-Year Review Committee recommendations, Tom Jones of Baron Collier testified “You have to remember, no one has been entitled

to these credits. You have to go through an application process, it has to be vetted through staff, and staff has to recommend either approval or disapproval to the commission.” Pg. 40. That is, landowners do not have rights in credits until the Stewardship Sending Area (SSA) credits are approved.

C. Revise the Overlay to cap both credits and acres.

We now know that Eastern Collier Property Owners (ECPO) will be claiming more credits than estimated by WilsonMiller as they submit their SSA and Stewardship Receiving Area (SRA) applications. There are already 184,675 approved and pending credits, with a potential of 41,731 more credits being earned for restoration, bringing the total to 226,406. ECPO have just begun with SRAs for the 9 or so towns and villages they plan for the RLSA (See RLSA 2050 concept map) and there are many more credits that can be earned by setting aside sensitive environmental land in SSAs. It appears that ECPO could easily exceed the 315,000 credits provided under the 2002 RLSA Overlay. Hindsight shows us that credits should be capped as well as acreage. Let’s not repeat past mistakes.

If certain large RLSA landowners don’t have Habitat Stewardship Areas (HSAs), Flowway Stewardship Areas (FSAs) or Water Retention Areas (WRAs) on their property, they will still be able to obtain credits by purchasing them from those landowners who have excess credits under the existing credit system.

2. Instead of Increasing the Acres for SRA Development as Recommended by the 5-Year Review Committee, Revise the RLSA Overlay to Reduce SRA Footprints and Require Compact Mixed-use Walkable Towns and Villages. Incorporate the Smart Growth Standards of the Collier County Community Character Plan so that Towns and Villages Feature Traditional Neighborhoods Rather than Sprawling Auto-dependent Golf-course Communities.

In 2001, through a year-long public process, Collier County developed a Community Character Plan reflecting how Collier County citizens would like the community to grow. The County should require the Plan’s standards to be incorporated into the RLSA Overlay. The RLSA Overlay is not consistent with this Plan, and also is not being implemented in a manner consistent with the Growth Management Policy’s (GMP’s) directive to create compact, mixed-use walkable

towns and villages. Developers insist on continuing their past practices. Give County staff leverage to reject developers' proposals.

The main objective of the Community Character Plan is to do away with low-density, gated PUDs and cul-de-sac subdivisions which are everywhere in Collier County. Some of needed revisions to the RLSA Overlay include:

- (i) Require greater density for SRAs to achieve smaller footprints. This will reduce public infrastructure costs, help direct development away from critical wildlife habitat and preserve ag lands.²
- (ii) Require a detailed mobility plan to ensure walkability.
- (iii) Require the town/village center to be located well within the SRA. Make it clear that towns and villages should not span major roadways. Rural Lands West (RLW) proposed Oil Well Road going thru the middle of its SRA town.
- (iv) Require a network of interconnected streets, as opposed to cul-de-sacs typical of golf course communities.
- (v) Increase population density around town centers to increase mobility, walkability and sense of community.
- (vi) Limit the maximum distance between a mixed-use center and edge of the neighborhood.
- (vii) Require greater choice in housing options.
- (viii) Limit block perimeters to make towns/villages walkable.

² The current patterns of development in the RLSA by Ave Maria and as proposed by RLW show average densities of 2.18 dwelling units (du) and 2.44 du per acre. This is considerably lower average densities than communities in Collier County such as Pelican Bay, Vineyards, and Lely Resort, yet these were to be compact towns using innovative planning tools (GMP 4.6).

- (ix) Limit size and number of golf courses. Why allow land essential for survival of panthers and necessary for agriculture to be converted to a 54-hole golf course, as was proposed for RLW? Golf is on the decline.
- (x) Do not count golf courses as “open spaces” for SRAs. A golf course is not open space for everyone—just golfers. We are starting to see established gated communities shutting down golf courses and the developers wanting to convert the land to housing. There go the open spaces. “Most golf courses lose money and here in South Florida several have been converted to residential housing developments” See <https://www.metrostudy.com/golf-communities-thing-past/>

3. Do not Increase SRA Development to 45,000 acres as Recommended by the 2009 5-Year Review Committee—this could Result in More than 64,000 Acres of RLSA Development, Increased Sprawl, and a Significant Economic Burden on Taxpayers and the County for Public Infrastructure.

The recommendation to allow 45,000 acres of SRA development does not include the acreage for the 200 miles of new and expanded roads necessary to support such development. It also only includes a fraction of land needed for public infrastructure. According to CCPC Commissioner Mark Strain, towns in the RLSA use about 35% of the land for public infrastructure. This means that an additional 15,750 acres will be used for public infrastructure to support 45,000 acres of SRA development—land provided for “free” to the developer (i.e. no credits required). The 45,000-acre cap also does not include the approximately 4000 acres of sand mines in the RLSA—on land owned by the same corporations that are planning to develop the 45,000 acres. After the sand mines are used up, the land cannot be restored, and can really only be used for development. So, a 45,000 acre cap is closer to 64,000 acres of development in the RLSA.

ECPO’s 2050 RLSA concept map of nine proposed towns and villages combined with WilsonMiller’s Conceptual Build-Out Roadway Network Map created to support 45,000 acres of SRA development show that extensive sprawl will result. Spreading 45,000 acres of development over 195,000 acres in the RLSA will require 200 miles of new and expanded roads. These roads will cut through, fragment and isolate primary panther zone—land that has been determined by panther scientists to be essential to the long-term survival of the Florida panther.

The proposed towns and villages are disconnected from existing and planned urban services such that extensive new infrastructure will be needed to support these rural towns. This will be costly for the County and taxpayers.

Recently, Smart Growth of America (SMA) evaluated the fiscal impact of 45,000 acres of SRA development in the RLSA as proposed in ECPO's 2050 RLSA concept map and WilsonMiller's conceptual road network noted above. See "The Fiscal Implications of Development Patterns – Rural Lands Stewardship Area, Collier County, Florida" by SMA (Sept. 2018). SMA identified ECPO's proposal as the "sprawl" scenario and found that over a 20-year period this scenario would lead to a negative net fiscal impact on the County of \$3.3 billion (or \$540 million per year) from costs associated with public infrastructure such as roads, schools and EMS.

4. Revise the RLSA Overlay to Protect our Water Quality, Shallow Wetlands and Regional Water Flow—the RLSA Overlay Does Not do This.

According to SFWMD Executive Director at an Everglades Conference in January 2009 "Counties and municipalities are overly dependent on the SFWMD to preserve and protect their water supplies. You must be more proactive in creating explicit elements within your comprehensive and growth management plans. We can only use what you give us to make decisions. You must take control of your own futures."

A. Revise the Overlay to require SRA applicants to determine and address the indirect and cumulative impacts of their proposed project on regional water flow and hydrology.

The RLSA is situated in an area that is important for water storage (shallow wetlands) and water flow to and through numerous public lands. It is bordered by the Florida Panther National Wildlife Refuge (FPNWR) on the South, Big Cypress National Preserve and Okaloachoochee (OK) State Forest and Slough on the east, and Corkscrew Regional Ecosystem Watershed on the north and west. Water flows through the RLSA to Camp Keais Strand (CKS) and the OK Slough south into FPNWR, Picayune Strand State Forest and Fakahatchee Strand, and then to the Ten Thousand Islands. We are concerned about maintaining the natural hydrologic regime. The impact of replacing pervious farm fields with the

proposed development needs to be determined. The impact of replacing farm fields that serve as floodplain storage and shallow wetlands during the rainy season with residential and commercial development, all of which will discharge to areas outside of project boundaries needs to be fully understood and addressed.

For example, we've recently learned of concerns about Corkscrew Swamp Sanctuary losing water more rapidly in the dry season and drying up a few months before rainy season begins. This trend could have a devastating impact on Corkscrew Swamp Sanctuary and serves as a bell-weather for other areas in eastern Collier County that may also be drying up more rapidly than in the past. At the September 27, 2018 RLSA Restudy Workshop, Jerry Kurtz with the Collier County Storm Water Management Section acknowledged that the County is aware of the Corkscrew Swamp problem, but said that determining and addressing causes requires a multiagency approach. His responses made clear that there is no multi-agency approach in the works and that no agency is taking the lead on figuring out the problem.

B. Revise the Overlay to require use of filter marshes as a component of waste water treatment facilities and storm water management systems for SRAs, whenever possible, to address nutrient pollutants discharging from the SRAs.

This RLSA Restudy provides an opportunity for the County to consider adding conditions that can help address nutrient pollution. Filter marshes as part of a storm water management system or a waste water treatment system can address nutrient pollution. Filter marshes have been successfully used elsewhere in the state as part of a storm water treatment system and as part of a waste water treatment system. This practice is particularly important for any discharges into CKS, which is already listed as an impaired waterbody for nutrients. There are federal grants available to help fund construction of filter marshes. See, e.g. Sweetwater Wetlands, Gainesville, Florida.

Further, filter marshes create much needed wetland habitat for native wildlife, especially wading birds. With so much wildlife habitat being lost to development, we need to do what we can to provide some areas to sustain our wildlife. Our wading birds, shorebirds, ducks, raptors and migrating songbirds are important to tourists and residents alike.

C. Revise the Overlay to state that use of WRAs as part of a storm water management system for a SRA should be avoided.

WRAs are so designated because of their importance for water quality and quantity. During the 5-year review process, the EAC strongly recommended that use of WRAs as part of a storm water management system for SRAs should be avoided. Further, the EAC pointed out that allowing a portion of a WRA to be used by a SRA increases the amount of developable property but does not count as part of the acre cap, nor does it use credits.

Growth Management Policy (GMP) 4.9 provides that SRAs are prohibited from locating in FSAs, HSAs and WRAs. Yet, RLW proposed (and Rivergrass Village proposes) to use a WRA (SSA #17) for its storm water management system and recycling system—which could result in the WRA no longer providing the important functions of water storage, replenishment of aquifers and protection of shallow wetlands for listed birds.

5. Revise the Overlay to Provide the Panther Protection that was Intended.

The RLSA Overlay does not protect the habitat which has been determined by the USFWS and panther experts to be essential for the survival of the endangered Florida panther—the panther primary zone. Indeed, the Overlay directs development into this critical habitat. Revise the RLSA Overlay to protect primary panther habitat by (A) updating the Natural Resource Index (NRI) to incorporate panther studies since 2005, (B) requiring each SRA acre to include such updated NRI values, (C) restricting new and expanded roads from crossing or fragmenting panther corridors and primary panther habitat, and (D) preventing SRAs from encircling, fragmenting or isolating SSA habitat, as discussed below.

The 5-Year Review Committee recommendations do not address protection of primary panther zone at all, and several studies by panther experts based on telemetry data have been completed since the 2009 5-year review. The recommendation to add credits for preserving panther corridors is inadequate because the proposed ¼ mile corridors are not sufficiently wide enough to facilitate panther movement.

A. Require that the Natural Resource Index (NRI) and Stewardship Credit Worksheet be updated with the best available science—findings from studies and reports by Florida panther experts.

The GMP specifies that the natural resource value of land within the RLSA is measured by the NRI. An important index comprising the NRI value is the Listed Species Habitat Indices, which is defined in the LDC as the habitat value of land based on “land cover identified as preferred or tolerated habitat for that [listed] species.” Clearly this definition is outdated and not the appropriate basis for valuing panther habitat. Panther experts have identified the location of primary zone panther habitat in the RLSA. See Kautz, R, et al (2006), USFWS 2008 Florida Panther Recovery Plan, and the 2009 Report of the Scientific Panther Review Team. USFWS’ 2008 Panther Recovery Plan states “The Primary zone supports the only breeding panther population. To prevent further loss of population viability, habitat conservation efforts should focus on maintaining the total available area, quality, and spatial extent of habitat with the Primary Zone.” Pg. 89.

In creating the NRI in 2000-2002, WilsonMiller made clear that the NRI values would need to be updated because the science on the Florida panther and its habitat was continuing to evolve. See the 2000 Immokalee Area Study in which WilsonMiller stated “The analysis involving panther habitat for the Study will be complemented by ongoing computer modeling of potential habitat and development of an updated panther recovery plan by interagency committees led by the U.S. Fish and Wildlife Service.”

Primary Zone panther habitat designations should be used instead of the “preferred and tolerated” criteria in the Listed Species Habitat Indices. The credit worksheets should also be updated to incorporate the best available science on panthers.

B. Revise the Overlay to require SRA applications include updated NRI values for each SRA acre that incorporates the data and studies on the Florida panther that have been completed since 2005

While SRA applicants currently may be reviewing the NRI value for each acre of the proposed SRA to verify the value is 1.2 or less—they are not considering the panther studies completed since 2005, the USFWS Panther Recovery Plan, or the

2009 Report of the Scientific Technical Panther Review Team (PRT Report). They are not using the best available science in any “update” of SRA NRI values. For example, Collier Enterprises proposed 4100 acres of development for Rural Lands West. Three thousand acres of the 4100 acres were sited on primary zone panther habitat. If Collier Enterprises had taken the best available science into account, including the studies and reports noted above, a significant portion of the 4100 SRA acres would have scored greater than 1.2.

The SSA application package requires much more rigorous documentation on NRI values for each acre compared to the SRA application package. Similarly rigorous data for NRI values should be required for both SSAs and SRAs, including updating NRI values to incorporate best available science.

C. Revise the Overlay to require minimization of new and expanded roads crossing, isolating or fragmenting wildlife corridors and primary panther habitat.

The harm that will result from ECPOs’ plan for sprawling development of 45,000 acres includes increased panther-vehicle collisions and fragmentation of panther habitat such that the changes will significantly impair essential behavior patterns of the panther. WilsonMiller’s map of the road network necessary to support 45,000 acres of development shows miles of new and expanded 4 and 6 lane roads. See Figure 19 of the PRT Report. In 2018, Dr. Robert Frakes, a panther expert, did a quantitative analysis of the impacts to panther habitat that would result from this proposed road network. He concluded: “Free movement of panthers north and south is essential for panther recovery. Highways and roads block panther movement and are a major cause of panther mortality. Highway underpasses and fencing are only partly effective in allowing free movement of panthers from one area to another. An analysis of adult panther home ranges shows that, although some panthers do cross highways, most resident, adult panther home ranges adjacent to major highways are limited to one side or the other and do not cross, even if the highway is equipped with underpasses.... These new roads, especially those running east and west, would impede panther movements and affect the size and shape of home ranges, potentially cutting some existing home ranges in two. Increased road kills will also occur.”³

³ Frakes, R.A. “Impacts to Panther Habitat from the Proposed Eastern Collier Multiple Species Habitat Conservation Plan: A Quantitative Analysis,” (2018) at

The 2008 USFWS Panther Recovery Plan echoes this conclusion: “In addition to a direct loss and fragmentation of habitat, constructing new and expanding existing highways may increase traffic volume and impede panther movement within and between frequently used habitat blocks throughout the landscape (Swanson et al. 2005). Increases in traffic volume, increasing size of highways (lanes), and habitat alterations adjacent to key road segments may limit the panther’s ability to cross highways and may ultimately isolate some areas of panther habitat (Swan et al. 2005).” USFWS 2008 Panther Recovery Report at 39-40.

ECPO own a majority of RLSA lands and have the ability to locate development so as to minimize the roads cutting through panther corridors and primary panther zone habitat, and to concentrate development so as to minimize the necessity for new roads or expanded roads. Yet, instead they propose a sprawling pattern of development. The GMP should be revised to require greater average SRA densities which will result in smaller footprints and to disallow new and expanded roads that transect wildlife corridors and primary zones panther habitat. See PRT Report recommendations at 51-62.

D. Revise the Overlay to Designate Wildlife Corridors as HSAs.

Listed animal and plant species and their habitats are protected through the establishment of Habitat Stewardship Areas. (GMP 3.2) Wildlife Corridors should also be protected by designation as HSAs. Such corridors should meet USFWS criteria for length, width and location.

E. Revise the Overlay to make clear that Proposed SRAs cannot encircle, fragment or isolate SSA habitat.

One of the primary purposes of the RLSA Overlay is to direct development away from environmentally sensitive areas--important wildlife habitat and wetlands. (See RLSA Overlay Policies 1.4, 1.21, 4.9, 4.12.) Further, GMP 4.12 requires that SRAs which adjoin FSAs, HSAs, or WRAs to minimize adverse impacts to such lands. The RLSA Overlay does not accomplish these goals.

For example, Collier Enterprises’ proposed Rural Lands West (RLW) development would have surrounded SSA #17, a WRA ranked with a high environmental value

(NRI values between 1.7 and 2.6) and which contains the important Shaggy Cypress swamp area. Such proposal would have greatly diminished the value of the area for wildlife (even completely excluding large mammals from the Shaggy Cypress area of SSA #17). Wildlife would have been cut off from surrounding habitat; the SSA would have been surrounded with houses, businesses, noise, lights, human activity, cars. Such fragmentation as proposed by RLW's footprint will cause a steady degradation in diversity of species over time. Scientific studies show that species diversity spirals downward over time as less and less species will be able to survive being isolated from adjoining habitat. See *The Sixth Extinction* Chapter IX "Island on Dry land" by Elizabeth Kolbert.

The County should revise the GMP to be clear that SRAs cannot fragment or encroach on SSAs, and SSAs must provide connected habitat.⁴

6. Tighten Up Restoration Requirements to Include Start Dates, Metrics to Measure Progress, Milestones, and a Requirement that Restoration Goals be Met before Credits are Awarded. Require Monitoring until Restoration has been Determined to be Successful and that the Restored Area be Placed under a Perpetual Conservation Easement.

Neither the GMP nor the Land Development Code (LDC) have provisions concerning start dates for restoration, metrics by which success or restoration can be measured, requirements for milestones or a timeline, or a requirement that restoration goals be met before credits are awarded. As of 2008, ECPO planned restoration for 12,000 acres in SSAs 1-13. Yet, as of 2018, less than 500 acres have been restored.

Restoration needs to begin before site clearance and construction. Once site clearance begins, wildlife is immediately impacted. Take Collier Enterprises' SSA #15, which borders CKS and is to be partially restored as a panther corridor. A representative of Collier Enterprises told us that they would not start restoration

⁴ FL Stat 163.3168(5)(a) provides: "Criteria for the designation of receiving areas which shall, at a minimum, provide for the following: adequacy of suitable land to accommodate development so as to avoid conflict with significant environmentally sensitive areas, resources, and habitats; compatibility between and transition from higher density uses to lower intensity rural uses..." RLW did not provide for transition from residential and commercial areas and the important habitat in SSA#17; it did not avoid conflict with significant environmentally sensitive areas.

until they had commitments from a significant number of builders and that restoration would take 10 years.

The County needs to make sure restoration goals are met before awarding credits. Currently, the LDC provides for credits to be provided when success criteria are met; however, based on reviewing the SSA #15 restoration plan, just meeting the success criteria will not mean that restoration has been achieved or even that restoration will be achieved. For SSA# 15, the restoration goals are restoration and protection of a regional wetland system, flow-way and wildlife habitat corridor (i.e. Camp Keais Strand). The success criteria are removal of two road grades and the pinch point farm road, and restoration of native habitat. Even when these criteria are met, that may not accomplish the restoration goals. The County should have a substantial role in setting the restoration goals and success criteria.

The GMP and LDC restoration provisions should provide start dates, metrics by which success and restoration can be measured, timelines, assuring success criteria achieves restoration goals, and establishing appropriate restoration goals. The County or independent 3rd Party should evaluate progress and whether goals are being achieved.

Finally, monitoring should be required until restoration has been achieved. SSA #15 provides monitoring for 5 years only.

7. Revise GMP 3.7 to Remove Use of HSAs for Golf Courses.

Currently, the GMP allows golf courses to be put in HSAs. This is inconsistent with the Final Order and the RLSA Overlay which is to direct development away from environmentally sensitive lands.

HSAs are environmentally sensitive lands because of their importance to listed species and other wildlife. Golf courses should not be allowed in HSAs—golf courses are not low intensity land uses, but involve activities related to landscaping and playing the course. In addition, golf courses are treated with heavy fertilizer and moderate use of pesticides. During the 5-year review process, the EAC raised this concern with GMP 3.7 and recommended that golf courses not be allowed in HSAs.

8. Revise the Overlay to Require that SRA Developments Show Fiscal Neutrality Every 5 years Until Build Out is Complete.

Currently, SRA developers are required to be fiscally neutral only at build-out, which could be 30 years or more. In the meantime, the County (and taxpayers) cover costs of public infrastructure. Revise the Overlay to require that fiscal neutrality be demonstrated every five years.

We've heard recently that the County had to stop median landscaping due to budget shortfalls and that very much needed storm water management projects may have funding problems. The County should consider these costs and upcoming costs to upgrade existing infrastructure to improve resilience from sea level rise as it faces decisions on revisions to the RLSA Overlay. Spreading 45,000 acres of SRA development over 195,000 acres greatly increases potential infrastructure costs for the County and taxpayers. Requiring SRA developers to pay for public infrastructure concurrently with development should help alleviate infrastructure costs for the county and taxpayers and allow the County to meet pressing infrastructure needs.

Sincerely,

League of Women Voters Collier County, Environmental Affairs Committee

Patricia Forkan
Gaylene Vasaturo
Charlotte Nycklemoe
Judy Hushon
Susan Calkins
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