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SUMMARY LIST OF CONCERNS REGARDING RIVERGRASS VILLAGE SRA

Dear Chairman Strain and Collier County Planning Commissioners:

On August 5, 2019 the Conservancy of Southwest Florida provided Collier County Staff with a detailed letter explaining our concerns of the proposed Rivergrass Village SRA (PL2019000044). We have found that the plan for Rivergrass is inconsistent with numerous Growth Management Plan (GMP) and Land Development Code (LDC) policies, including several fundamental design requirements. We are concerned that if this project is approved a precedent would be set paving the way for approval of other projects in the RLSA that are not within the public interest and having unacceptable impacts to natural resources. We respectfully ask that you consider these issues during your evaluation and discussion of Rivergrass Village SRA application at the September 19, 2019 hearing.

The following is a summarized list of our concerns and the specific GMP and LDC policies where the plan lacks conformity. Please refer to the August 5, 2019 letter to Collier County staff for greater detail of these concerns.

A. Rivergrass Village would jeopardize the survival of the endangered Florida panther.

Over 70% of the proposed site for Rivergrass Village is within Primary Zone habitat of the endangered Florida panther. In addition, 34% of the village's site would impact Adult Breeding Habitat of the panther. Studies show that impacts to the Primary Zone and Adult Breeding Habitat would directly threaten the species' recovery and survival.¹ Locating Rivergrass Village within habitat of the endangered Florida panther conflicts with the following underlying principles of the RLSA and Final Order (highlights added):

1. The Final Order² stated that the Collier County Rural and Agricultural Assessment must identify a means to accomplish the following, ". . . 2. *Direct incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as protect listed animal and plant species and their habitat.*"³
2. The RLSA Goal: "*To address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment by protecting agricultural activities, preventing the premature conversion of agricultural land to non-agricultural uses, directing incompatible uses away from wetlands and upland habitat, enabling the conversion of rural land to other uses in appropriate locations, discouraging urban sprawl, and encouraging development that implements creative land use planning techniques.*"⁴

¹ Kautz, et al. (2006) How much is enough? Landscape-scale conservation for the Florida panther. *Biological Conservation* 130, p. 118-133 and Frakes RA, Beldon RC, Wood BE, James FE. (2015). Landscape Analysis of Adult Florida Panther Habitat. *PLoS ONE*, 10(7).

² State of Florida Administrative Commission Final Order No. AC-99-002 (1999, June 22).

³ State of Florida Administrative Commission Final Order No. AC-99-002 (1999, June 22) p. 11

⁴ Collier County Future Land Use Element RLSA Overlay Goal



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B. The Applicant Proposes to Receive Stewardship Credits for Impacting Areas of SSA17.

As part of the stormwater management system for Rivergrass Village, the applicant proposes to build water management ponds within the adjacent water retention area (WRA), which is also a pending Stewardship Areas (SSA17).⁵ Rivergrass' Public Facilities Report states, "Areas of the WRA will be excavated to form parts of the internal buffer lake system. . . . The only fill areas within WRA's will be berms associated with the surface management system."⁶ This poses a problem because the WRA (SSA17) not only consists of an ecologically important wetland system, called Shaggy Cypress, but 100% of SSA17 consists of Primary Zone panther habitat. In fact, impacting SSA17 lands with construction of lake and berm system conflicts with the following LDC policy:

LDC 4.08.06.4.b: "*WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the RLSA District that will provide comparable habitat function.*"

Because SSA17 is 100% within Primary Zone habitat there will be a net loss of habitat function through construction of the lake system. Also, because SSA17 is an area considered to be preservation by the applicant, no compensating mitigation or restoration within the RLSA for impacts to SSA17 is proposed. Not only should the applicant be prohibited from earning Stewardship Credits for impacting SSA17, but no construction should occur at all within the important habitat areas of the endangered Florida panther.

C. The design of Rivergrass Village is dangerous to pedestrians and bicyclists.

The Master Plan for Rivergrass Village shows that the village would be bisected by Oil Well Road with the Village Center located along the south side of Oil Well Road. Oil Well Road is one of a few roads designated a "freight distribution route" by the Metropolitan Planning Organization.⁷ Eight hundred trucks a day travel through Oil Well Road carrying petroleum, coal, mining materials, agricultural products, and Arthrex medical products.⁸ Currently that facility consists of two lanes and allows traffic to travel at 55-mph.⁹ However, Collier County has plans to widen that section of Oil Well Road between Everglades Boulevard and Oil Well Grade Road from two to eventually six lanes.¹⁰ That means pedestrians and bicyclists who reside north of Oil Well Road *must* cross the six lane freight road to get to the Village Center. Not only is it completely irresponsible to plan a village around a 6-lane freight distribution route, as it poses extreme danger to pedestrians and bicyclists, but the design is inconsistent with the following policies which require that SRAs are designed to facilitate safe travel for pedestrians and bicyclists (highlights added):

1. **LDC 4.08.07.J.3.a.ii** (Village Design Criteria. General Criteria): "*Villages shall be designed in a compact, pedestrian-friendly form.*"
2. **LDC 4.08.07.C.2** (Forms of SRA Developments): "*Villages are comprised of residential neighborhoods and shall include a mixed-use **village center** to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected **sidewalk and pathway** system serving all residential neighborhoods.*"

⁵ Email to Conservancy staff July 8, 2019 from Agnoli Barber & Brundage confirmed that excavation and fill will be placed in SSA17.

⁶ Rivergrass' Public Facilities Report, p. 3 of 8, 8-9-2019

⁷ Collier County MPO Technical Memorandum: Freight Congestion Considerations for the Collier 2040 Long Range Transportation Plan

⁸ *Ibid.* p. 13 of 20

⁹ Traffic Impact Statement for Rivergrass Village Stewardship Receiving Area, p 20. "The Oil Well Road from Desoto Boulevard to Oil Well Grade Road is currently a 2-lane undivided facility with a 55mph posted speed in the vicinity of proposed project."

¹⁰ Currently, the County has committed funding for a 4 lane road (Attachment D of Collier County's 2019-2023 5-Year Work Program, p. 12 of 138). However, on May 14, 2019 the Board of County Commissioner approved Alternative 2 of the "Randall Boulevard and Oil Well Road Corridor Study" which included a recommendation to widen Oil Well Road from Everglades Blvd to Oil Well Grade Rd to 6 lanes. Collier County submitted an application for the 6-lane road widening project to the Department of the Army- Jacksonville District Corp of Engineers on July 2, 2019. (Permit Application No. SAJ-2006-7018 - SP-GEC. Applicant: Collier County Board of Commissioners).

3. LDC4.08.07.J.3.b.i (Transportation Network): *“The transportation network shall provide for a high level of mobility for all residents through a design that respects the pedestrian and accommodates the automobile.”*¹¹
4. RLSA Overlay Policy 4.7.2: *“Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods.”*
5. Goal of Transportation Element: *“To plan for, develop and operate a safe, efficient, and cost effective transportation system that provides for both the motorized and non-motorized movement of people and goods throughout Collier County.”*
6. Objective 10 Transportation Element: *“Encourage safe and efficient mobility for the rural public that remains consistent with the character of the rural areas of Collier County.”*
7. Objective 7 of Transportation Element: *“Develop and adopt standards for safe and efficient ingress and egress to adjoining properties and encourage safe and convenient on-site traffic circulation through the development process.”*

To make matters worse, traffic volumes are expected to rise dramatically along Oil Well Road. The segment of Oil Well Road that is accessed directly by the project is located just east of Everglades Boulevard, between DeSoto Boulevard and Oil Well Grade Road. Currently, the peak direction/peak hour volume of traffic on Oil Well Road between Desoto Boulevard and Oil Well Grade Road is 350 cars.¹² According to the applicant’s consultant, by 2030 that number will increase to 1,089 vehicles peak direction/peak hour volume (in the westbound direction).¹³ This equates to an average of 18 cars per minute that will be passing by the Village Center just in the westbound direction during the peak hour of the day, making it even more difficult for residents who live north of Oil Well Road to get to the Village Center to buy groceries, run errands, or get to work.

D. The design lacks rural to urban continuum

A fundamental design requirement for both villages and towns within the RLSA is that development must be designed in a progressive rural to urban continuum where there is a gradient of densities. Even though the policies clearly state there must be a continuum of densities, the Master Concept Plan for Rivergrass Village provides *no* continuum of densities and *no* information regarding location of housing types. The plan only provides information that there will be two context zones (Neighborhood General and Village Center)¹⁴ and that the Neighborhood General south of Oil Well Road would be surrounded by an 18-hole golf course.¹⁵

Conservancy staff attended the June 6, 2019 Neighborhood Information Meeting (NIM) for Rivergrass Village. At the meeting the Conservancy staff asked the consultants for Rivergrass Village if their plan would include higher densities toward the town center and a variety of housing types that are walkable to the town center. The consultant for the applicant stated that they had not decided which types of housing and densities will be located and in which location. This is very concerning, because as previously stated a rural to urban continuum is a fundamental aspect of both RLSA policies and the Community Character Plan. Here are the policies that require this continuum of densities (highlights added):

1. RLSA Overlay Policy 4.11: *“The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be*

¹¹ LDC 4.08.07.J.3.b states that the transportation network for a Village shall adhere to the same standards provided for within a Town).

¹² Traffic Impact Statement for Rivergrass Village Stewardship Receiving Area, p 12 . Table 4A Background Traffic without Project (2018-2013).

¹³ Traffic Impact Statement for Rivergrass Village Stewardship Receiving Area, p 18, Table 6A Roadway Link Level of Service (LOS) – With Project in the Year 2030.

¹⁴ Rivergrass Village SRA Development Document (Submittal 3), p. 5 of 15

¹⁵ *Ibid.* p. 15 of 30

compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose. Where existing agricultural activity adjoins a SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.

2. LDC 4.08.07.J.3.a.v (Village Design Criteria, General Criteria): “[Villages] Be developed in a progressive rural to urban continuum with the greatest density, intensity and diversity occurring within the village center, to the least density, intensity and diversity occurring within the Neighborhood Edge.”

Rather than abiding by this fundamental design requirement for a continuum of densities within SRAs, the applicant requests a deviation from LDC 4.08.07.J.3.a.v (Deviation 7.1.1). The applicant’s justification for the deviation is stated as follows:

“The Village Center is located in the southeast corner of Oil Well and future Big Cypress Parkway. This is more or less in the center of the Village, with about half of the Village located north of Oil Well Road and half located south. Locating the Village Center at the intersection of Oil Well Road is the only location that makes sense to ensure a viable market condition for these uses. Easy access for nearby residents from the surrounding neighborhood and for pass-by traffic on Oil Well Road is critical. Moreover, this is the best location for maximizing use of transit.”¹⁶

The applicant’s justification makes no sense. First, and most importantly, the applicant provides no explanation or rationale for failing to provide a continuum of densities within the SRA. Second, the applicant’s argument that the village must be located on Oil Well Road to ensure marketability is not justified because Policy 4.2 states the following (highlights added):

“The Overlay requires SRAs to be compact, mixed-use and self-sufficient in the provision of services, facilities and infrastructure, traditional locational standards normally applied to determine development suitability are not relevant or applicable to SRAs.”

Therefore, the “need” to place the Village Center along an eventual six-lane freight road due to marketability is not a valid excuse. As Policy 4.2 states “traditional locational standards” do not apply for SRAs. Furthermore, the applicant’s request for this deviation does not conform to the Overlay’s “Request for Deviations Policy” (LDC 4.08.07.J.8) that states requests for deviations *must* adhere to both of the following:

- a. *“The deviations are consistent with the RLSA Overlay; and*
- b. *It can be demonstrated that the proposed deviation(s) further enhance the tools, techniques and strategies based on principles of innovative planning and development strategies, as set forth in §§ 163.3177 (11), F.S.” (now 163.3248)*

The applicant’s request for the deviation is *not* consistent with the RLSA Overlay, as the policy requires, for the many reasons provided in the preceding paragraphs. Also, the deviation fails to comply with the following section of Florida Statute §§ 163.3248: (highlights added):

“(5)(a) 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; and the establishment of receiving area service boundaries that provide for a transition from receiving areas and other land uses within the rural land stewardship area through limitations on the extension of services.”¹⁷

¹⁶ Rivergrass Village SRA Deviations and Justifications Submittal 3 (8-23-19)

¹⁷ Florida Statute §§ 163.3248

Another example of how Deviation 7.1.1 fails to comply with Florida Statute §§ 163.3248 is provided in provision (5)(d) that states:

“The plan amendment or amendments designating a rural land stewardship area are subject to review pursuant to s. 163.3184 and shall provide for the following: (5)(d) A mix of densities and intensities that would not be characterized as urban sprawl through the use of innovative strategies and creative land use techniques.”

Finally, the plan exhibits several primary indicators of the proliferation of sprawl as listed in Florida Statute §§ 163.3177 including the following:

1. *“Promotes, allows, or designates for development substantial areas of the jurisdiction to develop as low-intensity, low-density, or single-use development or uses”;*
2. *“Fails to provide a clear separation between rural and urban uses”;* and
3. *“Results in poor accessibility among linked or related land uses.”¹⁸*

E. Rivergrass Village Mobility Plan fails to achieve compliance with RLSA policies

The RLSA program requires that all SRAs include an interconnected street system consisting of short walkable blocks, ample sidewalks and pathways, and limited cul-de-sacs. The program’s requirement for a well-connected street system is important for several reasons. First, as Dover Kohl argues in Collier County’s Community Character Plan, a well-connected street system “spreads traffic over an immense mileage of streets.”¹⁹ Therefore, there would be multiple traffic routes to daily destinations such as to work, shopping, restaurants, and schools. The multiple travel routes alleviate traffic congestion that seems to be worsening in Collier County. Second, “a well-connected network of local streets is one of the most effective measures that can be taken to accommodate travel by walking, bicycling, and transit.”²⁰

Instead of following the program’s requirements, Rivergrass’ street pattern consists of fifteen dead-end cul-de-sacs and only *one* direct connection to the Village Center from all of the “Neighborhood General” areas. Furthermore, the project spans two and half miles, yet offers only one connection between neighborhoods north and south of Oil Well Road, albeit one must cross the soon-to-be 6 lane arterial-freight road. Also, bicycle paths and sidewalks are not well connected in many places, due to the multiple dead-end cul-de-sacs. As mentioned previously, because the development would be severed by Oil Well Road, pedestrian and bicycle travel between the two halves would be difficult and dangerous.

Below are some of the numerous policies within the RLSA Overlay, GMP, and LDC that illustrate this requirement for a highly interconnected street system; and where Rivergrass lacks conformity (highlights added):

1. RLSA Policy 4.7.2: *“Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community’s support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks*

¹⁸ Florida Statute §§ 163.3177

¹⁹ Dover, Kohl & Partners for Collier County (2001, April) “Toward Better Places, The Community Character Plan for Collier County, Florida” p 3.9

²⁰ *Ibid.*

- shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.”*
2. LDC 4.08.07.J.3.a.ii (Village Design Criteria. General Criteria): “*Villages shall be designed in a compact, pedestrian-friendly form.*”
 3. LDC 4.08.07.J.3.a.iii (Village Design Criteria. General Criteria): “*Create an interconnected street system designed to disperse and reduce the length of automobile trips.*”
 4. LDC 4.08.07.J.3.b (Transportation Network): “*The transportation network shall be designed in an interconnected system of streets, sidewalks, and pathways.*”
 5. LDC 4.08.07J.1.a (Village Characteristics Table B. Transportation. Required Uses): “*Auto-interconnected system of collector and local roads; required connection to collector or arterial.*” And “*Interconnected sidewalk and pathway system.*”
 6. Smart Growth Policy 7.3: “*All new and existing developments shall be encouraged to connect their local streets and/or interconnection points with adjoining neighborhoods or other developments regardless of land use type. The interconnection of local streets between developments is also addressed in Policy 9.3 of the Transportation Element.*”
 7. Smart Growth Policy 7.4: “*The County shall encourage new developments to provide walkable communities with a blend of densities, common open spaces, civic facilities and a range of housing prices and types.*”
 8. Transportation Element Policy 9.3: “*The County shall require, wherever feasible, the interconnection of local streets between developments to facilitate convenient movement throughout the road network. The LDC shall identify the circumstances and conditions that would require the interconnection of neighboring developments, and shall also develop standards and criteria for the safe interconnection of such local streets.*”

Conclusion

The Conservancy of Southwest Florida urges you to recommend denial of the SRA Application for Rivergrass Village as the project contradicts the fundamental goals of the RLSA Overlay to protect listed species habitat and to prevent sprawl. The proposed location of the development within 700 acres of essential habitat for the endangered Florida panther flies in the face of responsible environmental and rural land stewardship. Moreover, the design of the project—bisected by an arterial-freight roadway—not only poses grave dangers to pedestrians and bicyclists, but defies smart growth design principles which are a fundamental element of the overlay. If approved, the project will set a precedent that low-density sprawling golf course communities located within listed species habitat are business-as-usual in the RLSA.

We urge you to recommend that the applicant go back to the drawing board to drastically modify the development footprint and the design of the project in order to uphold the principles of the Overlay. If you have any questions or if you would like to discuss these matters further, you may reach me at (239) 262-0304, Ext 250 or AprilO@Conservancy.org.

Sincerely,

April Olson
Senior Environmental Planning Specialist

Enclosure

cc: Nancy Gundlach, Principal Planner; Ray Bellows, Zoning Manager; Corby Schmidt, Principal Planner; Kirsten Wilkie, Environmental Services Manager; Craig Brown Sr. Env. Specialist; Michael Sawyer, Principal Planner; David Weeks, Growth Management Planning Manager