



October 16, 2014

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Fred Hawkins, Jr  
Chairman,  
Osceola County Commission  
1 Courthouse Square  
Kissimmee, Fl. 34741

**RE: Deseret North Ranch Sector Plan, Large Scale Plan Amendment CPA14-0005**

Dear Chairman Hawkins and members of the Commission:

The "Sector Plan Process" provides an important opportunity to comprehensively review the cumulative environmental, water resource, and wildlife habitat consequences of future development. In that sense, it is good that Deseret and Osceola County are utilizing this comprehensive approach, rather than a "piecemeal" approach, to future development on the 133,000 acres of Deseret's North Ranch in Osceola County. The typical piecemeal approach followed by owners of large agricultural tracts might "nibble off" 1,000 acres or so at a time to shift lands in a comprehensive plan which are classified as "agricultural" (as these lands are) to residential and commercial uses. The piecemeal approach does not allow the comprehensive impacts to be reviewed as a whole.

While we applaud both Deseret and Osceola County for using the comprehensive approach inherent in the Sector Plan process, Audubon Florida strongly recommends that the Osceola County Commission vote "NO" on October 20<sup>th</sup> with regard to transmission of this Large Scale Plan Amendment to the Department of Economic Opportunity. We have serious concerns regarding this proposal. We believe the issues described below deserve more comprehensive deliberation by Osceola County prior to transmittal.

Our recommendation is that rather than the potentially premature transmittal of a proposal with serious unresolved issues, a better course of action for the county would be to form a stakeholders group involving key interests, including environmental organizations, economic development advocates, agricultural interests, neighboring landowners, and some "neutral" experts on transportation planning, ecosystem protection and water resources. The purpose of such a

stakeholder group would be to craft refinements to the proposal with the objective of resolving the issues stated below prior to transmittal.

This Sector Plan results in the largest single development proposal to be formally made in the history of Central Florida, and almost certainly the largest single development proposal ever to be made anywhere at any time in the history of Florida:

- 133,000 acres
- Projected Population - 500,000 +-
- 182,600 Development (housing) units
- 43,837,390 Square Feet of Commercial/Service Industry space
- 23,969,010 Square Feet of Industrial space
- 15,660,500 Square Feet of Institutional built space
- 20,390 hotel rooms

Our most serious specific concerns are summarized as follows:

(a) The Sector Plan design, and the orientation of proposed development nodes depicted in it rely on constructing a new expressway link to the "Pineda Causeway" in Brevard County. This proposed new expressway, contemplates a new road crossing of the St. Johns River, through a 14,000 acre Conservation Land tract owned by St. Johns River Water Management District and through a 5,200 acre mitigation tract preserved by A. Duda & Sons as a condition of their "Viera" Development of Regional Impact in Brevard County. By separate cover, representatives of the Viera development have already informed you of their objections. The "East Central Florida Corridors Task Force" (upon which I serve) has discussed various expressway routes linking the "medical city" area of Orlando to Brevard County. Public input during the task force process has favored using existing bridge alignments at SR 520 and US 192. The Pineda route is still "on the table" in terms of what will come out of the Task Force recommendations, for potential future study, but it is by no means chosen as the favored route. In fact the draft task force language points out that it has more policy and environmental regulatory challenges than the other possible routes. Nonetheless, the Deseret Sector Plan to be considered by Osceola County has placed it firmly on the map as the chosen route. This seems to be an attempt to "lock it in" regardless of the outcome of the Task Force recommendations, and the future study of various alternatives that will be the result of the Task Force report. Numerous references in the text of what you are asked to adopt for the purposes of transmission to DEO also make clear that this route is intended to be the primary east/west crossing of the St. Johns River to serve the Deseret Sector Plan; in fact, the entire design of proposed urban center within the Deseret property is oriented around it.

(b) Sector Plans involve a balance of land to be preserved in Conservation and/or permanently dedicated to agricultural use vs land to be developed. In the case of the Deseret Sector Plan, the ratio of conservation lands is far "below par" compared to other contemporary large scale Sector plan and plan amendment processes being considered, or which have previously been approved in Florida. In the case of Deseret it is about 28% conservation. In the case of Plum Creek in Alachua County (under debate, not yet approved\*) conservation lands are 80+- percent, and above 80% in the Farmton Plan Amendments (now adopted) in Brevard and Volusia Counties. Each of these comparable Sector Plans is approximately 60,000 acres in size. .

(\*Note-The Plum Creek Sector Plan in Alachua is quite controversial; regardless of the fact that its requirements are MUCH better in many respects than the Deseret Sector Plan, the Alachua County Staff has recommended against approval).

(c) While the map which you are asked to adopt for transmittal to DEO in the Sector Plan generally includes good choices for conservation land, the Sector Plan does not contain enough conservation land. Further, a significant amount of the conservation land designated is fragmented by patchy development (tan colored on map) areas in the middle of it. This is a sharp contrast to the distribution of land uses in the Plum Creek plan under consideration, and the Farmton plan already adopted. Both of those have contiguous, largely non-fragmented conservation areas. Further, the conservation land chosen is subject to the following debilitating provisions in the Sector Plan language you are asked to adopt for the purposes of transmittal to DEO: (1) Any time before conservation land actually goes into easements (which could easily be 25 years or more) it can be cleared and converted to row crops, or other intense agriculture uses with environmental impacts and habitat destruction much worse than cow/calf. Forested areas can be cleared for pasture. Longleaf pine can be converted to slash pine plantations. (2) The Sector Plan provisions you are asked to adopt for transmittal to DEO concerning conservation easements are far "too loose" regarding what can be done in them for the construction of utilities, roads, water resource development. While most conservation easements have some exceptions, the Deseret Sector Plan language would make the conservation easements far more prone to things being built in them through exceptions than any long term assurance of real conservation.

(d) The Sector Plan language you are asked to adopt for purposes of transmission to DEO contains a requirement for a "Land and Habitat Management Plan for Conservation and Agricultural Lands". This is a good provision, and an essential feature for any large scale Sector Plan. However, the Sector Plan language delays adoption of this plan until the first "Detailed Specific Area Plan" is approved following approval of the overall Sector Plan. This means that the Land and Habitat Management Plan will not be adopted for an exceedingly long period of time, perhaps 25 years or more. The consequence of this is that the natural values and habitat contained in the identified conservation lands and wildlife corridor areas on agricultural lands ultimately proposed for protection in the Sector Plan may be lost or damaged in the interim due to the lack of a plan.

(e) Typically a goal in the Sector Plan process is to result in concentrated urban development, with a "new urbanist" character. That is clearly the case in the development patterns that are proposed in the Plum Creek Sector Plan in Alachua County\*, and the Farmton Plan now approved in Volusia and Brevard. It appears mostly absent in the Deseret Sector Plan, with the Sector Plan map showing widely distributed development areas that looks like typical "urban sprawl" (tan colored areas on the map). A majority of the acreage of developed space appears susceptible to use for ordinary subdivisions

(f) Deseret Ranch is the largest cow/calf operation in the USA. About 100,000 acres of the North Ranch Osceola portion of Deseret is now dedicated to cow/calf ranching. The development plan proposes to shrink remaining agriculture to about 11,000 acres. While much of Deseret's landscape is improved and unimproved pasture, it nonetheless contains

a wealth of highly valuable wildlife habitat, even where the cows are. It is also a very important part of the "Florida Wildlife Corridor". Under this Sector Plan, all but 11,000 or so acres gets converted to developed areas. For a map and more information about the "Florida Wildlife Corridor" go to: <http://floridawildlifecorridor.org/>).

(g) The water for the 182,600 new development units and 500,000 people will come from two reservoirs. One is existing but proposed in the Sector Plan to be dramatically expanded (Taylor Creek), and another (Wolf & Pennywash Creeks) is proposed to be created. The Taylor Creek reservoir would be re-engineered to increase the depth by 3 feet which will result in a large lateral expansion. The new 5,548 acre Wolf and Pennywash Creek reservoir would obliterate two significant natural creek tributaries to the St. Johns River. A predecessor project conceived in the 1960s proximal to this site and analogous to the Wolf and Pennywash Creek Reservoir was rejected as a feature of the Upper St. Johns Project by the U.S. Army Corps of Engineers in the early 1970's for environmental reasons. The expansion of Taylor Creek Reservoir would also flood existing wetlands with deep water. Deseret argues that the reservoirs will create better habitat than what exists now. That is arguable (we do not necessarily agree), but what is absolutely without dispute and clear is that every gallon of water captured in these reservoirs will be a gallon which is stolen from the normal base flows of the St. Johns River. The reservoir projects, particularly the new Wolf Creek/Pennywash Creek Reservoir have important, and potentially negative water resource consequences for the entire St. Johns River system as far north as Jacksonville.

(h) Water Conservation Strategies which you are asked to adopt for transmittal to DEO are very weak compared to those in other Sector Plan proposals. The Plum Creek Sector Plan proposal allows no irrigation at all on residential lots, native Florida Friendly landscape plants that don't require irrigation are mandatory, and reclaimed water can't be used for residential irrigation (it is prioritized for other economic uses). There are no comparable specific water conservation requirements in the Deseret Sector Plan. In fact, some of the development orders previously adopted by Osceola County for Developments of Regional Impact just east of West Lake Toho have stronger and more specific water conservation requirements than those in the Deseret Sector Plan language.

(i) The environmental constraints referenced in the Sector Plan language you are asked to adopt for purposes of transmittal to DEO are half-hearted and inconsistent. For example, one provision says there will be elevated road crossings and no filled road causeways in the Econlockhatchee River headwaters. However, no prohibitions on filled causeways for road crossings are included in the Sector Plan language for any of the other aquatic/wetland systems, including the St. Johns River. By operation of the principle of legal interpretation known as "Expressio unius est exclusio alterius" (the express mention of one thing excludes all others) this results in giving permission within the Sector Plan language for filled roadbeds and causeways across these other wetlands (including the St. Johns River floodplain).

(j) Other parts of the Sector Plan language you are asked to adopt for transmittal to DEO completely waive the strong wetland provisions found elsewhere in the Osceola County Plan (these were some of the provisions just re-instated in the settlement reached and adopted by you

in August as a result of Audubon's challenge of the April 2014 Osceola Plan amendments). While some selective exceptions (involving mitigation) for dense city center areas to the Osceola Plan's wetland criteria might be appropriate, the wholesale and unqualified waiver of Osceola's plan provisions protecting wetlands present in the current Sector Plan language is unprecedented and unacceptable.

(k) The Deseret Sector Plan constitutes a massive expansion to the Urban Growth Boundary (UGB) in Osceola County's Comprehensive Plan. When the Comprehensive Plan with its UGB were originally adopted by Osceola County, the plan and its implementing ordinances were structured to establish a system of "Transferrable Development Rights" so that landowners with properties outside the UGB would not have values in their land "stranded" by the UGB policies within the plan. The Transferrable Development Rights process adopted by the county has not produced any development right transfers so far. Everywhere Transferrable Development Rights process have been established in the United States, failure has been the result when local governments simultaneously continue to allocate additional density outside the Transferrable Development Right Process. With the addition of 182,600 additional units through the Deseret Sector Plan's expansion of the UGB, any reasonable hope that the TDR system could provide value to other landowners outside the UGB is clearly extinguished. If Osceola County intends to grant the massive additional entitlements ultimately contemplated by the Deseret Sector Plan to one landowner (Deseret), then we believe it is incumbent upon the county to act in equity to address the situation of other landowners outside the UGB. Recognizing the considerable additional economic development and projected property tax revenues that the expansion of the UGB for Deseret will bring to Osceola County over time, Audubon recommends that Osceola County simultaneously consider the establishment of real and functional mechanisms to fund and acquire conservation easements and agricultural land preservation easements from willing sellers among the group of other landowners situated outside the UGB.

I have attached the following reference materials:

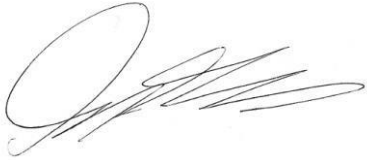
1. "Deseret Plan Comments". This is the proposed Sector Plan Comp Plan amendment language to be considered by Osceola County for transmission next Monday, October 20. I have highlighted and added notes regarding concerns.
2. "Farmton Plan Map". Adopted Comprehensive Plan in Volusia and Brevard Counties. Everything in Red is future development, everything in grey is conservation easements.
3. "Plum Creek Concept Map". Proposed Sector Plan in Alachua County. Everything in purple is future development. Everything in dark green is proposed conservation easements (note - the Plum Creek parcels in the Sector Plan are not contiguous).
4. "Deseret Map Comparison". This is a two-slide PowerPoint. The first slide is the Deseret Sector Plan Map as currently submitted. The second slide shows a conceptual revision to the map to reduce the sprawl and make the balance between conservation & agricultural lands and the developed areas more consistent with the approved Farmton plan and the Plum Creek Sector Plan currently under consideration. Toggle back and forth between the two slides to get a full

understanding of the comparison. The second slide is to illustrate concepts rather than pin down exact lines.

**Conclusion**

Audubon Florida objects to the approval of this Sector Plan language and map for transmittal to the Department of Economic Opportunity. We urge instead that Osceola County convene a stakeholders group as recommended above to work to resolve these issues prior to transmittal.

Sincerely,

A handwritten signature in black ink, appearing to read 'Charles Lee', with a large, stylized initial 'C'.

Charles Lee  
Director of Advocacy