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**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585**

January 9, 2003

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-23**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map

and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

These changes reflect staff's ability to identify all recognized agricultural uses within "Non-Urban" areas and allow future agricultural conversions to be monitored more closely.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 20 the "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" map was adopted into the Lee Plan in 1994 and does not reflect changes in the agriculturally used land in these areas that have occurred in the past 8 years.
- Since 1994, approximately 4,200 acres have been re-designated from a "Non-Urban" future land use category and amendments made during the EAR process reclassified approximately 1,200 acres from an urban category to a "Non-Urban" Classification. In addition, approximately 6,000 acres of land have been classified to the Conservation Land Uplands category from one of the other "Non Urban" categories (Rural, Density Reduction/Groundwater Resources, Rural Community Preserve, Open Lands, or Outer Islands). Portions of these areas are currently shown on Map 20.
- The existing Objective 9.1 is confusing on the topic of selecting parcels to be included on the overlay, specifically with regards to parcel sizes.
- The name of the map does not reflect the intent of the overlay.

C. BACKGROUND INFORMATION

The Board of County Commissioners (BoCC) initiated this amendment on September 25, 2001. The Agricultural overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This initial map located agricultural uses in the "non-urban" areas of Lee County that were singularly or collectively large areas of agricultural uses. No amendments to this overlay have been proposed/adopted since its creation. Since this map was originally created, agricultural uses have been converted to other uses and other areas in the "Non-Urban" areas of the county have been converted to agricultural uses. Additionally, areas previously designated "Non-Urban" on the Future Land Use Map have been re-designated to categories that are not expected to remain "non-urban". These changes in conditions have made the existing overlay map out of date. This amendment includes text revisions to ensure a periodic review

of agricultural uses will be performed to maintain an accurate agricultural overlay in the Lee Plan Future Land Use Map series. The proposed language changes also strive to clarify the selection criteria used for areas included on the overlay.

Based on research of the original overlay, it is clear that parcels were included on the original map were often smaller than 100 acres in size. However, when analyzed in conjunction with neighboring agricultural parcels the combined area met or exceeded the 100 acres threshold. There are also agricultural uses that existed in 1994 (and continue today) that are outside of the "Future Urban Area" as depicted on the Future Land Use Map but are not in the one of the "Non-Urban Areas" shown on the Future Land Use Map. These uses are primarily in the Airport Commerce category that is under the heading " Southwest International Airport Area" in the Lee Plan. These areas however, are not anticipated to remain "non-urban" over the life of the plan. These properties were not included on Map 20. As implied by the omission of these properties from the overlay and the title of the map, the intent was to only include properties that are designated with one of the "Non-Urban" future land use categories. The one exception would be lands in the "Wetlands" category. The proposed text changes to Objective 9.1 are intended to clarify these points.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Map 20 "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories"

The overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This overlay is intended for use conjunctively with Goal 9 and its subsequent objectives and policies. The following criteria were identified in the EAR for selecting lands to be included in this overlay (Lee Plan Evaluation & Appraisal Report Volume 1 of 2, July 7, 1994, Page III-29):

1. *"The existing operations in the Future Urban Areas are clearly transitional uses and are not, therefore, shown on the map as agricultural uses."*

Since this overlay was created two large areas that were previously designated as Density Reduction/Groundwater Resource on the Future Land Use Map have been re-classified to "Airport" and "Airport Commerce". While these designations are under the heading "Southwest Florida International Airport Area" and not under the "Future Urban Areas" heading in the Lee Plan, they are clearly expected to contain urban uses in the future. This is also the case for property designated in categories included in the "Interstate Highway Interchange Areas" and "New Community" headings in the Lee Plan. When the original overlay was created, properties in these areas existed that met the remaining criteria as outlined by the EAR. These properties were not included in the overlay even though they were not in the "Future Urban Area" on the Lee Plan Future Land Use Map. While not specifically listed in the criteria, it is evident that properties designated with categories in the "Southwest Florida International Airport Area", "Interstate

Highway Interchange Areas”, and “New Community”, were not intended to be included in the overlay regardless of use, zoning, or size.

Attachment 2 depicts areas that have been re-designated from a future land use category listed as “Non-Urban” to one of the categories that are planned to develop with urban uses. Agricultural uses within these areas are proposed to be removed from the overlay. No areas have been re-designated to a designation listed under the “Non-Urban” heading that meet the remaining criteria for inclusion on this overlay. There are, however, properties that were not shown on the original overlay that are designated with a “non-urban” category that do meet the criteria. These properties were either converted to an agricultural use since the original overlay was created or were simply overlooked at the time the overlay was created. The proposed Map 20, Agricultural Overlay, includes these properties (see attachment 3).

2. *“The minimum threshold has been set at 100 acres.”*

This criterion is relatively vague and is carried over in the adopted objective and map title. The 1994 map did include parcels that were smaller than 100 acres. However, when property ownership is dismissed as the criteria the size is based on contiguous agricultural uses in excess of 100 acres the currently adopted overlay fits the definition. The proposed language clarifies that the overlay is intended to map agricultural uses not ownership.

One example of this situation occurs in Section/Township/Range 01-43-27. This 640 ± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

3. *“The map will show passive as well as active uses.”*

To clarify this point the revised language specifies that the property must be designated, by the Lee County Property Appraiser’s office, as a “bona-fide” agricultural use qualifying the owner for a tax exemption based on this use.

Since the creation of the overlay, many parcels have been converted from agricultural uses to urban uses. While this conversion is expected to occur in the urban future land use categories, properties located in categories listed as “Non-Urban” on the Future Land Use Map have also been converted between agricultural and non-agricultural uses. One example of this conversion is the Brooks development, a mixed-use project approved through the Planned Development District Option, in sections 01, 02, 11, and 12 in Township 47 Range 25.

Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of

Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

4. *The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000± acres depicted in the overlay and the proposed Overlay depicts 88,000± acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 32,000± acres. The proposed overlay will add 7,000± acres of newly identified agricultural uses and remove 39,000± acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the Future Land Use Map. Language clarifications have also been proposed as well as a map title change to more accurately reflect the original intent of the overlay.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place ~~all~~ existing active and passive agricultural uses ~~on all parcels in excess of 100 acres~~, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of ~~Future Urban~~ areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation on this amendment to explain the criteria used to select parcels included on the proposed overlay. One LPA member questioned why a particular parcel was being removed from the overlay when he knew it was used to provide irrigation for agricultural uses in the area. Since the LPA meeting, staff has verified that that parcel is not classified by the Lee County Property Appraiser's office as an agricultural use, which is one of the criteria used to select parcels for inclusion on map 20. Other members of the LPA asked questions regarding properties and the selection process which were addressed by the staff member presenting this amendment. Finally, the LPA asked for a brief explanation of the purpose of the Agricultural Overlay Map. Staff explained that the map was intended as a tool used to identify large areas of agricultural uses in the non-urban areas of the county.

The discussion on this amendment was then opened for public comments and questions. One member of the public asked for confirmation that the map was an informational tool and not a regulatory map. He then questioned why the properties south of Bonita Beach Road were included on this map since there are active development proposals under review by the county. Staff confirmed that the map was not regulatory and that the parcels were included on the overlay since they met all of the criteria of the selection process. Only one member of the public addressed the LPA on this amendment.

Additional discussion by the LPA regarding the selection criteria and language clarifications followed the public input.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurred with the findings of fact as contained in the staff report.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
ROBERT SHELDON	AYE
GREG STUART	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 4, 2002

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 22, 2002

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:** The Department of Community Affairs had no objections, recommendations, or comment on this amendment.
- B. STAFF RECOMMENDATION:** Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 9, 2003

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

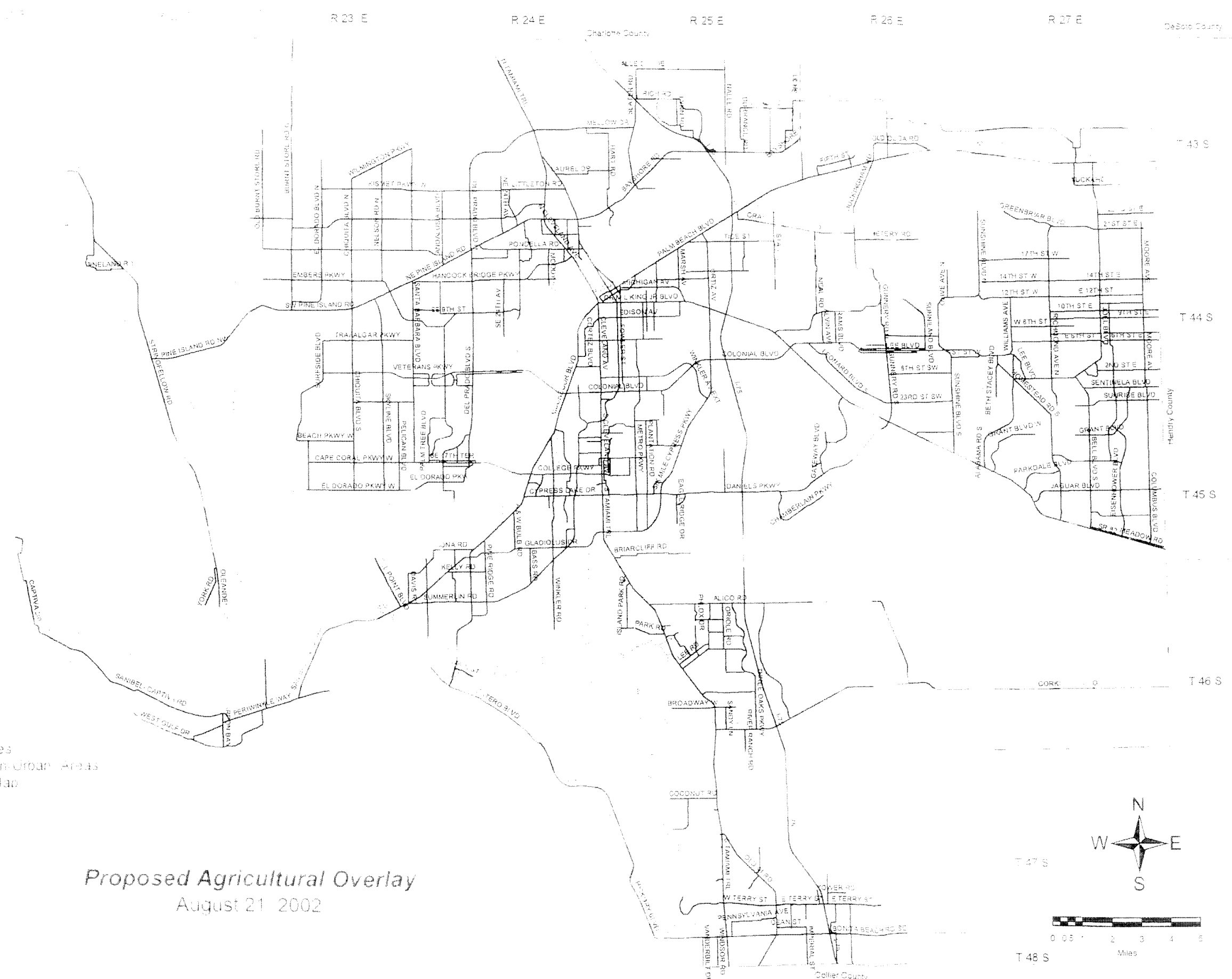
1. BOARD ACTION: The Board voted to adopt the amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

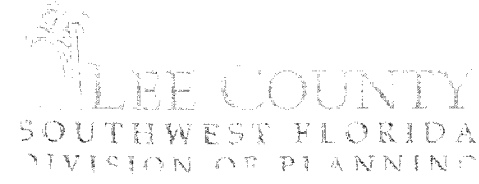
MAP 20 CPA 2001-23



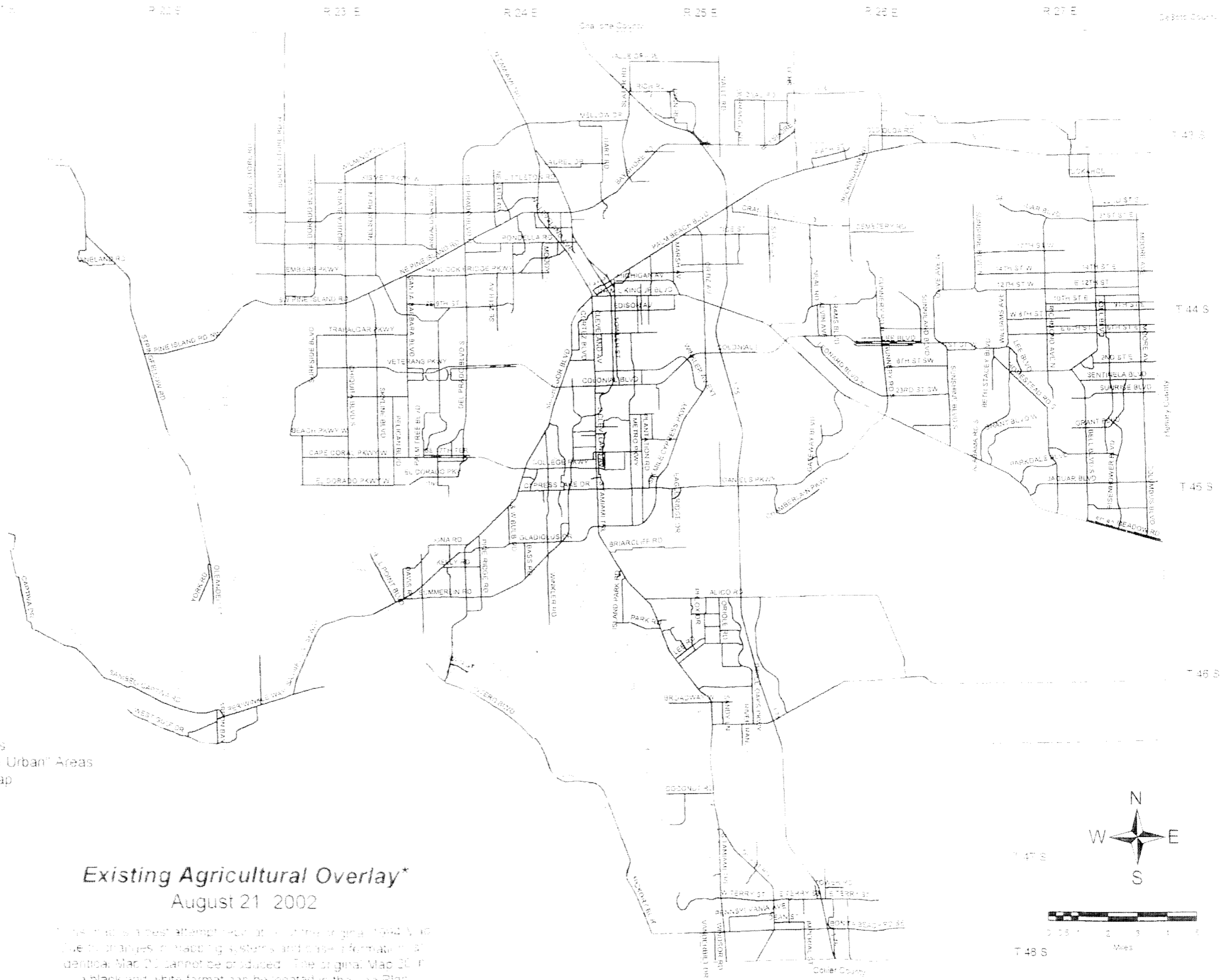
Legend

Aggregated Agricultural Areas Exceeding 100 Acres
Zoned Agriculturally and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Proposed Agricultural Overlay
August 21, 2002



MAP 20 CPA 2001-23



Legend

Aggregated Agricultural Areas Exceeding 100 Acres
Zoned Agriculturally and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Existing Agricultural Overlay*
August 21, 2002

*This map is a best attempt to reproduce the original 1994 Map 20. Due to changes in mapping systems and data information, a perfect reproduction of Map 20 cannot be produced. The original Map 20 in a black and white format can be located in the Lee Plan.



MAP 20 CPA 2001-23

Proposed Map 20


Aggregated Agricultural Areas
Exceeding 100 Acres
Zoned Agriculturally and
Located within the "Non-Urban" Areas
As Depicted on the Lee Plan
Future Land Use Map

Amendments to the Lee Plan Future Land Use Map Affecting The 1994 Agricultural Overlay (By New Map Designation)



FUTURE URBAN AREAS

- Central Urban - 175 acres
- Urban Community - 50 acres
- Outlying Suburban - 20 acres
- Public Facilities - 520 acres

AIRPORT AREAS

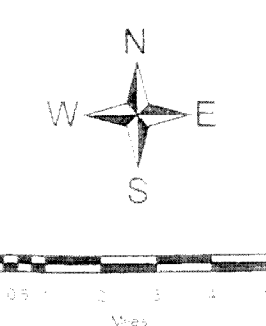
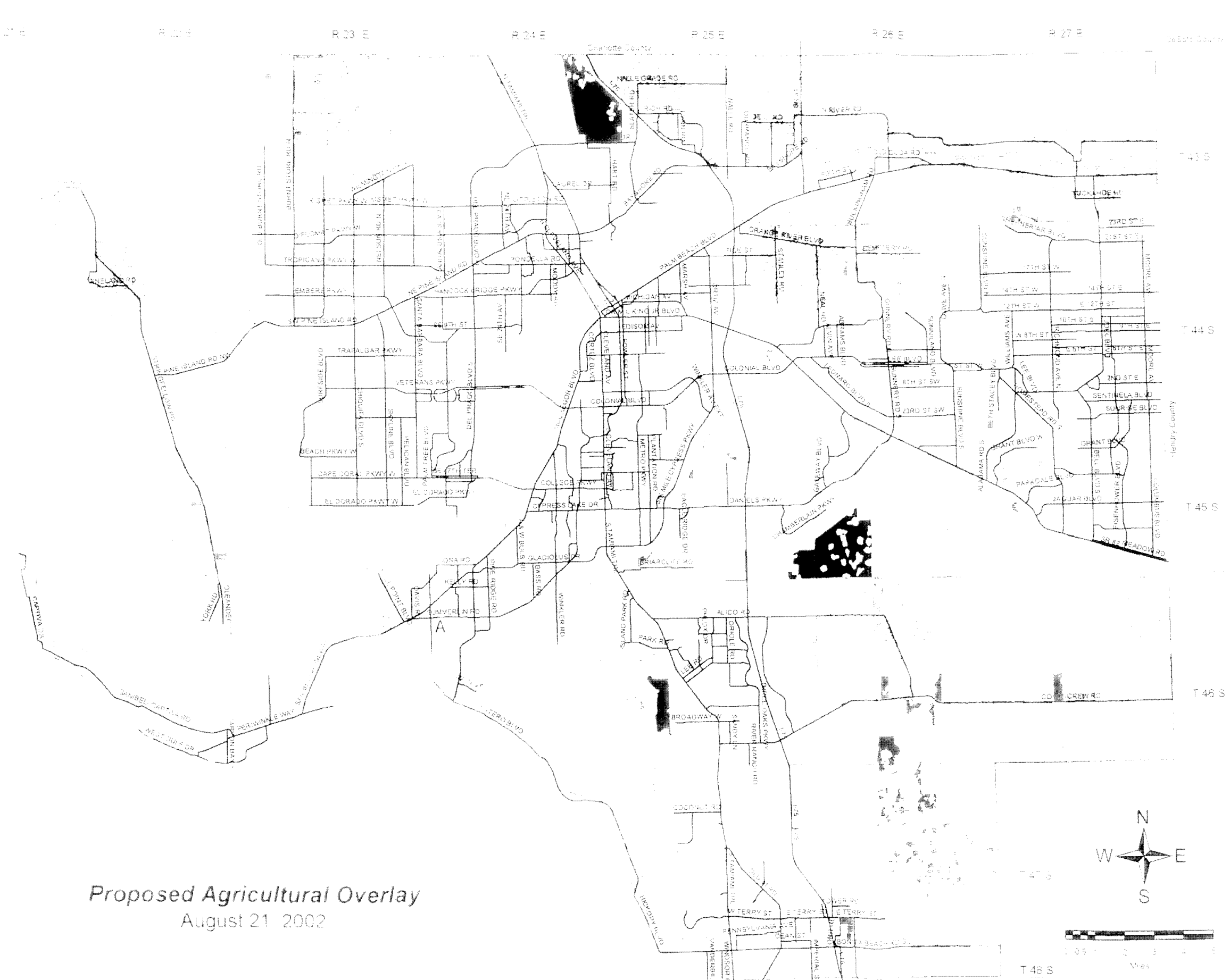
-  Airport - 2,455 acres

NON-URBAN AREAS

-  Conservation Lands (Uplands) - 6,085 acres
-  Conservation Lands (Uplands) - 6,825 acres
(Proposed CPA 2001-15)

Proposed Agricultural Overlay
August 21, 2002


LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING





Proposed Additions to the Agricultural Overlay

August 21 2002

Aggregated Agricultural Areas Exceeding 100 Acres
Zoned Agriculturally and Located within the Non-Urban Areas
As Depicted on the Lee Plan Future Land Use Map
Areas being added to the Overlay

Legend

MAP 20
CPA 2001-23



Aggregated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Use Plan Future Land Use Map.
Areas being removed from the Overlay.

Proposed Deletions from the Agricultural Overlay
August 21, 2002

Attachment 3B



**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Public Hearing Document
For January 9, 2003
Adoption Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
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(941) 479-8585**

November 22, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
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Text Amendment



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These changes reflect staff's ability to identify all recognized agricultural uses within "Non-Urban" areas and allow future agricultural conversions to be monitored more closely.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 20 the "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" map was adopted into the Lee Plan in 1994 and does not reflect changes in the agriculturally used land in these areas that have occurred in the past 8 years.
- Since 1994, approximately 4,200 acres have been re-designated from a "Non-Urban" future land use category and amendments made during the EAR process reclassified approximately 1,200 acres from an urban category to a "Non-Urban" Classification. In addition, approximately 6,000 acres of land have been classified to the Conservation Land Uplands category from one of the other "Non Urban" categories (Rural, Density Reduction/Groundwater Resources, Rural Community Preserve, Open Lands, or Outer Islands). Portions of these areas are currently shown on Map 20.
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of agricultural uses will be performed to maintain an accurate agricultural overlay in the Lee Plan Future Land Use Map series. The proposed language changes also strive to clarify the selection criteria used for areas included on the overlay.

Based on research of the original overlay, it is clear that parcels were included on the original map were often smaller than 100 acres in size. However, when analyzed in conjunction with neighboring agricultural parcels the combined area met or exceeded the 100 acres threshold. There are also agricultural uses that existed in 1994 (and continue today) that are outside of the "Future Urban Area" as depicted on the Future Land Use Map but are not in the one of the "Non-Urban Areas" shown on the Future Land Use Map. These uses are primarily in the Airport Commerce category that is under the heading "Southwest International Airport Area" in the Lee Plan. These areas however, are not anticipated to remain "non-urban" over the life of the plan. These properties were not included on Map 20. As implied by the omission of these properties from the overlay and the title of the map, the intent was to only include properties that are designated with one of the "Non-Urban" future land use categories. The one exception would be lands in the "Wetlands" category. The proposed text changes to Objective 9.1 are intended to clarify these points.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Map 20 "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories"

The overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This overlay is intended for use conjunctively with Goal 9 and its subsequent objectives and policies. The following criteria were identified in the EAR for selecting lands to be included in this overlay (Lee Plan Evaluation & Appraisal Report Volume 1 of 2, July 7, 1994, Page III-29):

1. *"The existing operations in the Future Urban Areas are clearly transitional uses and are not, therefore, shown on the map as agricultural uses."*

Since this overlay was created two large areas that were previously designated as Density Reduction/Groundwater Resource on the Future Land Use Map have been re-classified to "Airport" and "Airport Commerce". While these designations are under the heading "Southwest Florida International Airport Area" and not under the "Future Urban Areas" heading in the Lee Plan, they are clearly expected to contain urban uses in the future. This is also the case for property designated in categories included in the "Interstate Highway Interchange Areas" and "New Community" headings in the Lee Plan. When the original overlay was created, properties in these areas existed that met the remaining criteria as outlined by the EAR. These properties were not included in the overlay even though they were not in the "Future Urban Area" on the Lee Plan Future Land Use Map. While not specifically listed in the criteria, it is evident that properties designated with categories in the "Southwest Florida International Airport Area", "Interstate

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2. *“The minimum threshold has been set at 100 acres.”*

This criterion is relatively vague and is carried over in the adopted objective and map title. The 1994 map did include parcels that were smaller than 100 acres. However, when property ownership is dismissed as the criteria the size is based on contiguous agricultural uses in excess of 100 acres the currently adopted overlay fits the definition. The proposed language clarifies that the overlay is intended to map agricultural uses not ownership.

One example of this situation occurs in Section/Township/Range 01-43-27. This 640± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

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Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of

Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

4. *The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000± acres depicted in the overlay and the proposed Overlay depicts 88,000± acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 32,000± acres. The proposed overlay will add 7,000± acres of newly identified agricultural uses and remove 39,000± acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the Future Land Use Map. Language clarifications have also been proposed as well as a map title change to more accurately reflect the original intent of the overlay.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place ~~all~~ existing active and passive agricultural uses ~~on all parcels in excess of 100 acres~~, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of ~~Future Urban~~ areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation on this amendment to explain the criteria used to select parcels included on the proposed overlay. One LPA member questioned why a particular parcel was being removed from the overlay when he knew it was used to provide irrigation for agricultural uses in the area. Since the LPA meeting, staff has verified that that parcel is not classified by the Lee County Property Appraiser's office as an agricultural use, which is one of the criteria used to select parcels for inclusion on map 20. Other members of the LPA asked questions regarding properties and the selection process which were addressed by the staff member presenting this amendment. Finally, the LPA asked for a brief explanation of the purpose of the Agricultural Overlay Map. Staff explained that the map was intended as a tool used to identify large areas of agricultural uses in the non-urban areas of the county.

The discussion on this amendment was then opened for public comments and questions. One member of the public asked for confirmation that the map was an informational tool and not a regulatory map. He then questioned why the properties south of Bonita Beach Road were included on this map since there are active development proposals under review by the county. Staff confirmed that the map was not regulatory and that the parcels were included on the overlay since they met all of the criteria of the selection process. Only one member of the public addressed the LPA on this amendment.

Additional discussion by the LPA regarding the selection criteria and language clarifications followed the public input.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurred with the findings of fact as contained in the staff report.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
ROBERT SHELDON	AYE
GREG STUART	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 4, 2002

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<hr/> AYE <hr/>
ANDREW COY	<hr/> ABSENT <hr/>
BOB JANES	<hr/> AYE <hr/>
RAY JUDAH	<hr/> AYE <hr/>
DOUG ST. CERNY	<hr/> AYE <hr/>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: November 22, 2002

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:** The Department of Community Affairs had no objections, recommendations, or comment on this amendment.
- B. STAFF RECOMMENDATION:** Adopt the amendment as transmitted.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: January 9, 2003

BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

September 4, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-23**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed

map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

These changes reflect staff's ability to identify all recognized agricultural uses within "Non-Urban" areas and allow future agricultural conversions to be monitored more closely.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 20 the "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" map was adopted into the Lee Plan in 1994 and does not reflect changes in the agriculturally used land in these areas that have occurred in the past 8 years.
- Since 1994, approximately 4,200 acres have been re-designated from a "Non-Urban" future land use category and amendments made during the EAR process reclassified approximately 1,200 acres from an urban category to a "Non-Urban" Classification. In addition, approximately 6,000 acres of land have been classified to the Conservation Land Uplands category from one of the other "Non Urban" categories (Rural, Density Reduction/Groundwater Resources, Rural Community Preserve, Open Lands, or Outer Islands). Portions of these areas are currently shown on Map 20.
- The existing Objective 9.1 is confusing on the topic of selecting parcels to be included on the overlay, specifically with regards to parcel sizes.
- The name of the map does not reflect the intent of the overlay.

C. BACKGROUND INFORMATION

The Board of County Commissioners (BoCC) initiated this amendment on September 25, 2001. The Agricultural overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This initial map located agricultural uses in the "non-urban" areas of Lee County that were singularly or collectively large areas of agricultural uses. No amendments to this overlay have been proposed/adopted since its creation. Since this map was originally created, agricultural uses have been converted to other uses and other areas in the "Non-Urban" areas of the county have been converted to agricultural uses. Additionally, areas previously designated "Non-Urban" on the Future Land Use Map have been re-designated to categories that are not expected to remain "non-urban". These changes in conditions have made the existing overlay map out of date. This amendment includes text revisions to ensure a periodic review of agricultural uses will be

performed to maintain an accurate agricultural overlay in the Lee Plan Future Land Use Map series. The proposed language changes also strive to clarify the selection criteria used for areas included on the overlay.

Based on research of the original overlay, it is clear that parcels were included on the original map were often smaller than 100 acres in size. However, when analyzed in conjunction with neighboring agricultural parcels the combined area met or exceeded the 100 acres threshold. There are also agricultural uses that existed in 1994 (and continue today) that are outside of the "Future Urban Area" as depicted on the Future Land Use Map but are not in the one of the "Non-Urban Areas" shown on the Future Land Use Map. These uses are primarily in the Airport Commerce category that is under the heading "Southwest International Airport Area" in the Lee Plan. These areas however, are not anticipated to remain "non-urban" over the life of the plan. These properties were not included on Map 20. As implied by the omission of these properties from the overlay and the title of the map, the intent was to only include properties that are designated with one of the "Non-Urban" future land use categories. The one exception would be lands in the "Wetlands" category. The proposed text changes to Objective 9.1 are intended to clarify these points.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Map 20 "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories"

The overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This overlay is intended for use conjunctively with Goal 9 and its subsequent objectives and policies. The following criteria were identified in the EAR for selecting lands to be included in this overlay (Lee Plan Evaluation & Appraisal Report Volume 1 of 2, July 7, 1994, Page III-29):

1. *"The existing operations in the Future Urban Areas are clearly transitional uses and are not, therefore, shown on the map as agricultural uses."*

Since this overlay was created two large areas that were previously designated as Density Reduction/Groundwater Resource on the Future Land Use Map have been re-classified to "Airport" and "Airport Commerce". While these designations are under the heading "Southwest Florida International Airport Area" and not under the "Future Urban Areas" heading in the Lee Plan, they are clearly expected to contain urban uses in the future. This is also the case for property designated in categories included in the "Interstate Highway Interchange Areas" and "New Community" headings in the Lee Plan. When the original overlay was created, properties in these areas existed that met the remaining criteria as outlined by the EAR. These properties were not included in the overlay even though they were not in the "Future Urban Area" on the Lee Plan Future Land Use Map. While not specifically listed in the criteria, it is evident that properties designated with categories in the "Southwest Florida International Airport Area", "Interstate Highway Interchange Areas",

and “New Community”, were not intended to be included in the overlay regardless of use, zoning, or size.

Attachment 2 depicts areas that have been re-designated from a future land use category listed as “Non-Urban” to one of the categories that are planned to develop with urban uses. Agricultural uses within these areas are proposed to be removed from the overlay. No areas have been re-designated to a designation listed under the “Non-Urban” heading that meet the remaining criteria for inclusion on this overlay. There are, however, properties that were not shown on the original overlay that are designated with a “non-urban” category that do meet the criteria. These properties were either converted to an agricultural use since the original overlay was created or were simply overlooked at the time the overlay was created. The proposed Map 20, Agricultural Overlay, includes these properties (see attachment 3).

2. *“The minimum threshold has been set at 100 acres.”*

This criterion is relatively vague and is carried over in the adopted objective and map title. The 1994 map did include parcels that were smaller than 100 acres. However, when property ownership is dismissed as the criteria the size is based on contiguous agricultural uses in excess of 100 acres the currently adopted overlay fits the definition. The proposed language clarifies that the overlay is intended to map agricultural uses not ownership.

One example of this situation occurs in Section/Township/Range 01-43-27. This 640 ± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

3. *“The map will show passive as well as active uses.”*

To clarify this point the revised language specifies that the property must be designated, by the Lee County Property Appraiser’s office, as a “bona-fide” agricultural use qualifying the owner for a tax exemption based on this use.

Since the creation of the overlay, many parcels have been converted from agricultural uses to urban uses. While this conversion is expected to occur in the urban future land use categories, properties located in categories listed as “Non-Urban” on the Future Land Use Map have also been converted between agricultural and non-agricultural uses. One example of this conversion is the Brooks development, a mixed-use project approved through the Planned Development District Option, in sections 01, 02, 11, and 12 in Township 47 Range 25.

Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen

Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

4. *The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000± acres depicted in the overlay and the proposed Overlay depicts 88,000± acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 32,000± acres. The proposed overlay will add 7,000± acres of newly identified agricultural uses and remove 39,000± acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the

Future Land Use Map. Language clarifications have also been proposed as well as a map title change to more accurately reflect the original intent of the overlay.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation on this amendment to explain the criteria used to select parcels included on the proposed overlay. One LPA member questioned why a particular parcel was being removed from the overlay when he knew it was used to provide irrigation for agricultural uses in the area. Since the LPA meeting, staff has verified that that parcel is not classified by the Lee County Property Appraiser's office as an agricultural use, which is one of the criteria used to select parcels for inclusion on map 20. Other members of the LPA asked questions regarding properties and the selection process which were addressed by the staff member presenting this amendment. Finally, the LPA asked for a brief explanation of the purpose of the Agricultural Overlay Map. Staff explained that the map was intended as a tool used to identify large areas of agricultural uses in the non-urban areas of the county.

The discussion on this amendment was then opened for public comments and questions. One member of the public asked for confirmation that the map was an informational tool and not a regulatory map. He then questioned why the properties south of Bonita Beach Road were included on this map since there are active development proposals under review by the county. Staff confirmed that the map was not regulatory and that the parcels were included on the overlay since they met all of the criteria of the selection process. Only one member of the public addressed the LPA on this amendment.

Additional discussion by the LPA regarding the selection criteria and language clarifications followed the public input.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurred with the findings of fact as contained in the staff report.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
ROBERT SHELDON	AYE
GREG STUART	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 4, 2002

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

MAP 20 CPA 2001-23

R 20 E

R 21 E

R 22 E

R 23 E

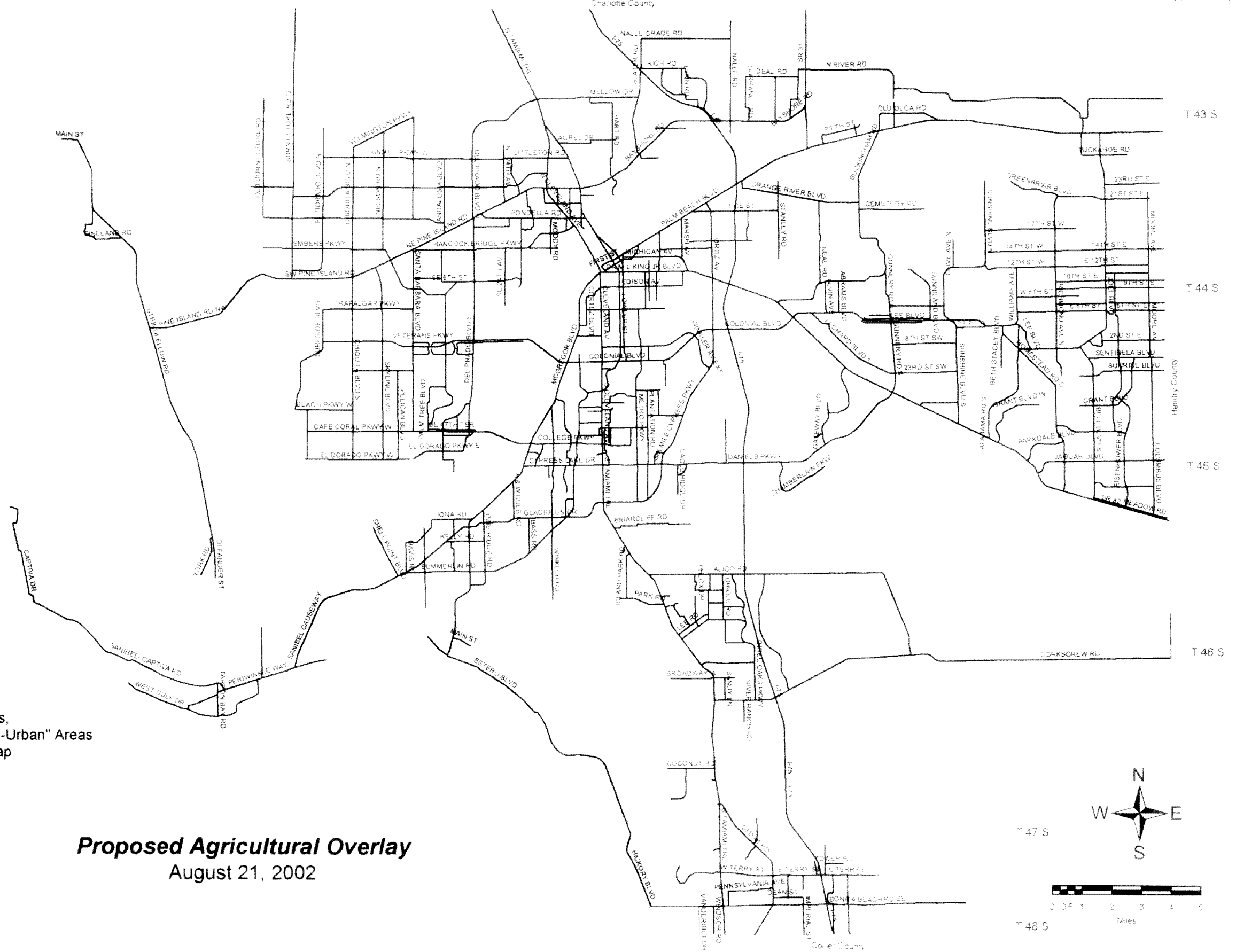
R 24 E

R 25 E

R 26 E

R 27 E

DeSoto County

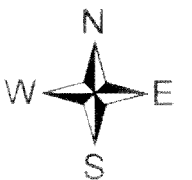


Legend

Agrigated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Proposed Agricultural Overlay
August 21, 2002

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



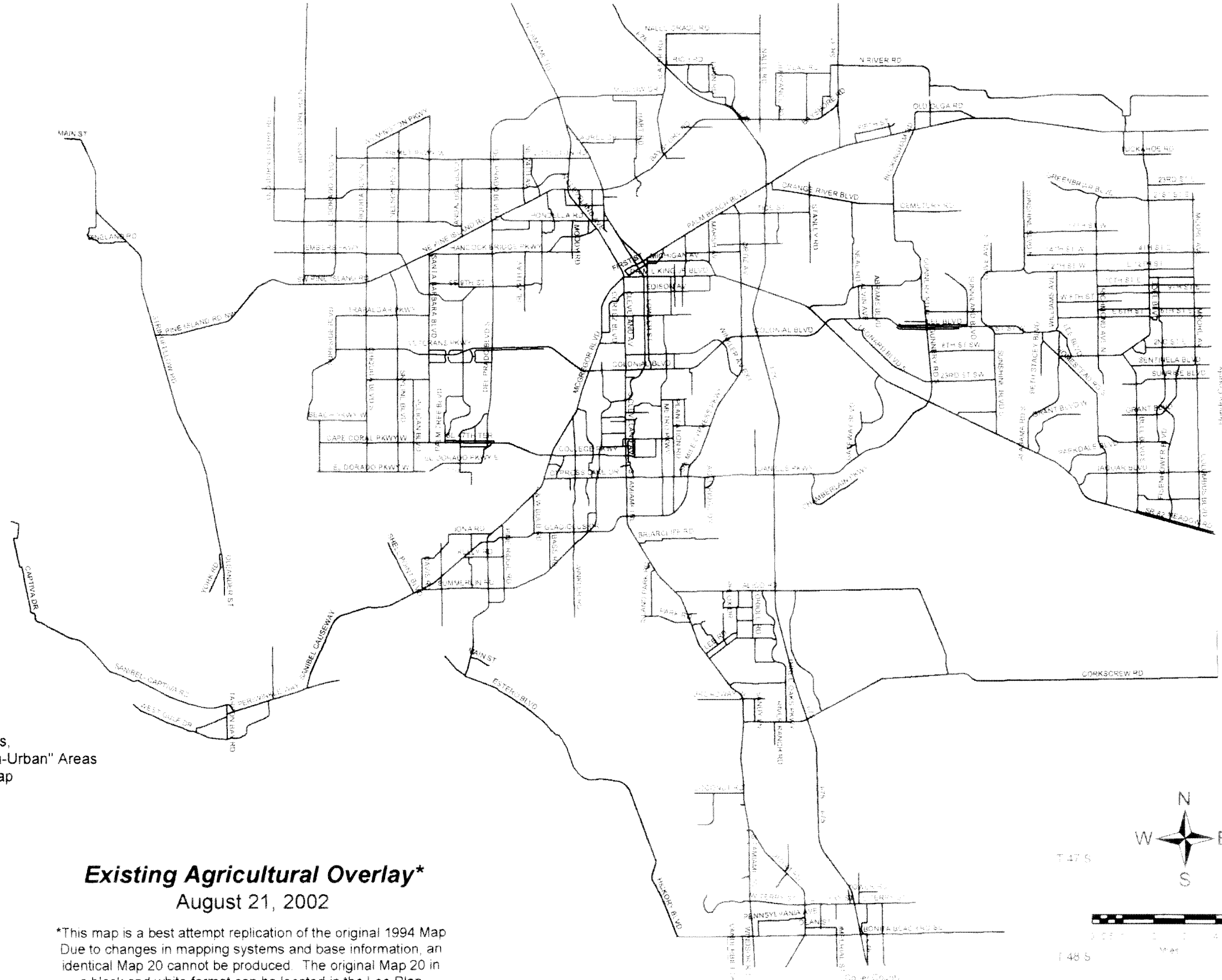
T 47 S

T 48 S



MAP 20 CPA 2001-23

R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E
Charlotte County DeSoto County
T 43 S
T 44 S
T 45 S
T 46 S
T 47 S
T 48 S

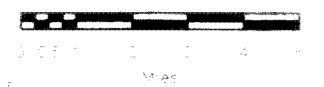


Legend

Agrigated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Existing Agricultural Overlay* August 21, 2002

*This map is a best attempt replication of the original 1994 Map
Due to changes in mapping systems and base information, an
identical Map 20 cannot be produced. The original Map 20 in
a black and white format can be located in the Lee Plan.



1994
SOUTHWEST FLORIDA
DIVISION OF PLANNING

MAP 20 CPA 2001-23

R 20 E

R 21 E

R 22 E

R 23 E

R 24 E

R 25 E

R 26 E

R 27 E





DeSoto County

Proposed Map 20


Aggregated Agricultural Areas
Exceeding 100 Acres,
Zoned Agriculturally, and
Located within the "Non-Urban" Areas
As Depicted on the Lee Plan
Future Land Use Map

Amendments to the Lee Plan Future Land Use Map Affecting The 1994 Agricultural Overlay (By New Map Designation)



FUTURE URBAN AREAS

-  Central Urban - 175 acres
-  Urban Community - 50 acres
-  Outlying Suburban - 20 acres
-  Public Facilities - 520 acres

AIRPORT AREAS

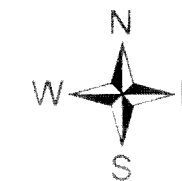
-  Airport - 2,455 acres

NON-URBAN AREAS

-  Conservation Lands (Uplands) - 6,085 acres
-  Conservation Lands (Uplands) - 6,885 acres
(Proposed CPA 2001-15)

Proposed Agricultural Overlay
August 21, 2002

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



T 47 S

T 48 S



MAP 20 CPA 2001-23

R 20 E

R 21 E

R 22 E

R 23 E

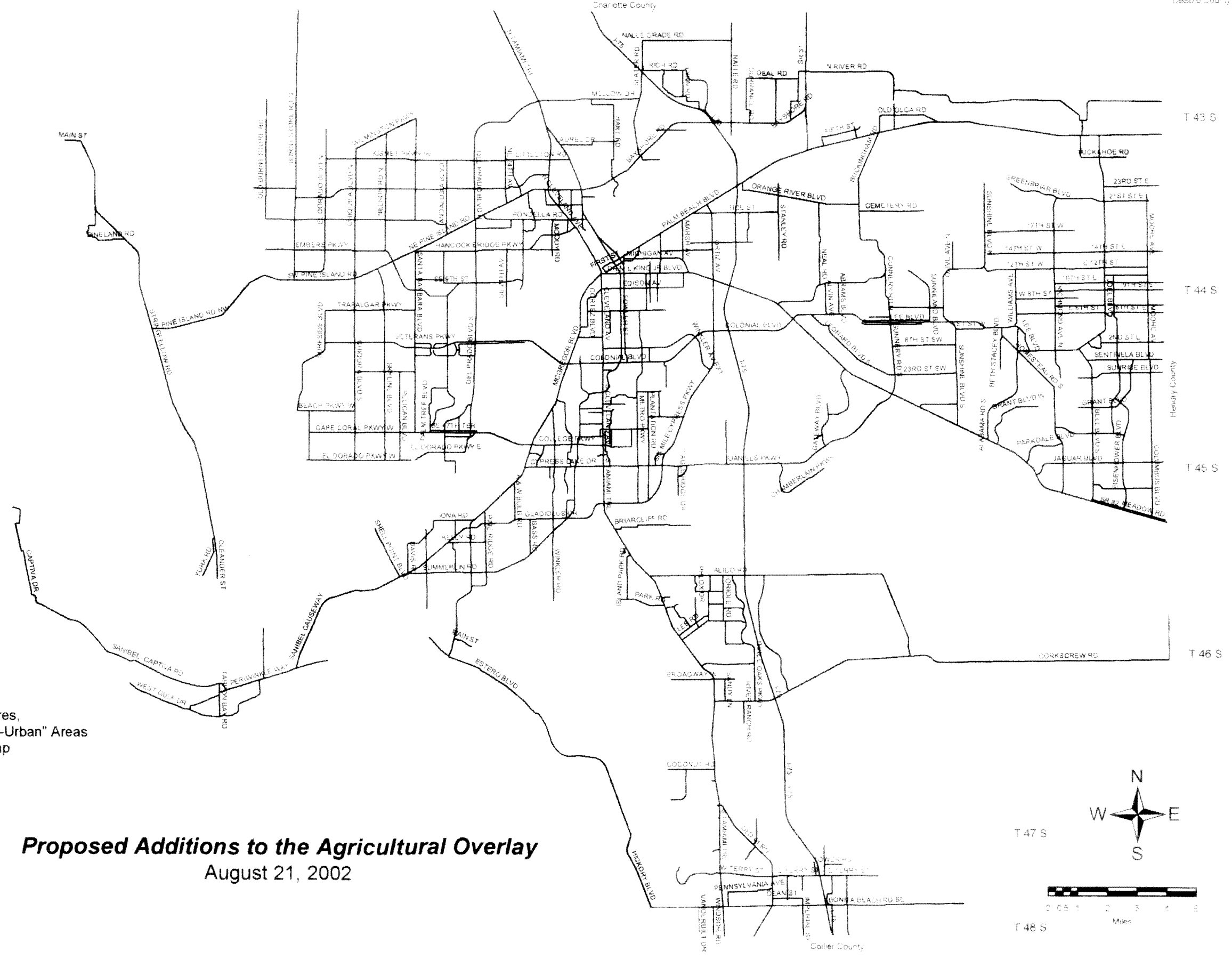
R 24 E

R 25 E

R 26 E

R 27 E

DeSoto County



Legend

- Aggregated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map
- Areas being added to the Overlay

Proposed Additions to the Agricultural Overlay
August 21, 2002

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



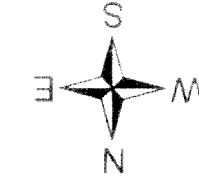
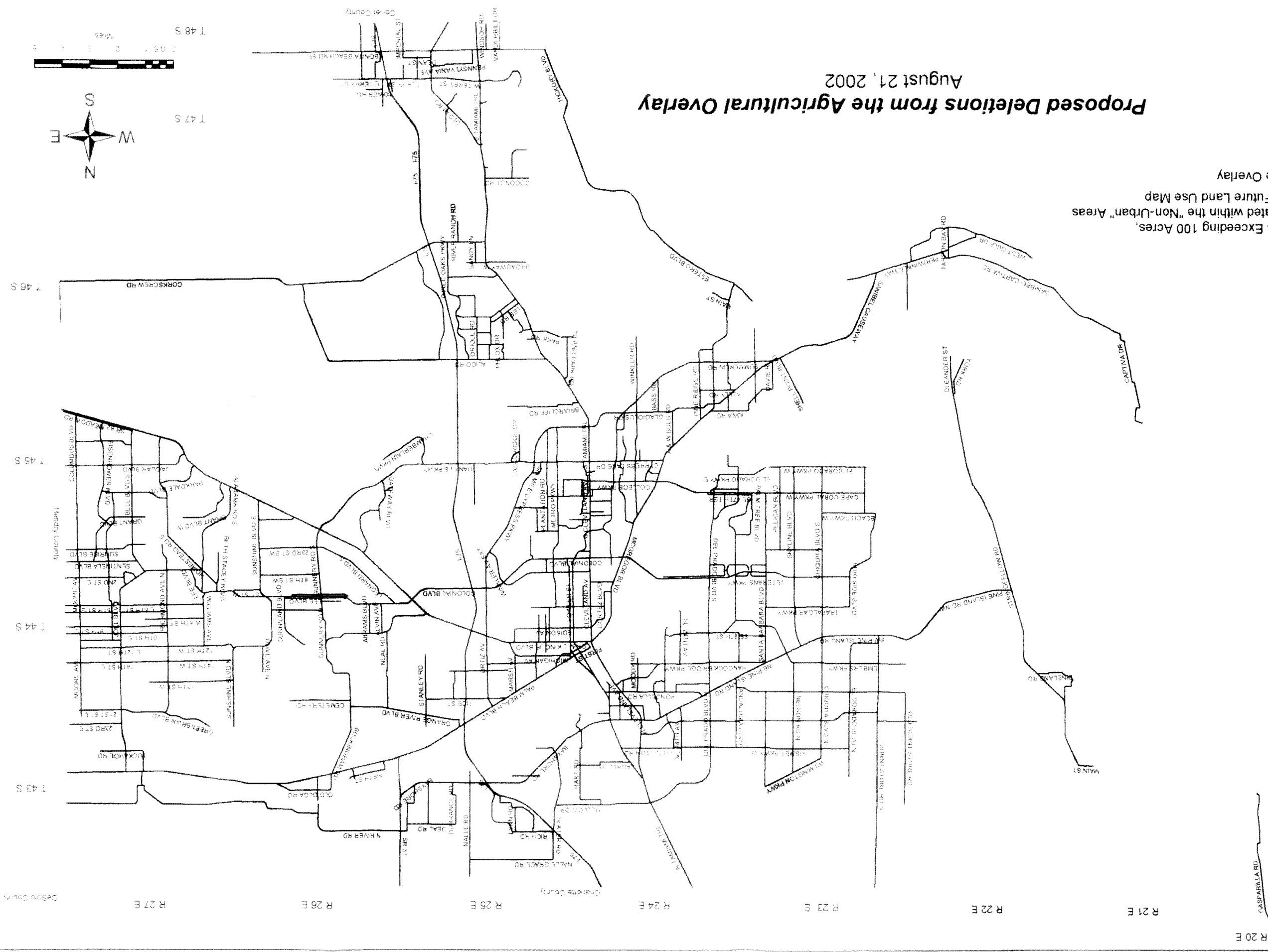
T 47 S

T 48 S



Legend
Aggregated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map
Areas being removed from the Overlay

Proposed Deletions from the Agricultural Overlay
August 21, 2002



T 48 S
T 47 S
T 46 S
T 45 S
T 44 S
T 43 S
R 20 E
R 21 E
R 22 E
R 23 E
R 24 E
R 25 E
R 26 E
R 27 E
Desoto County
Hardy County
Charlotte County
Coker County

**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**BoCC Transmittal Document
For the
September 4/5, 2002 Public Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585**

August 16, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-23**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed

map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

These changes reflect staff's ability to identify all recognized agricultural uses within "Non-Urban" areas and allow future agricultural conversions to be monitored more closely.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 20 the "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" map was adopted into the Lee Plan in 1994 and does not reflect changes in the agriculturally used land in these areas that have occurred in the past 8 years.
- Since 1994, approximately 4,200 acres have been re-designated from a "Non-Urban" future land use category and amendments made during the EAR process reclassified approximately 1,200 acres from an urban category to a "Non-Urban" Classification. In addition, approximately 6,000 acres of land have been classified to the Conservation Land Uplands category from one of the other "Non Urban" categories (Rural, Density Reduction/Groundwater Resources, Rural Community Preserve, Open Lands, or Outer Islands). Portions of these areas are currently shown on Map 20.
- The existing Objective 9.1 is confusing on the topic of selecting parcels to be included on the overlay, specifically with regards to parcel sizes.
- The name of the map does not reflect the intent of the overlay.

C. BACKGROUND INFORMATION

The Board of County Commissioners (BoCC) initiated this amendment on September 25, 2001. The Agricultural overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This initial map located agricultural uses in the "non-urban" areas of Lee County that were singularly or collectively large areas of agricultural uses. No amendments to this overlay have been proposed/adopted since its creation. Since this map was originally created, agricultural uses have been converted to other uses and other areas in the "Non-Urban" areas of the county have been converted to agricultural uses. Additionally, areas previously designated "Non-Urban" on the Future Land Use Map have been re-designated to categories that are not expected to remain "non-urban". These changes in conditions have made the existing overlay map out of date. This amendment includes text revisions to ensure a periodic review of agricultural uses will be

performed to maintain an accurate agricultural overlay in the Lee Plan Future Land Use Map series. The proposed language changes also strive to clarify the selection criteria used for areas included on the overlay.

Based on research of the original overlay, it is clear that parcels were included on the original map were often smaller than 100 acres in size. However, when analyzed in conjunction with neighboring agricultural parcels the combined area met or exceeded the 100 acres threshold. There are also agricultural uses that existed in 1994 (and continue today) that are outside of the "Future Urban Area" as depicted on the Future Land Use Map but are not in the one of the "Non-Urban Areas" shown on the Future Land Use Map. These uses are primarily in the Airport Commerce category that is under the heading " Southwest International Airport Area" in the Lee Plan. These areas however, are not anticipated to remain "non-urban" over the life of the plan. These properties were not included on Map 20. As implied by the omission of these properties from the overlay and the title of the map, the intent was to only include properties that are designated with one of the "Non-Urban" future land use categories. The one exception would be lands in the "Wetlands" category. The proposed text changes to Objective 9.1 are intended to clarify these points.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Map 20 "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories"

The overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This overlay is intended for use conjunctively with Goal 9 and its subsequent objectives and policies. The following criteria were identified in the EAR for selecting lands to be included in this overlay (Lee Plan Evaluation & Appraisal Report Volume 1 of 2, July 7, 1994, Page III-29):

1. *"The existing operations in the Future Urban Areas are clearly transitional uses and are not, therefore, shown on the map as agricultural uses."*

Since this overlay was created two large areas that were previously designated as Density Reduction/Groundwater Resource on the Future Land Use Map have been re-classified to "Airport" and "Airport Commerce". While these designations are under the heading "Southwest Florida International Airport Area" and not under the "Future Urban Areas" heading in the Lee Plan, they are clearly expected to contain urban uses in the future. This is also the case for property designated in categories included in the "Interstate Highway Interchange Areas" and "New Community" headings in the Lee Plan. When the original overlay was created, properties in these areas existed that met the remaining criteria as outlined by the EAR. These properties were not included in the overlay even though they were not in the "Future Urban Area" on the Lee Plan Future Land Use Map. While not specifically listed in the criteria, it is evident that properties designated with categories in the "Southwest Florida International Airport Area", "Interstate Highway Interchange Areas",

and “New Community”, were not intended to be included in the overlay regardless of use, zoning, or size.

Attachment 2 depicts areas that have been re-designated from a future land use category listed as “Non-Urban” to one of the categories that are planned to develop with urban uses. Agricultural uses within these areas are proposed to be removed from the overlay. No areas have been re-designated to a designation listed under the “Non-Urban” heading that meet the remaining criteria for inclusion on this overlay. There are, however, properties that were not shown on the original overlay that are designated with a “non-urban” category that do meet the criteria. These properties were either converted to an agricultural use since the original overlay was created or were simply overlooked at the time the overlay was created. The proposed Map 20, Agricultural Overlay, includes these properties (see attachment 3).

2. *“The minimum threshold has been set at 100 acres.”*

This criterion is relatively vague and is carried over in the adopted objective and map title. The 1994 map did include parcels that were smaller than 100 acres. However, when property ownership is dismissed as the criteria the size is based on contiguous agricultural uses in excess of 100 acres the currently adopted overlay fits the definition. The proposed language clarifies that the overlay is intended to map agricultural uses not ownership.

One example of this situation occurs in Section/Township/Range 01-43-27. This 640 ± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

3. *“The map will show passive as well as active uses.”*

To clarify this point the revised language specifies that the property must be designated, by the Lee County Property Appraiser’s office, as a “bona-fide” agricultural use qualifying the owner for a tax exemption based on this use.

Since the creation of the overlay, many parcels have been converted from agricultural uses to urban uses. While this conversion is expected to occur in the urban future land use categories, properties located in categories listed as “Non-Urban” on the Future Land Use Map have also been converted between agricultural and non-agricultural uses. One example of this conversion is the Brooks development, a mixed-use project approved through the Planned Development District Option, in sections 01, 02, 11, and 12 in Township 47 Range 25.

Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen

Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

- 4. The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000± acres depicted in the overlay and the proposed Overlay depicts 88,000± acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 32,000± acres. The proposed overlay will add 7,000± acres of newly identified agricultural uses and remove 39,000± acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the

Future Land Use Map. Language clarifications have also been proposed as well as a map title change to more accurately reflect the original intent of the overlay.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

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**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation on this amendment to explain the criteria used to select parcels included on the proposed overlay. One LPA member questioned why a particular parcel was being removed from the overlay when he knew it was used to provide irrigation for agricultural uses in the area. Since the LPA meeting, staff has verified that that parcel is not classified by the Lee County Property Appraiser's office as an agricultural use, which is one of the criteria used to select parcels for inclusion on map 20. Other members of the LPA asked questions regarding properties and the selection process which were addressed by the staff member presenting this amendment. Finally, the LPA asked for a brief explanation of the purpose of the Agricultural Overlay Map. Staff explained that the map was intended as a tool used to identify large areas of agricultural uses in the non-urban areas of the county.

The discussion on this amendment was then opened for public comments and questions. One member of the public asked for confirmation that the map was an informational tool and not a regulatory map. He then questioned why the properties south of Bonita Beach Road were included on this map since there are active development proposals under review by the county. Staff confirmed that the map was not regulatory and that the parcels were included on the overlay since they met all of the criteria of the selection process. Only one member of the public addressed the LPA on this amendment.

Additional discussion by the LPA regarding the selection criteria and language clarifications followed the public input.

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurred with the findings of fact as contained in the staff report.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
ROBERT SHELDON	AYE
GREG STUART	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

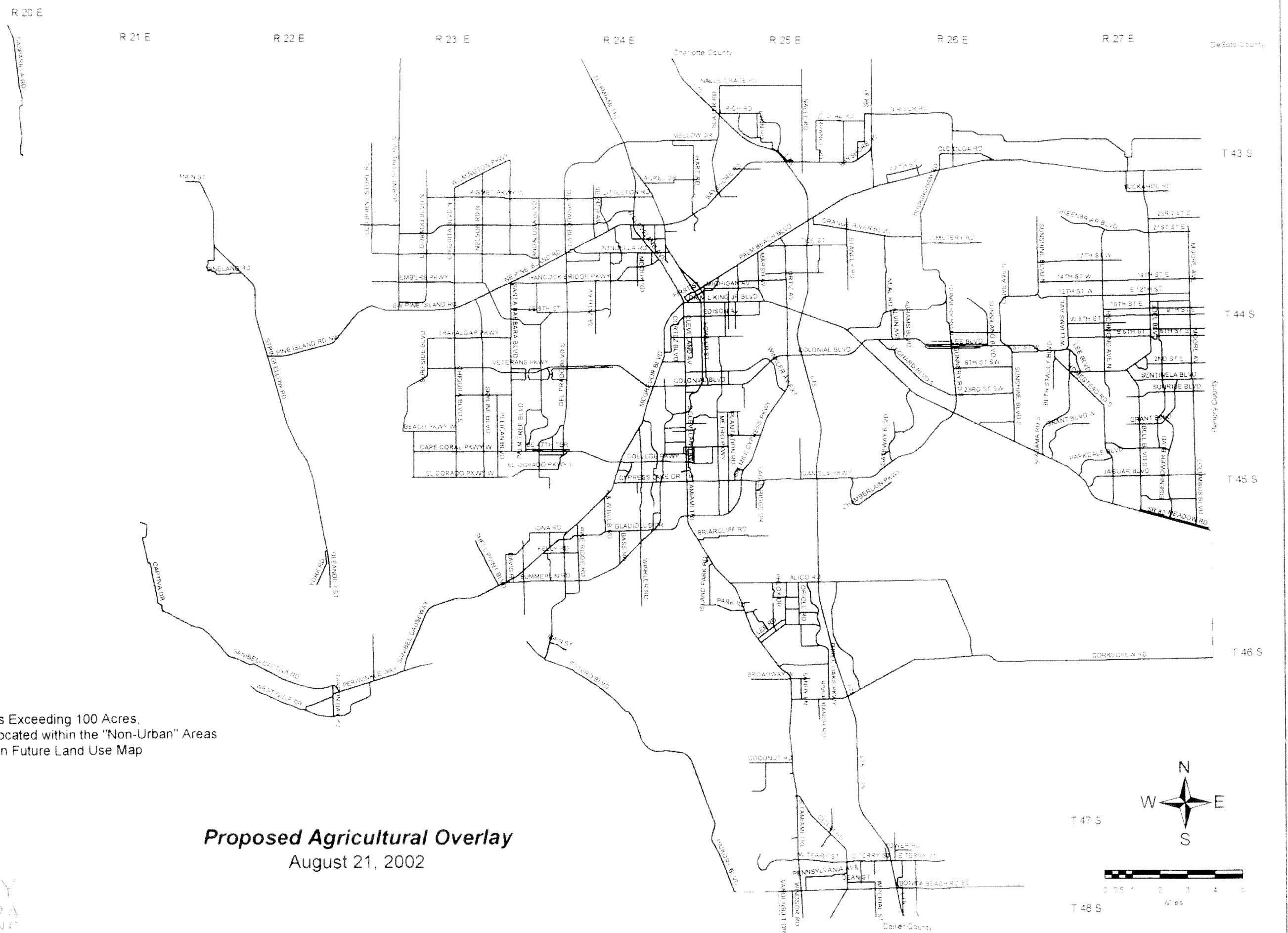
1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION	_____
ANDREW COY	_____
BOB JANES	_____
RAY JUDAH	_____
DOUG ST. CERNY	_____

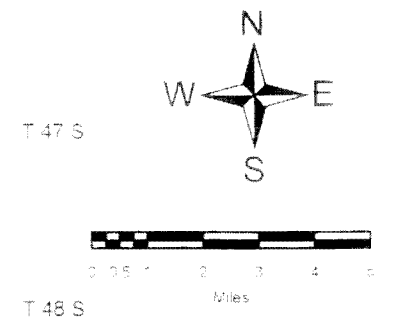
MAP 20 CPA 2001-23



Legend

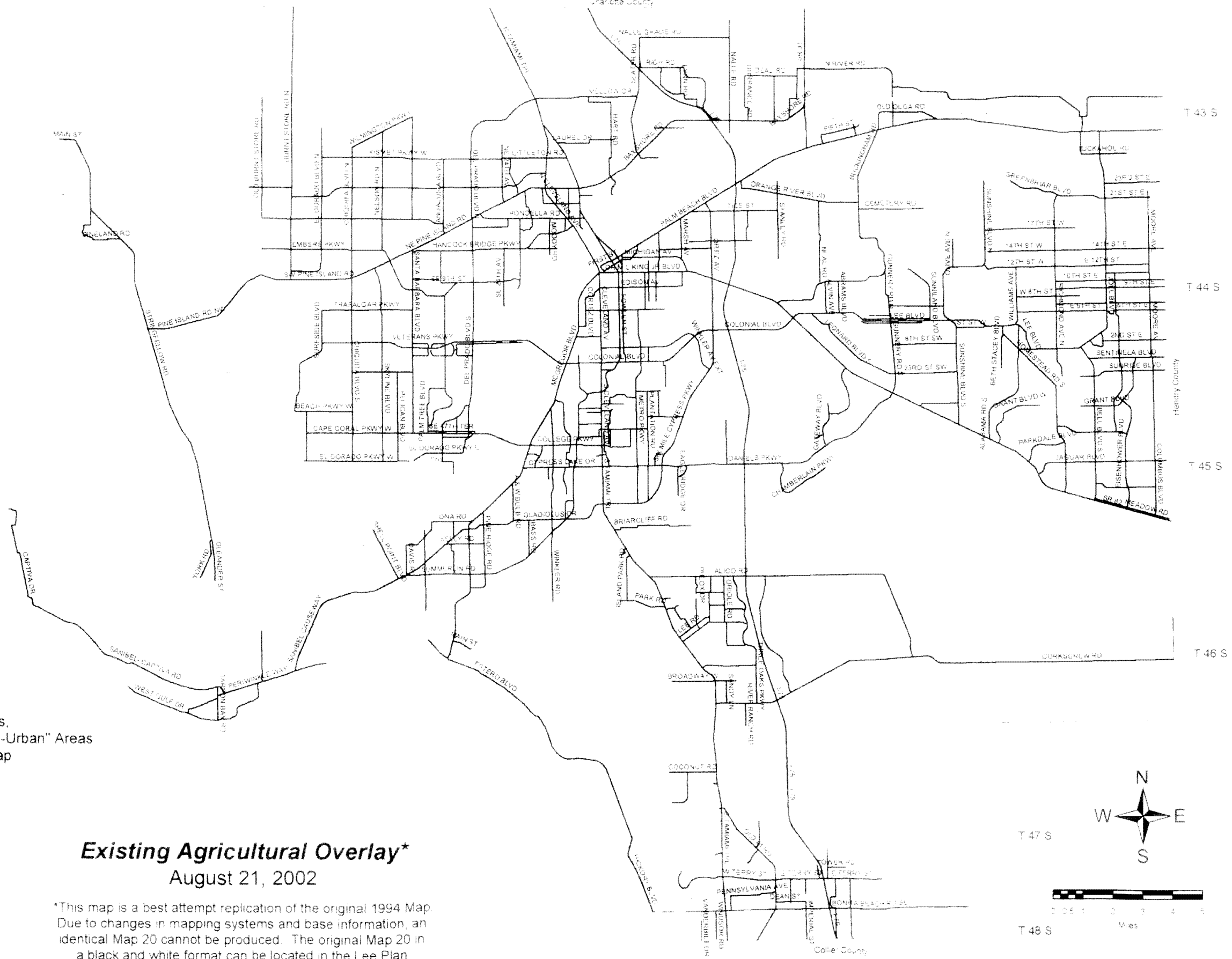
Agrigated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Proposed Agricultural Overlay
August 21, 2002



MAP 20 CPA 2001-23

R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E
Charlotte County DeSoto County



Legend

Agrigated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map

Existing Agricultural Overlay* August 21, 2002

*This map is a best attempt replication of the original 1994 Map. Due to changes in mapping systems and base information, an identical Map 20 cannot be produced. The original Map 20 in a black and white format can be located in the Lee Plan



MAP 20 CPA 2001-23





R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E
Charlotte County DeSoto County
T 43 S T 44 S T 45 S T 46 S T 47 S T 48 S
Henry County Collier County

Proposed Map 20


Aggregated Agricultural Areas
Exceeding 100 Acres,
Zoned Agriculturally, and
Located within the "Non-Urban" Areas
As Depicted on the Lee Plan
Future Land Use Map

Amendments to the Lee Plan Future Land Use Map Affecting The 1994 Agricultural Overlay (By New Map Designation)



FUTURE URBAN AREAS

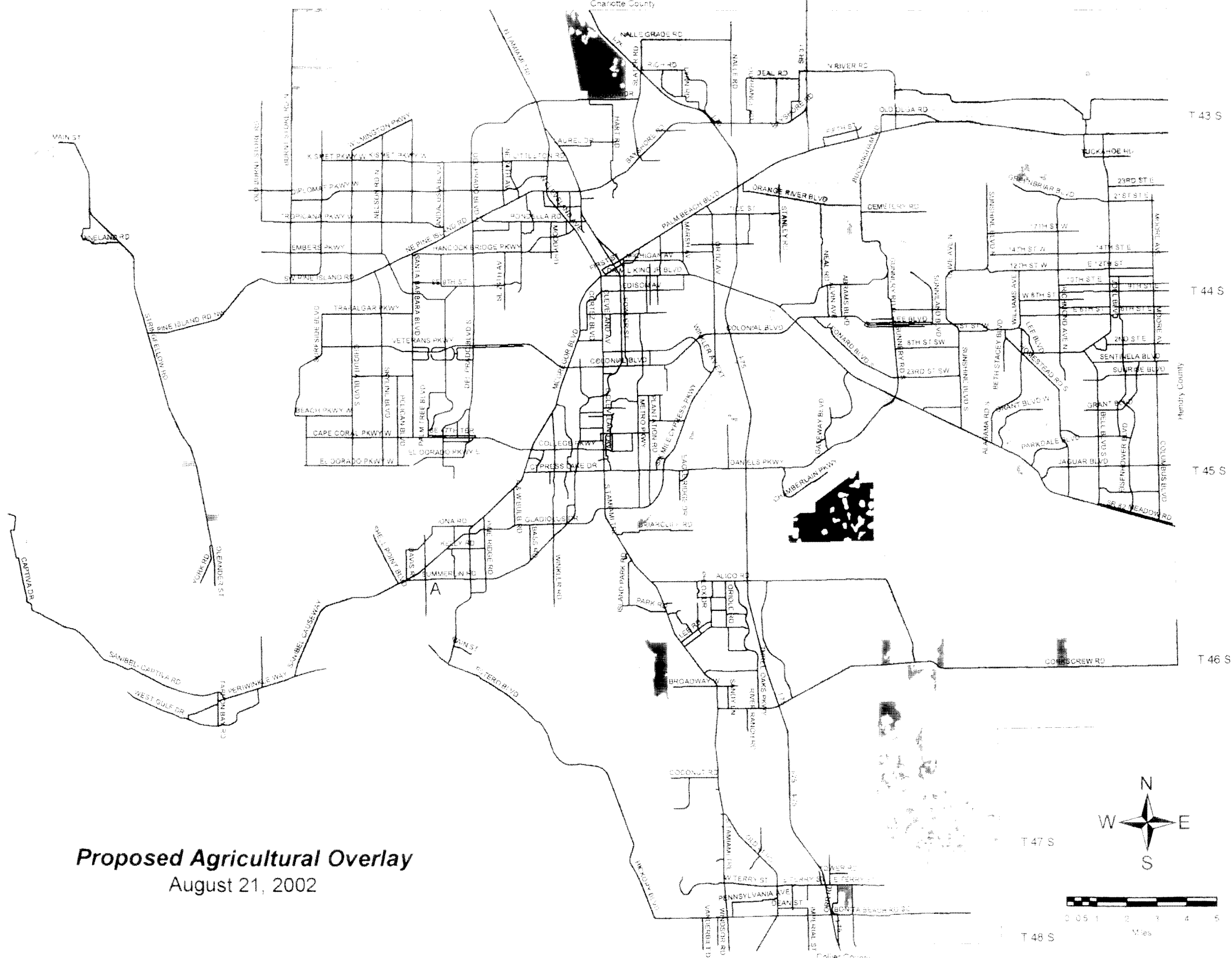
-  Central Urban - 175 acres
-  Urban Community - 50 acres
-  Outlying Suburban - 20 acres
-  Public Facilities - 520 acres

AIRPORT AREAS

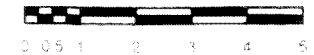
-  Airport - 2,455 acres

NON-URBAN AREAS

-  Conservation Lands (Uplands) - 6,085 acres
-  Conservation Lands (Uplands) - 6,885 acres
(Proposed CPA 2001-15)



Proposed Agricultural Overlay
August 21, 2002



MAP 20 CPA 2001-23

R 20 E

R 21 E

R 22 E

R 23 E

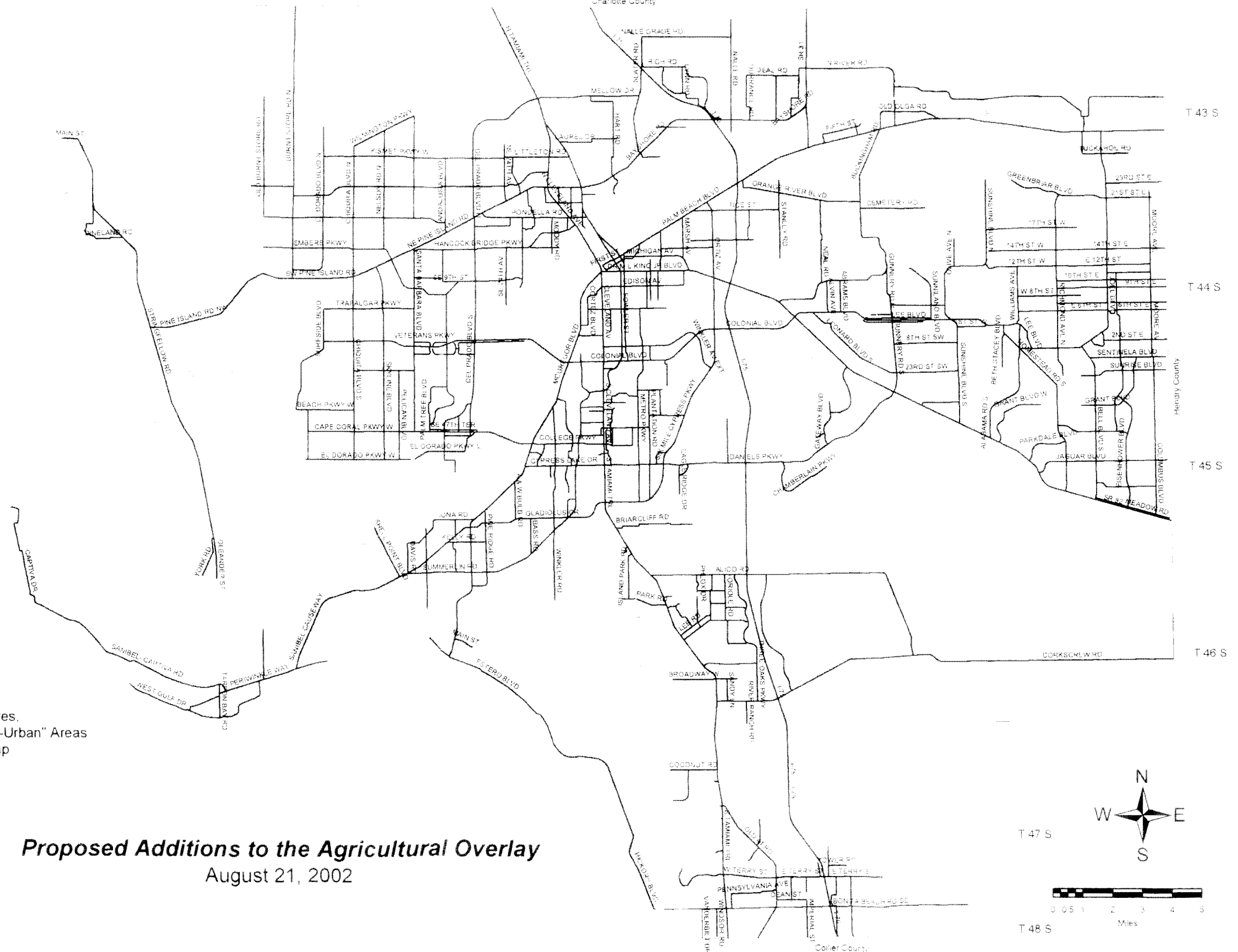
R 24 E

R 25 E

R 26 E

R 27 E

DeSoto County



Legend

- Aggregated Agricultural Areas Exceeding 100 Acres,
Zoned Agriculturally, and Located within the "Non-Urban" Areas
As Depicted on the Lee Plan Future Land Use Map
- Areas being added to the Overlay

Proposed Additions to the Agricultural Overlay
August 21, 2002

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



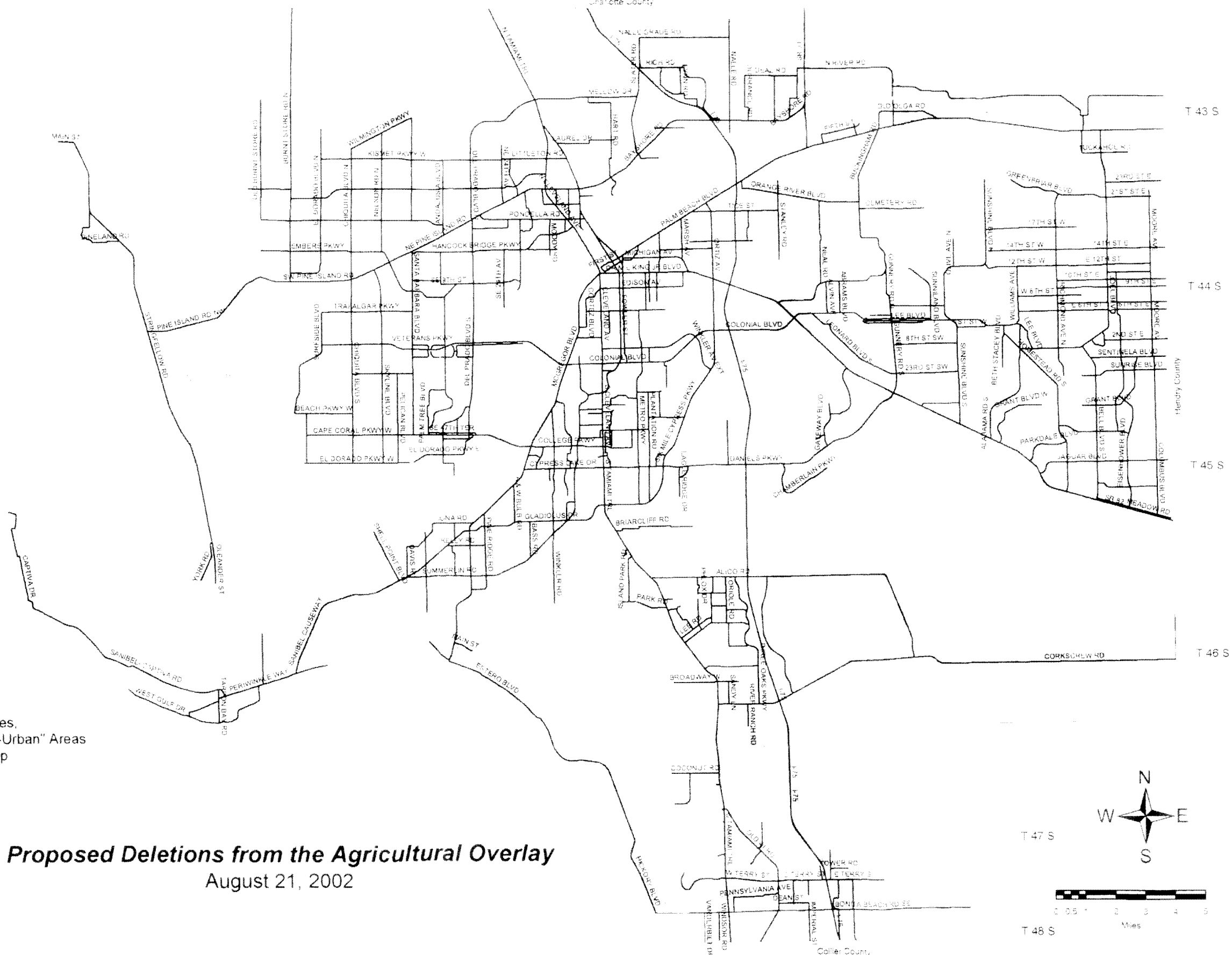
T 47 S

T 48 S



MAP 20 CPA 2001-23

R 20 E R 21 E R 22 E R 23 E R 24 E R 25 E R 26 E R 27 E
Charlotte County DeSoto County



Legend

- Aggregated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map
- Areas being removed from the Overlay

Proposed Deletions from the Agricultural Overlay
August 21, 2002



**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
For the
July 22, 2002 Public Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585**

July 20, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
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2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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One example of this situation occurs in Section/Township/Range 01-43-27. This 640 ± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

3. *“The map will show passive as well as active uses.”*

To clarify this point the revised language specifies that the property must be designated, by the Lee County Property Appraiser’s office, as a “bona-fide” agricultural use qualifying the owner for a tax exemption based on this use.

Since the creation of the overlay, many parcels have been converted from agricultural uses to urban uses. While this conversion is expected to occur in the urban future land use categories, properties located in categories listed as “Non-Urban” on the Future Land Use Map have also been converted between agricultural and non-agricultural uses. One example of this conversion is the Brooks development, a mixed-use project approved through the Planned Development District Option, in sections 01, 02, 11, and 12 in Township 47 Range 25.

Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen

Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

- 4. The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000 acres depicted in the overlay and the proposed Overlay depicts 114,000 acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 6,250 acres. The proposed overlay will add _____ acres of newly identified agricultural uses and remove _____ acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE. July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

RONALD INGE

GORDON REIGELMAN

ROBERT SHELDON

GREG STUART

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**CPA 2001-23
PROPOSED MAP 20
Agricultural Overlay**

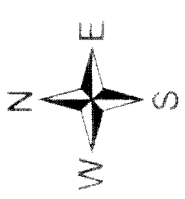
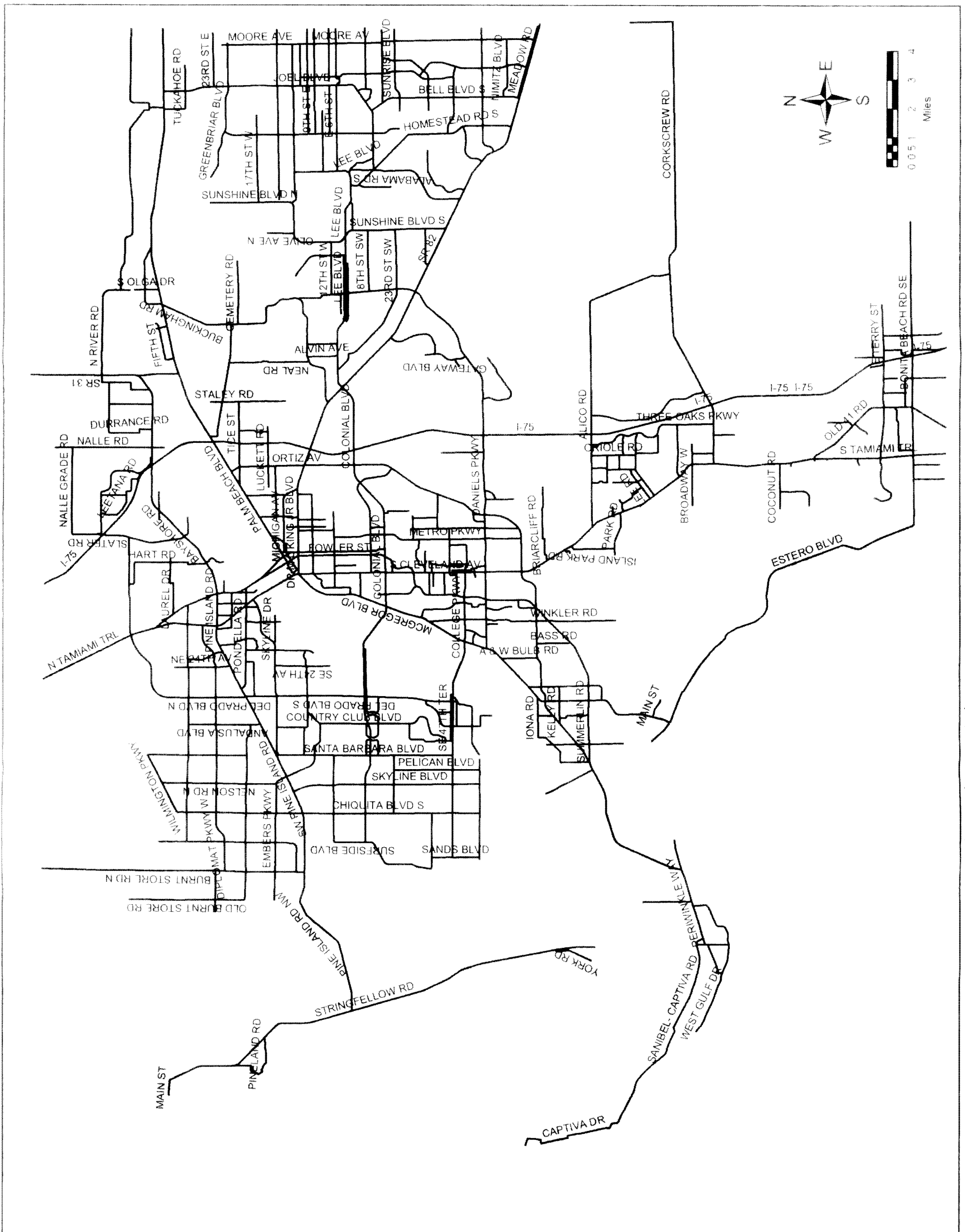
July 19, 2002

DRAFT

GASPARILLA RD

Legend

Agrigated Agricultural Areas
Exceeding 100 Acres

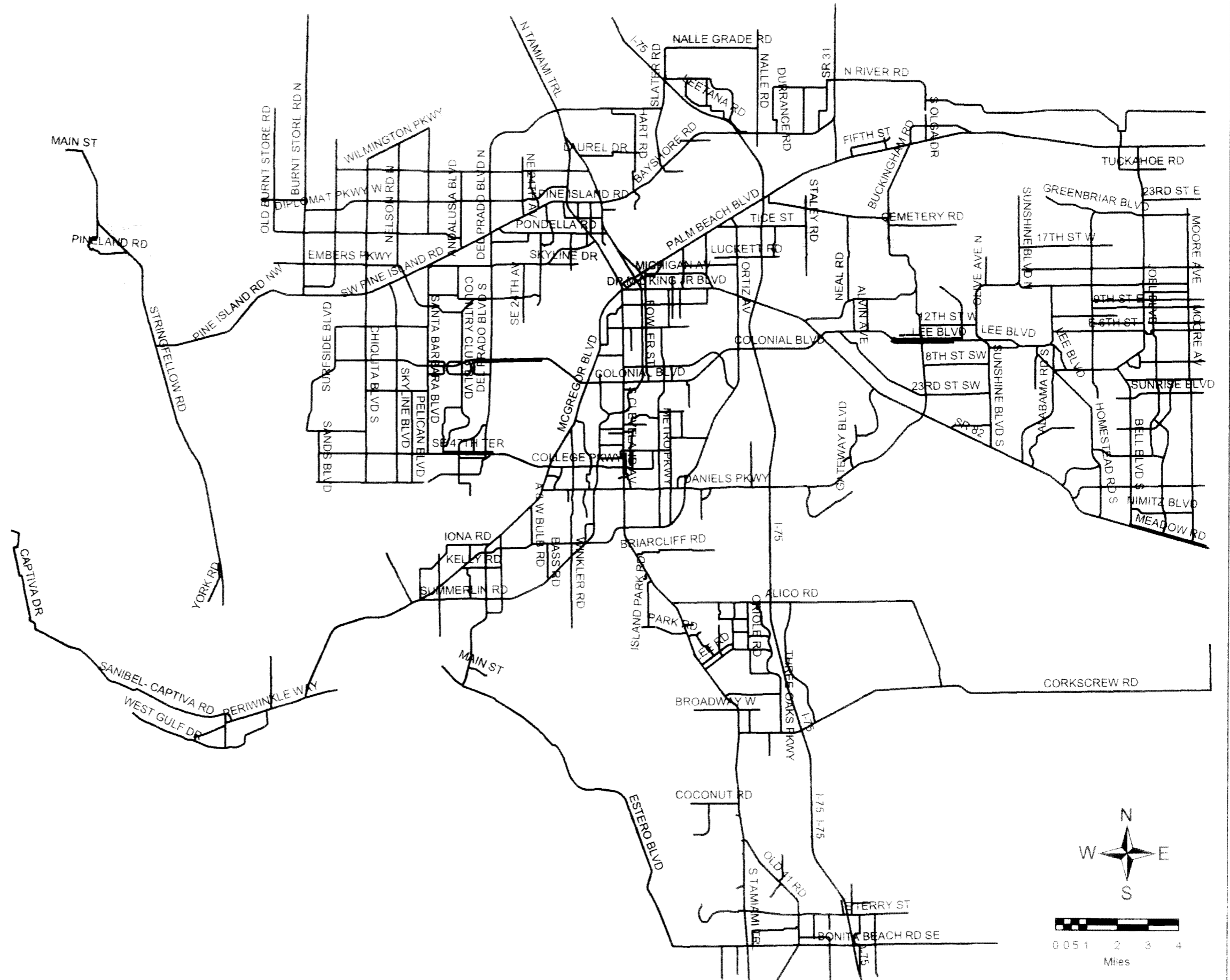


**CPA 2001-23
PROPOSED MAP 20
Agricultural Overlay**

July 19, 2002

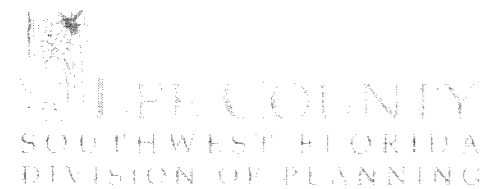
DRAFT

GASPARILLA RD



Legend

Areas being added to the Overlay

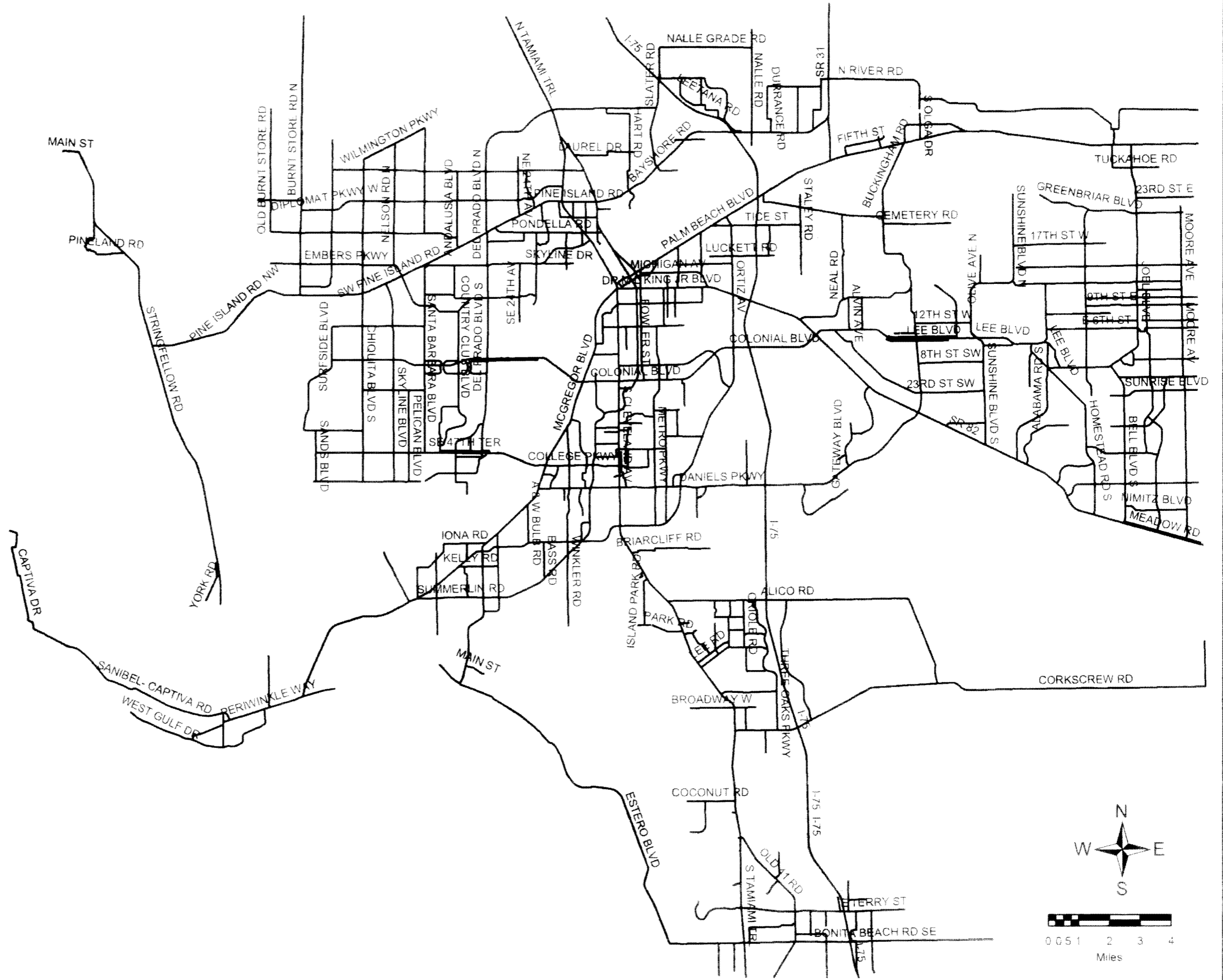


**CPA 2001-23
PROPOSED MAP 20
Agricultural Overlay**

July 19, 2002


DRAFT

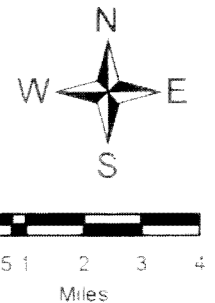
GASPARILLA RD



Legend

Areas being removed from the Overlay


COLLIER COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



DIVISION OF PLANNING  **LEE COUNTY**
MEMORANDUM **SOUTHWEST FLORIDA**

to: LPA Members
from: Richard Burris, AICP, Principal Planner
subject: CPA 2001-23
date: July 19, 2002

I apologize for the tardiness of the attached staff report. Unfortunately, the acreage calculations listed on page 5 of 10 could not be calculated at the time of this printing. The missing acreage figures are number of acres being added/removed from Map 20, the Agricultural Overlay. Attachment 3A does depict the areas being added to the overlay and attachment 3B depicts the areas being removed. Hopefully these maps will assist in explaining the proposed changes to Map 20.

Additionally, the figure showing the areas of the county that have been reclassified from an "Non-Urban" land use designation to a designation that is grouped under one of the other Lee Plan Future Land Use Map's major headings is also not complete. The acreage figures for these re-designations are included in the report on page 2.