



**LOCAL PLANNING AGENCY
ADMINISTRATION EAST BUILDING
2201 SECOND STREET, FORT MYERS, FL 33901
ROOM 118 (FIRST FLOOR)
MONDAY, FEBRUARY 26, 2018
8:30 AM**

AGENDA

1. Call to Order/Review of Affidavit of Publication/Pledge of Allegiance
2. Election of Officers
3. Public Forum
4. Approval of Minutes – December 18, 2017
5. Land Development Code Amendments
 - A. Impact Fee Update – Amendments to LDC Chapter 2 to reflect changes identified in the 2018 impact fee study.
 - B. North Fort Myers Mixed Use Overlay – Amendments to LDC Chapter 33 regarding alternative development regulations for conventional zoning districts to facilitate urban design on properties located within the mixed use overlay.
 - C. Coastal Zones – Amendments to LDC Chapter 34 regarding development seaward of both the 1991 Coastal Construction Control Line (CCCL, which is referenced in Chapter 6) and the 1978 Coastal Construction Control Line (CCSL, which has been defined in the proposed amendments).
6. Lee Plan Amendment
 - A. CPA2018-00001 Conservation Lands Update – Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category.
 - B. CPA2017-00010 Community Planning Administrative Update – Amend the Lee Plan Future Land Use Element to: create two sub-elements titled Growth Management and Community Planning; locate the community plan goals to the Community Planning sub-element; revise the community plan goals as necessary for

consistency and clarity; provide a definition for Community Plan and a single policy for all community plan areas regarding public information meetings and community plan boundaries; and delete Goal 19 relating to Estero. Amend the following Lee Plan Future Land Use Maps to reflect municipal incorporations and annexations: Map 1 (Pages 1, 2, 4, and 6) and Map 15.

7. Other Business

8. Adjournment – Next Meeting Date: March 26, 2018

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa>. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Janet Miller (239) 533-8583, Florida Relay Service 711, or jmiller@leegov.com at least five business days in advance.

CPA2018-00001

Conservation Lands Update

STAFF REPORT FOR

CPA2018-01: Conservation Lands Update

County Initiated **Map** Amendments to the Lee Plan



Property Size:
3,240.33± Acres

Current FLUC:
Coastal Rural, DR/GR, General Interchange, Public Facilities, Rural, Rural Community Preserve, Sub-Outlying Suburban, Suburban, and Wetlands

Proposed FLUC:
Conservation Lands

Conservation 20/20 Preserves:
Alva Scrub, Buckingham Trails, Buttonwood, Caloosahatchee Creeks, Orange River, Pine Island Flatwoods, Telegraph Creek, and West Marsh

Hearing Dates:
LPA: 2/26/2018

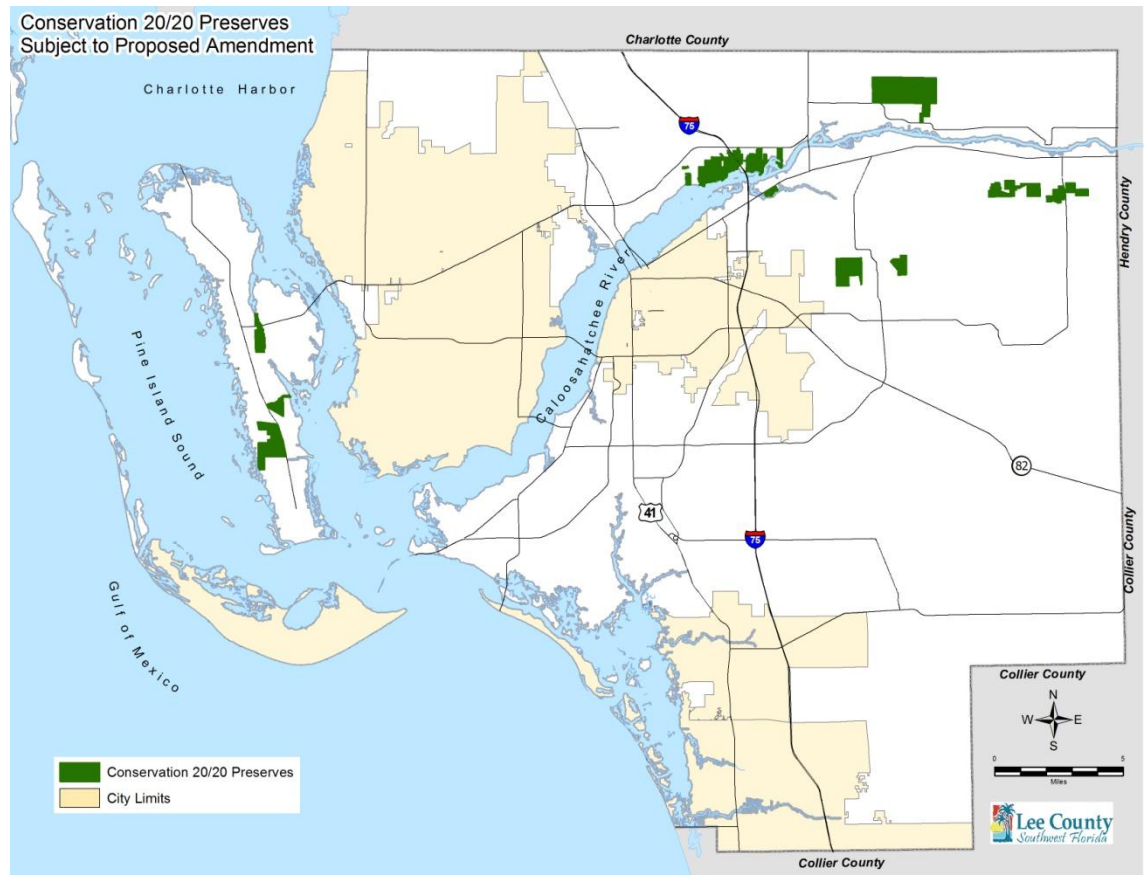
PURPOSE

Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Upland and Wetland) land use category.

PROJECT SUMMARY

The requested amendment would change the future land use categories for approximately 3,240.33 acres in eight different Conservation 20/20 preserves to the Conservation Lands (Upland and Wetland) future land use category (FLUC). Conservation and restoration activities will have positive impacts on water quality, wildlife, habitat improvements, downstream flooding, and groundwater resources.

PROPERTY LOCATION



RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **transmit** the map amendment provided in Attachment 1.

PART 1 BACKGROUND

In 1996, a group of concerned citizens acknowledged the importance of impeding the degradation of environmentally sensitive land being brought about by intensifying development. The grassroots group of citizens successfully lobbied for a referendum on the November 1996 election ballot; asking voters whether or not they were willing to increase their property taxes by ½ mil (50 cents per \$1,000 property valuation) to buy, improve, and manage conservation lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The referendum passed by a majority in every precinct. As a result of the referendum, the BoCC established a land acquisition program through Ordinance 96-12 (amended by Ord. 15-08, 05-17, 13-09). This program has become known as “Conservation 20/20.”

The objective of the Conservation 20/20 program is to put into the public domain, lands that provide the following public benefits:

- Protect drinking water for Lee County citizens;
- Provide groundwater and aquifer recharge;
- Support and enhance natural plant communities;
- Protect critical wildlife habitat;
- Protect nature-based recreational opportunities, when appropriate, based on the conservation goals for the land; and
- Direct residential and commercial uses to more appropriate areas.

In 2016, twenty years after the inception of Conservation 20/20 program, an overwhelming 84 percent of Lee County voters continued to support the program by electing to retain the increased property tax that funds the Conservation 20/20 program. It is important to note that the BoCC mandated the program to only pursue property with willing sellers and not use the BoCC’s power of eminent domain.

On June 3, 1998, the BoCC adopted Lee Plan Policy 1.4.6 to create the Conservation Lands (Upland and Wetland) categories. These categories were created to accurately depict and protect lands acquired for conservation purposes, such as lands purchased through the Conservation 20/20 program. Since the adoption of Policy 1.4.6, the Future Land Use Map (FLUM) has been revised regularly to accurately depict conservation lands acquired by Lee County as Conservation Lands (Upland and Wetland).

PART 2 STAFF DISCUSSION AND ANALYSIS

INTENT OF MAP AMENDMENT

CPA2018-00001 seeks to update the FLUM for 3,240.33 acres of land in eight different Conservation 20/20 preserves by changing their future land use category to Conservation Lands (Upland and Wetland). The intent is to obtain the highest level of protection for these preserves - which have been purchased with taxpayer monies.

The Conservation Lands (Upland and Wetland) FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Uses and activities should be compatible with this overall objective and must comply with all applicable federal, state, and local government requirements and conditions. Examples of activities which currently occur on the aforementioned public conservation lands include but are not limited to:

1. Public education activities including research centers, interpretive centers, historical buildings, archaeological sites, guided nature walks, educational kiosks, educational programs, signage, and other associated facilities.
2. Natural resource enhancement, restoration and management activities such as fencing, prescribed burning, invasive exotic plant removal, wetlands restoration, and other similar activities.
3. Resource based recreation activities such as picnicking, hiking, canoeing, horseback riding, bicycle riding, camping, nature study, and associated facilities.
4. Public utility facilities associated with water conservation, public water supply, and water quality such as public well fields, water and wastewater treatment facilities, and effluent reuse and disposal systems.
5. Native range for cattle grazing as a management tool only.

LAND TO BE RECLASSIFIED

This amendment contains land acquired by the County through the Conservation 20/20 program funds. These properties are within the Alva Scrub Preserve, Buckingham Trails Preserve, Buttonwood Preserve, Caloosahatchee Creeks Preserve, Orange River Preserve, Pine Island Flatwoods Preserve, Telegraphic Creek Preserve, and West Marsh Preserve. Within this report, the various Conservation 20/20 nominations are located within eight different preserves and will be referenced as the 'subject property'. These lands are independent of one another, but are grouped together to accomplish the shared goal of changing their current FLUC to Conservation Lands (Upland and Wetland). The BoCC directed staff to amend the future land

use category for these different preserves, through board adoption of the preserves' respected Land Stewardship Plan (LSP).

Current future land use categories range from Coastal Rural, Density Reduction/Groundwater Resource (DR/GR), General Interchange, Public Facilities, Rural, Rural Community Preserve, Sub-Outlying Suburban, Suburban, and Wetlands. The subject properties and associated 20/20 Preserves are described in greater detail below:

A. ALVA SCRUB PRESERVE

Total acreage: 845.23 acres.

Location: Lehigh Acres and Northeast Lee County Community Plan areas, within Sections 28,32,33,34,25 and 03, Townships 43 and 44 South and Range 27 East.

Existing Uses: Bird watching, Hiking (unmarked or fire lines), nature study/photography.

Current Zoning Classifications: Agriculture (AG-2) and Environmentally Critical (EC).

Current Future Land Use Category: Conservation Lands-Upland – 592.67 acres, Conservation Lands-Wetland – 56.33 acres, Rural – 121.32 acres, Urban Community – 2.41 acres, and Wetlands – 72.5 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 716.4 acres and Conservation Lands-Wetland – 128.83 acres.

STRAPs: 32-43-27-00-00001.0060, 32-43-27-00-00001.0020, 33-43-27-00-00001.0200, 32-43-27-00-00001.0030, 34-43-27-00-00008.1000, and 35-4327-00-00019.0010.

Existing Preserve Nominations in the Conservation Lands FLUC: 57, 127, 136, 195, 357.

Nominations Subject to FLUC Amendment: 325.

B. BUCKINGHAM TRAILS PRESERVE

Total Acreage: 572.46 acres.

Location: Buckingham Community Plan area, within Sections 17 and 20, Township 44 South and Range 26 East.

Existing Uses: Bird watching, hiking, horseback riding, nature study, and cattle lease.

Current Zoning Classifications: AG-2.

Current Future Land Use Category: Rural Community Preserve – 556.12 acres and Wetlands – 16.34 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 556.12 acres and Conservation Lands-Wetland – 16.34 acres.

STRAPs: 17-44-26-00-00003.0000, 17-44-26-00-00001.0000, 20-44-26-00-00001.0000, and 20-44-26-00-00006.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 371 and 455.

C. BUTTONWOOD PRESERVE

Total Acreage: 267.7 acres.

Location: Greater Pine Island Community Planning area, within Sections 27 and 34, Township 44 South and Range 22 East.

Existing Uses: No public access, restoration projects underway; allowing for preserve to eventually be a suitable home for eagles, osprey, pawpaw, and other species listed in the LSP.

Current Zoning Classification: AG-2.

Current Future Land Use Category: Coastal Rural – 36.79 acres, Conservation Lands-Wetland – 8.78 acres, Public Facilities – 1.34 acres, Urban Community – 65.64 acres, and Wetlands – 155.15 acres.

Proposed Future Land Use Category: Conservational Lands-Upland – 103.77 acres, and Conservation Lands-Wetland – 163.93 acres.

STRAPs: 27-44-22-00-00001.0000, 27-44-22-00-00001.0020, 27-44-22-00-00001.1000, 27-44-22-00-00001.2000, 27-44-22-00-00001.001A, and 34-44-22-00-00001-0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 276-2 and 276-2B.

D. CALOOSAHATCHEE CREEKS PRESERVE

Total acreage: 1,274.3 acres.

Locations: Bayshore and North Fort Myers Community Plan area, within Sections 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, and 35, Township 43 South, and Range 25 East.

Existing uses: Bird watching, canoe/kayak launch, canoeing/kayaking, fishing, hiking (boardwalk), hiking (marked trails), hiking (unmarked or fire lines), nature study/photography, on-leash pet walking, picnic area.

Current zoning Classification: EC, AG-2, Residential Planned Development (RPD), Residential Multi-Family (RM2), and Mobile Home (MH-2).

Current Future Land Use Category: Conservation Lands-Upland – 707.49 acres, Conservation Lands-Wetland – 529.64 acres, General Interchange – 11.69 acres, Rural – 1.13 acres, Sub-Outlying Suburban – 8.85 acres, Suburban – 4.86 acres, and Wetlands – 10.64 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 734.02 acres and Conservation Lands-Wetland – 540.28 acres.

STRAPs: See Caloosahatchee Shores Land Management Plan, page 59 for complete list.

Existing Preserve Nominations in the Conservation Lands FLUC: 82, 108, 124, 174, 188, and 225.

Nominations Subject to FLUC Amendment: 158-2, 175, 362, 472, and 515.

E. ORANGE RIVER PRESERVE

Total acreage: 61.12 acres.

Location: Fort Myers Shores planning community, within Section 35, Township 43 South, and Range 25 East.

Existing uses: Bird watching, canoeing/kayaking, hiking (fire lines), nature study/photography.

Current zoning Classification: AG-2 and EC.

Current Future Land Use Category: Conservation Lands-Upland – 31.63 acres, Conservation Lands-Wetland – 27.93, and Wetlands – 1.56 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 31.63 acres, Conservation Lands-Wetland – 29.49 acres.

STRAPs: 35-43-25-00-00004.0000, 35-43-25-00-00006.0000, 35-43-25-00-00008.0000, and 35-43-25-00-00009.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: 142.

Nominations Subject to FLUC Amendment: 470.

F. PINE ISLAND FLATWOOD PRESERVE

Total acreage: 921.01 acres.

Location: Greater Pine Island Community Plan area, within Sections 10, 11, and 15; Township 45 South, and Range 22 East.

Existing uses: Bird watching, hiking (marked and unmarked trails), and nature study/photography.

Current zoning Classification: AG-2, Commercial (C-1A), and EC.

Current Future Land Use Category: Coastal Rural – 220.37 acres, Conservation Lands-Upland – 496.04 acres, Conservation Lands-Wetland – 183.61 acres, Suburban – 2.58 acres, and Wetlands – 18.41 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 718.99 acres and Conservation Lands-Wetland – 202.02 acres.

STRAPs: 10-45-22-00-00001.0000, 11-45-22-00-00001.0000, 15-45-22-00-00001.5000, 15-45-22-00-00001.3010, 15-45-22-00-00001.3030, 15-45-22-00-00006.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: 346 and 389.

Nominations Subject to FLUC Amendment: 92, 121, 147, 168, 184, and 402.

G. TELEGRAPH CREEK PRESERVE

Total acreage: 1,726.79 acres.

Location: Northeast Lee County Community Plan area, within Sections 9, 10, 11, and 14; Township 43 South, and Range 26 East.

Existing uses: Bird watching, canoeing/kayaking, hiking (fire lines), nature study/photography, and horseback riding.

Current zoning Classification: AG-2.

Current Future Land Use Category: DR/GR – 1520.42 acres, Rural – 119.03 acres, and Wetlands – 87.34 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 1639.45 acres and Conservation-Wetland – 87.34 acres.

STRAPs: 09-43-26-00-00002.0000, 10-43-26-00-00003.0000, 10-43-26-00-00002.0030, 10-43-26-00-00004.0000, 10-43-26-00-00001.0000, 11-43-26-00-00001.0020, 11-43-26-00-00001.0000, 11-43-26-00-00001.0050, and 11-43-26-00-00002.1000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 236-2 and 412.

H. WEST MARSH PRESERVE

Total acreage: 205.84 acres.

Location: Buckingham Community Plan area, within Sections 15 and 26, Township 44 South, and Range 26 East.

Existing uses: Bird watching, hiking (fire lines), and nature study/photography.

Current Zoning Classification: AG-2.

Current Future Land Use Category: Public Facilities - .89 acres, Rural Community Preserve – 194.97 acres, Urban Community - .23 acres, and Wetlands – 9.75 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 196.09 acres and Conservation Lands-Wetland – 9.75 acres.

STRAPs: 15-44-26-00-00003.0000 and 22-44-26-00-00004.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 214.

GROWTH MANAGEMENT

This proposed FLUM amendment is consistent with Objective 2.1 and Policy 2.1.1 of the Lee Plan, which address growth management. 96.96% of the subject property is currently designated as Future Non-Urban Areas and 3.04% is designated as Future Suburban or Future Urban Areas (see Table 1, below). Rather than having the opportunity to be developed at extremely low density/intensity rates, the reclassifications of the subject property to Conservation Lands (Upland and Wetland) will ensure the subject property will function as an environmental preserve and fulfill the individual goals provided for in their respective LSP. The removal of density/intensity will help guide development to more suitable areas and provide enormous benefit to the environment and ecosystem. This amendment is also consistent with Objective 1.4 and Policy 1.4.6 of the Lee Plan. As stated by Objective 1.4, FLUC's that fall within the Future Non-Urban Areas that are not anticipating urban development. Changing the FLUC of the subject property to Conservations Lands (Upland and Wetland) will assure urban development will not occur on these properties. The subject property is managed by eight different LSP's, which represents eight individual and unique preserves. Because the subject property receives funding, is publically owned, and is regulated by a LSP; the property should be categorized as Conservations Lands (Upland and Wetland). Amending the FLUM to Conservation Lands (Upland and Wetland) will satisfy Policy 1.4.6 of the Lee Plan.

FLUM	Current Acres
Coastal Rural	257.16
DR/GR	1,520.42
Wetlands	371.69
Rural Community Preserve	751.09
Rural	241.48
Non-Urban Subtotal	3,141.84 acres
Public Facilities	2.23
Sub-Outlying Suburban	8.85
Suburban	7.44
Suburban Subtotal	18.52 acres
Urban Community	68.28
General Interchange	11.69
Urban Subtotal	79.97 acres
Total	3,240.33 acres

Table 1: Shows the distribution of acres by current future land use category. These future land use categories are further aggregated to Future Urban, Future Suburban, and Future Non-Urban Areas.

PART 3 CONCLUSION

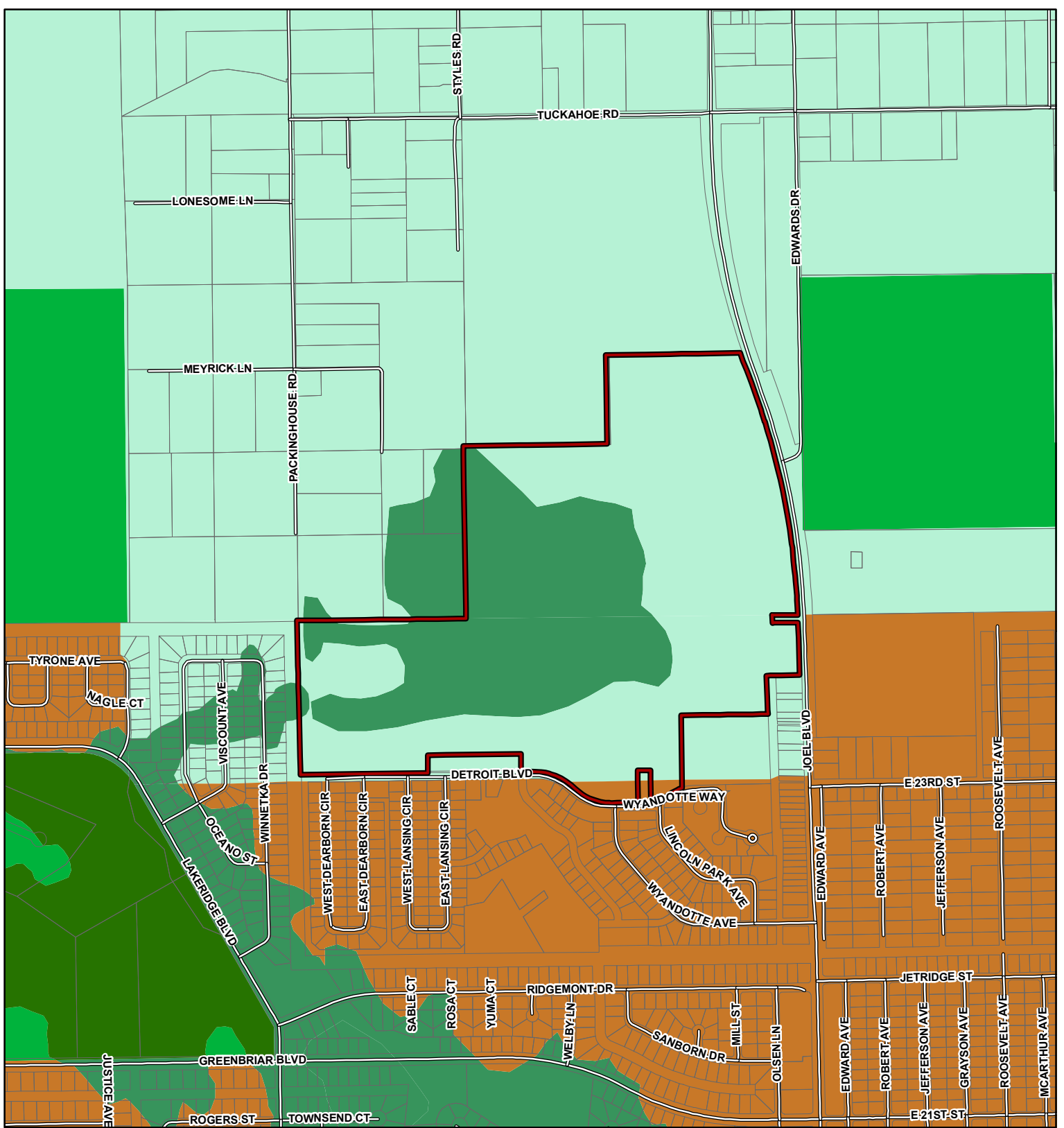
Placement of the lands acquired through the Conservation 20/20 program into the Conservation Lands category is consistent with Objective 1.4, Policy 1.4.6, Objective 2.1, and Policy 2.1.1 of the Lee Plan. The proposed reclassification of 3,240.33 acres from various future land use categories to Conservation Lands (Upland and Wetland) supports the goals of the Lee Plan as summarized below:

- Providing for environmental protection and an area or basin wide surface water management system;
- Connecting to publicly-owned conservation lands that serve as the backbone for wildlife movement within Lee County and the region as a whole;
- Preserving and enhancing existing natural flow-ways to achieve improved water quality and water storage;
- Designing the surface water management system in a manner that enhances the potential groundwater recharge in the area;
- Restoring natural habitats and wetlands;
- Maximizing long range conservation efforts; and,
- Preventing development on properties purchased is to function as an environmental preserve.

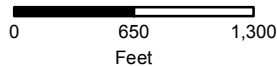
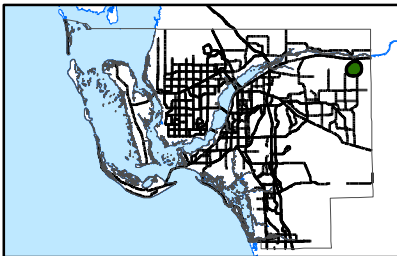
STAFF RECOMMENDATION

Planning staff recommends that the BoCC *transmit* the proposed amendment as discussed in this report and displayed on the FLUM in Attachment 1.

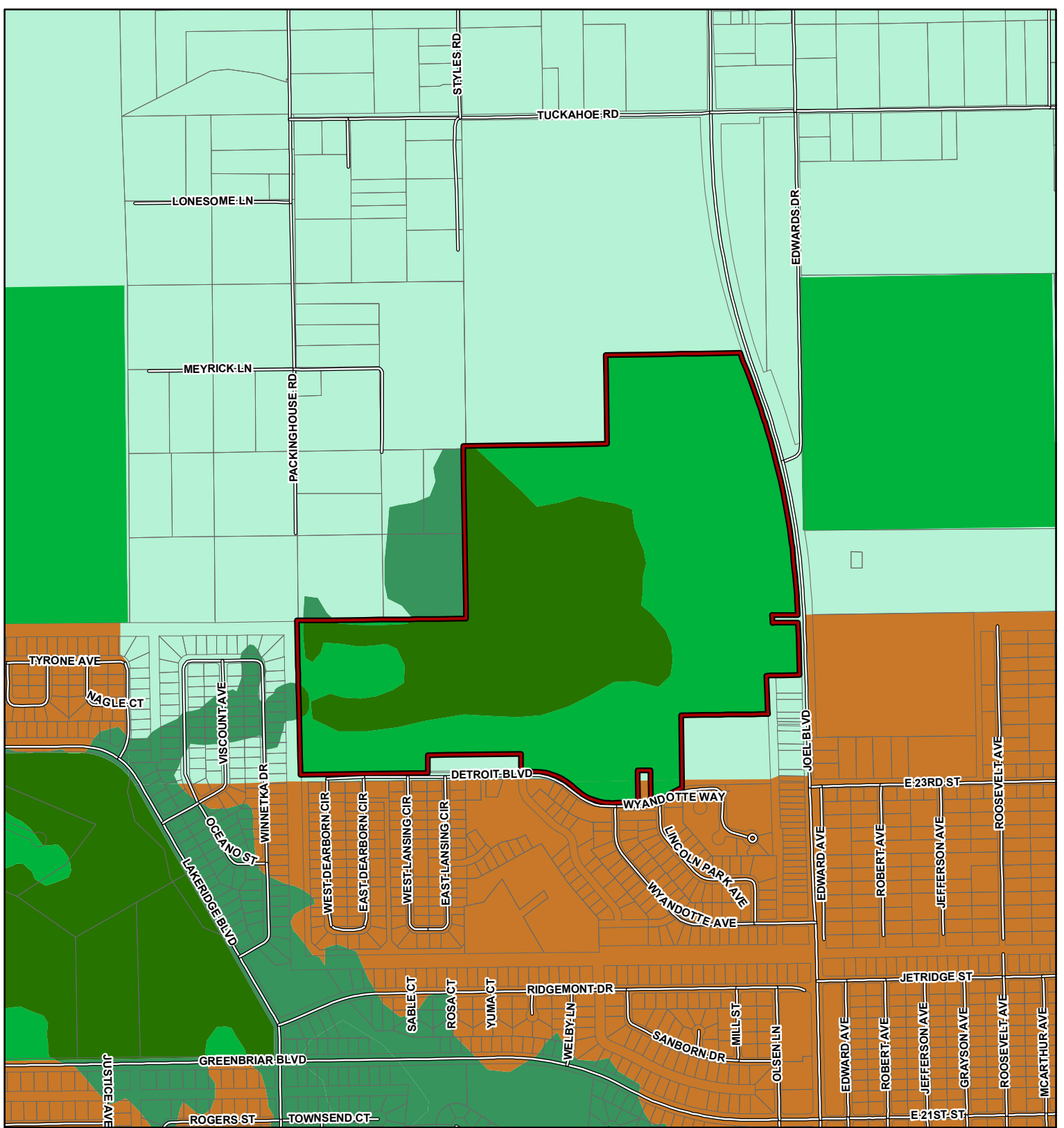
<i>Preserve Name</i>	<i>Page #</i>
Alva Scrub Preserve	1a, 1b
Buckingham Trails Preserve	2a, 2b
Buttonwood Preserve	3a, 3b
Caloosahatchee Creeks Preserve	4a, 4b, 4c, 4d
Orange River Preserve	5a, 5b
Pine Island Flatwoods Preserve	6b, 6b
Telegraph Creek Preserve	7a, 7b
West Marsh Preserve	8a, 8b



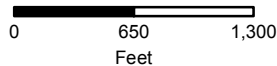
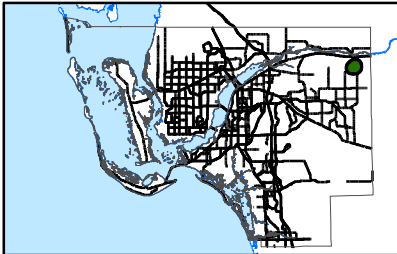
**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**



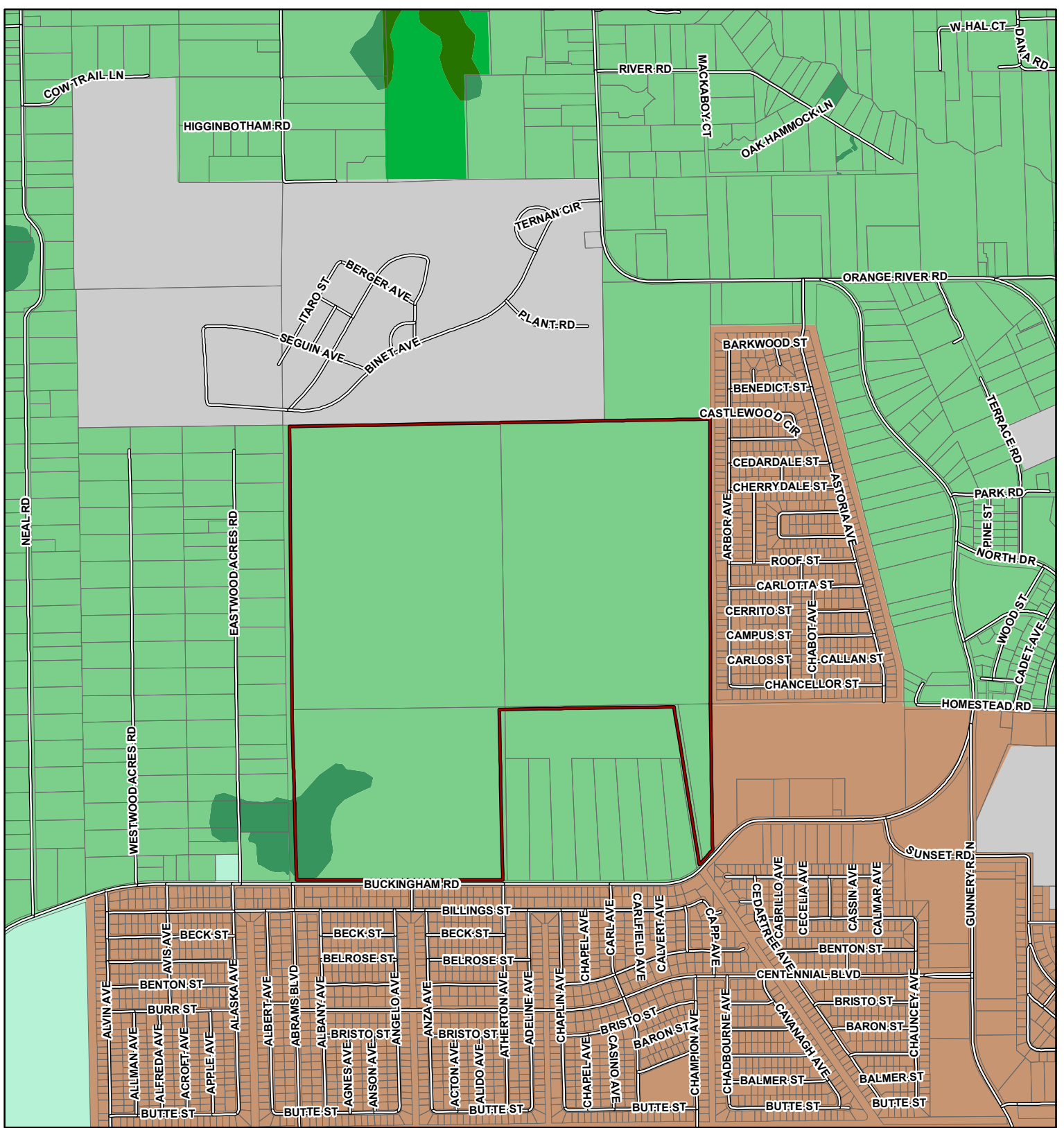
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- Wetlands
- Conservation Lands - Wetland



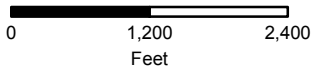
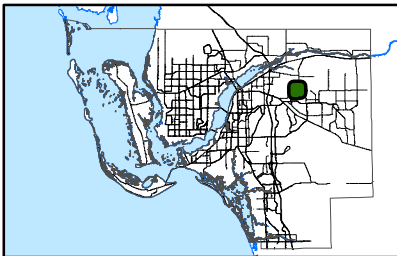
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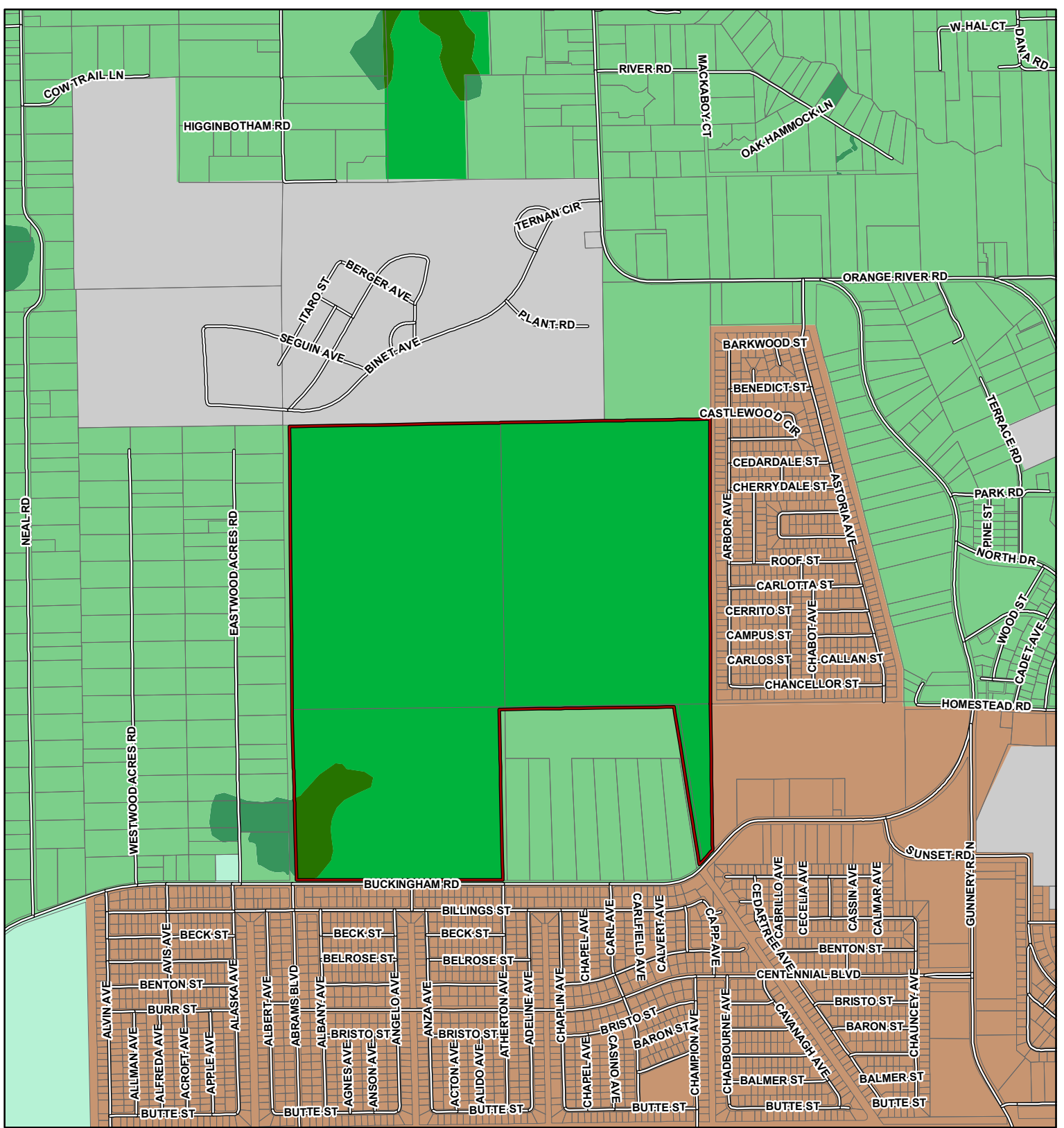
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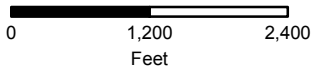
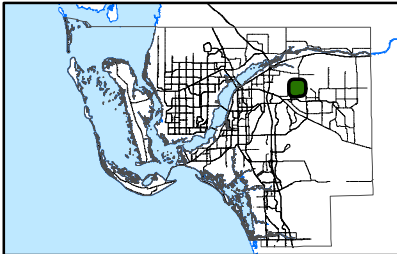
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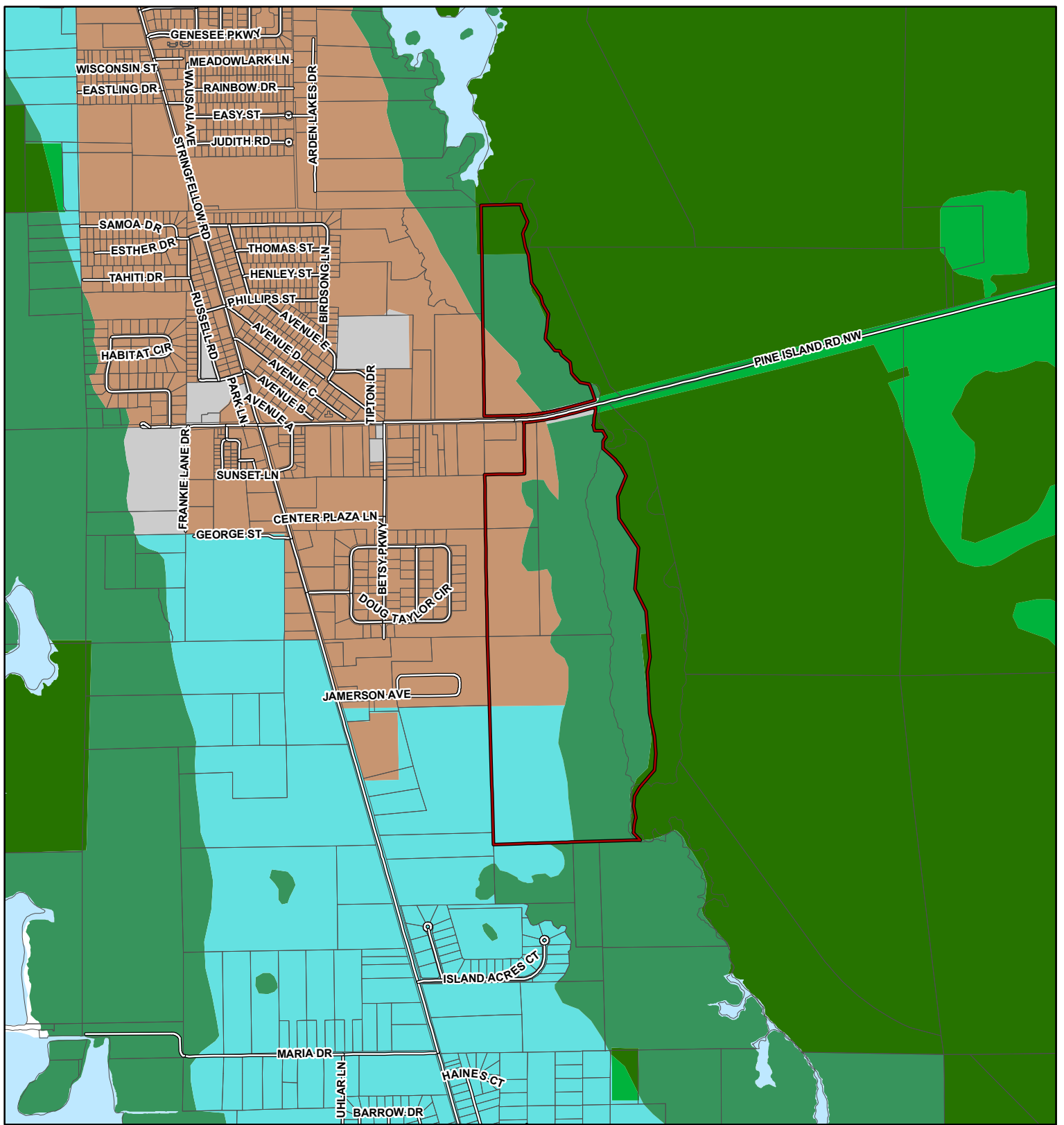
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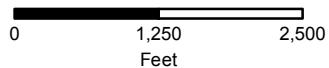
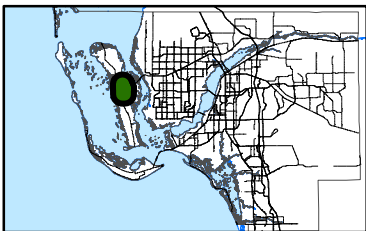
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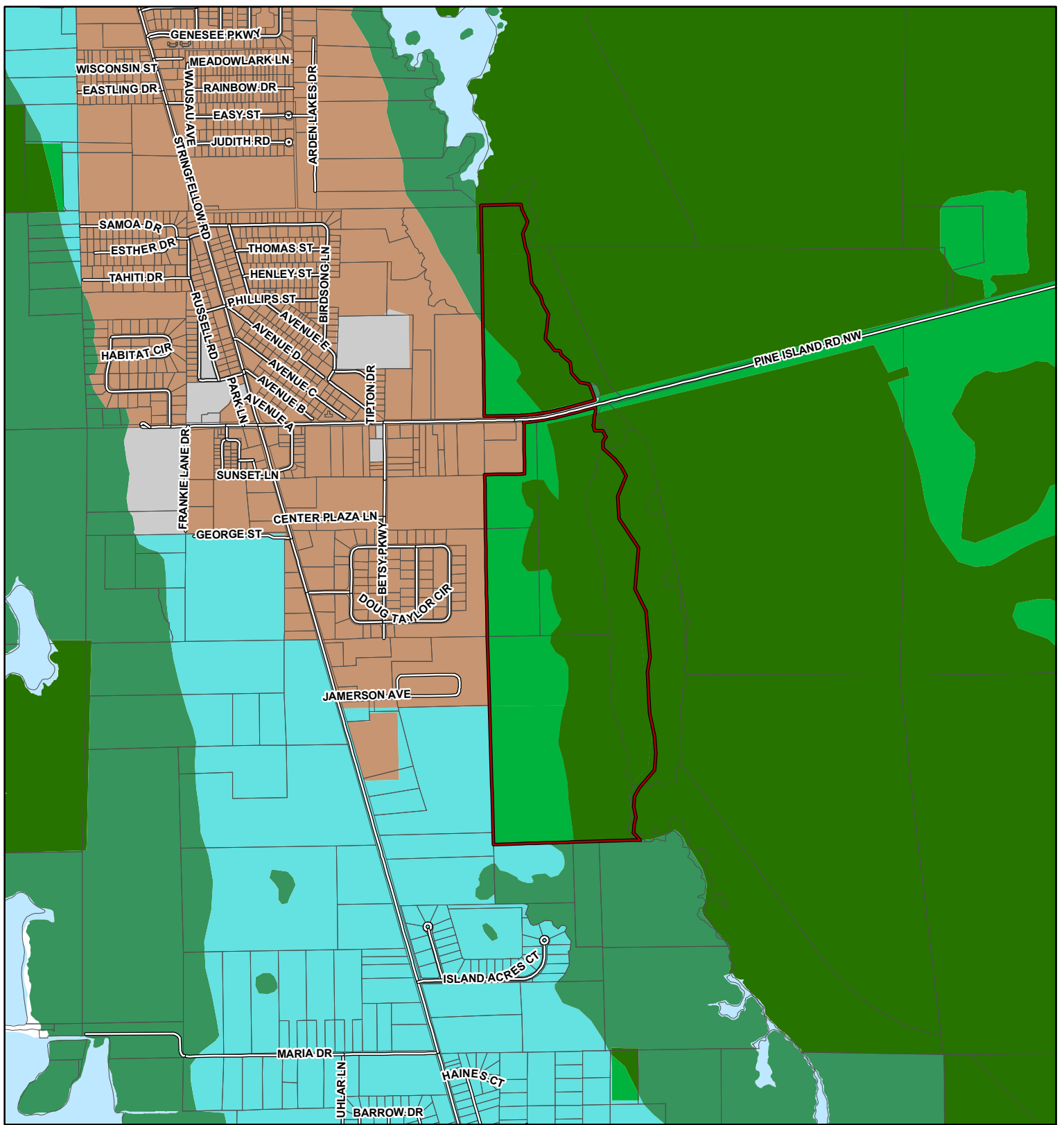
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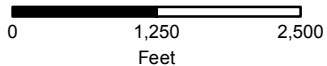
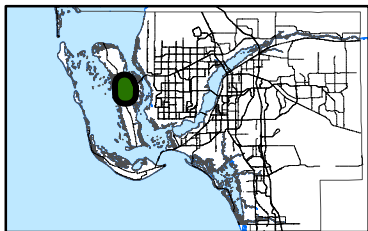
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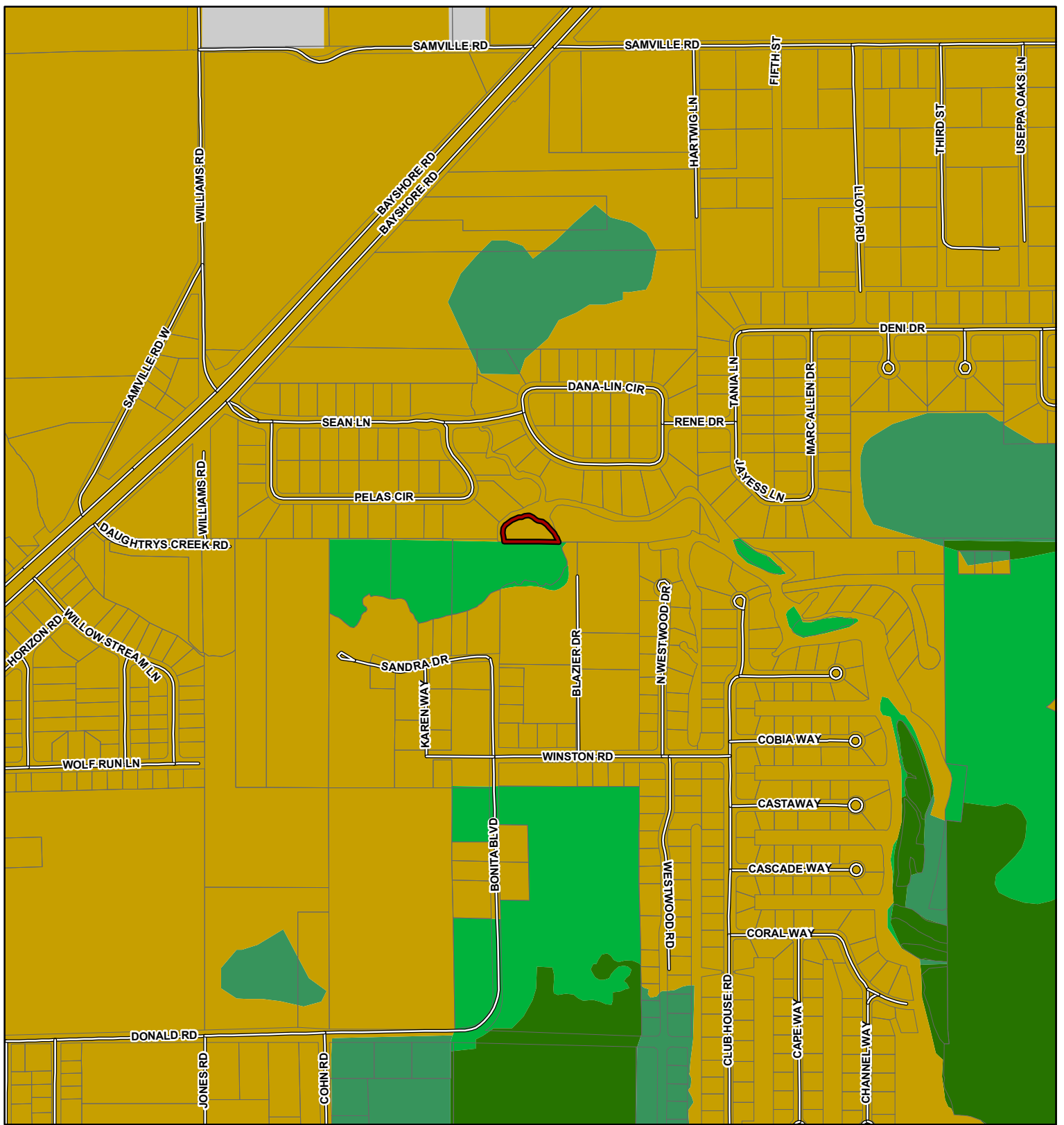
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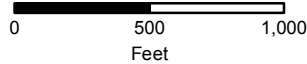
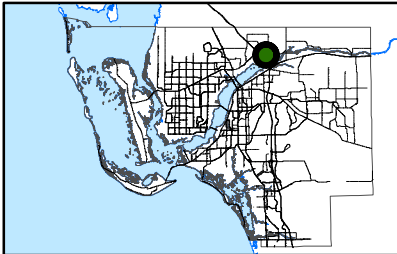
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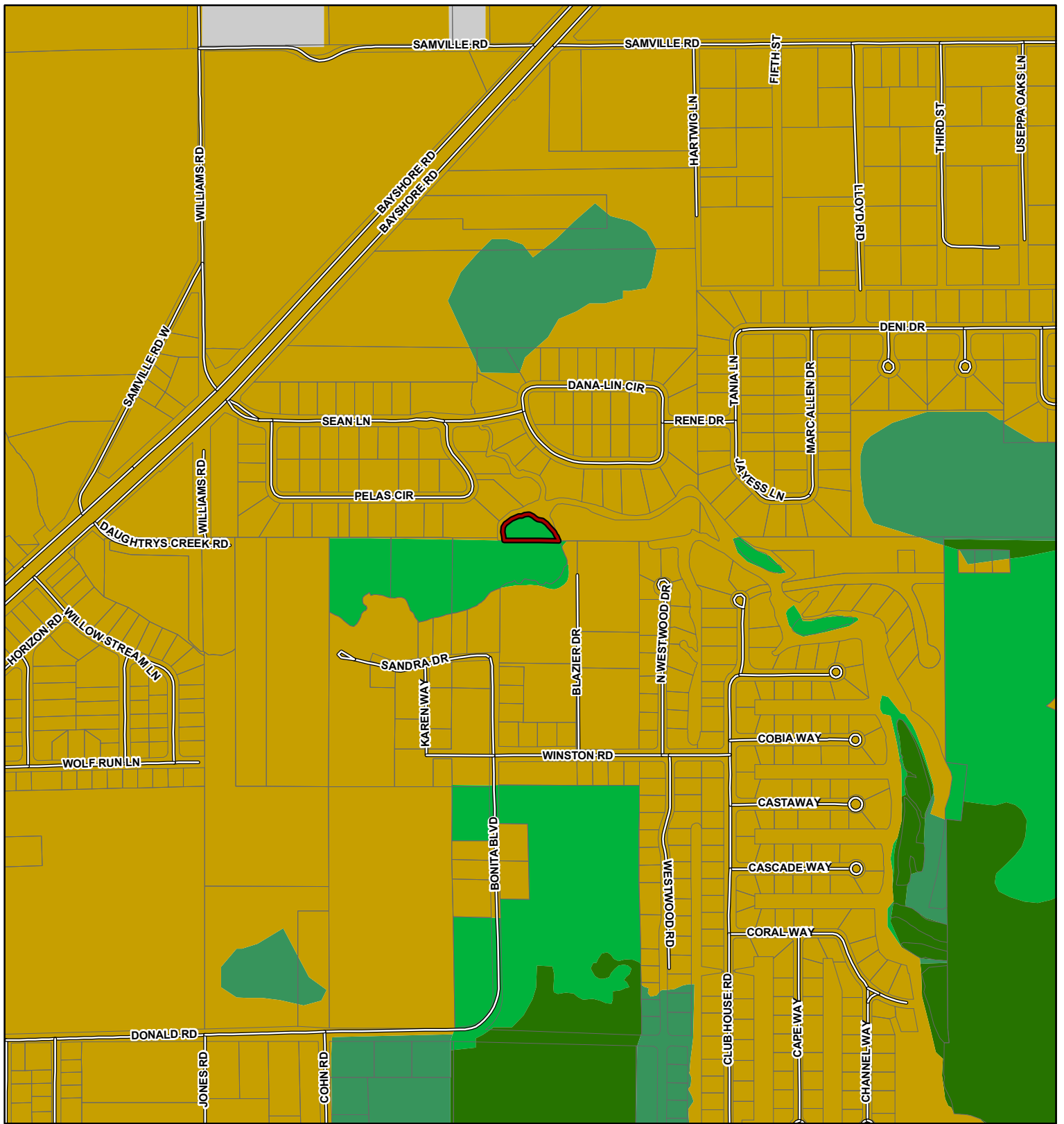
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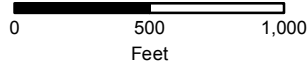
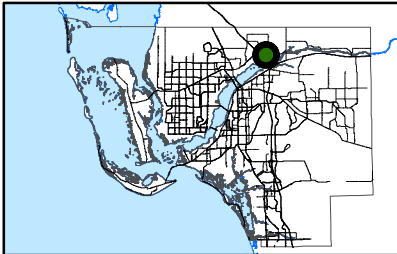
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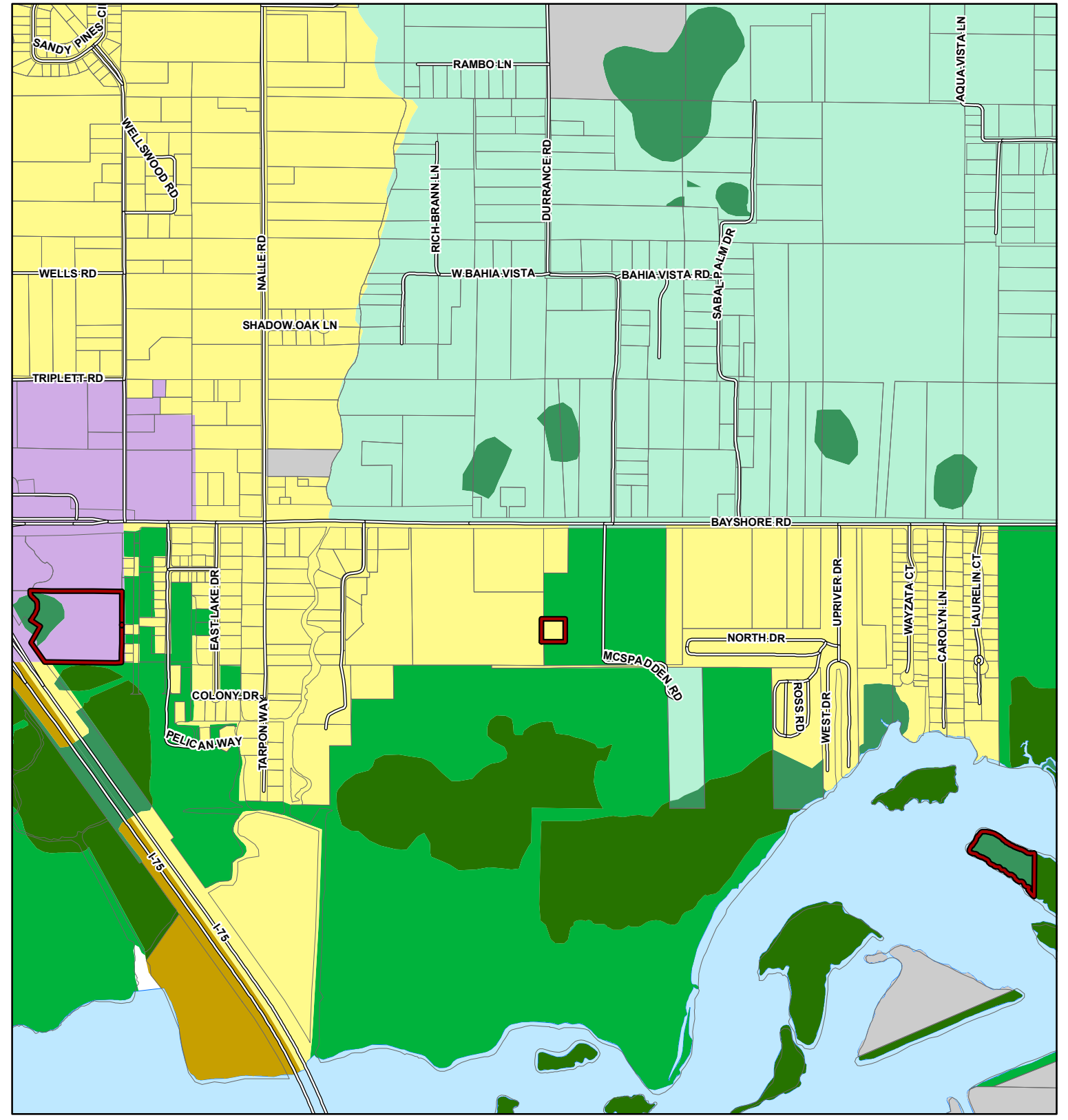
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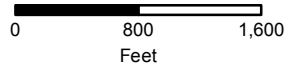
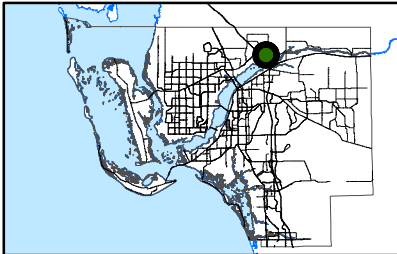
**CPA2018-01 Conservation Lands Update
Proposed Future Land Use Classifications**



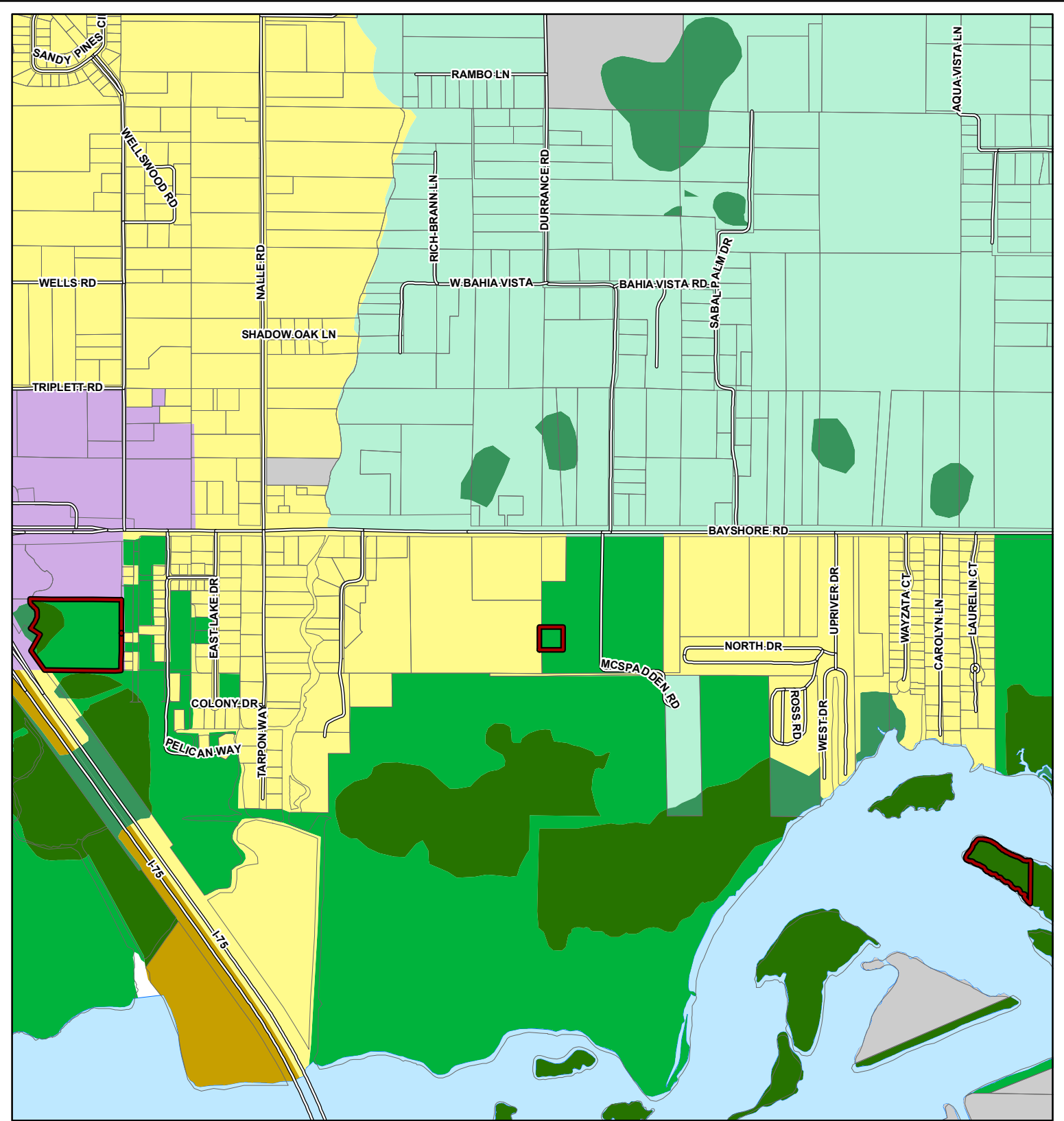
- Subject Property
- Parcel Boundary
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



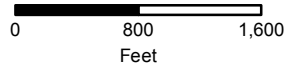
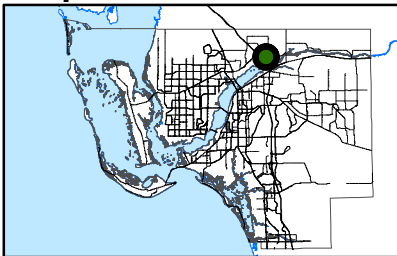
**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**



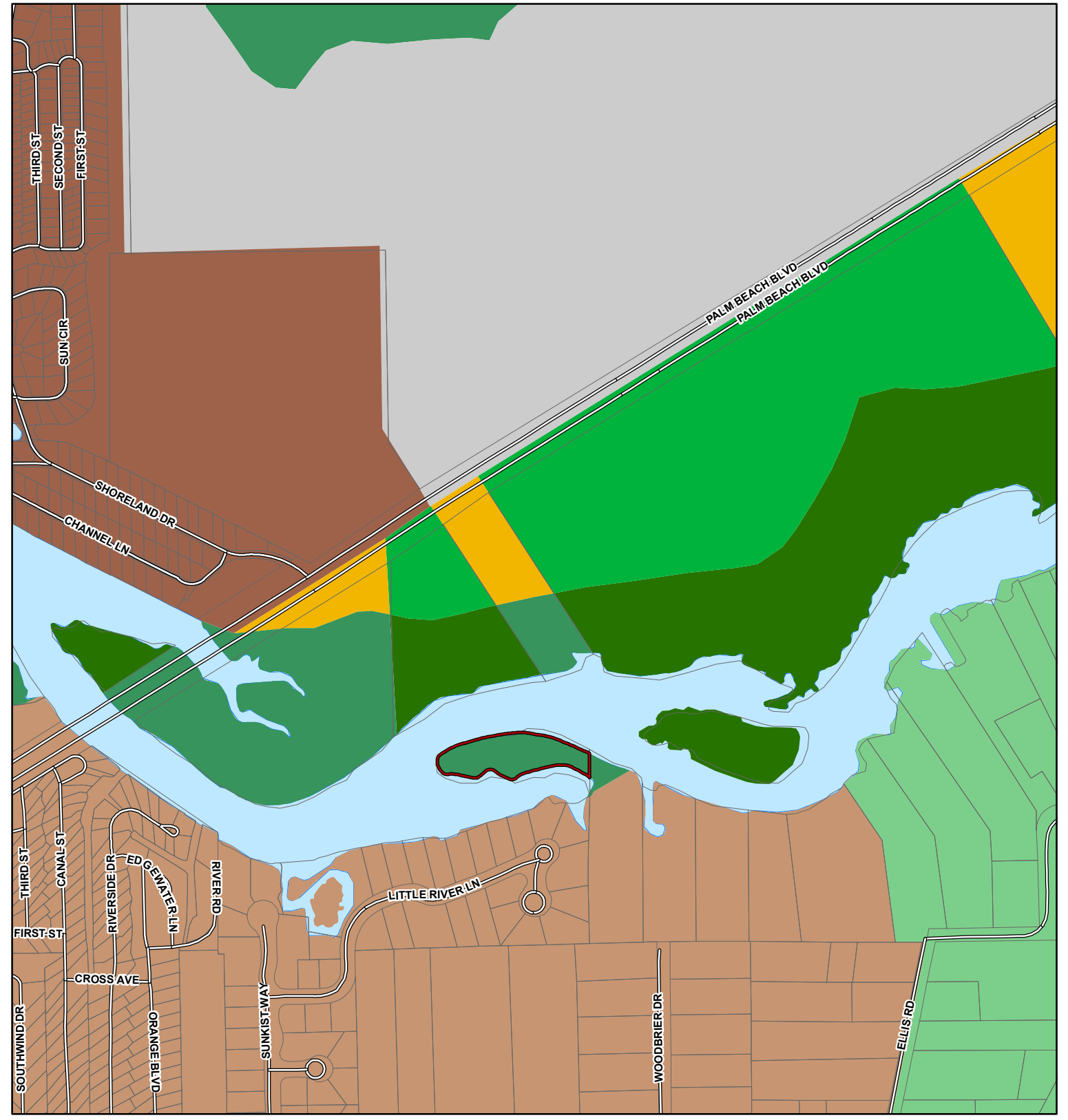
- Subject Property
- Parcel Boundary
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



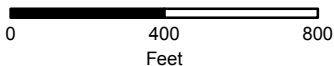
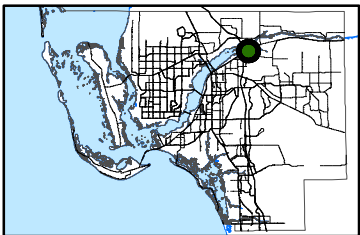
**CPA2018-01 Conservation Lands Update
Proposed Future Land Use Classifications**



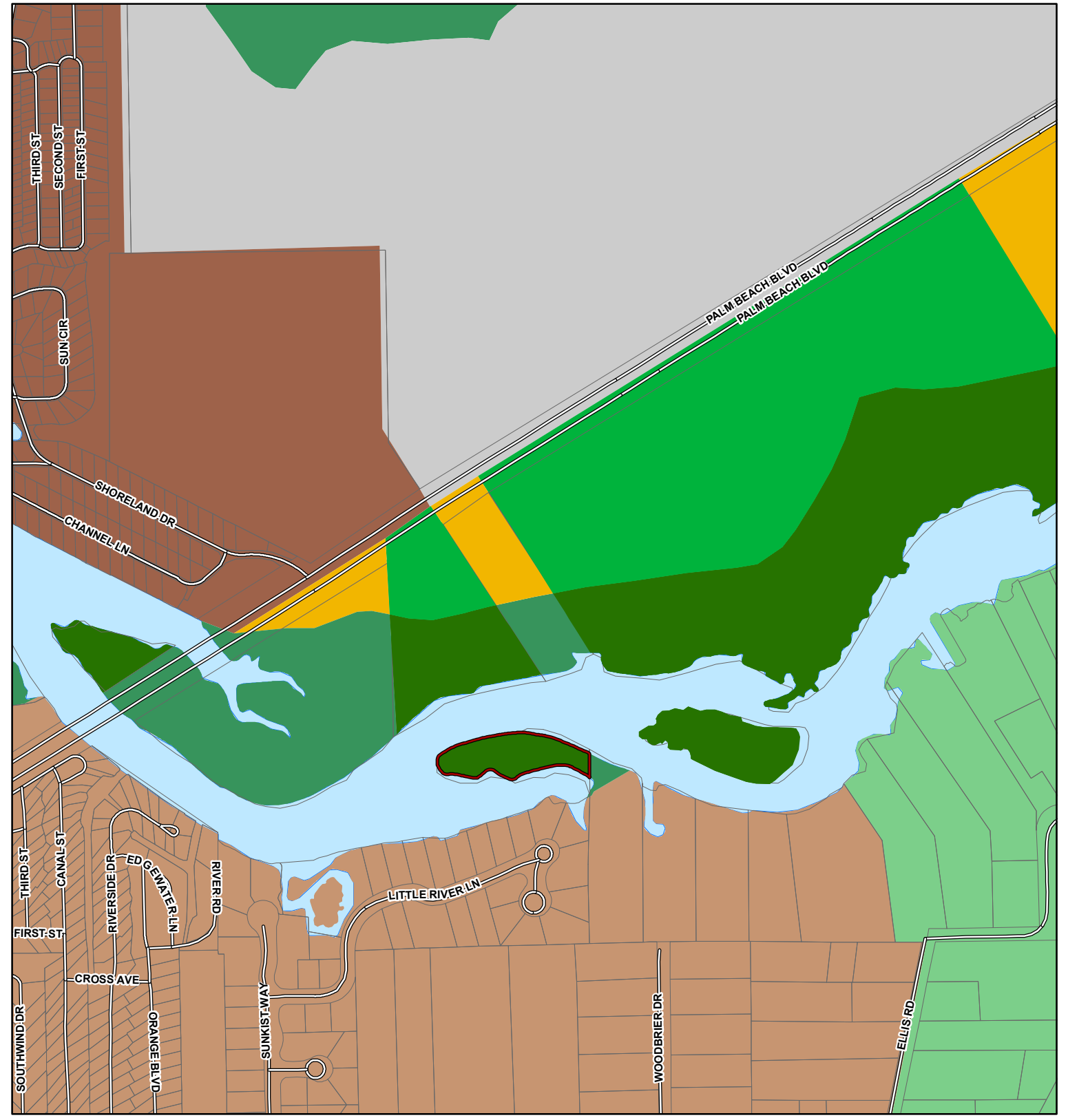
- Subject Property
- Parcel Boundary
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



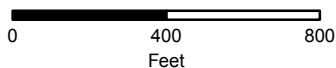
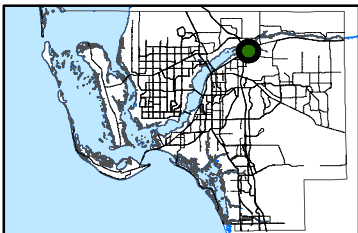
**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**



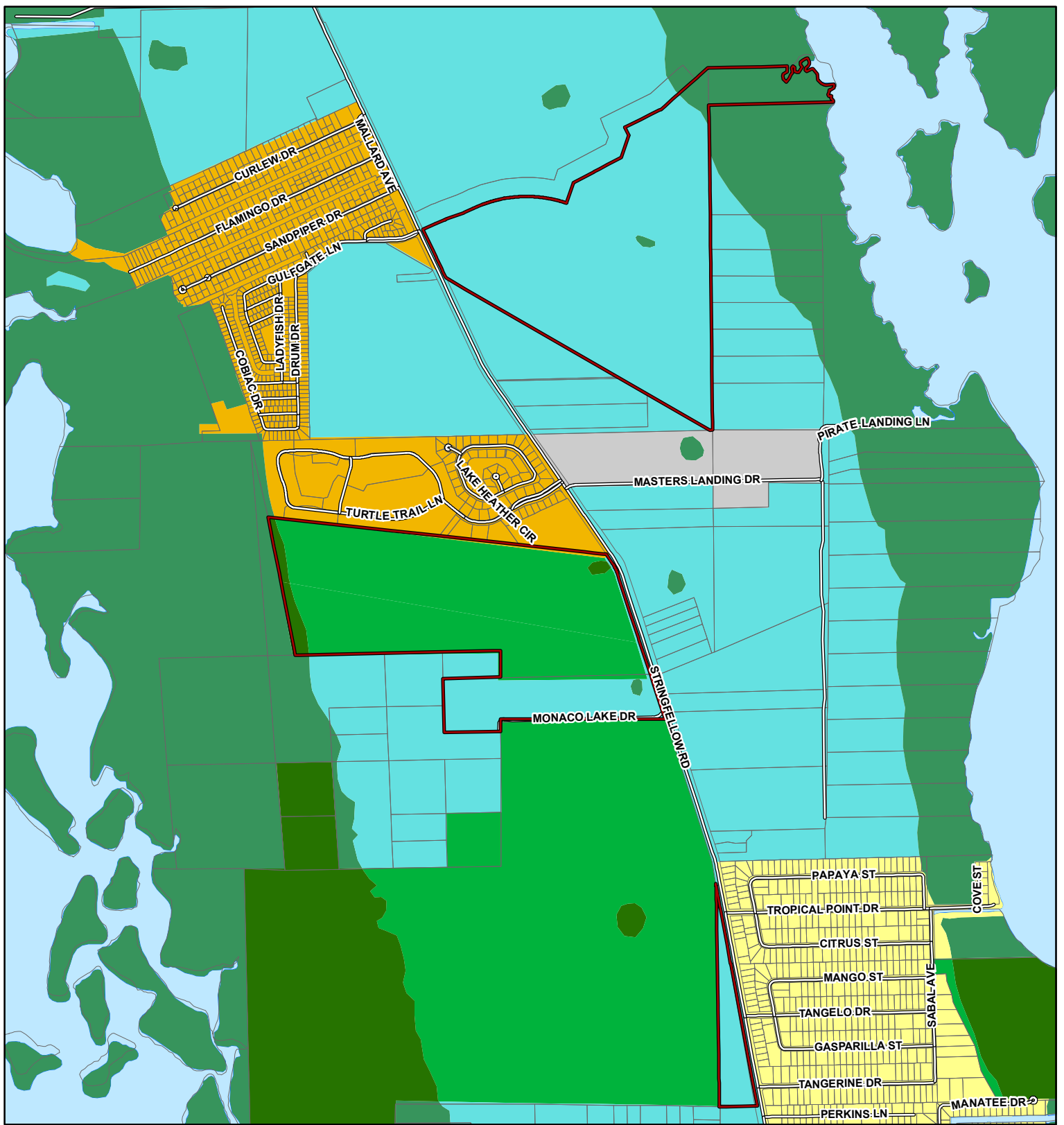
- Subject Property
- Parcel Boundary
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



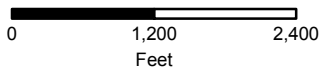
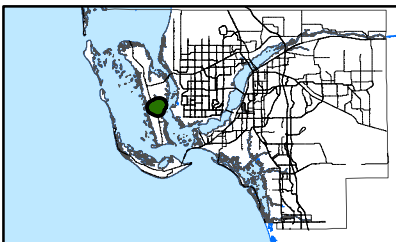
**CPA2018-01 Conservation Lands Update
Proposed Future Land Use Classifications**



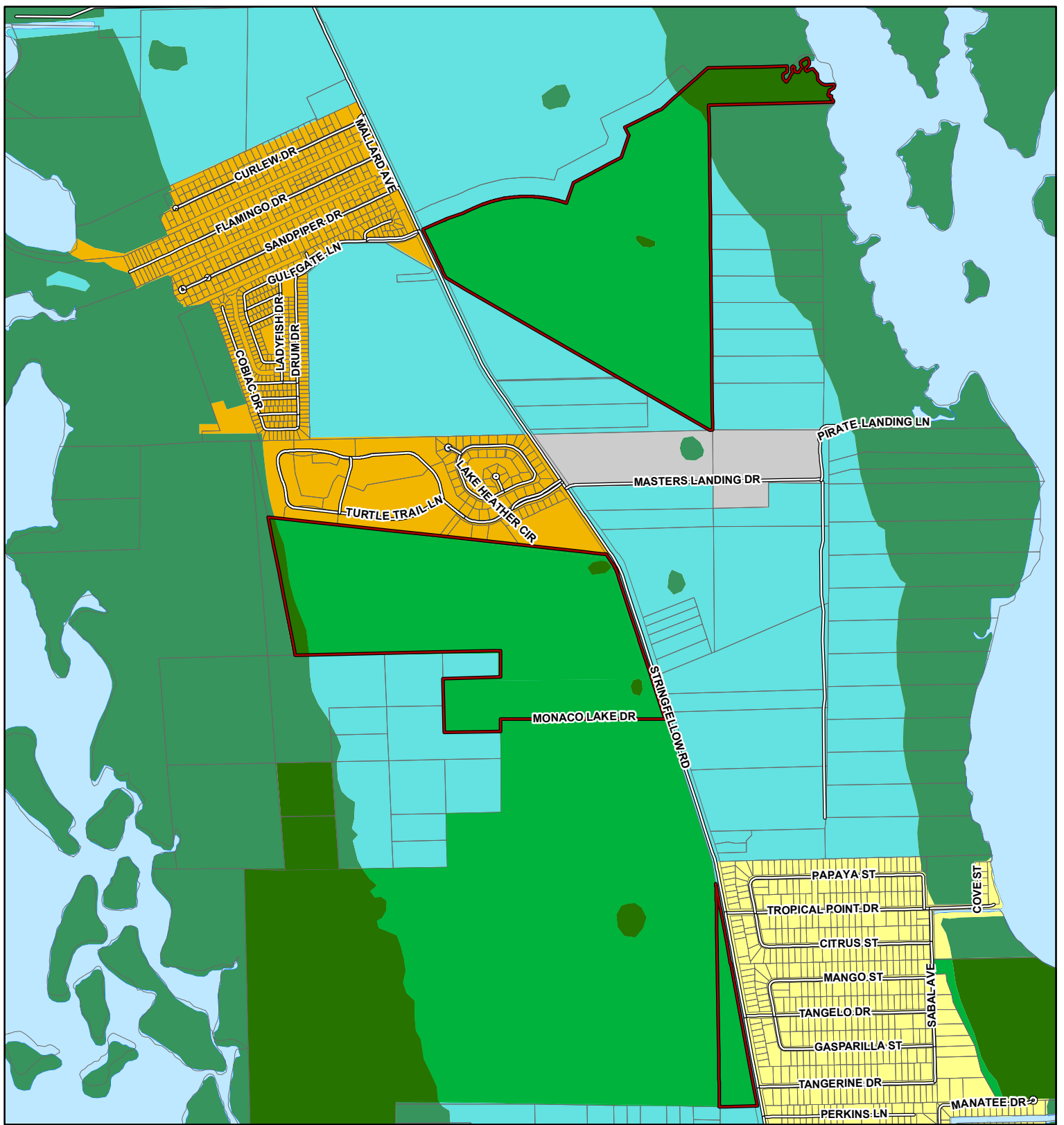
- Subject Property
- Parcel Boundary
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



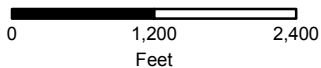
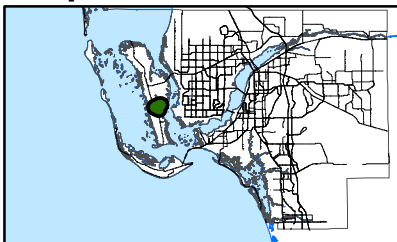
**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**



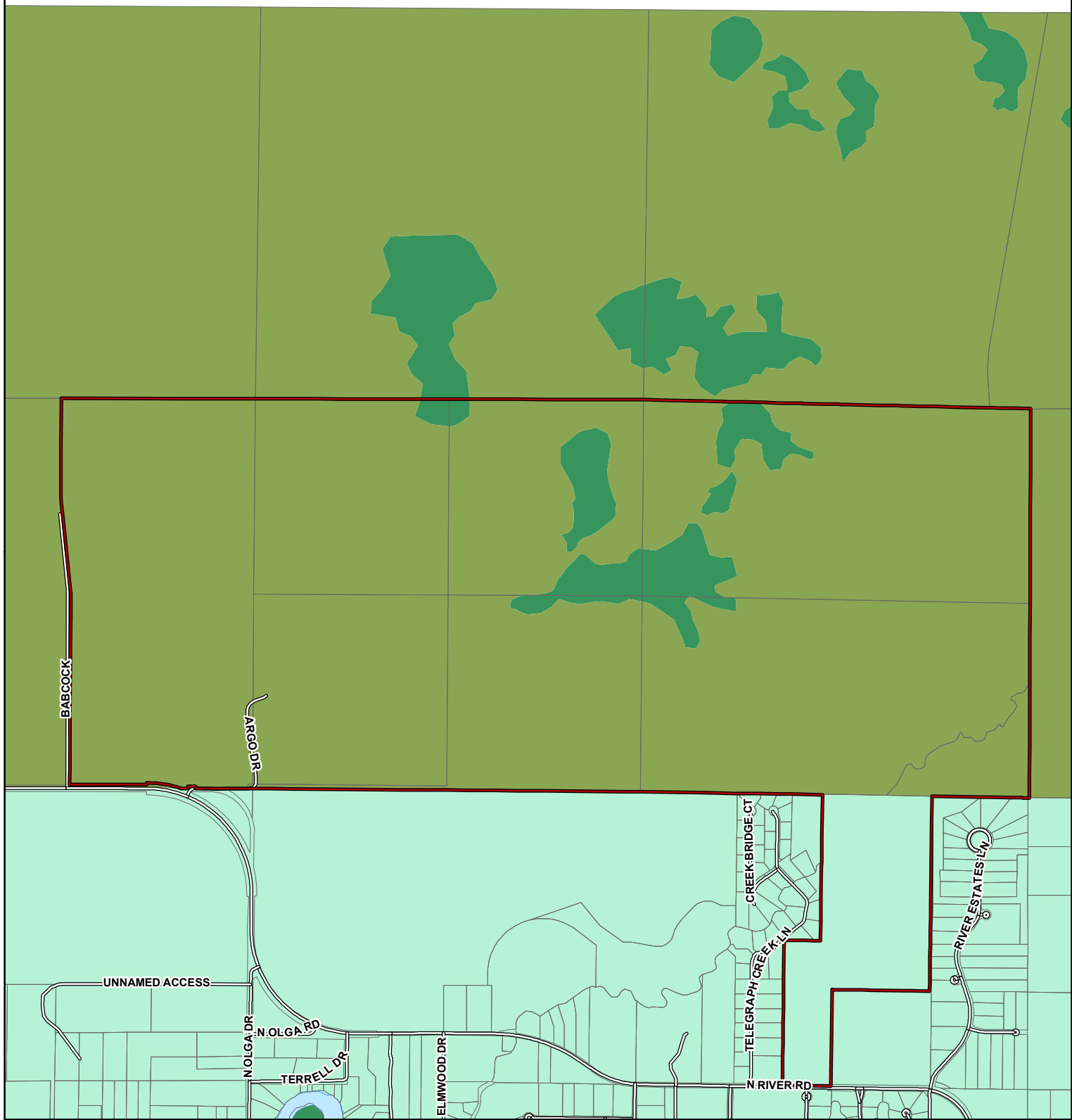
- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



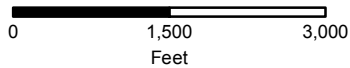
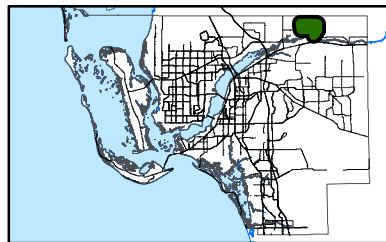
**CPA2018-01 Conservation Lands Update
Proposed Future Land Use Classifications**



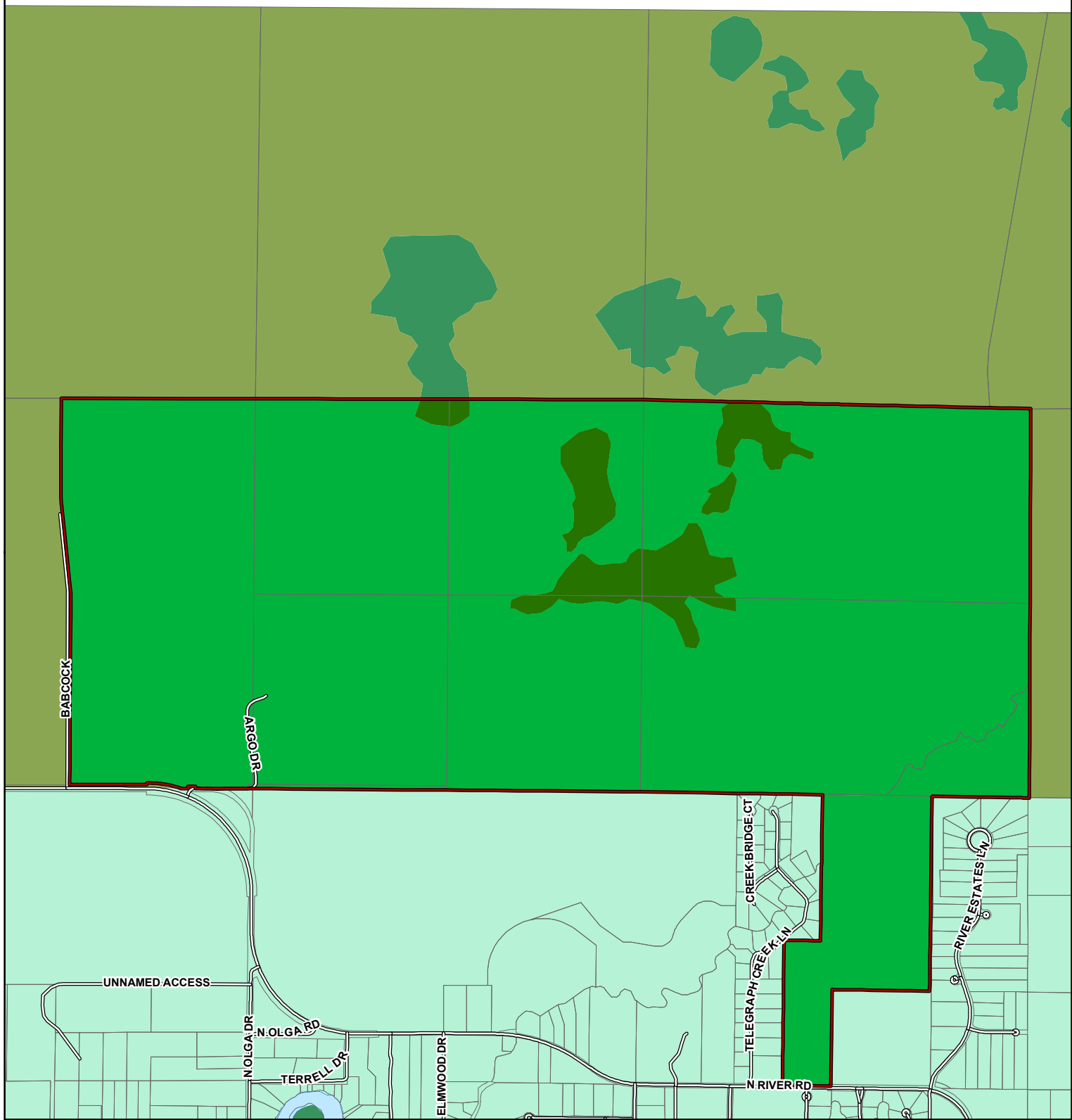
- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**

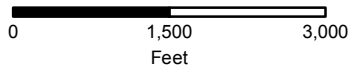
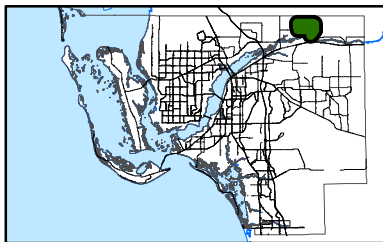


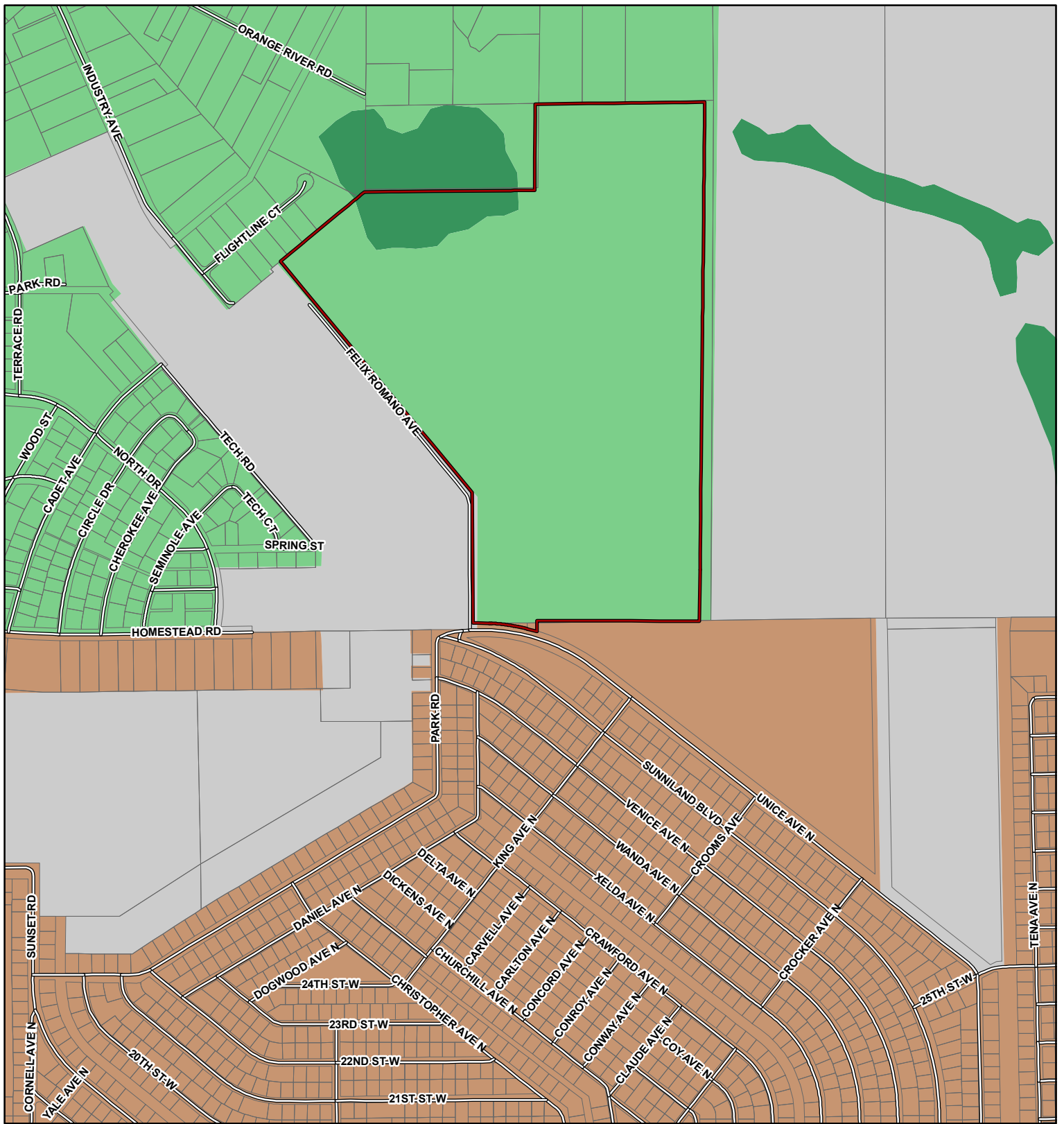
- Subject Property
- Parcel Boundary
- Rural
- Density Reduction/Groundwater Resource
- Wetlands



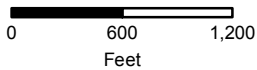
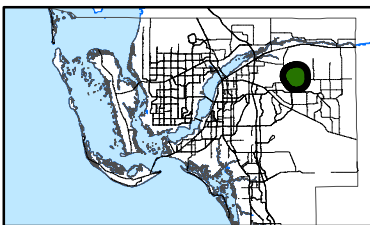
**CPA2018-01 Conservation Lands Update
Proposed Future Land Use Classifications**

- Subject Property
- Parcel Boundary
- Conservation Lands - Upland
- Conservation Lands - Wetland
- Rural
- Density Reduction/Groundwater Resource
- Wetlands

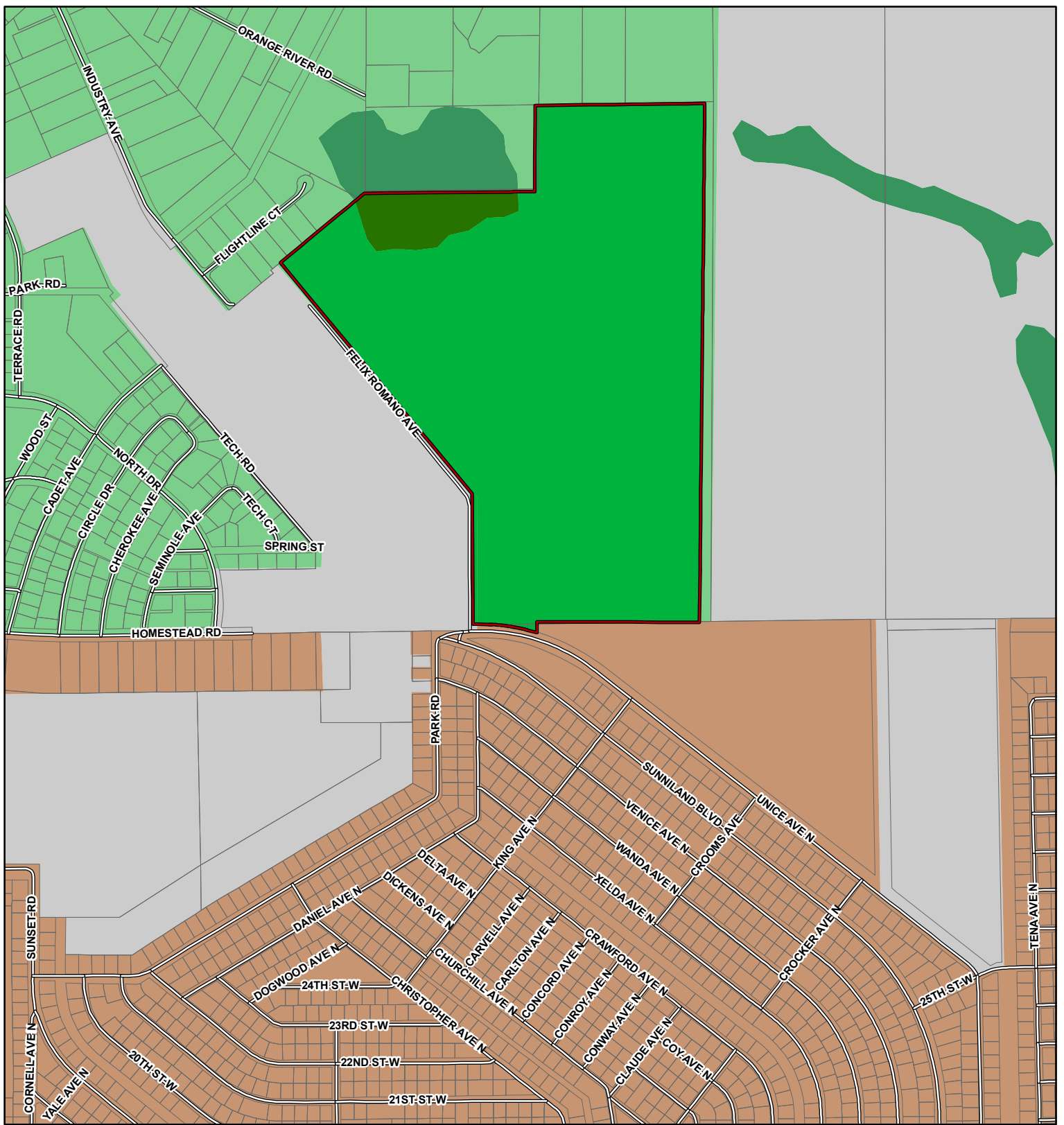




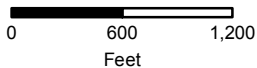
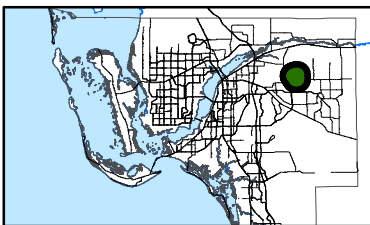
**CPA2018-01 Conservation Lands Update
Current Future Land Use Classifications**



- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural Community Preserve
- Wetlands



CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural Community Preserve
- Wetlands
- Conservation Lands - Upland
- Conservation Lands - Wetland