



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING
and
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, January 22, 2020

9:30AM

DCI2019-00010
Z-19-031

HOPE PRESERVE TRACT F-2

DCI2018-10019
Z-19-022

GLADIOLUS STORAGE FACILITY

REZ2018-10011
Z-19-032

16581 MCGREGOR REZONE

REZ2018-00003
Z-19-011

BEST CHOICE NURSERY

CPA2019-00008

EEPCO TEXT AMENDMENT - TRANSMITTAL

CPA2019-00006

CONSERVATION LANDS UPDATE - TRANSMITTAL

CPA2019-00006

**CONSERVATION
LANDS UPDATE**

Summary Sheet

Conservation Lands Update, CPA2019-06

Purpose:

Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category. The properties are located in the following Lee County Preserves: Bob Janes Preserve, Estero Marsh Preserve, and Olga Shores Preserve.

Public Comments:

There was no public comment concerning the proposed amendment at the LPA Hearing.

LPA Motion:

The LPA voted to recommend that the Board of County Commissioners *transmit* CPA2019-06 as recommended by staff. The motion was passed 6 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
RHONDA BREWER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
KRISTINE SMALE	<u>ABSENT</u>
STAN STOUWER	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

Staff Recommendation:

Planning staff recommends that the BoCC *transmit* the proposed amendment as provided in Attachment 1.

STAFF REPORT FOR
CPA2019-06: Conservation Lands Update

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



Property Size:
5,726± Acres

Conservation 20/20 Preserves:
Bob Janes
Estero Marsh
Olga Shores

Current FLUCs:
DR/GR
Open Lands
Rural
Suburban
Wetlands

Proposed FLUC:
Conservation Lands

Hearing Dates:
LPA: 12/9/2019

BoCC Transmittal:
1/22/2020

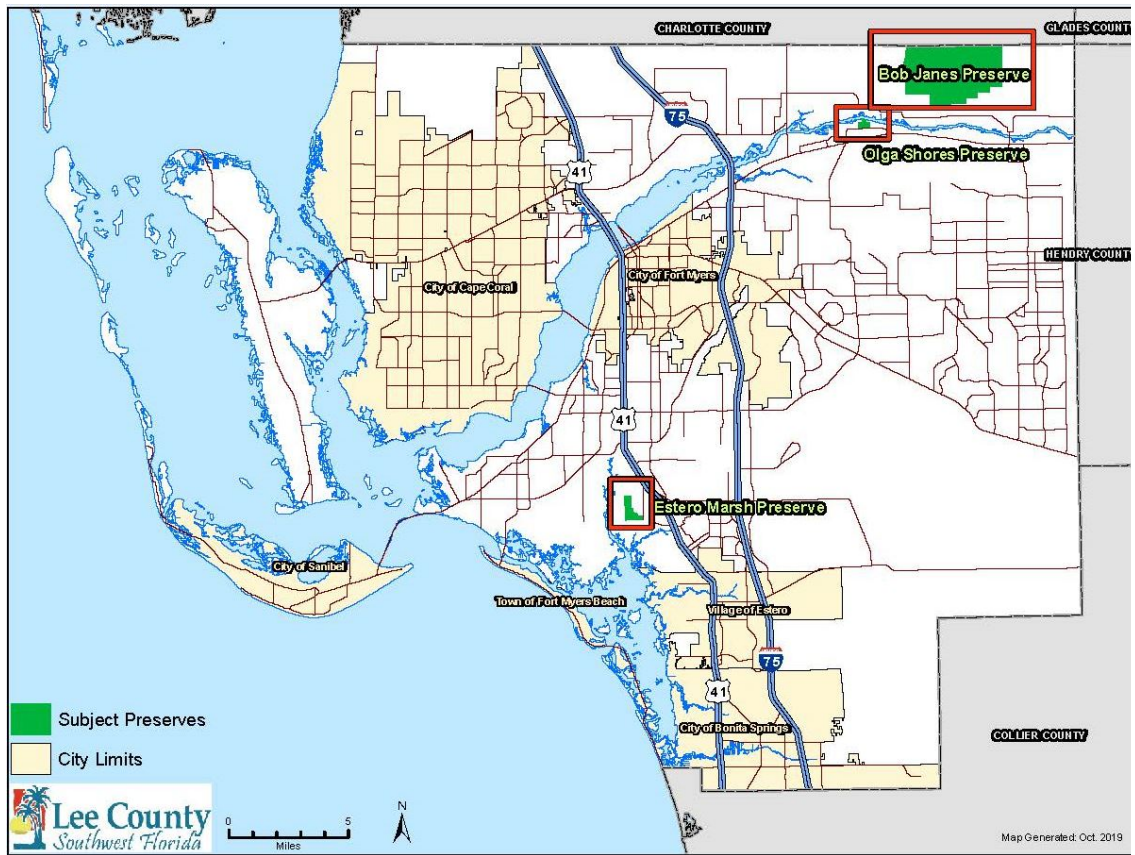
REQUEST

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 5,726 acres in three 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

CPA2019-00006 seeks to update the FLUM for approximately 5,726 acres of land in three 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 Bob Janes Preserve, Estero Marsh Preserve, and Olga Shores Preserve. Within this report, the various Conservation 20/20 nominations are located within three different preserves and will be referenced as the 'subject properties'. 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' respective Land Stewardship Plan (LSP).

Current future land use categories of the subject properties include DR/GR, Open Lands, Rural, Suburban and Wetlands.

Subject Properties				
Preserve	Current FLUC	Proposed FLUC	Acres	Dwelling Units Removed from FLUM
Bob Janes	DR/GR	Conservation Lands - Upland	504.76	50
	Open Lands	Conservation Lands - Upland	3442.36	344
	Rural	Conservation Lands - Upland	419.35	419
	Wetlands	Conservation Lands - Wetland	1251.81	63
Estero Marsh	Suburban	Conservation - Upland	16.43	99
Olga Shores	Suburban	Conservation Lands - Upland	91.73	550
Total			5,726.44	1,525

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. 98.11% of the subject property is currently designated as Future Non-Urban Areas and 1.89% 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 properties to Conservation Lands (Upland and Wetland) will ensure the subject properties will function as environmental preserves and consistent with the individual goals provided for in their respective LSP. The removal of density/intensity will help guide development to more suitable areas and provide 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 are not anticipating urban development. Changing the FLUC of the subject property to Conservations Lands (Upland and Wetland) will assure future development inconsistent with the adopted LSP’s will not occur on these properties. The subject properties are managed by three different LSP’s, which represents three individual and unique preserves. Because the subject properties receive funding, are publically owned, and are regulated by LSPs; the properties 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
Open Lands	3442.36
Wetlands	1251.81
DR/GR	504.76
Rural	419.35
Non-Urban Subtotal	5618.28
Suburban	108.16
Suburban Subtotal	108.16
Total	5726.44

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

The subject properties and associated 20/20 Preserves are described in greater detail below:

A. BOB JANES PRESERVE

Proposed Amendment Acreage: 5,618.28 acres

Total Acreage: 5,618.28 acres

Location: Alva, in Northeast Lee County along the Lee/Charlotte county boundary, within Sections 01 and 12 of Township 43 South, Range 26 East; all of Sections 04-08, Township 43 South, Range 27 East; all but the southeastern corner of Section 09, Township 43 South, Range 27 East; the north half of Section 18, Township 43 South, Range 27 East and the north half of the northeast quarter of the entire northwest quarter of Section 17, Township 43 South, Range 27 East.

Existing Uses: Bird watching, Hiking (marked trails or fire lanes), Nature Study/Photography

Current Zoning Classifications: Agricultural

Current Future Land Use Category: DR/GR, Open Lands, Rural, Wetlands

Proposed Future Land Use Category: Conservation Lands

STRAPS: 01-43-26-00-00001.0000, 12-43-26-00-00001.0000, 04-43-27-00-00001.0000, 05-43-27-00-00001.0000, 06-43-27-00-00001.0000, 07-43-27-00-00001.0000, 08-43-27-00-00001.0000, 09-43-27-00-00001.0000, 17-43-27-00-00001.0000 and 18-43-27-00-00001.0000

Conservation 20/20 Parcel: 324

B. ESTERO MARSH PRESERVE

Proposed Amendment Acreage: 16.43 acres

Total Acreage: 243.97 acres

Location: Estero Bay Watershed of southwestern Lee County

Existing Uses: Bird watching, Hiking (Unmarked or Fire Lanes), Nature Study/Photography

Current Zoning Classifications: Multi-family

Current Future Land Use Category: Suburban

Proposed Future Land Use Category: Conservation Land – Upland

STRAPS: 12-46-24-00-00005.4000

Existing Preserve Nomination(s) in the Conservation Land FLUC: 66 and 128

Nomination(s) Subject to FLUC Amendment: 506

Note: The Estero Marsh Preserve proposed amendment acreage, consisting of a small tract just under 17 acres, allows for the whole preserve to be classified as conservation lands.

C. OLGA SHORES PRESERVE

Proposed Amendment Acreage: 91.73 acres

Total Acreage: 91.73

Location: Olga, on the southern bank of the Caloosahatchee River

Existing Uses: Bird Watching, Hiking (Unmarked or Fire Lines), Nature Study/Photography

Current Zoning Classifications: Agricultural and Residential Planned Development

Current Future Land Use Category: Suburban

Proposed Future Land Use Category: Conservation Lands - Upland

STRAPS: 22-43-26-00-00008.0000

Conservation 20/20 Parcel: 550

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 approximately 5,726 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 to function as an environmental preserve.

STAFF RECOMMENDATION

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

**PART 4
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: December 9, 2019

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided a brief presentation for the proposed amendment which included a summary of the Board Action, consistency with the Lee Plan, and staff recommendation. Following staff's presentation, members of the LPA asked for clarification about Bob Janes Preserve, and staff answered their questions.

There was no public comment concerning the proposed amendment at the LPA Hearing.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2019-00006 as recommended by staff. The motion passed 6 to 0.

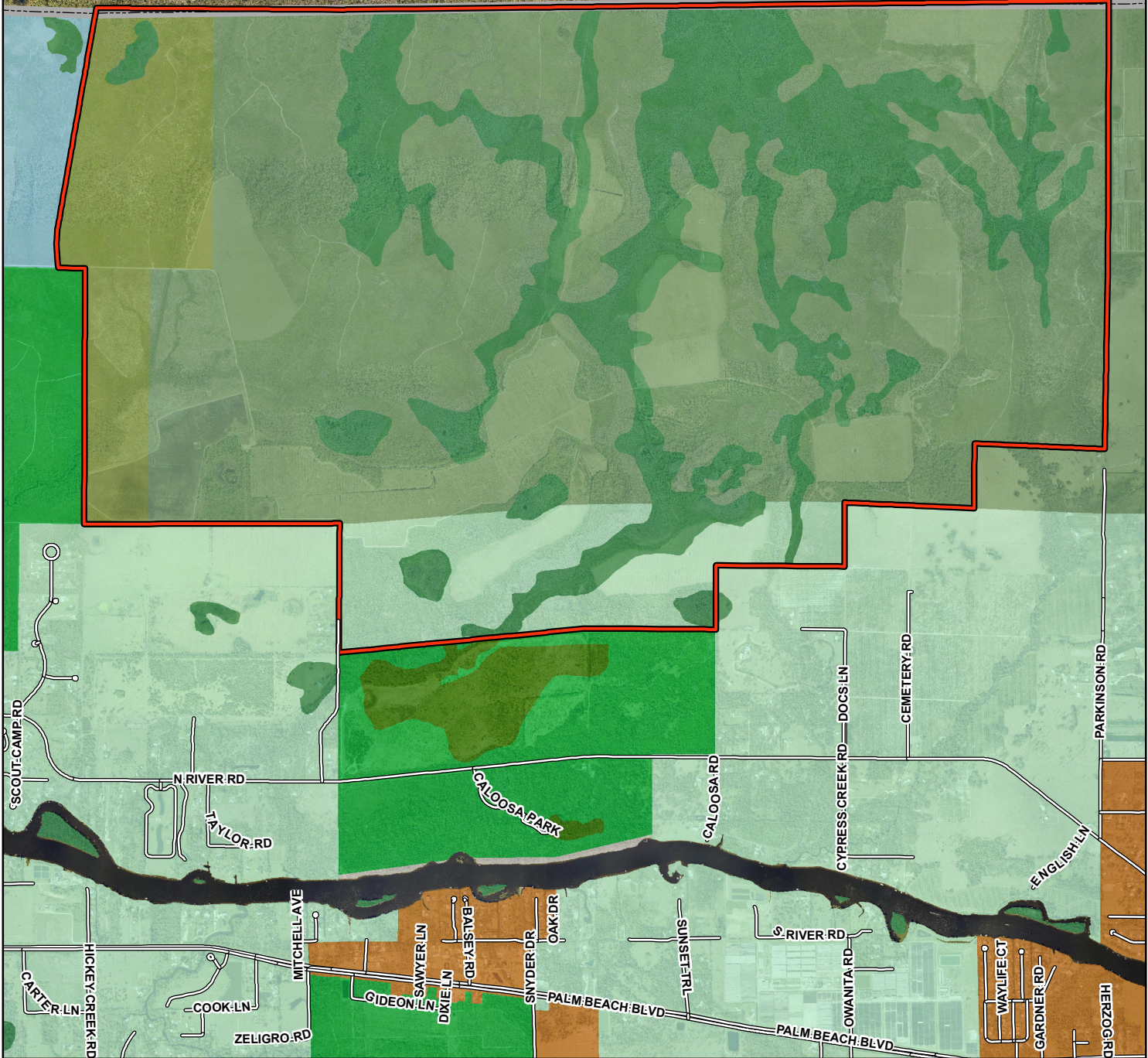
VOTE:

RAYMOND BLACKSMITH	<u>AYE</u>
RHONDA BREWER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
KRISTINE SMALE	<u>ABSENT</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

ATTACHMENT 1

CONSERVATION LANDS UPDATE

CHARLOTTE COUNTY



CPA2019-00006
Bob Janes Preserve
Current Future Land Use
Classifications

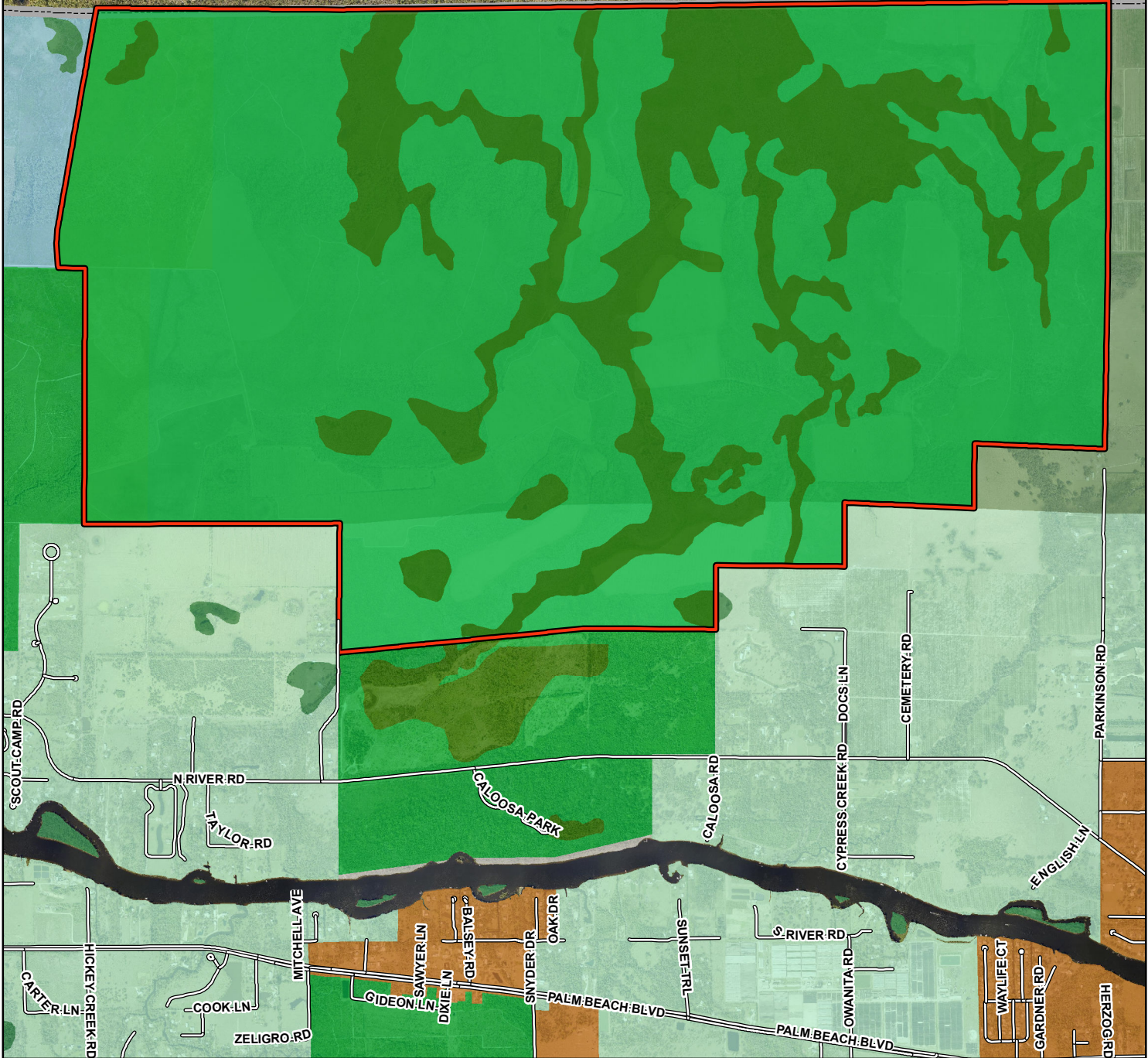


- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



Map Generated: Oct. 2019

CHARLOTTE COUNTY



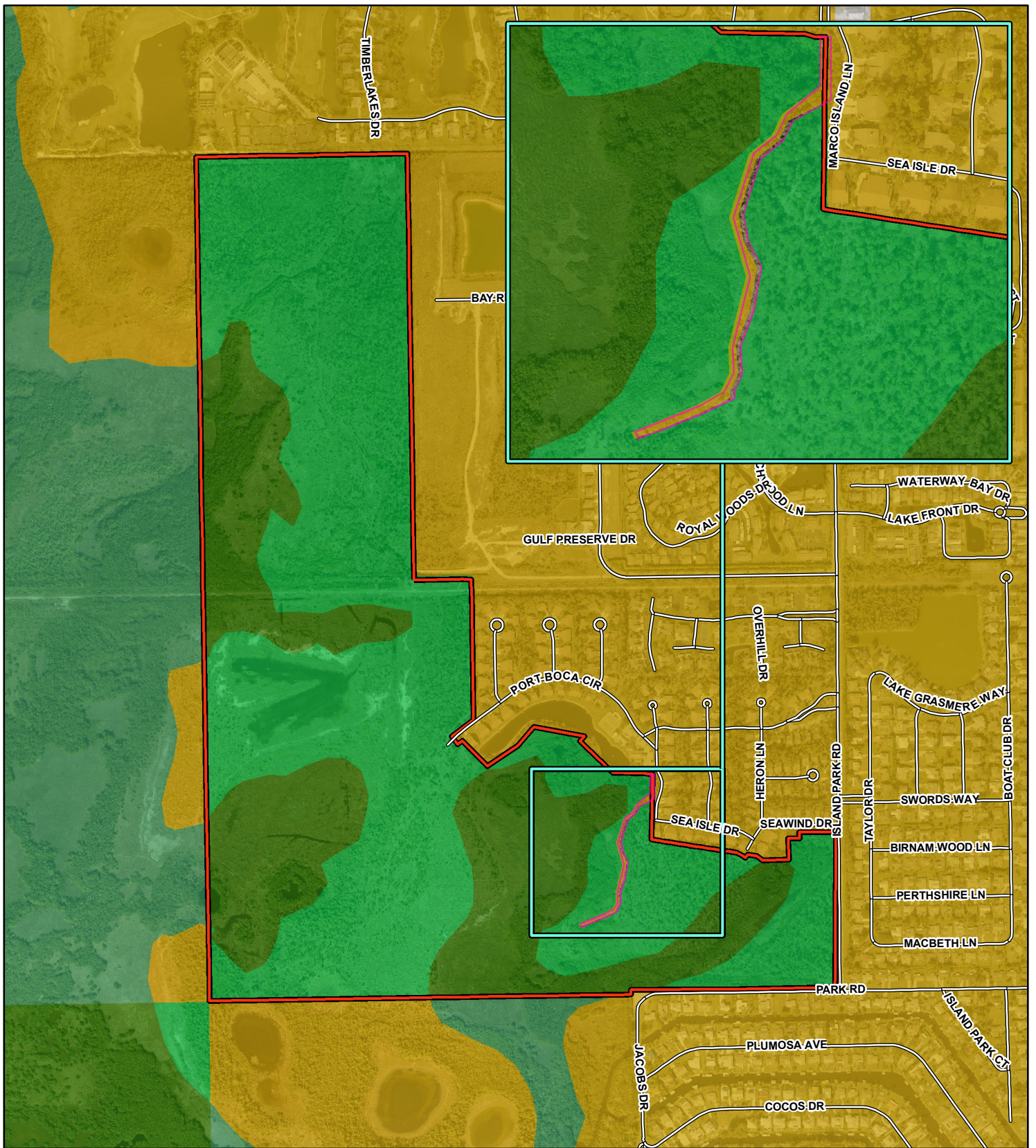
CPA2019-00006
Bob Janes Preserve
Proposed Future Land Use
Classifications










- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

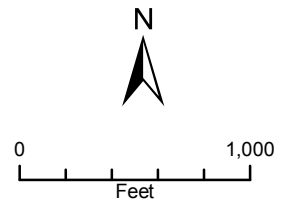


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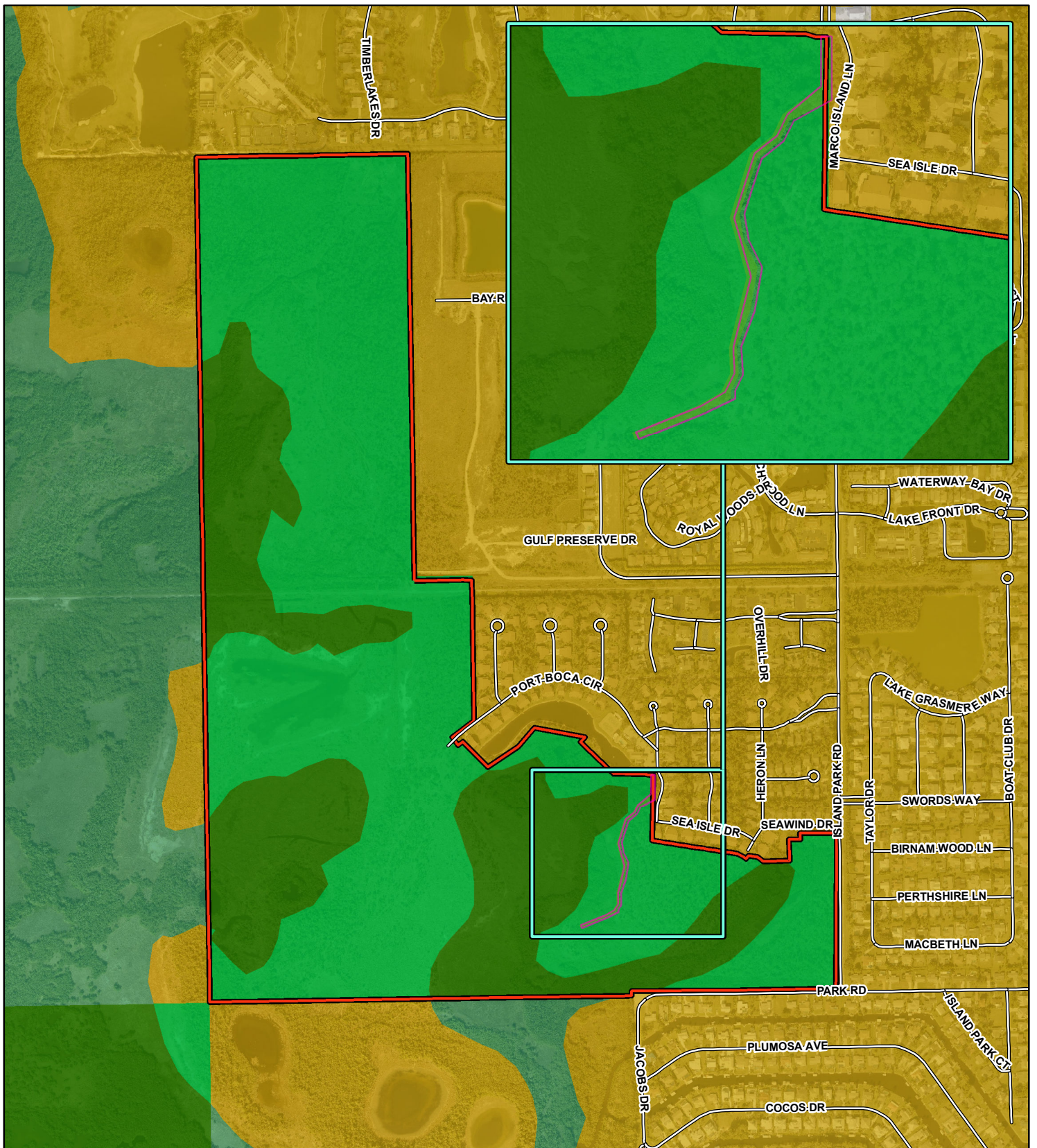


CPA2019-00006
Estero Marsh Preserve
Current Future Land Use
Classifications

- | | | | |
|---|-----------------------|---|------------------------------|
|  | Subject Property |  | Conservation Lands - Upland |
|  | Estero Marsh Preserve |  | Wetlands |
|  | Suburban |  | Conservation Lands - Wetland |
|  | Public Facilities | | |










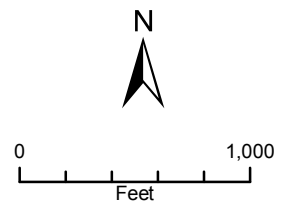
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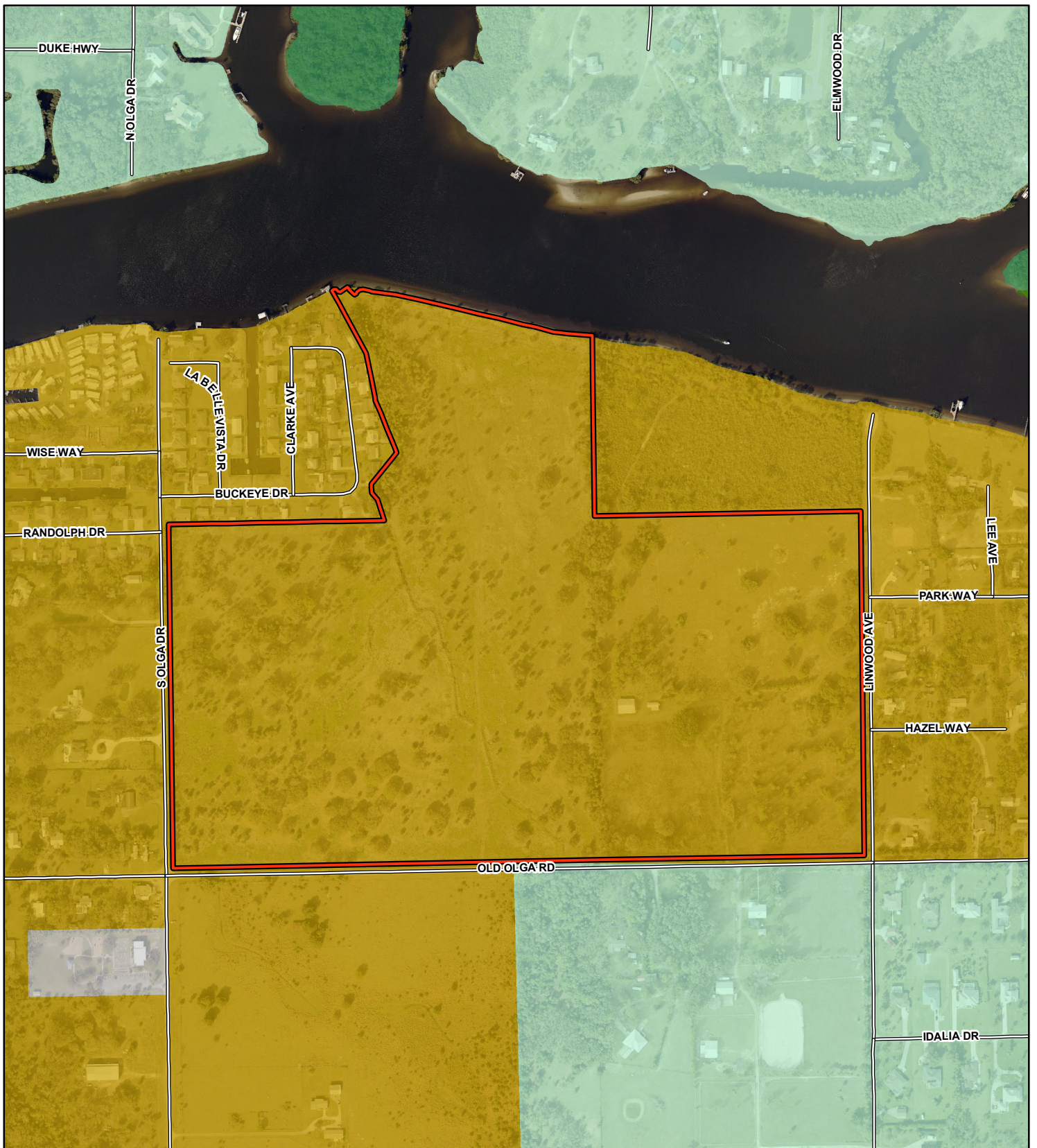
CPA2019-00006
Estero Marsh Preserve
Proposed Future Land Use
Classifications



- | | | | |
|---|-----------------------|---|------------------------------|
|  | Subject Property |  | Conservation Lands - Upland |
|  | Estero Marsh Preserve |  | Wetlands |
|  | Suburban |  | Conservation Lands - Wetland |
|  | Public Facilities | | |



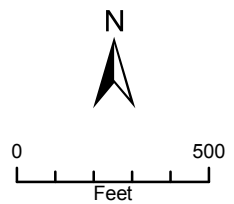
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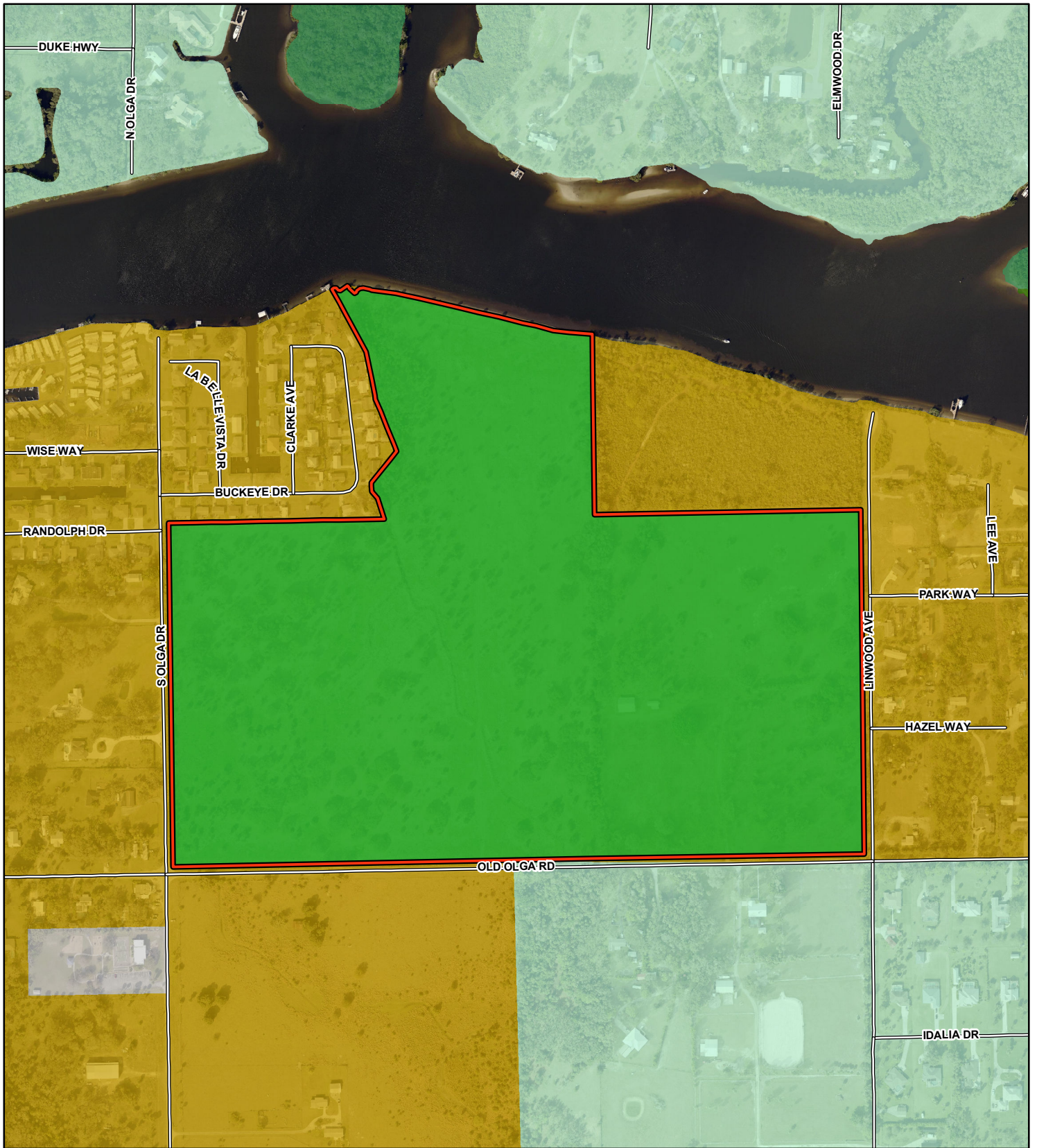
CPA2019-00006
Olga Shores Preserve
Current Future Land Use
Classifications



- Subject Property
- Suburban
- Public Facilities
- Rural
- Wetlands
- Conservation Lands - Wetland










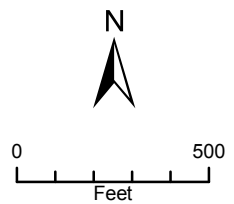
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CPA2019-00006
Olga Shores Preserve
Proposed Future Land Use
Classifications



- | | |
|---|--|
|  Subject Property |  Wetlands |
|  Suburban |  Conservation Lands - Wetland |
|  Public Facilities |  Conservation Lands - Upland |
|  Rural | |



Map Generated: Oct. 2019