

John E. Manning
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

January 24, 2020

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

**Re: Amendment to the Lee Plan
Transmittal Submission Package
CPA2019-00006, Conservation Lands Map Amendment**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2019-00006 (Conservation Lands Map Amendments). The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2019-00006, Conservation Lands Map Amendments:

Amend the Future Land Use Map series, Map 1, by adding three County-owned properties to the Conservation Lands (Uplands and Wetlands) future land use category.

The Local Planning Agency held a public hearing for the plan amendment on December 9, 2019. The Board of County Commissioners voted to transmit the amendment on January 22, 2020. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendments and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,



Mikki Rozdolski, Planning Manager

**Lee County Department of Community Development
Planning Section**

All documents and reports attendant to this transmittal are also being sent by copy of this cover in an electronic format to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Mark Weigly
Department of Education

Plan Review
Department of Environmental Protection

Deena Woodward
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Sarah Catala
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, AICP, Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

The News-Press
media group
news-press.com A GANNETT COMPANY

Attn:
**LCBC-DEPT OF COMM DEVELOPMENT-
1500 MONROE ST
FORT MYERS, FL 33901**

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(TRANSMITTAL HEARING)**

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared
Kathleen Allen, who on oath says that
he or she is a Legal Assistant of the News-Press, a daily
newspaper published at Fort Myers in Lee County, Florida; that
the attached copy of advertisement, being a Legal Ad in the
matter of

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, January 22, 2020. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

CPA2019-00006 Conservation Lands Update - Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Upland and Wetland) land use category.

CPA2019-00008 EEPCText Amendment - Amend language in Lee Plan Goals 1, 6, and 33 to establish provisions for allowing limited commercial uses and increased residential density and to clarify timing of agricultural use cessation and recording of conservation easements for certain residential and mixed-used developments located in Southeast Lee County.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa> or at the Department of Community Development located at 1500 Monroe Street, Fort Myers, Florida. 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.

It is the intent of the Board of County Commissioners that the provisions of this Comprehensive Plan Amendment may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or ADAREquests@leegov.com, at least five business days in advance.
AD# 3977717 Jan. 10, 2020

Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

01/10/20

Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 10th of January 2020,
by legal clerk who is personally known to me.

Kathleen Allen

Affiant

Nancy Heyrman

Notary State of Wisconsin, County of Brown

5.15.23

My commission expires

NANCY HEYRMAN
Notary Public
State of Wisconsin

This is not an invoice

RECEIVED
JAN 17 2020

COMMUNITY DEVELOPMENT

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

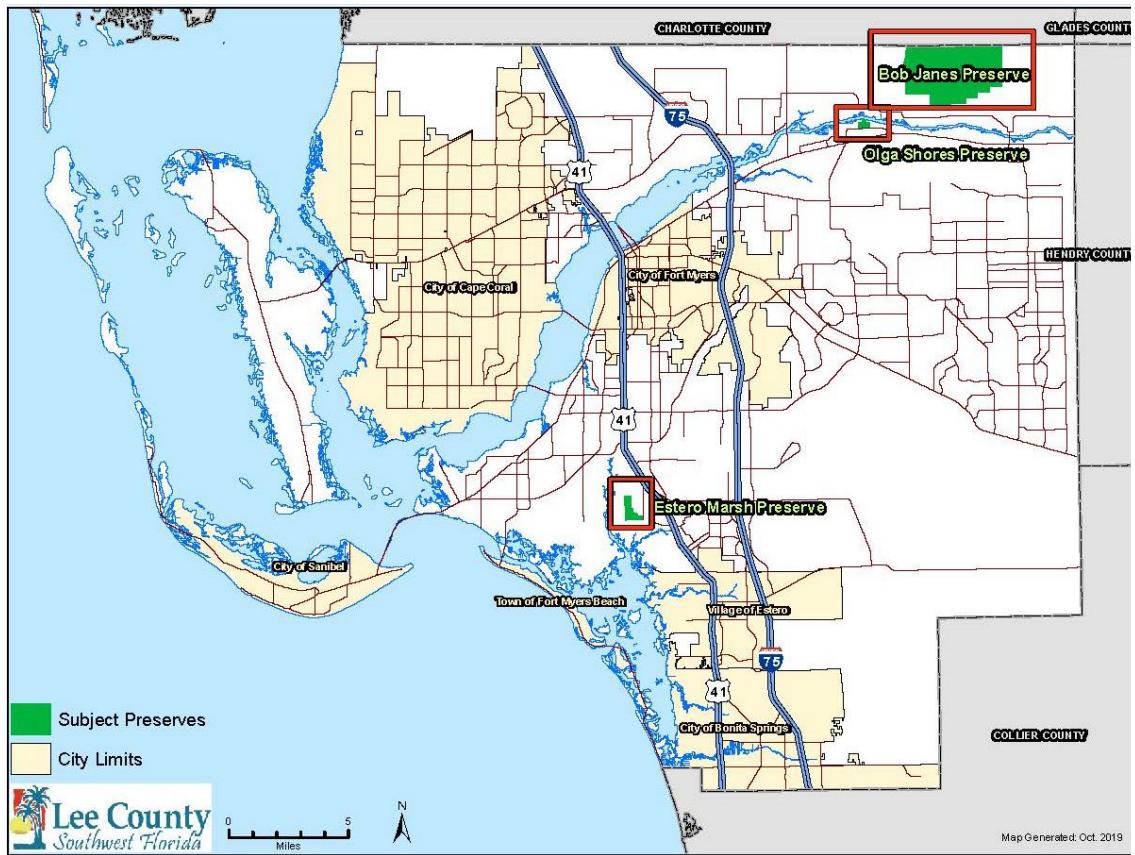
REQUEST

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>

**PART 5
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: January 22, 2019

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included a overview of the proposed amendments, consistency with the Lee Plan, and staff recommendation.

There was no public comment concerning the proposed amendment.

B. BOARD ACTION:

A motion was made to transmit CPA2019-00006 as recommended by staff and the LPA. The motion passed 5 to 0.

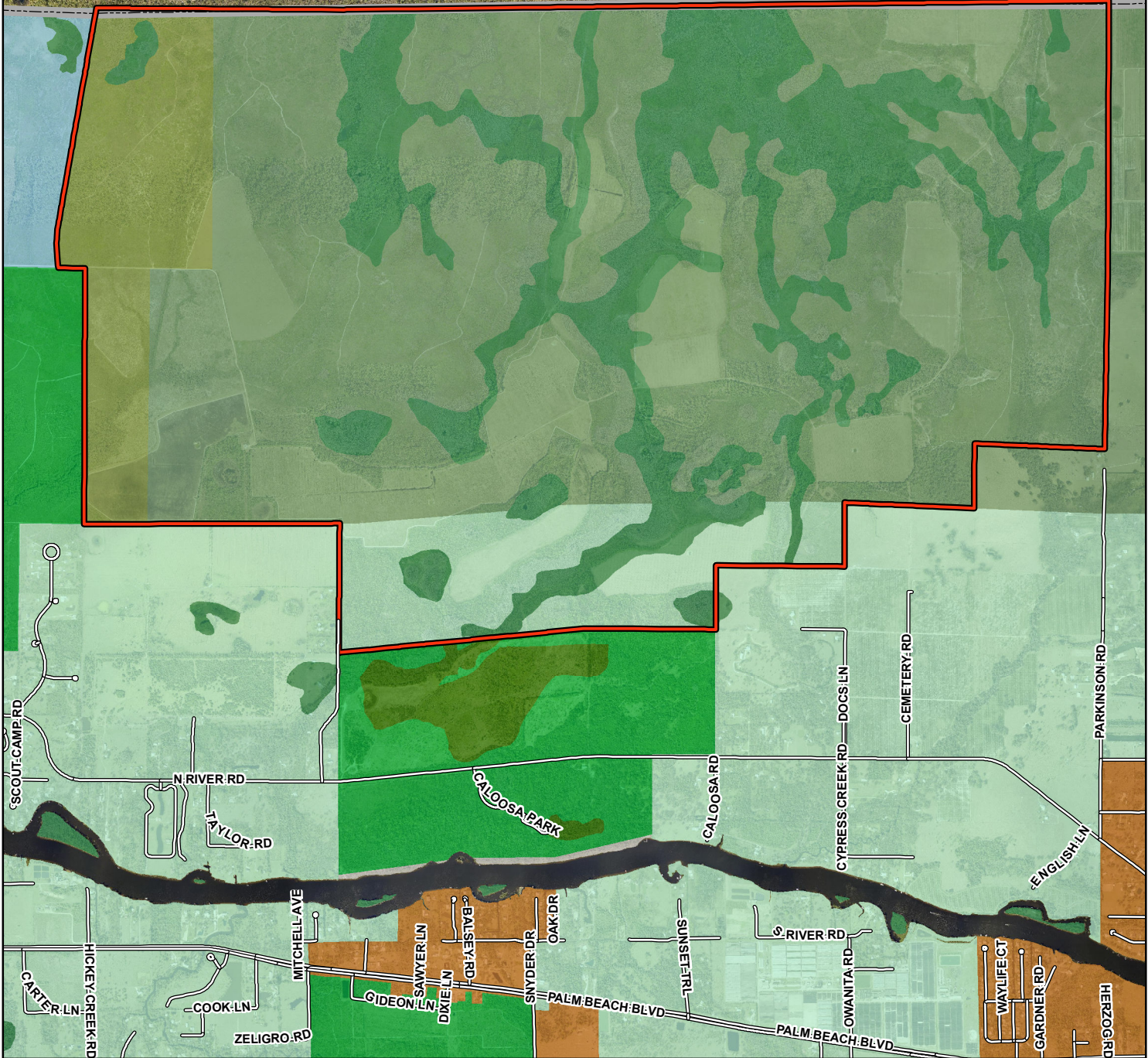
VOTE:

BRIAN HAMMAN	<u>AYE</u>
FRANK MANN	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

ATTACHMENT 1

CONSERVATION LANDS UPDATE

CHARLOTTE COUNTY



CPA2019-00006
Bob Janes Preserve
Current Future Land Use
Classifications

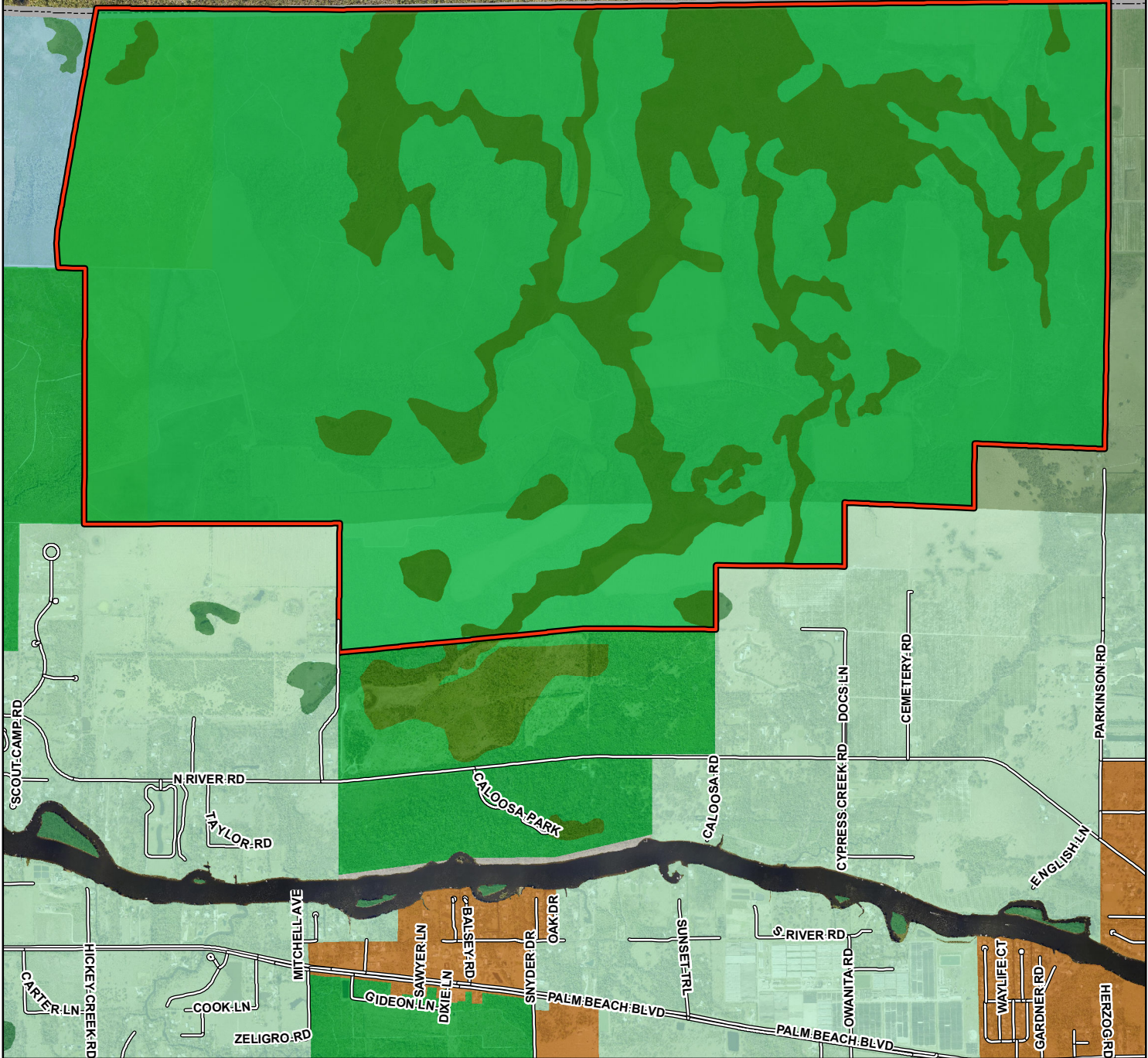


- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



Map Generated: Oct. 2019

CHARLOTTE COUNTY



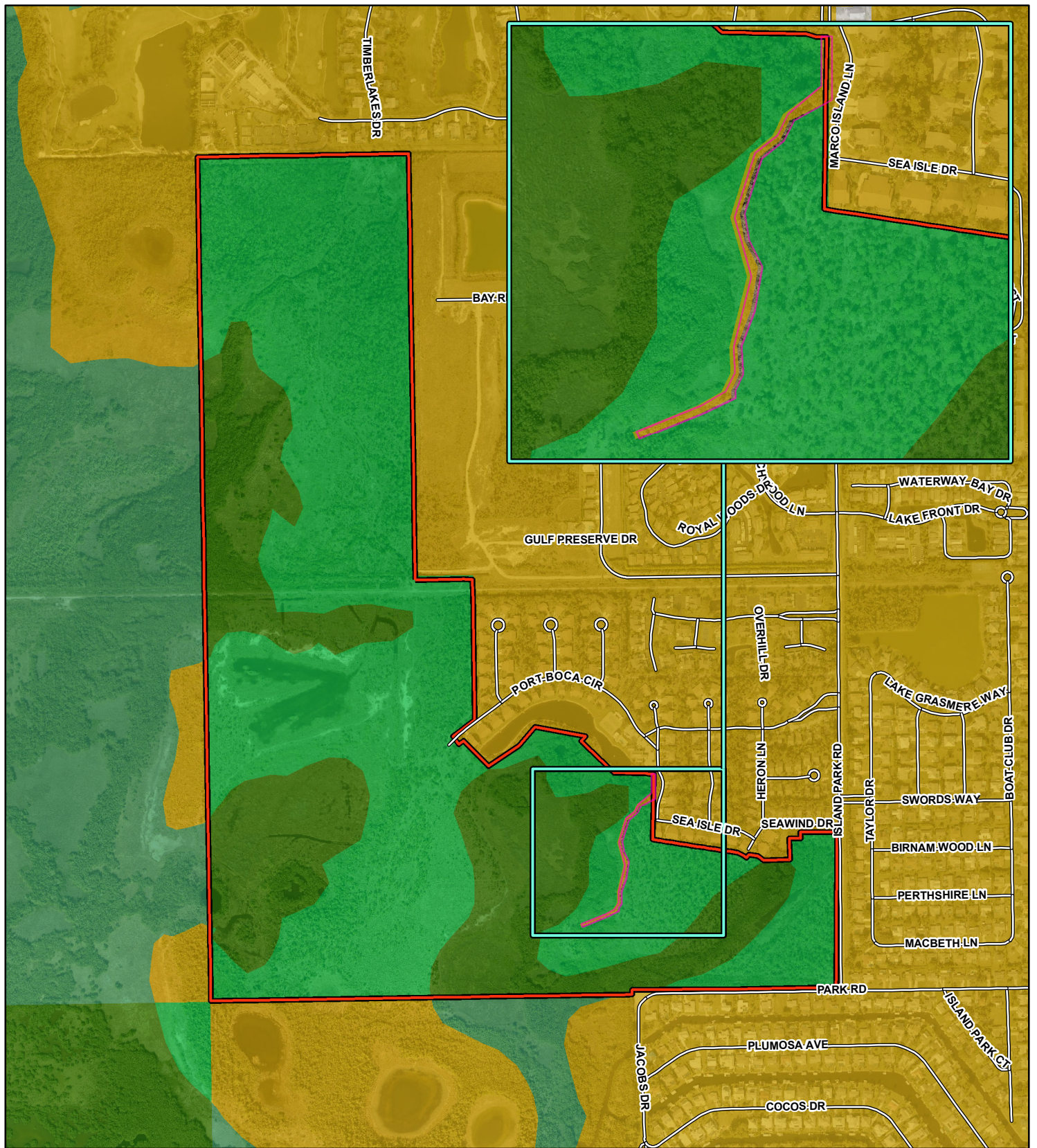
CPA2019-00006
Bob Janes Preserve
Proposed Future Land Use
Classifications










- Subject Property
- Urban Community
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- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
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- Wetlands
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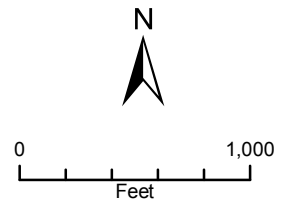


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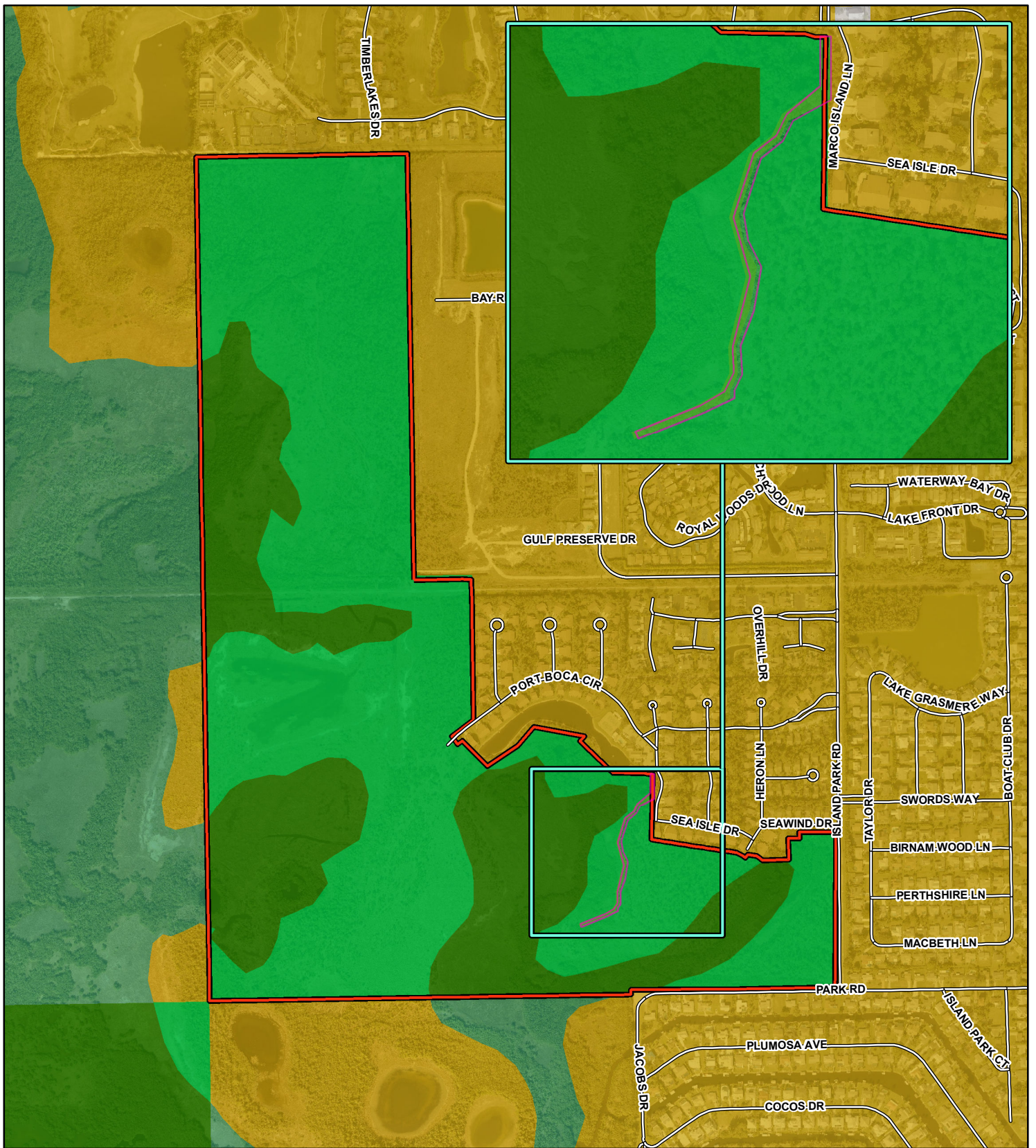


CPA2019-00006
Estero Marsh Preserve
Current Future Land Use
Classifications

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










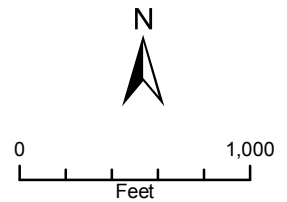
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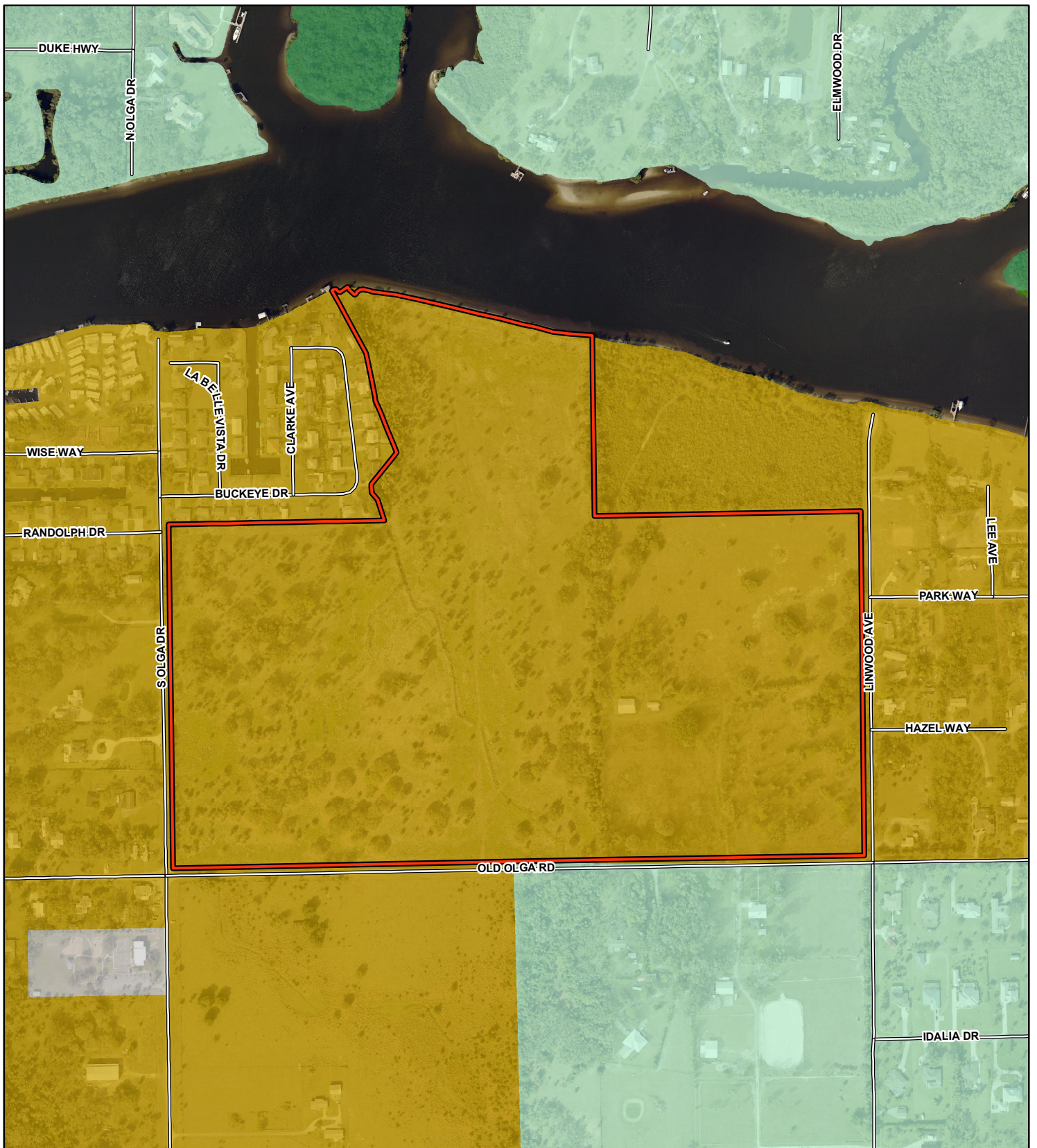
CPA2019-00006
Estero Marsh Preserve
Proposed Future Land Use
Classifications



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



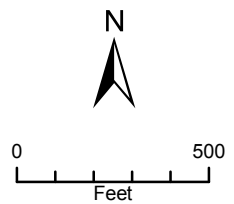
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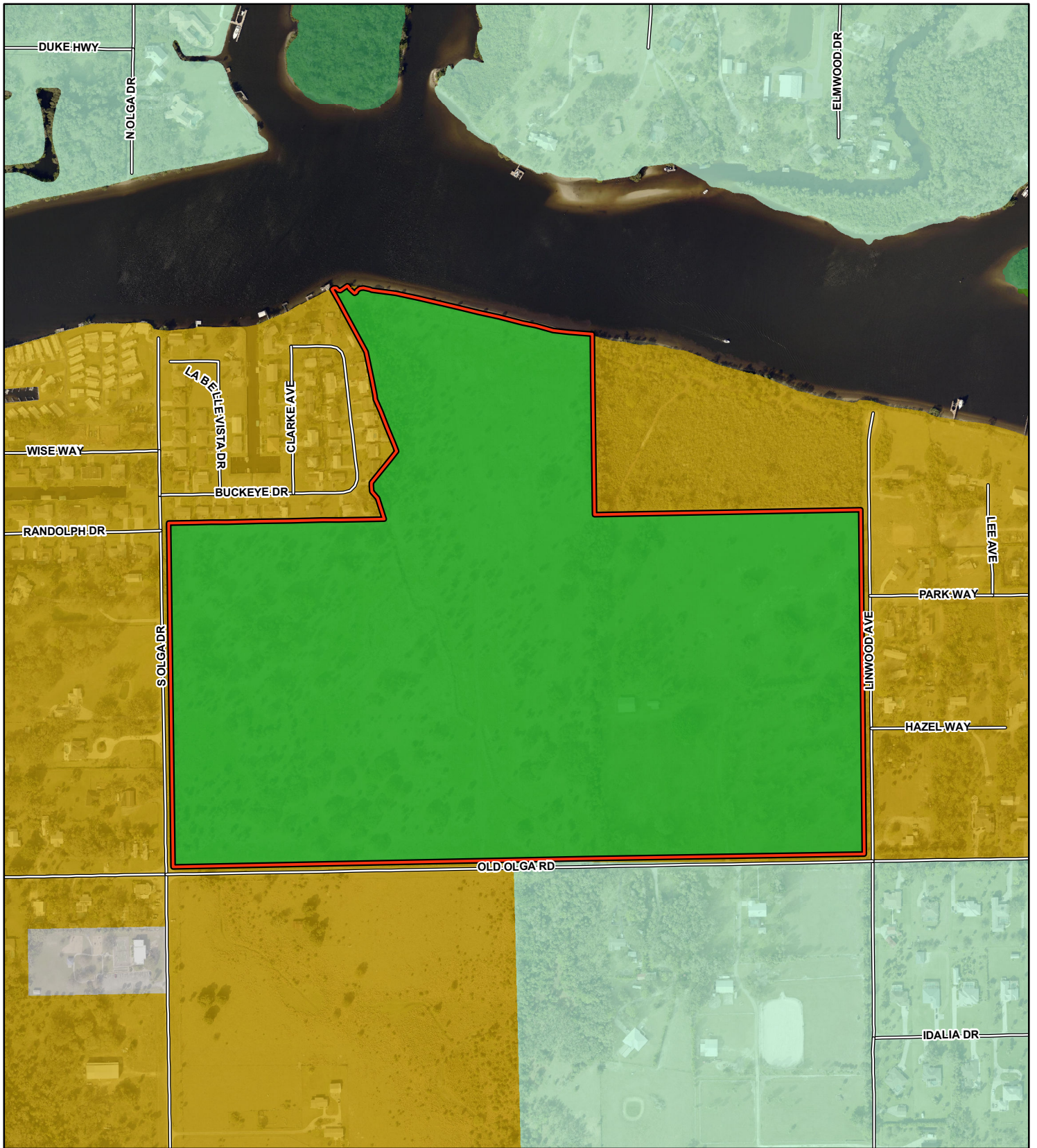
CPA2019-00006
Olga Shores Preserve
Current Future Land Use
Classifications



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










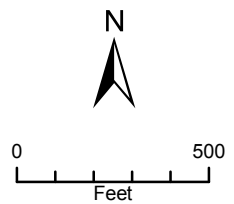
Map Generated: Oct. 2019



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