

Owl Creek Reserve Comprehensive Plan Amendments

CPA2020-00004 & CPA2020-00005



Local Planning Agency

February 28, 2022



APPLICANT REPRESENTATIVES

Counsel: Russell Schropp



Planner: Stacy Ellis Hewitt, AICP
Engineer: David R. Underhill, Jr., PE



Environmental: Paul K. Owen, MS, PWS



Water Resources: Michael J. Jessich



Transportation: Yury Bykau, P.E.



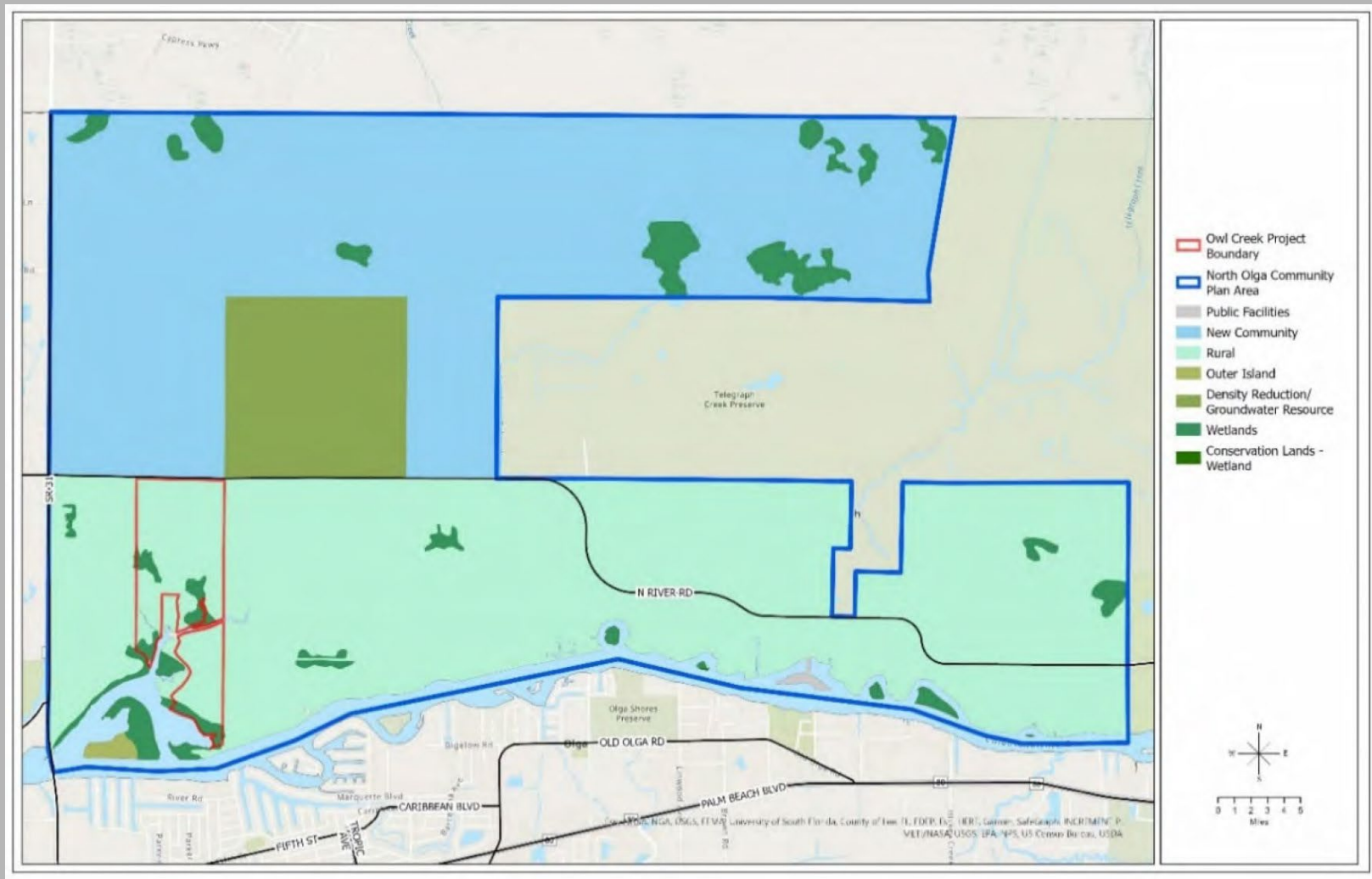
Marine Engineer: Hans Wilson, P.E.



REQUESTS

- **New Policy 29.2.4** provides incentives for preservation or restoration of **Rare & Unique Upland Habitats** in developments located in **Rural** future land use category within **North Olga Community Plan** area, clustered, & approved through planned development process
- **Amend Lee Plan Policy 124.1.1 & Table 1(a), Note 8** to allow for capture of density from preserved wetlands when adjacent to Rural future land use category
- **Amend Lee County Utilities Future Water Service Areas (Lee Plan Map 4A)** to add 342.68± acres to Lee County Utilities Future Water Service Area

NORTH OLGA COMMUNITY PLAN AREA



- Rural future land use category along Caloosahatchee River

TEXT AMENDMENTS

FUTURE LAND USE ELEMENT

POLICY 29.2.4: As an incentive to preserve, enhance, and restore indigenous Rare and Unique upland habitats on land within the Rural future land use category, one (1) additional dwelling unit may be created for each one (1) acre of created, preserved and/or restored indigenous Rare and Unique upland habitats if approved and developed as a unified planned development that meets all the following criteria:

1. Development is clustered so as to maintain large, contiguous tracts of open space and protect environmentally sensitive areas. To comply with this criteria, a minimum of 60% open space is required, of which 50% must be indigenous preserve. The indigenous preserve may consist of created or restored wetlands, flowways, or Rare and Unique upland habitats. Management and monitoring of the indigenous preserve must be in compliance with the indigenous management plan required by the LDC. Monitoring timelines will be extended as needed to assure success criteria established in the indigenous management plan is achieved for at least five consecutive years.
2. Creation, preservation, and/or restoration of indigenous Rare and Unique upland habitats, as defined, must meet the following:
 - a. The area of the Rare and Unique upland habitats must comply with the minimum dimensions required for indigenous open space areas set forth in the LDC.
 - b. The land where creation and/or restoration of indigenous Rare and Unique upland habitats will occur must contain the soil(s) needed to support the establishment and success of the indigenous Rare and Unique upland habitats.
 - c. Habitats impacted by logging, drainage, and/or exotic infestation may not count towards the density incentive unless restored to standards established in an approved site specific ecological restoration plan. The ecological restoration plan must include, at a minimum, a replanting plan, habitat restoration plan, success criteria, and long-term monitoring and maintenance criteria.
 - d. A Conservation Easement, to be dedicated to the appropriate maintenance entity that provides Lee County or some other public agency, acceptable to Lee County, with third party enforcement rights must be recorded for areas used towards the density incentive. All Conservation Easements required as part of the planned development must be recorded within 5 years from first development order approval.

GLOSSARY

RARE AND UNIQUE UPLAND HABITATS (RU) – High-quality native upland habitats categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation—as identified by the Lee County Coastal Study (Godschalk and Associates; 1988). These habitat types include those classified as: sand scrub (320); coastal scrub (322); pine flatwoods (411) which can be categorized as "mature" due to the absence of severe impacts caused by logging, drainage, and exotic infestation; slash pine/midstory oak (412); tropical hardwood (426); live oak hammock (427); and, cabbage palm hammock (428). The numbered references are to the Florida Land Use Cover and Forms Classification System (FLUCFCS) Level III (Florida Department of Transportation, 1985).

TEXT AMENDMENTS

CONSERVATION & COASTAL MANAGEMENT ELEMENT

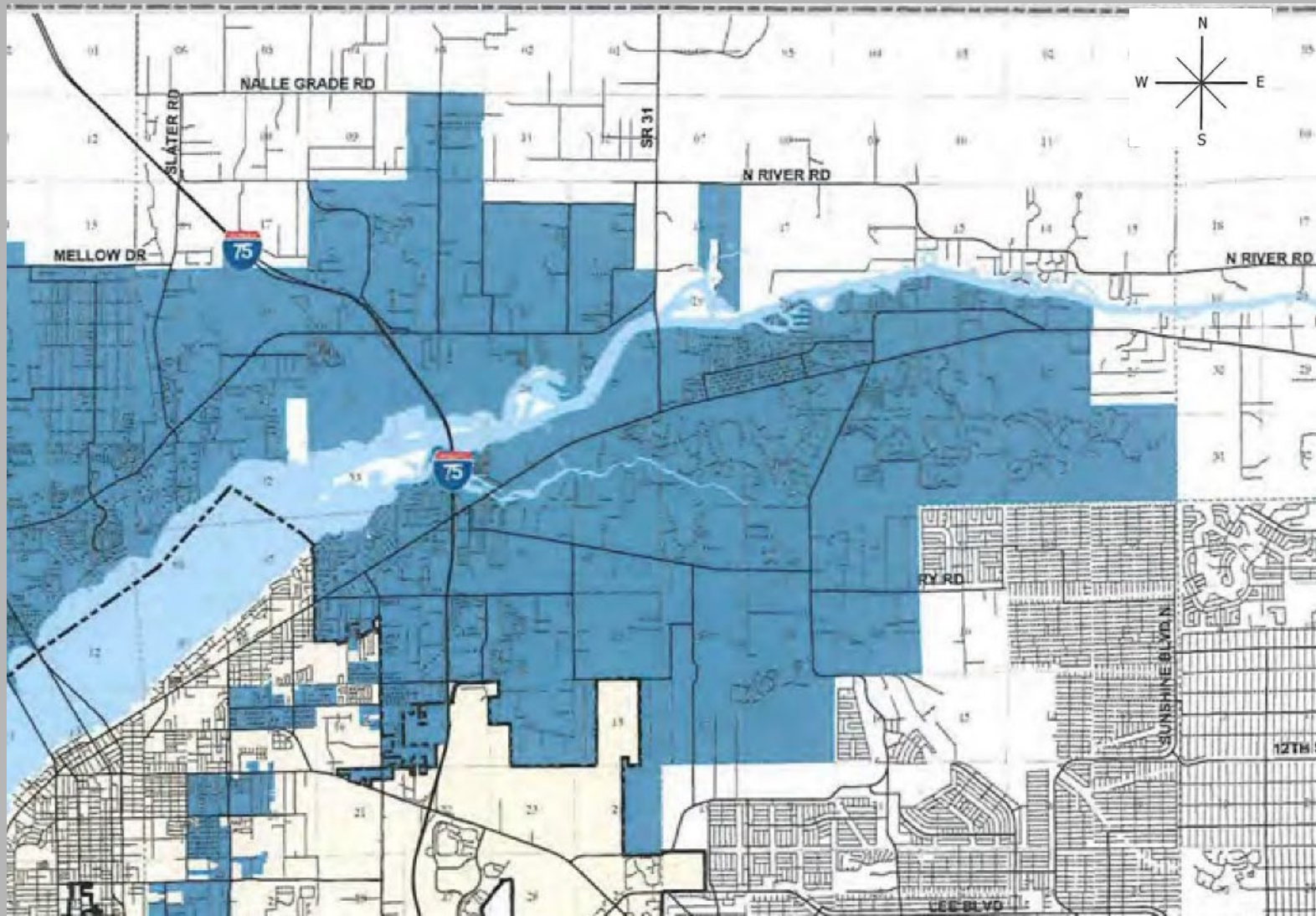
POLICY 124.1.1: Ensure that development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII, ~~and except that owners~~ Owners of wetlands adjacent to Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, New Community, Outlying Suburban, ~~and Sub-Outlying Suburban, areas~~ and Rural future land use categories may transfer ~~densities~~ dwelling units from preserved freshwater wetlands to developable contiguous uplands under common ownership at the same underlying density as permitted for those uplands (see Table 1(a)).

TABLE 1(A)

⁸ Higher densities may be allowed under the following circumstances where wetlands are preserved on the subject site:

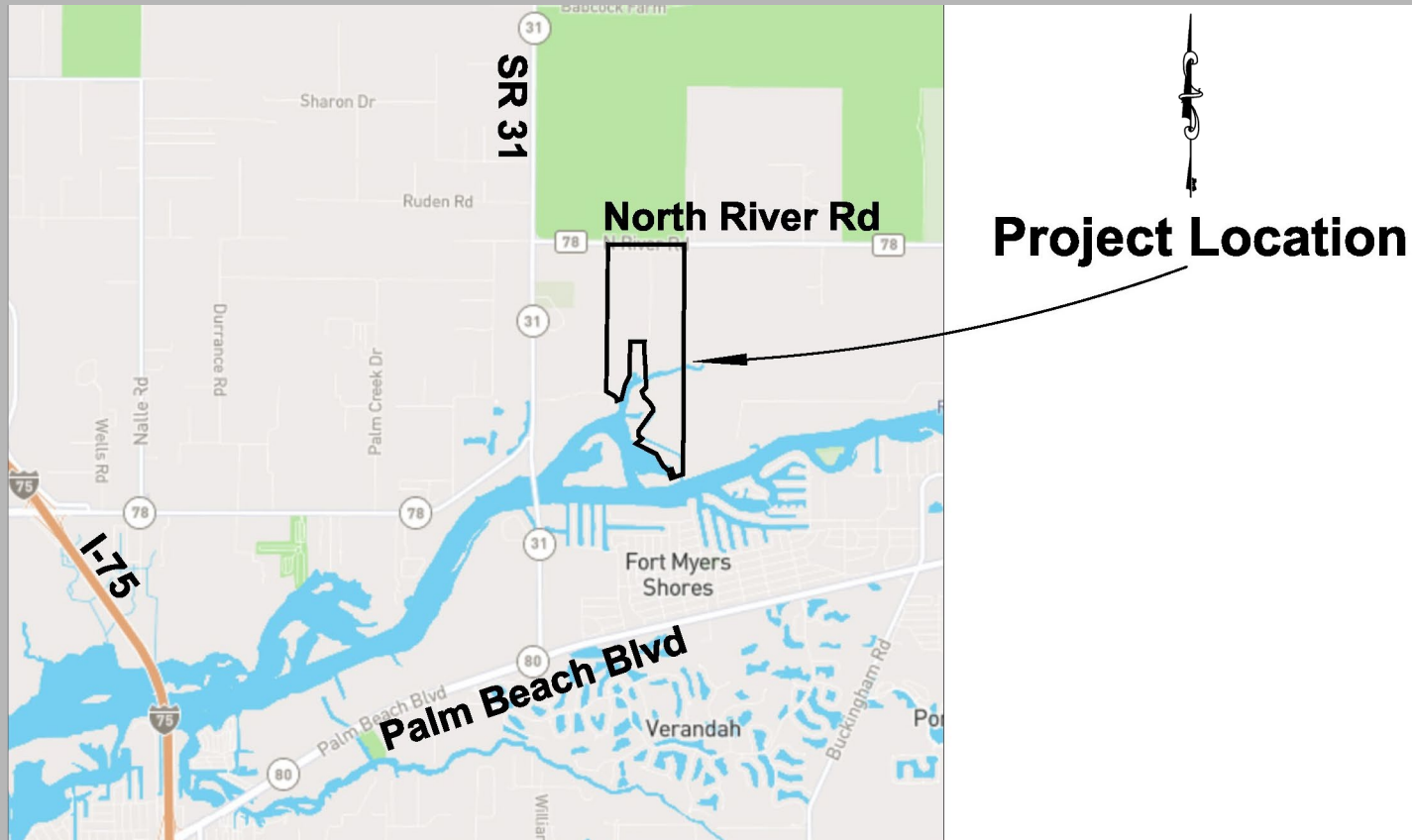
- (a) If the dwelling units are relocated off-site through the TDR program provided in LDC, Chapter 2; or
- (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, General Interchange, Central Urban, Urban Community, Suburban, Outlying Suburban, Sub-Outlying Suburban, Rural, and New Community from preserved freshwater wetlands at the same underlying density as permitted for those uplands (see Policy 124.1.1). Impacted wetlands will be calculated at the standard Wetlands density of 1 du/20 acres. Planned Developments or Development Orders approved prior to October 20, 2010 are permitted the density approved prior to the adoption of CPA2008-18.

PROPOSED MAP 4-A



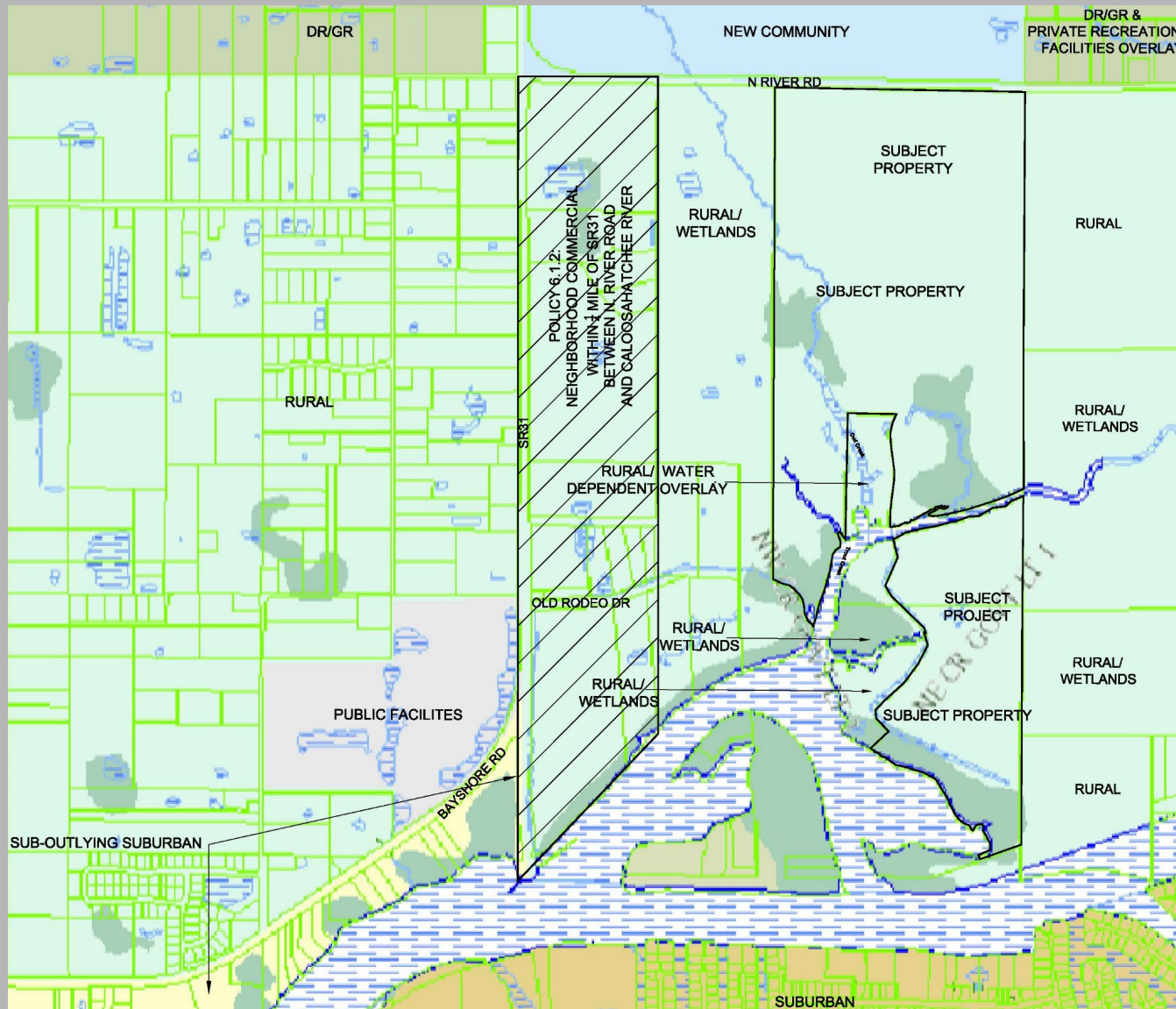
- Add property to Lee County Utilities Future Water Service Area
- Privately funded expansion of water (LCU) & sewer (FGUA) to area

SUBJECT PROPERTY



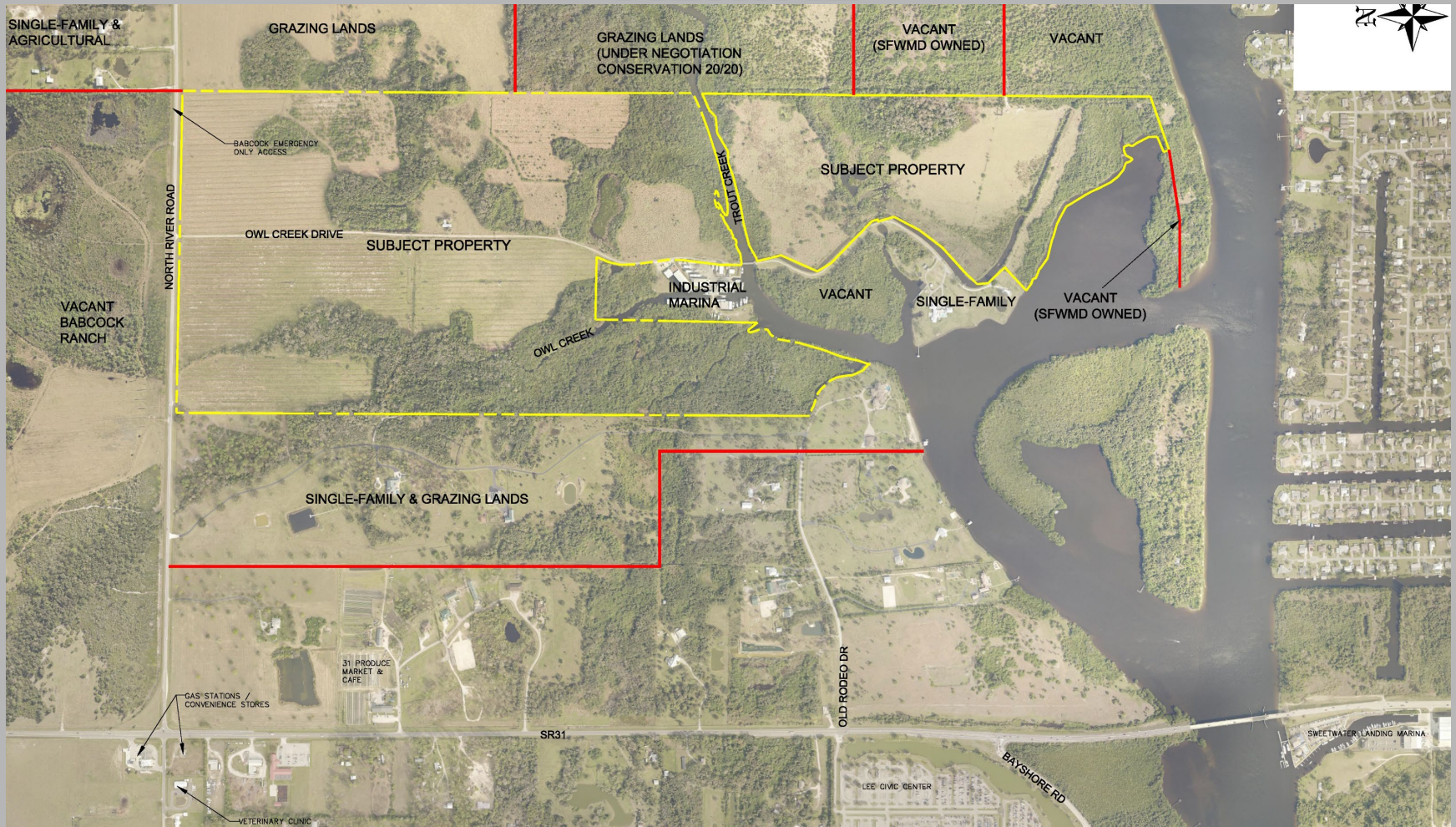
- **342.68± AC in North Olga Planning Community**
- **South side of North River Road 0.5± mile east of SR 31**
- **Future Land Use: Rural & Wetlands**
- **Zoning: AG-2**

FUTURE LAND USE



Convergence of Trout Creek & Owl Creek with natural basin off Caloosahatchee River

AERIAL



- **Impaired Waters: Owl Creek, Trout Creek & Caloosahatchee River**
- **Subject Property: Existing Grazing Lands/Density up to 223 DU with well and septic**
- **Pursuant to Chapter 163.3184(12), F.S. - Concurrent rezoning Minor RPD (DCI2021-00011) to allow clustered residential up to 380 DU (1.1± DU/AC)**

POLICY APPLICATION

Policy 29.2.4 – Planned Development for Rare & Unique upland density incentive must demonstrate:

1. Clustered development with large, contiguous tracts of open space & protect environmentally sensitive areas. Indigenous management plan with monitoring:

60% open space

Required
205.6± ac

Provided
209.35± ac

50% indigenous

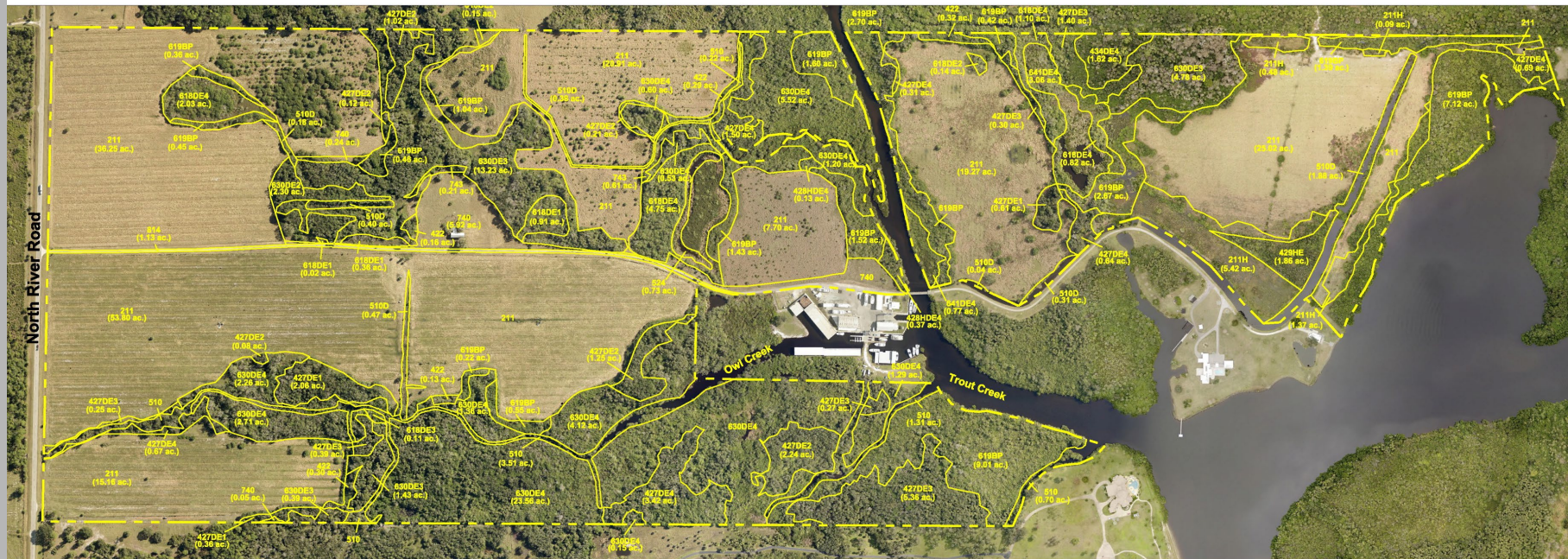
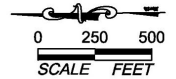
102.8± ac

168.25± ac:

- **56.36± ac rare & unique upland habitat (+56.36 DU)**
 - 15.16± ac preservation
 - 41.2± ac restoration
- **106.28± ac wetlands (+106.28 DU with text amendments)**
 - 23.56± ac preservation
 - 82.72± ac restoration
- 5.61± ac preserved surface water/flow-way

2. Minimum dimensions, soils, ecological restoration plan, & conservation easement providing third party enforcement rights acceptable to Lee County

SECTIONS: 18 & 19
TOWNSHIP: 43 S
RANGE: 26 E



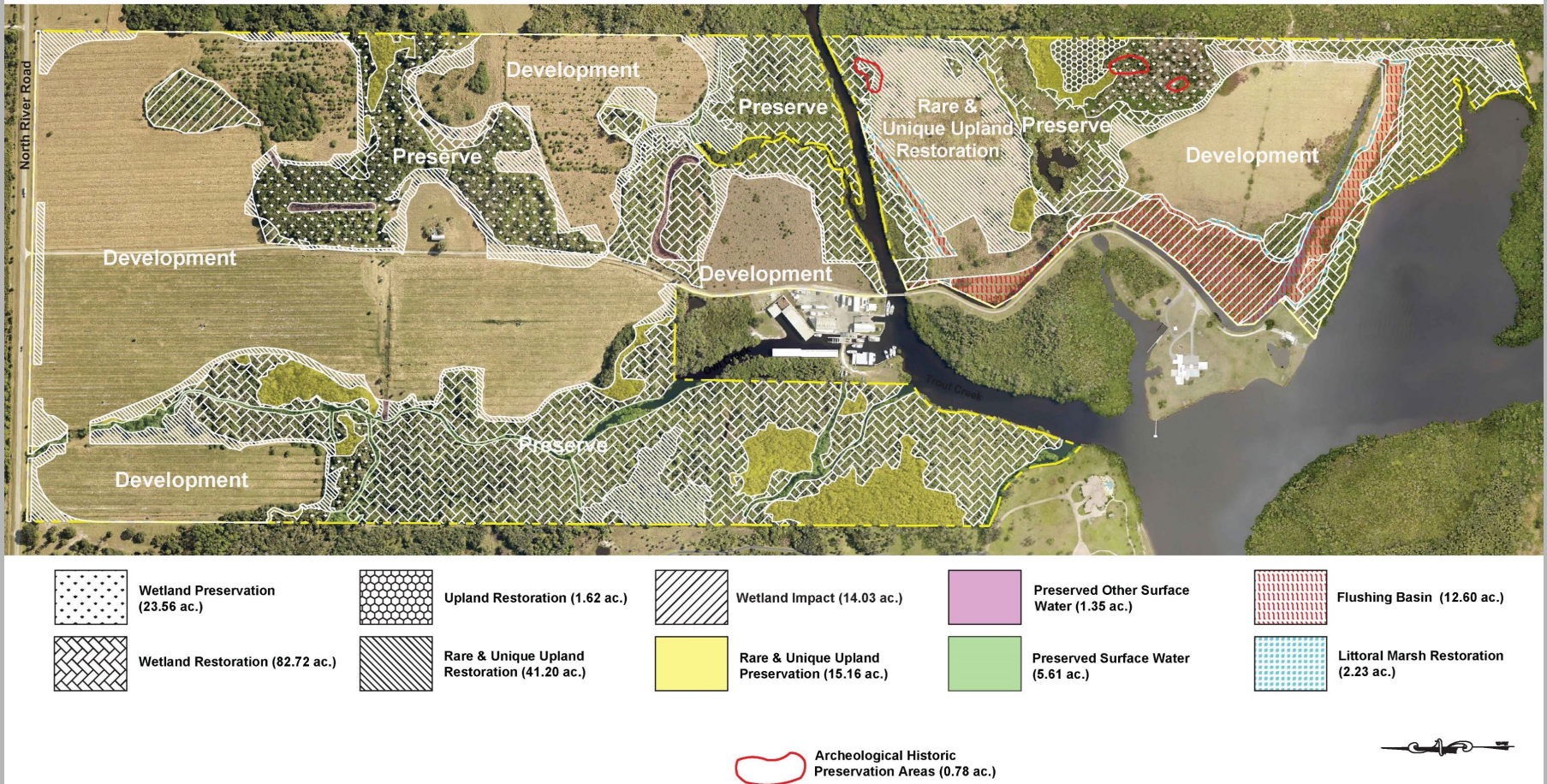
| | FLUCCS | Description | Acreage | FLUCCS | Description | Acreage |
|--|------------|--|------------|-----------|--|------------|
| | 211 | Improved Pastures | 178.11 ac. | ***618DE1 | Willow, Disturbed, Invaded by Exotics (10-25%) | 1.29 ac. |
| | ***211H | Improved Pastures - hydric | 7.36 ac. | ***618DE2 | Willow, Disturbed, Invaded by Exotics (26-50%) | 0.29 ac. |
| * Surface Waters | 422 | Brazilian Pepper | 1.20 ac. | ***618DE3 | Willow, Disturbed, Invaded by Exotics (51-75%) | 0.11 ac. |
| ** Jurisdictional Other Surface Waters | 427DE1 | Live Oak, Disturbed, Invaded by Exotics (10-25%) | 3.03 ac. | ***618DE4 | Willow, Disturbed, Invaded by Exotics (75-90%) | 8.70 ac. |
| *** Jurisdictional Wetlands | 427DE2 | Live Oak, Disturbed, Invaded by Exotics (26-50%) | 4.92 ac. | ***619BP | Hydric Brazilian Pepper | 30.94 ac. |
| | 427DE3 | Live Oak, Disturbed, Invaded by Exotics (51-75%) | 7.97 ac. | ***630DE2 | Wetland Forested Mixed, Disturbed, Invaded by Exotics (26-50%) | 2.30 ac. |
| | 427DE4 | Live Oak, Disturbed, Invaded by Exotics (76-90%) | 7.23 ac. | ***630DE3 | Wetland Forested Mixed, Disturbed, Invaded by Exotics (51-75%) | 19.83 ac. |
| | ***428HDE4 | Disturbed Hydric Cabbage Palm Invaded by Exotics (76-90%) | 0.50 ac. | ***630DE4 | Wetland Forested Mixed, Disturbed, Invaded by Exotics (76-90%) | 43.30 ac. |
| | ***429HE | Hydric Wax Myrtle Invaded by Exotics (5-9%) | 1.86 ac. | | | |
| | 434DE4 | Hardwood- Coniferous Mixed, Disturbed, Invaded by Exotics (76-90%) | 1.62 ac. | ***641DE4 | Freshwater Marsh, Disturbed, Invaded by Exotics (76-90%) | 3.83 ac. |
| | *510 | Streams and Waterways | 5.74 ac. | | Disturbed Land | 6.21 ac. |
| | ***510D | Ditches | 3.66 ac. | 740 | Spoil Area | 0.82 ac. |
| | ***524 | Lakes less than 10 acres which are dominant features | 0.73 ac. | 743 | Roads and Highways | 1.13 ac. |
| | | | | 814 | | |
| | | | | | Total | 342.68 ac. |

Notes:

1. Property boundary was obtained from Banks Engineering.
2. Mapping based on photointerpretation of 2019 aerial photography and ground truthing in February 2020. Map includes 2021 aerial photography.
3. Limits of wetlands were approved by SFWMD via a Formal Determination dated November 12, 2021.

February 25, 2022 1:58:11 p.m.
Drawing: DRHOR455PLAN111521.DWG *PERMIT USE ONLY. NOT FOR CONSTRUCTION*

BENEFITS



- **186.05± acre conservation easement (54% of site)**
- **Exotic removal/treatment in preservation & restoration areas**
- **Restoration plantings on 127.77± AC: 16,880± trees, 16,880 ± shrubs & 86,970± groundcover**
- **Archaeological Preservation of 3 Historic Sites**

ENVIRONMENTAL

Existing site

- Highly impacted by agricultural use
- Existing wetlands are impacted by exotic vegetation or pasture

Rare and Unique Uplands

- Live Oak Hammocks
- Cabbage Palm Hammocks

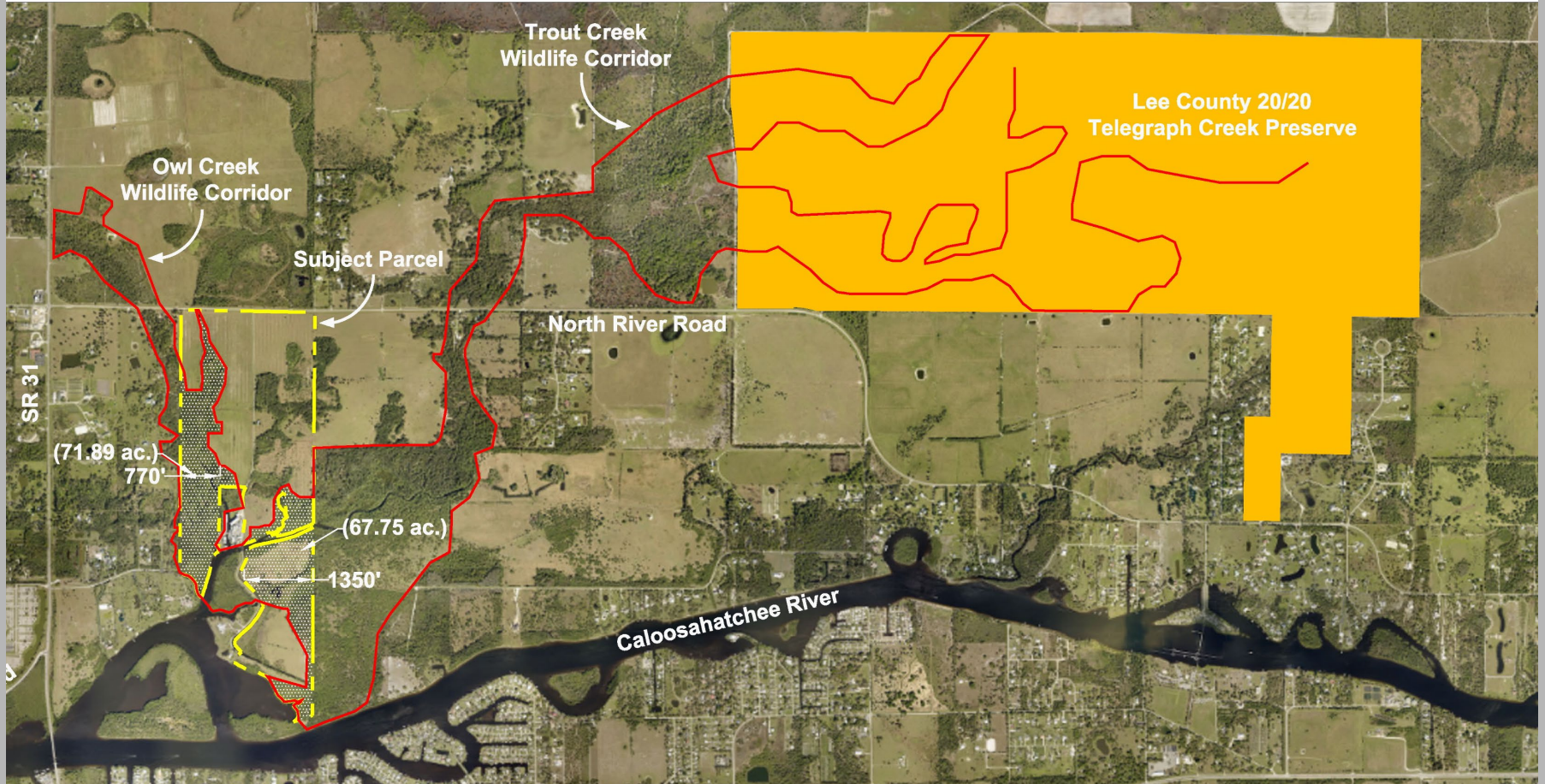
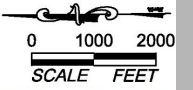
Preservation

- Historic flow-ways associated with Owl & Trout Creeks
- 45.68 acres existing high quality habitat, existing native tree areas, other surface waters, and surface waters
 - 23.56 acres wetlands
 - 15.16 acres forested uplands & rare & unique uplands
 - 5.61 acres surface waters (Owl & Trout Creeks)
 - 1.35 acres other surface waters

Restoration

- 127.77 acres
 - 42.82 acres Uplands & Rare and Unique Uplands
 - 82.72 acres wetlands
 - 2.23 acres littoral shelf wetlands
- Creation of 12.6 acres of flushing basin
- Connection of existing conservation lands through subject property

WILDLIFE CORRIDORS



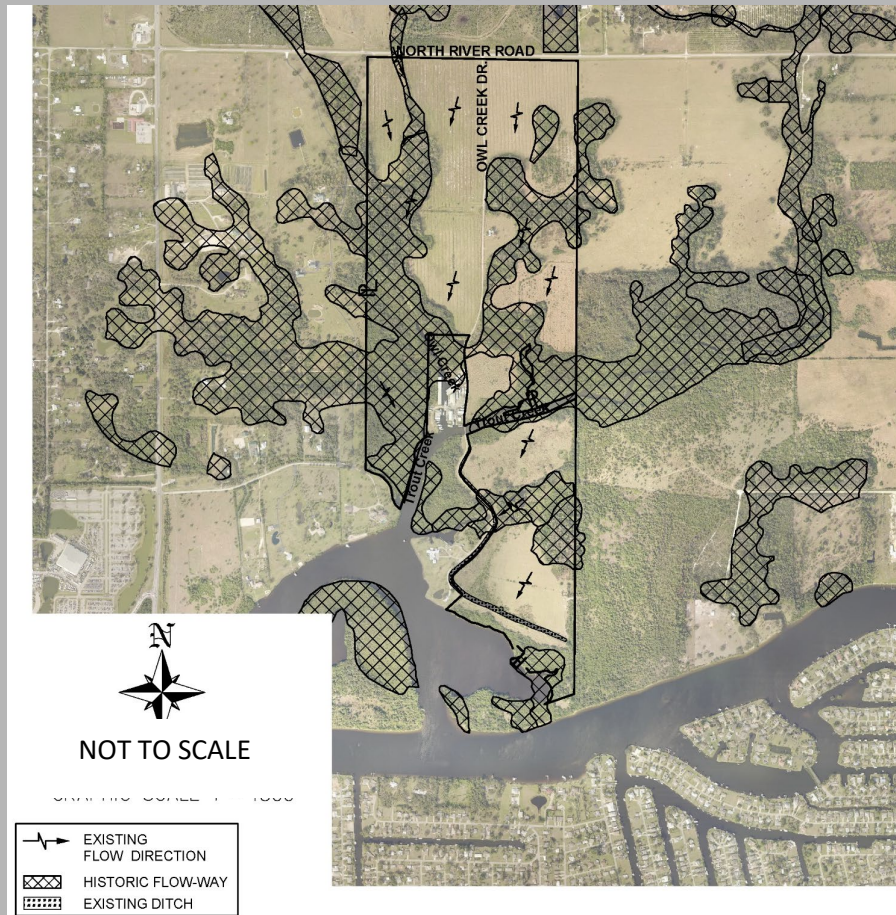
y boundary was obtained from Banks Engineering.
rty boundary is approximate and was obtained from
sers website.



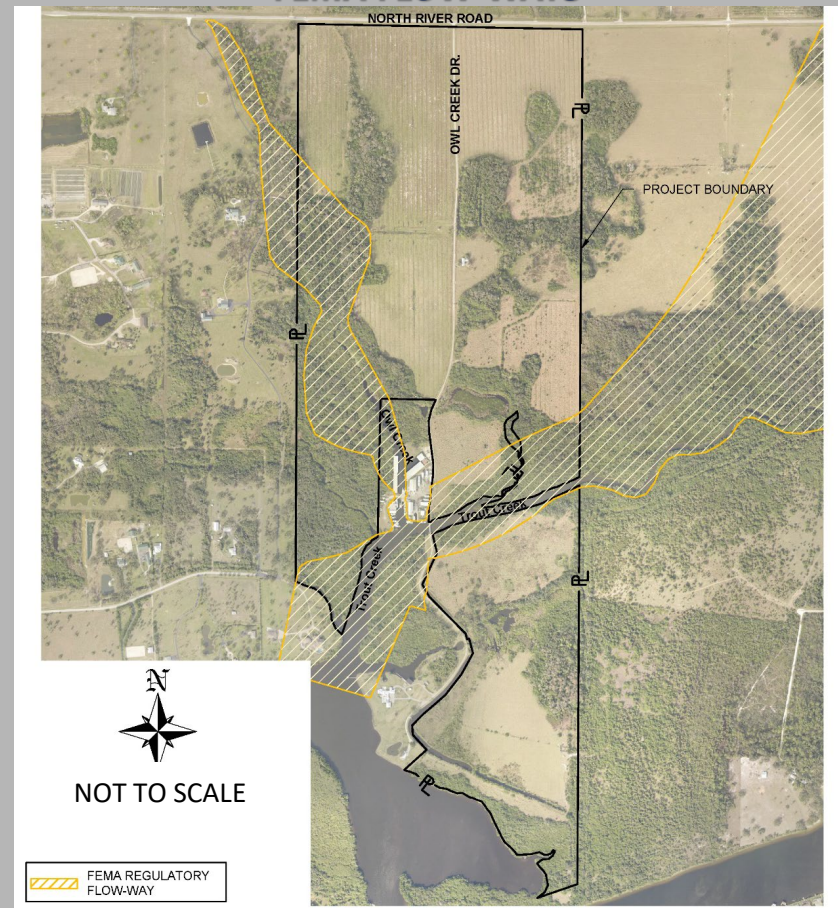
Proposed Onsite Wildlife Corridor (139.64 ac.)

FLOW-WAYS

HISTORIC FLOW-WAYS



FEMA FLOW-WAYS



- **Development clustered primarily in previously impacted areas**
- **Wetlands outside of controlled surface water management system so offsite flows pass through**
- **Wet & dry detention areas & wetland preserves provide filter marsh for flows entering natural waterways**

TRANSPORTATION

Traffic Study (Based on 440 Units)

- Long Range & Short Range Analysis indicates proposed request **does not** cause any roadways to operate below adopted Level of Service
- Request has been reduced to 380 dwelling units

WATER RESOURCES

Lee County Utilities (Potable Water Supply):

- Eliminate need for individual domestic supply wells
- Remove potentially competing water uses
- Improved planning and control of area water uses

FGUA (Sanitary Sewer Service)

- Eliminate septic tank discharges to groundwater and impaired water bodies
- Provide higher level of protection to existing water resources

Water Quality Improvements

- Removal of +/- 80 head of cattle with estimated 3,100 lbs/year of onsite Nitrogen generation
- Removal of 223 DU/septic systems with estimated 2,500 lbs/year of onsite Nitrogen generation
- Improved nutrient uptake and treatment through flow-way restorations

Water Resources – Irrigation

- Proposed irrigation supply from stormwater harvesting with recharge from Sandstone Aquifer
- Projected irrigation demands show up to 50% reduction in the historic maximum monthly use
- Proposed irrigation water use will meet all conditions for water use permitting with the SFWMD including impacts to the aquifer system, the environment, or existing legal users including Lee County Utilities

PUBLIC FACILITIES

Fire: Bayshore Fire Rescue – adequate level of service

Emergency Medical Services: Lee County EMS – adequate level of service. Medic 11 5.1 miles SW/second EMS station within 6 miles

Utilities:

- **Water:** Lee County Utilities has sufficient capacity – required map amendment & developer funded enhancements
- **Sewer:** FGUA has sufficient capacity – developer funded enhancements – LCU provided no objection

Public Transit: Lee County Transit: site does not meet applicability standards. Not within ¼ mile of a fixed route corridor, and no identified need for enhanced or additional services in the area

Schools: School District of Lee County: capacity is an issue within Concurrency Service Area (CSA) at high school level, however capacity is available within the adjacent CSA

Police: Lee County Sheriff's Office: no problems regarding services. North District Substation in North Fort Myers

Solid Waste: Lee County Solid Waste is capable of providing collection service through franchised hauling contractors. Disposal at Lee County Resource Recovery Facility and Lee-Hendry Regional Landfill

LEE PLAN CONSISTENCY

Policy 1.4.1 – Rural: Remains low density residential with slight density incentives

Policy 1.5.1 – Wetlands: Very low density residential that will not adversely affect ecological function of wetlands

Goal 27 – Northeast Lee County: Maintains, enhances & supports heritage, rural character & natural resources

- **Objective 27.1 – Rural Character & Policy 27.1.1:** Preserves open space, clustered development, ample views of wooded areas, river fronts & protection of environmentally sensitive lands, conserves large areas of open lands
- **Objective 27.2 – Rural Planning Toolbox:** incentives & regulations that enhance & maintain sense of place & provide long-term preservation of large tracts of contiguous natural resources & open space
- **Policy 27.2.1:** develop & refine rural planning tools including but not limited to: transfer of development rights, conservation easements

Goal 29 – North Olga: support unique rural character, heritage & natural resources

- **Objective 29.2 - Residential:** Protect & enhance rural character: clustered development, ample view of wooded areas, open spaces, river fronts & protection of environmentally sensitive lands
- **Policy 29.2.1:** planned developments encouraged to provide for clustering, preservation of open space & natural assets
- **Objective 29.7 - Conservation:** Preserve, protect & enhance physical integrity, rural character, ecological values, & natural beauty focusing upon Caloosahatchee River, native vegetation, wildlife resources & long-term conservation

LEE PLAN CONSISTENCY

Objective 2.1 – Growth Management & 163.3177(6)(a)9 F.S.: contain urban sprawl, conserve land, water & natural resources - slight density increase incentives to preserve wetlands & preserve, create or restore Rare & Unique upland habitats. Requests preserve distinction between future non-urban & suburban areas

Objective 17.3; Policy 17.3.2 – Public Input: Multiple meetings held within Alva & North Olga

Policy 124.1.1 & Table 1(a), Note 8: Expands wetland preservation incentive established in 2010 to include Rural

Policy 126.1.4 – Water Resources: Maintaining or improving surface water flows, groundwater levels, and lake levels, flow-way restoration – remove potential for 223 wells by connection to potable water

Policies 60.4.1, 60.4.3 & 61.3.3 – Surface Water Management: filtration marsh, preserved & restored wetlands & preservation & restoration of flow-ways

Goal 125 – Water Quality: Removal of cattle grazing & potential for 223 septic tanks by connection to sanitary sewer – Surface Water & Groundwater Monitoring Plan

Policy 125.1.6: Will comply with wellfield protection zone ordinance

STAFF RECOMMENDATION

- **Lee County Staff:**

- Recommends Transmittal
 - Rare & Unique Uplands incentive in Rural areas of North Olga Community
 - Wetlands incentive in Rural county-wide
 - Add subject property to Map 4-A

- **Applicant**

- In agreement with staff report
- Amendments are consistent with and in furtherance of the intent of the Lee Plan
- Respectfully request recommendation of Transmittal

QUESTIONS?