

**BOARD OF COUNTY COMMISSIONERS**

Writer's Direct Dial Number: (941) 479-8585

Bob Janes  
District One      September 19, 2002

Douglas R. St. Cerny  
District Two

Ray Judah  
District Three

Andrew W. Coy  
District Four

John E. Albion  
District Five

Donald D. Stilwell  
County Manager

James G. Yaeger  
County Attorney

Diana M. Parker  
County Hearing  
Examiner

Ray Eubank, Administrator  
Florida Department of Community Affairs  
Division of Community Planning  
Bureau of Local Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(941)479-8585  
Fax (941)479-8319  
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr  
Interim Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

## 2001/2002 LEE PLAN AMENDMENT CYCLE

### SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-

up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Luckett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, the Water Dependent Overlay (WDO) zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives and Policies that pertain to the WDO zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The "Contiguous Agricultural Parcels Over 100 Acres" map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states "Place all existing active and passive agricultural uses on all parcels in excess of 100 acres..." The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an "Ag Area" larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

- CPA2001-24** This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.
- CPA2001-27** Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.
- CPA2001-28** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2001-31** Amends Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.

**CPA2001-32**

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

**CPA2001-33**

Amends the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value." The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

**CPA2001-35**

Amends all elements of the Lee Plan, where applicable, by replacing references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority. The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

**CPA2001-15  
BoCC SPONSORED  
AMENDMENT TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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DCA Transmittal Document

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

September 4, 2002

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2001-15**

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: July 12, 2002

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

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

**2. REQUEST:**

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:**

Planning staff recommends that the Board of County Commissioners (BOCC) transmit this proposed amendment to the Future Land Use Element, Map 1, Future Land Use Map (FLUM).

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- The Conservation Lands land use categories were created to accurately depict the use of lands for conservation purposes.
- The Lee Plan Future Land Use element currently includes conservation areas owned by various agencies that have been designated as Conservation Lands.



- The citizens of Lee County approved the Conservation 2020 Program establishing an ad valorem tax to purchase lands for conservation purposes.
- The BOCC created the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) to evaluate and advise the BOCC of properties nominated by willing sellers.
- Lee County has received 225 willing seller applications for properties to be purchased through the Conservation 2020 Program.
- Forty-three of those applications and 7,690 acres have been purchased for \$48,746,154.74 through the Conservation 2020 Program..
- On January 10, 2002, the BOCC adopted new language to Lee Plan Policy 1.4.6 and amended the FLUM to include parcels purchased by the Conservation 2020 Program as of August 1, 2001 and the Sahdev property purchased by the State of Florida into the Conservation Lands category.
- The BOCC Lee County has purchased 8 nominated properties through the Conservation 2020 Program since August 1, 2001.
- On July 11, 2002, CLASAC recommended that the proposed amendment be approved by the BOCC with revisions.
- The Conservation Lands designation will give the County a competitive edge in obtaining grants for Conservation 2020 Program, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels.
- The Calusa Land Trust has purchased approximately 1,130 acres on and around Pine Island for conservation purposes.
- On March 20, 2001, the Calusa Land Trust Board of Directors approved the placement of the properties listed in Attachment 3 into the Conservation Lands FLUM category.
- The Trust for Internal Improvement Trust Fund State of Florida (TIITF) has purchased 8,617 acres funded through the Florida Forever Program in the Charlotte Harbor Flatwoods/Yucca Pen Management Area.
- On July 11, 2002, Jim Beever, of the Florida Fish and Wildlife Conservation Commission (FWC), verbally agreed to the placement of the properties listed in Attachments 4 & 5 into the Conservation Lands FLUM category.

## **C. BACKGROUND INFORMATION**

### **1. COMPREHENSIVE PLAN POLICY BACKGROUND**

On June 3, 1998, the BOCC adopted Lee Plan Policy 1.4.6 to create the Conservation Lands category and classify 50,000 acres in this FLUM category. On January 10, 2002, the BOCC

adopted new language to Lee Plan Policy 1.4.6 and amended the FLUM to include parcels purchased by the Conservation 2020 Program as of August 1, 2001 and the Sahdev property purchased by the State of Florida into the Conservation Lands category .

## 2. EXISTING CONSERVATION LANDS

Currently, about 57,170 acres are classified in the Conservation Lands category. Lee County has acquired over 20,929 acres of conservation lands at a cost of \$60 million since the 1989 plan was adopted including the Bocilla Island Preserve, Caloosahatchee Creeks Preserve, Charlotte Harbor Buffer Preserve, Columbus G. MacLeod Preserve, Deep Lagoon Preserve, Estero Bay Buffer Preserve, Flint Pen Strand, Hickey Creek Mitigation Park, Hickory Swamp Preserve, Imperial Marsh Southwest Florida International Airport Mitigation Area, Pine Island Flatwoods Preserve, Pineland Site Complex, Pine Lake Preserve, Prairie Pines Wildlife Preserve, St. James Creek Preserve, Six Mile Cypress Preserve, Yellow Fever Creek Preserve and Yucca Pen. In addition to the conservation lands acquired by Lee County, there are approximately 30,000 acres of conservation lands that have been acquired by other public agencies or private entities in Lee County.

## 3. CONSERVATION 2020 PROGRAM

A group of citizens, concerned about the rapid loss of environmentally sensitive lands to development, successfully lobbied to include a referendum on the November 1996 election ballot. That referendum asked 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. The BOCC established a land acquisition program to fulfill the voter's directives. That program has become known as "Conservation 2020", a name coined by the citizen group that pushed for the program to reflect their vision of the future. It is important to note that the BOCC mandated the program would only pursue properties with willing sellers and that the BOCC's power of eminent domain would not be used.

The Conservation 2020 Program objective is to put into the public domain private lands that provide the following public benefits:

- sustain native plant and animal populations;
- help protect people and property from flooding;
- help replenish our underground drinking water supply;
- help to improve or sustain the water quality of our coastal bays, inlets, and sounds;
- provide eco-tourism opportunities; and
- provide local environmentally-oriented recreational and educational opportunities

The Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) was established by Ordinance 96-12 to develop and implement a conservation land acquisition and stewardship program (known as the Conservation 2020 Program). CLASAC developed a two part process to evaluate properties that are nominated by willing sellers.

The County has received about 225 willing seller applications. As of July 12, 2002, forty-three nominations of those applications and 7,690 acres have been purchased for \$48,746,154.74.

#### **4. CALUSA LAND TRUST**

The Calusa Land Trust is a nonprofit environmental group, which has volunteers who donate their time, talent, and financial support to protect natural resources. It was started in 1976 by four Calusa Island residents who wanted to protect their island from development. It was expanded in 1989 to include all of Pine Island and now has about 800 members. Membership dues are used toward the purchase of land purchases. The Trust has been a very active organization in the Conservation 2020 Program by targeting properties on Pine Island for acquisition, inquiring if the property owners are willing sellers and nominating those properties for purchase. The Calusa Land Trust has also partnered with Lee County in purchasing those lands by making contributions of up to \$25,000.

The purpose of the Calusa Land Trust is to protect the natural diversity and beauty of the Pine Island region by acquiring, managing and preserving in perpetuity environmentally sensitive or historically important land and to foster appreciation for and understanding of the environment and our past. To date the Calusa Land Trust has purchased 1,130 acres.

#### **5. FLORIDA FOREVER PROGRAM**

The Florida Forever program replaces the Preservation 2000 Program (P-2000). P-2000 was responsible for the public acquisition, and protection, of more than 1.25 million acres of land. This program encompasses a wide range of goals, including: restoration of damaged environmental systems; water resource development and supply; increased public access; public lands management and maintenance; and, increased protection of land by acquisition of conservation easements.

Twice a year, Florida Forever acquisition projects are evaluated and selected by the Acquisition and Restoration Council (ARC). The ARC consists of nine members who represent these state agencies: Department of Community Affairs; Department of Environmental Protection; Division of Forestry of the Department of Agriculture and Consumer Affairs; Florida Fish and Wildlife Conservation Commission; and, the Division of Historical Resources of the Department of State. Four appointees of the Governor with backgrounds from scientific disciplines of land, water or environmental science also serve. The projects are grouped in three lists: Full Fee projects, Less-than-Fee projects, and Small Parcels projects.

Land acquisition by the Florida Forever program is almost exclusively voluntary. Only on extremely rare occasions, when critical natural resources are endangered, or the state's ability to effectively manage adjacent state-owned land is jeopardized, does the state use the power of eminent domain.

All state-owned land and proceeds from the sale of those lands (set aside in the Internal Improvement Trust Fund) is vested in the Trustees of the Internal Improvement Trust Fund (TIITF) [the Governor and Cabinet] for the use and benefit of the people of the State. The Department of Environmental Protection (DEP), through the Division of State Lands, performs all staff duties and functions related to acquisition, administration, and disposition of state-owned lands.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

#### 1. INTENT OF PLAN AND MAP AMENDMENT

The Conservation Lands 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. Conservation Lands typically include such uses as wildlife preserves; large wetland and upland mitigation areas and banks; natural resource based parks; and, water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields.

#### 2. CONSERVATION LANDS POLICY

The February 1, 1996 EAR Update Addendum, "A Summary of the Condition and Quality of Natural Resources in Lee County", recommended that Lee County create a new land use category for Conservation Lands. On June 3, 1998 the BOCC adopted Policy 1.4.6 of the Comprehensive Plan to create such a category. The purpose of the Conservation Lands category is to ensure that preserved lands are protected by designating appropriate land uses for properties within the Conservation Lands category. Appropriate land uses include but are not limited to passive recreation, environmental education, aquifer recharge, wildlife preserves, and mitigation areas and banks.

#### 3. LANDS TO BE RECLASSIFIED

Lands purchased by the Conservation 2020 Program after August 1, 2001, the Calusa Land Trust and by the Trustees of the Internal Improvement Trust Fund (TIITF).

#### 4. EXISTING CONDITIONS OF ACQUIRED CONSERVATION 2020 PROPERTIES

**TOTAL ACREAGE:** 1,019.2± acres modified by CLASAC

**LOCATIONS:** Conservation 2020 properties are located throughout Lee County (see Attachment 1 map).

**EXISTING USES:** The subject properties contain wetlands, passive agricultural uses, and vacant land.

**CURRENT ZONING CLASSIFICATIONS:** Attachment 2 details the individual parcel data including the acreage figures provided by the County Lands Department, which manages the Conservation 2020 program. The acreage figures may be subject to slight changes due to differences in the legal descriptions and the Property Appraiser's records for the properties in question. The acreages and property boundaries will be verified by Planning staff in the process of preparing the map for this amendment.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** The subject properties are classified as Intensive Development, General, Suburban, Outlying Suburban, Rural, Density Reduction/Groundwater Recharge and Wetlands. Attachment 2 of this report shows the Future Land Use Categories for each individual parcel that is proposed to be converted to the Conservation Lands category.

On July 11, 2002, CLASAC met to discuss this proposed amendment. Robert Clemens of County Lands commented that the County is seeking reimbursement of \$3,000,000 from the Federal Government for the purchase of Nomination #59 (Bunche Beach). He was concerned that placing this nomination in the Conservation Lands category could devalue the property appraisal by the Federal government. However, Lynda Riley of County Lands commented that the County is also seeking a grant from the Florida Communities Trust (FCT) and that by including this nomination in the Conservation Lands category it could give the County a competitive edge in obtaining a grant. The deadline to apply for this grant is July 30<sup>th</sup>. Ray Pavelka, a CLASAC member, stated that it is the intent of CLASAC to include this nomination into the Conservation Lands category after the reimbursement is made. He stated it should be included in the application for the FCT grant.

Mr. Clemens also stated that Nomination #154 may be sold to the South Florida Water Management District (SFWMD). He recommended postponing the inclusion of this nomination until the next amendment cycle.

CLASAC members unanimously recommended the BOCC transmit this amendment to include the land purchased through the Conservation 2020 Program listed in Attachment 3 without Nominations #59 and #154.

## **5. EXISTING CONDITIONS OF CALUSA LAND TRUST PROPERTIES**

**TOTAL ACREAGE:** 1,130± acres

**LOCATIONS:** Calusa Land Trust properties are located primarily on Pine Island and surrounding areas (see Attachment 1 map).

**EXISTING USES:** The subject properties are preserves with some passive recreational uses.

**CURRENT ZONING CLASSIFICATIONS:** Attachment 3 details the individual parcel data including the acreage figures provided by the Calusa Land Trust. The acreage figures may be subject to slight changes due to differences in the legal descriptions and the Property Appraiser's records for the properties in question. The acreages and property boundaries will be verified by Planning staff in the process of preparing the map for this amendment.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** The subject properties are classified as Suburban, Outlying Suburban, Rural, Outer Islands and Wetlands Future Land Use Categories. Attachment 3 of this report shows the Future Land Use Categories for each individual parcel that is proposed to be converted to the Conservation Lands category.

On March 20, 2001, the Calusa Land Trust Board of Directors approved the placement of the properties listed in Attachment 3 into the Conservation Lands FLUM category (see attachment 8).

## 6. EXISTING CONDITIONS OF TIITF PROPERTIES

**TOTAL ACREAGE:** 8,634± acres

**LOCATIONS:** The TIITF properties included in this amendment are located in the Charlotte Harbor Flatwoods, which is west of US41 and east of Burnt Store Road adjacent to the Lee - Charlotte County lines, and in Fort Myers Shores, which is south of SR80, north of the Orange River and east of I-75(see Attachment 1 map).

**EXISTING USES:** The subject properties in the Charlotte Harbor Flatwoods contain wetlands, passive agricultural uses, and vacant land. The property in Fort Myers Shores is currently being utilized as a storage facility for road construction materials by the Florida Department of Transportation (FDOT).

**CURRENT ZONING CLASSIFICATIONS:** The properties in the Charlotte Harbor Flatwoods are zoned AG-2 and the property in Fort Myers Shores is zoned C-2. Attachments 4 through 6 detail the individual parcel data including the acreage figures, which are provided by the Property Appraiser Geographic Information System (PAGIS). The acreage figures may be subject to slight changes due to differences in the legal descriptions and the Property Appraiser's records for the properties in question. The acreages and property boundaries will be verified by Planning staff in the process of preparing the map for this amendment.

**CURRENT FUTURE LAND USE CLASSIFICATIONS:** The subject properties are classified as Open Lands, Wetlands and Conservation Lands Future Land Use Categories. Attachment 4 through 6 of this report show the Future Land Use Categories for each individual parcel.

## 7. ALLOWABLE USES AND ACTIVITIES

Conservation Lands are properties purchased and used primarily for the conservation of natural resources. Uses and activities should be compatible with this overall objective and must comply with all applicable federal, state, and local government requirements and conditions.

The allowable uses within the Conservation Lands categories would be determined by the entity owning each parcel and/or the government agency having management authority so long as such activities comply with applicable federal, regional, state, and local regulations. Examples of activities which are currently occurring on identified 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.

## 8. ZONING

Currently the subject properties have many different zoning classifications. The most appropriate zoning district for Conservation Lands is the Environmentally Critical District (Sections 34-981 to 34-984, Land Development Code). Lee County may elect to rezone conservation lands to this zoning district if more restrictive land use regulations are desired.

## 9. WETLANDS

The Lee Plan has traditionally shown wetlands as a separate land use category with specific wetland protection policies. The wetlands category provides an accounting of the total wetlands in Lee County to comply with Rule 9J-5.006(1)(b)4., F.A.C. Wetlands will be identified as Conservation Lands to effectively account for, connect, enlarge, conserve, and provide long range management for natural resource conservation areas in Lee County. For planning purposes, wetlands in conservation lands will be subject to the land use policies of both the Wetlands and the Conservation Lands categories. If there is a conflict in land use policies, the more restrictive policy will apply.

## 10. GRANTS

The Conservation Lands designation will give the County a competitive edge in obtaining grants such as the Florida Community Trust, and Greenways and Trails grant programs. According to Rule 9K-4, pre-acquired lands are eligible for a grant through the Florida Community Trust within one year of purchase. The ranking criteria for the Florida Community Trust allocates 70 points out of a total 315 points to the comprehensive plan component.

## B. CONCLUSIONS

Placement of the lands acquired through the Conservation 2020 Program, Florida Forever Program, as well as, the lands purchased by the Calusa Land Trust into the Conservation Lands category is consistent with Objective 1.4, Policy 1.4.6, Goal 74, and Policy 74.1.2 of the Comprehensive Plan and Ordinance 96-12 (See Attachment 7). These goals, objectives, and policies read as follows:

**Objective 1.4: NON-URBAN AREAS.** Designate on the Future Land Use Map categories for those area not anticipated for urban development at this time.

**Policy 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject

to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. 2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances.

**Goal 74: COASTAL RESOURCE PROTECTION.** To protect the natural resources of the coastal planning area from damage caused by inappropriate development.

**Policy 74.1.2:** The county shall continue to support the preservation of environmentally sensitive areas in the coastal planning area by land acquisition.

Removal of the TIITF property in Fort Myers Shores from the Conservation Lands FLUM category and placing it in the Public Facilities FLUM category is consistent with Goal 1, Objective 1.1 and Policy 1.1.8 of the Comprehensive Plan.

#### **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment to amend the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by the County through the Conservation 2020 program, Florida Forever Program, Calusa Land Trust properties and reclassify the TIITF property in Fort Myers Shores from the Conservation Lands FLUM category to the Public Facilities FLUM category.



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

DATE OF PUBLIC HEARING: July 22, 2002

**A. LOCAL PLANNING AGENCY REVIEW**

Staff provided a brief presentation to the LPA on the proposed plan amendment. Several questions were asked to clarify items in the amendment, including if other State properties are classified in the Conservation Lands land use category. Staff informed the LPA that there are State lands in this category purchased by 1998 and that State lands purchased after this date would be included in future rounds of amendments.

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

1. **RECOMMENDATION:** The LPA recommended that the Board of County Commissioners transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

NOEL ANDRESS	<u>AYE</u>
MATT BIXLAR	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
ROBERT SHELDON	<u>AYE</u>
GREG STUART	<u>ABSENT</u>

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

DATE OF TRANSMITTAL HEARING: September 4, 2002

**A. BOARD REVIEW:**

Staff provided a brief presentation to the BOCC concerning the proposed plan amendment. Staff informed the BOCC that additional lands may be added to this amendment before adoption.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

1. **BOARD ACTION:** The Board of County Commissioners voted unanimously to transmit the proposed amendment.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The BOCC accepted the findings of fact as advanced by staff.

**C. VOTE:**

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

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

DATE OF ORC REPORT:

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**C. VOTE:**

**JOHN ALBION**

\_\_\_\_\_

**ANDREW COY**

\_\_\_\_\_

**BOB JANES**

\_\_\_\_\_

**RAY JUDAH**

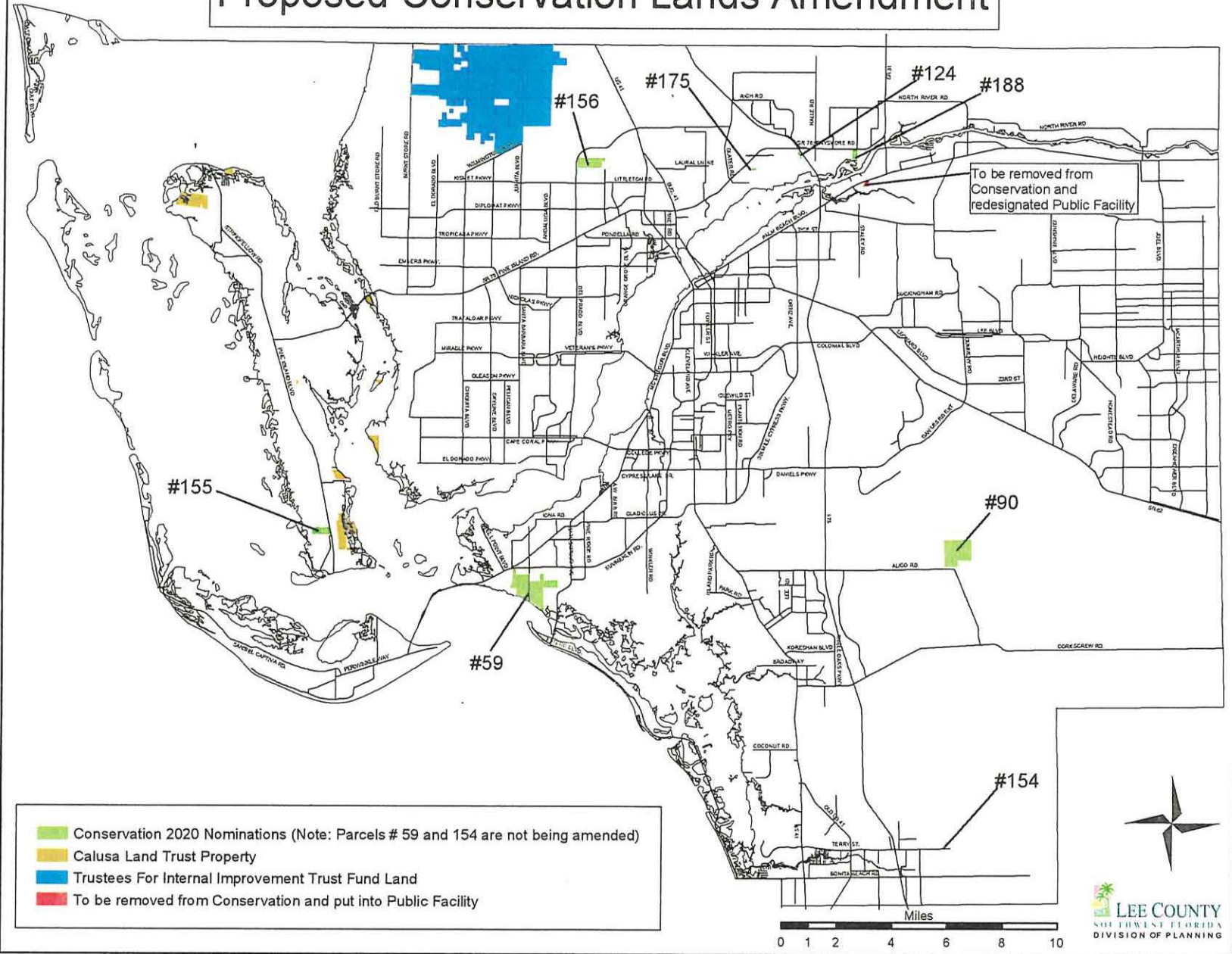
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**DOUG ST. CERNY**

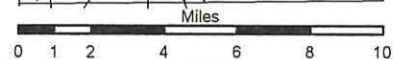
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# CPA2001-15 Proposed Conservation Lands Amendment



- Conservation 2020 Nominations (Note: Parcels # 59 and 154 are not being amended)
- Calusa Land Trust Property
- Trustees For Internal Improvement Trust Fund Land
- To be removed from Conservation and put into Public Facility



**Parcels Being Added to the Conservation Lands Future Land Use Categories  
through Plan Amendment CPA 2001-15**

**Parcels Purchased Through Conservation 2020 Program**

<b>Conservation 2020 Nomination Number</b>	<b>STRAP</b>	<b>Acres</b>	<b>Date Acquired</b>	<b>Zoning</b>	<b>Future Land Use</b>
90	04462600000010000 09462600000010170	588.32	08/08/2001	AG-2	DR/GR & Wetlands
124	21432500000070000 21432500000070000	12.60	03/15/2002	AG-2 & RS-1	General Interchange, Suburban & Wetlands
155	35452200000030000 34452200000040000	107.26	04/08/2002	AG-2 & RS-1	Rural & Wetlands
156	294324C1000010000 304324C2000040020	220.81	08/10/2001	Cape A	Outlying Suburban & Intensive Development
175	29432502000021000 29432502000030000 29432502000030100	9.81	07/05/2002	RS-1	Suburban
188	23432500000180000 23432500000190010 26432500000060010 26432500000070000	80.40	07/01/2002	C-1 & MH-2	Outlying Suburban & Wetlands
<b>TOTAL</b>		<b>1019.20</b>			

**Parcels Being Added to the Conservation Lands Future Land Use Categories  
through Plan Amendment CPA 2001-15**

**Parcels Purchased by the Calusa Land Trust**

Parcel Name	STRAP	Acres	Date Acquired	Zoning	Future Land Use
Baxley Preserve	03452201000M00000	5.38		AG-2	Rural & Wetlands
Big Jim Creek Preserve	36432100000020000 36432100000010000	375.2		AG-2 & TFC-2	Wetlands
Calusa Island Preserve	3043220I000480000	35.36		AG-2	Wetlands & Outer Islands
Dobbs Preserve	23452200000020000	69.14		AG-2	Wetlands & Outlying Suburban
Matlacha Preserve	244422000000460000	1.78		C-1 & AG-2	Wetlands
McCardle Islands Preserve	1452200000020000 06452300000010000	14.29		AG-2	Wetlands
St. James Creek Preserve	25452200000030000 26452200000040000 35452200000011000 36452200000010000 01462200000010010 01462200000010000 02462200000012000	557.38		C-1, RM-2, RS-1 & AG-2	Wetlands, Outlying Suburban & Suburban
Underhill Creek Preserve	134522C2000010000	71		Cape NZ	Wetlands
<b>TOTAL</b>		<b>1129.53</b>			

**Parcels Being Added to the Conservation Lands Future Land Use Categories  
through Plan Amendment CPA 2001-15**

**Parcels Purchased through Florida Forever Program in the Charlotte Harbor Flatwoods**

<b>STRAP</b>	<b>Acres</b>	<b>Date Acquired</b>	<b>Zoning</b>	<b>Future Land Use</b>
01432300000010000	658.66	Aug-98	AG-2	Open Lands & Wetlands
02432300000010000	602.67	Oct-98	AG-2	Open Lands & Wetlands
03432300000010000	608.06	Oct-98	AG-2	Open Lands & Wetlands
04432300000010000	320	Oct-00	AG-2	Open Lands & Wetlands
04432300000020000	2.5	Feb-01	AG-2	Open Lands & Wetlands
04432300000020030	20	Aug-01	AG-2	Open Lands & Wetlands
04432300000020050	2.5	Mar-01	AG-2	Open Lands & Wetlands
04432300000020060	20	Aug-01	AG-2	Open Lands & Wetlands
04432300000020070	2.5	Feb-01	AG-2	Open Lands & Wetlands
04432300000020080	2.5	May-02	AG-2	Open Lands & Wetlands
04432300000020090	5	Jun-01	AG-2	Open Lands & Wetlands
04432300000020100	5	May-02	AG-2	Open Lands & Wetlands
04432300000030010	20	Apr-01	AG-2	Open Lands & Wetlands
04432300000030020	40	Aug-01	AG-2	Open Lands & Wetlands
04432300000030040	10	Feb-01	AG-2	Open Lands & Wetlands
04432300000030050	3.75	Feb-01	AG-2	Open Lands & Wetlands
04432300000030060	3.75	Feb-01	AG-2	Open Lands & Wetlands
04432300000030070	5	Feb-01	AG-2	Open Lands & Wetlands
04432300000030090	10	Feb-01	AG-2	Open Lands & Wetlands
05432300000020000	429.64	May-01	AG-2	Open Lands & Wetlands
08432300000050020	85.55	May-01	AG-2	Open Lands & Wetlands
08432300000060000	82.96	Jul-01	AG-2	Open Lands & Wetlands
08432300000060020	164.88	May-01	AG-2	Open Lands & Wetlands
09432300000010000	692.43	Nov-00	AG-2	Open Lands & Wetlands
10432300000010000	504.3	Nov-98	AG-2	Open Lands & Wetlands
10432300000020000	166.24	Sep-98	AG-2	Open Lands & Wetlands
11432300000010000	371.98	Nov-99	AG-2	Open Lands & Wetlands
12432300000010000	671.18	Nov-99	AG-2	Open Lands & Wetlands
13432300000010000	658.69	Nov-99	AG-2	Open Lands & Wetlands
<b>ATTACHMENT 4 SUBTOTAL</b>	<b>6169.74</b>			



**Parcels Being Added to the Conservation Lands Future Land Use Categories  
through Plan Amendment CPA 2001-15**

**Parcels Purchased through Florida Forever Program in the Charlotte Harbor Flatwoods**

<b>STRAP</b>	<b>Acres</b>	<b>Date Acquired</b>	<b>Zoning</b>	<b>Future Land Use</b>
14432300000020000	82.68	Oct-01	AG-2	Open Lands & Wetlands
14432300000030000	322.03	Nov-99	AG-2	Open Lands & Wetlands
14432300000040000	160.7	Jun-01	AG-2	Open Lands & Wetlands
15432300000010000	637.3	Nov-99	AG-2	Open Lands & Wetlands
16432300000020000	20	Jul-01	AG-2	Open Lands & Wetlands
16432300000030010	20	Apr-02	AG-2	Open Lands & Wetlands
16432300000030020	10	Jul-01	AG-2	Open Lands & Wetlands
16432300000040000	5	May-01	AG-2	Open Lands & Wetlands
16432300000050000	5	Nov-01	AG-2	Open Lands & Wetlands
16432300000060000	10	Nov-01	AG-2	Open Lands & Wetlands
16432300000070000	40	Nov-01	AG-2	Open Lands & Wetlands
16432300000090000	10	Jun-01	AG-2	Open Lands & Wetlands
16432300000110010	40	Nov-99	AG-2	Open Lands & Wetlands
16432300000110020	10	Dec-01	AG-2	Open Lands & Wetlands
16432300000110030	10	Dec-01	AG-2	Open Lands & Wetlands
16432300000120000	40	Nov-01	AG-2	Open Lands & Wetlands
16432300000140000	20	Nov-01	AG-2	Open Lands & Wetlands
16432300000150000	80	Nov-01	AG-2	Open Lands & Wetlands
22432300000010000	80	Nov-99	AG-2	Open Lands & Wetlands
22432300000020000	15	May-02	AG-2	Open Lands & Wetlands
22432300000020010	20	Jul-01	AG-2	Open Lands & Wetlands
22432300000020020	5	Oct-01	AG-2	Open Lands & Wetlands
22432300000040000	60	May-01	AG-2	Open Lands & Wetlands
22432300000040010	10	May-01	AG-2	Open Lands & Wetlands
22432300000040020	40	May-01	AG-2	Open Lands & Wetlands
22432300000040030	20	May-01	AG-2	Open Lands & Wetlands
22432300000040060	10	Jun-01	AG-2	Open Lands & Wetlands
22432300000050060	5	Aug-01	AG-2	Open Lands & Wetlands
22432300000050070	5	Feb-01	AG-2	Open Lands & Wetlands
23432300000010000	529.63	Nov-99	AG-2	Open Lands & Wetlands
24432300000030000	5	May-01	AG-2	Open Lands & Wetlands
06432400000010030	40	Feb-02	AG-2	Open Lands & Wetlands
06432400000040000	80	Oct-01	AG-2	Open Lands & Wetlands
<b>ATTACHMENT 5 SUBTOTAL</b>	<b>2447.34</b>			
<b>ATTACHMENT 4 SUBTOTAL</b>	<b>6169.74</b>			
<b>TOTAL</b>	<b>8617.08</b>			

**Parcels Being Removed from the Conservation Lands Future Land Use Categories  
through Plan Amendment CPA 2001-15**

**Parcels Purchased by Trustees for Internal Improvement Trust Fund & Utilized by FDOT**

<b>STRAP</b>	<b>Acres</b>	<b>Date Acquired</b>	<b>Zoning</b>	<b>Future Land Use</b>
36432500000270000	16.78	Dec-92	C-2	Conservation Lands
<b>TOTAL</b>	<b>16.78</b>			

## LEE COUNTY ORDINANCE NO. 96-12

AN ORDINANCE OF LEE COUNTY, FLORIDA, CREATING THE LEE COUNTY CONSERVATION LAND ACQUISITION AND STEWARDSHIP ADVISORY COMMITTEE, PROVIDING FOR CRITERIA RELATING TO THE PROCEDURAL IMPLEMENTATION OF LEE COUNTY'S AD VALOREM TAX LEVY PROGRAM TO PURCHASE AND IMPROVE ENVIRONMENTALLY CRITICAL OR SENSITIVE LANDS, PROVIDING FOR OBJECTIVES AND DUTIES OF THE COMMITTEE; PROVIDING FOR APPOINTMENT, COMPOSITION, TERMS AND PROCEDURES; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the public health, safety and welfare is served, promoted and enhanced by the acquisition and management of environmentally critical or sensitive lands for the protection of natural flood plains, marshes or estuaries, for surface water management and water supply, for the restoration of altered ecosystems; and to provide wildlife management areas and recreation opportunities; and the conservation of said natural resources, and

WHEREAS, applicable Florida Statutes reflect that such land acquisition and improvement serves a public purpose; and

WHEREAS, Lee County has determined it is in the public's interest to submit to voter referendum the issue of whether the county should be authorized to levy and use certain ad valorem tax funds to finance the purchase and improvement of said lands; and

WHEREAS, if said funding is authorized by the voters of Lee County and the Board in its discretion levies the necessary millage on an annual review basis as required by Florida law, it is further in the public's interest to have any resulting acquisition and improvement program procedurally implemented in a manner that sets specific guidelines for the program and provides the county with recommendations to ensure effective and successful completion of the program; and

WHEREAS, the Board of County Commissioners recognizes the need for the creation of an advisory committee in order to advise the county and public in the

implementation of the program and in proceeding with projects constituting a part of the limited general obligation bond acquisition and improvement program,

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT.

SECTION ONE: NAME:

This ordinance shall be known as the Lee County Conservation Lands Implementation Ordinance

SECTION TWO. CREATION OF ADVISORY COMMITTEE

The Board of County Commissioners hereby creates and establishes the Conservation Lands Acquisition and Stewardship Committee, hereinafter called "The Land Committee "

SECTION THREE. OBJECTIVES AND DUTIES.

The "Land Committee" will advise and provide recommendations to the Board concerning the county's environmentally critical or sensitive land purchase and improvement program, "The Land Program." Upon formation of the Land Committee, the Board, with input from the committee, shall establish reasonable rules, guidelines and milestones in order for the committee to meet its objectives and duties as provided herein

The Land Committee will perform the following functions:

- A. Review and provide recommendations concerning the County's levy of millage and use of ad valorem funds in order to finance and implement The Land Program
- B. Establish the parameters of The Land Program to include, but not limited to, criteria for land purchases, procedures to implement the program, and process for ranking purchase projects. The Land Program parameters will be confirmed by the Board by subsequent Resolution.
- C. Develop for Board approval by Resolution, a Property Acquisition Map depicting areas for purchase and specific properties which can be

purchased from willing sellers. The Land Acquisition Map and priorities for purchase will be reviewed and updated periodically, but at a minimum on an annual basis.

- D. Establish the parameters of a trust fund for land management, restoration and creation of public access for potential recreational use of acquired properties.
- E. Review established Land Program criteria and guidelines and provide recommendations for amendments and/or modifications to The Land Program that serve to enhance the effective operation of same.
- F. Provide periodic input and updates on the implementation and operation of The Land Program, to include but not limited to land purchase status, expenditures and availability of funds.
- G. Disseminate to and coordinate with Lee County local governments, potentially affected property owners and the general public by public hearing or otherwise, information concerning the program guidelines and the rationale for parcel selection.
- H. Coordinate with and assist as necessary Lee County staff in acquiring and managing the program lands.
- ~~I. Offer amendments and/or modifications to this ordinance as necessary to effectively and successfully implement the program.~~

#### SECTION FOUR. PROGRAM CRITERIA

Notwithstanding the duties and objectives as specified in Section Three, supra, the

Land Program shall be subject to the following general criteria:

- A. All land acquisitions and land improvement functions must be consistent with the legal and financial parameters of any County levy of millage and use of ad valorem tax proceeds providing funds for The Land Program.
- ~~B. All land purchases shall conform to those laws applicable to the county purchase of real property or any interest therein.~~
- C. All lands shall be purchased in a legal interest sufficient to meet the objectives for the uses of the acquired lands herein.

- D. Priorities for land purchase must be reviewed and amended, if necessary, at least on an annual basis.
- E. The land Acquisition Program will be on a "willing seller" basis. No eminent domain will be used to acquire lands for the program.
- F. All lands considered for purchase will be appraised by one or more certified appraisers.
- G. In general, the lands considered for purchase should have critical or sensitive conservation value, be large enough in size to be effectively managed or be a unique/rare habitat type, contribute positively to surface water management, water supply, flood control, wildlife habitat or appropriate passive public recreation.
- H. Land purchases will be consistent with those lands as identified in the Lee County Comprehensive Plan as being appropriate for conservation and protection of natural resources efforts and public recreation.
- I. Lands to be acquired under The Land Program will be subject to the county's receipt of off-site mitigation credits from appropriate agencies or agency as the case may be.
- ~~J. Any lands identified as a priority for purchase can be removed from said listing or acquisition map upon the request of any affected land owner.~~

#### SECTION FIVE. APPOINTMENT AND COMPOSITION.

The Board of County Commissioners shall appoint fifteen (15) members to the Land Committee, as herein established. It is the intent to establish an advisory committee with a balance of environmental, business, government and civic interests in Lee County. The membership will be established by the Board upon consensus vote after a review of recommendations of appointees. Each Board member shall nominate three (3) members to the Committee.

#### SECTION SIX. TERMS OF MEMBERS

The members to the Land Committee shall be appointed by the Board for a term up

to three (3) years. The membership hereof shall be appointed within thirty (30) days after the favorable adoption of the non-binding Referendum of November 5, 1996 on the land acquisition issue. The Board will make subsequent appointments or reappointments in the same manner as the original appointments. Members may be replaced subject to confirmation of the Board. Unless otherwise provided by the Board, replacement members will serve the unexpired term.

The Board may remove any member who is absent for four (4) consecutive meetings upon recommendation from the Land Committee.

SECTION SEVEN: RULES OF PROCEDURE:

- A. The Land Committee and its members shall comply with all applicable requirements of the Florida Sunshine Law, Public Records Law, Financial Disclosure Requirements (F.S. Ch. 112), if required, and the Lee County Lobbying Ordinance.
- B. The Land Committee may adopt additional procedures of operations provided there is no conflict with State Law.
- C. Roberts Rules of Order shall dictate parliamentary procedure. The Committee will elect its own officers for a one (1) year term.
- D. All members will serve without compensation.
- E. The committee shall adopt a meeting schedule consistent with the effective implementation and operation of the program and the objectives set forth in this ordinance. Regardless, in no event will the committee meet less than quarterly unless such revised schedule is first approved by the Board. The committee adopted meeting schedule or revisions thereto shall be forwarded to the Board of County Commissioners.

SECTION EIGHT: SEVERABILITY/REPEAL

The provisions of this ordinance are severable and it is the legislative intention to confer upon the whole or any part of the ordinance the powers herein provided for. If any of the provisions of this ordinance shall be held unconstitutional by any court of competent

jurisdiction, the decision of such court shall not affect or impair any remaining provisions of the ordinance. It is hereby declared to be the legislative intent that this ordinance would have been adopted had such unconstitutional provision not been included herein. Any subsequent amendments to, or repeal of this ordinance shall not in any way affect the validity of the levy of millage and use of tax proceeds for the land acquisition program or the non-binding of referenda vote of November 5, 1996. The provisions of this ordinance, as a procedural implementing document, shall be deemed separate and apart from said ad valorem tax financing and related actions.

SECTION NINE      CODIFICATION, INCLUSION IN CODE AND  
SCRIVENER'S ERRORS

It is the intention of the Board of County Commissioners that the provisions of this ordinance shall become and be made a part of the Lee County Code, and that sections of this ordinance may be renumbered or relettered and that the word "ordinance" may be changed to "section," "article," or such other appropriate word or phrase in order to accomplish such intention; and regardless of whether such inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered and typographical errors which do not affect the intent may be authorized by the County Administrator, or his designee, without need of public hearing, by filing a corrected or recodified copy of same with the Clerk of Circuit Court

SECTION TEN      EFFECTIVE DATE/REPEALER

This ordinance shall be effective upon official filing of same with the Secretary of the State of Florida, but shall be of no further force or effect and will be deemed repealed if the proposed non-binding Referendum for environmentally critical or sensitive lands is not duly approved at the November 5, 1996, Special Referendum Election

The foregoing Ordinance was offered by Commissioner Ray Judah, who moved its




adoption. The motion was seconded by Commissioner Andrew Coy and, being put to a vote, the vote was as follows:

JOHN E. MANNING	<u>ABSENT</u>
DOUGLAS ST. CERNY	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
ANDREW W. COY	<u>AYE</u>
JOHN E ALBION	<u>AYE</u>

DULY PASSED AND ADOPTED this 31st day of July, 1996.

CHARLIE GREEN, CLERK  
LEE COUNTY, FLORIDA



By: Shirley E. Rast  
Deputy Clerk

BOARD OF COUNTY COMMISSIONERS

By: [Signature]  
Chairman

LEE COUNTY ATTORNEY'S OFFICE  
APPROVED AS TO FORM:

By: James G. Yaeger  
County Attorney

**Calusa Land Trust and Nature Preserve of Pine Island, Inc.**  
**P.O. Box 216, Bokeelia, FL 33922**

17 Jul 01

Paul O'Connor  
Director, Planning Division, Lee County  
P.O. Box 398, Fort Myers, FL 33902

Sir:

Please add the below-listed properties to the "Conservation Lands" category on the Lee County Land Use Plan Future Land Use Map.

All of the lands listed below are wholly owned by the Calusa Land Trust; however, please be advised that the title to one, the McCardle Islands Preserve, is in passive dispute. The island is claimed in whole or in part by the Calusa Land Trust, US Fish and Wildlife Service, and Department of Environmental Protection--all of whom collaborate in maintaining the island as a nature preserve.

Baxley Preserve:

03-45-22-01-000M0.0000 5.38 acres

Big Jim Creek Preserve:

36-43-21-00-00002.0070 (Kreie) 49.70

36-43-21-00-00001.0040 325.50

375.20

Calusa Island Preserve:

30-43-22-01-00048.0000 (wetlands) 35.24

30-43-22-01-00070.0010 (uplands) 1.83

37.07

Dobbs Preserve

23-45-22-00-00002.0000 69.14

Matlacha Preserve:

24-44-22-00-00046.0000 1.78

McCardle Islands Preserve [title in dispute]:

31-44-23-00-00002.0000 40.0

01-45-22-00-00002.0000 7.0

06-45-23-00-00001.0000 4.0

51.0

St. James Creek Preserve:

25-45-22-00-00003.0010	7.67
26-45-22-00-00004.0020 (Castile)	43.81
35-45-22-00-00001.1000 (St. Jude Trail)	199.61
36-45-22-00-00001.0000	96.00
01-46-22-00-00001.0010	14.33
01-46-22-00-00001.0000 (Back Bay)	185.73
02-46-22-00-00001.2000	<u>10.23</u>
	557.38

Underhill Creek Preserve:

13-45-22-C2-00001.0000	71.0
------------------------	------

The decision to include the properties listed above in the "conservation lands" category of the Lee Plan was made by majority vote at the 20 March 2001 meeting of the Calusa Land Trust Board of Directors. We ask that you do so in the next round of Land Plan amendments. By this action, we do not surrender any of our rights as landowners. The properties listed are presently open to the public for passive recreational use, including power boating and paddled boats, fishing, hiking, birdwatching, and similar nature related activities. It is our intention, as well as our prerogative, that that they stay that way.

Please address any questions to Phil Buchanan, 283-4067. Thank you for your assistance.

Sincerely,

---

Richard Little  
President, Calusa Land Trust

- The citizens of Lee County approved the Conservation 2020 Program establishing an ad valorem tax to purchase lands for conservation purposes.
- The BOCC created the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) to evaluate and advise the BOCC of properties nominated by willing sellers.
- Lee County has received 225 willing seller applications for properties to be purchased through the Conservation 2020 Program.
- Forty-three of those applications and 7,690 acres have been purchased for \$48,746,154.74 through the Conservation 2020 Program..
- On January 10, 2002, the BOCC adopted new language to Lee Plan Policy 1.4.6 and amended the FLUM to include parcels purchased by the Conservation 2020 Program as of August 1, 2001 and the Sahdev property purchased by the State of Florida into the Conservation Lands category.
- The BOCC Lee County has purchased 8 nominated properties through the Conservation 2020 Program since August 1, 2001.
- On July 11, 2002, CLASAC recommended that the proposed amendment be approved by the BOCC with revisions.
- The Conservation Lands designation will give the County a competitive edge in obtaining grants for Conservation 2020 Program, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels.
- The Calusa Land Trust has purchased approximately 1,130 acres on and around Pine Island for conservation purposes.
- On March 20, 2001, the Calusa Land Trust Board of Directors approved the placement of the properties listed in Attachment 3 into the Conservation Lands FLUM category.
- The Trust for Internal Improvement Trust Fund State of Florida (TIITF) has purchased 8,617 acres funded through the Florida Forever Program in the Charlotte Harbor Flatwoods/Yucca Pen Management Area.
- On July 11, 2002, Jim Beaver, of the Florida Fish and Wildlife Conservation Commission (FWC), verbally agreed to the placement of the properties listed in Attachments 4 & 5 into the Conservation Lands FLUM category.

## **C. BACKGROUND INFORMATION**

### **1. COMPREHENSIVE PLAN POLICY BACKGROUND**

On June 3, 1998, the BOCC adopted Lee Plan Policy 1.4.6 to create the Conservation Lands category and classify 50,000 acres in this FLUM category. On January 10, 2002, the BOCC