

**PAM/T 96-08
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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June 3, 1998

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAM/T 96-08**

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

STAFF REPORT PREPARATION DATE: October 27, 1997

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. ORIGINAL STAFF REQUEST:

Amend the Future Land Use Map to add a new conservation lands category. Amend the text of the Future Land Use Element to add a new non-urban Conservation Lands policy under Objective 1.4. The new category will identify lands which are used for conservation purposes and are not available for urban development.

B. BACKGROUND INFORMATION

1. COMPREHENSIVE PLAN BACKGROUND

Presently, public and private conservation areas are classified under a variety of Future Land Use Map (FLUM) categories. Most conservation lands are wetlands and are designated Wetlands on the FLUM. Upland public conservation lands are often included in the Public Facilities FLUM category for lack of a more appropriate category. The Public Facilities category is an urban category which may be used for any public use including airports, schools, parks, fire stations, utilities, health centers, administrative buildings, and other governmental facilities. The inclusion of conservation lands in the Public Facilities

category has incorrectly inflated the urban land use acreage in the county which creates problems in land use planning.

The Conservation Lands category will provide a single, non-urban land use category for all public and some private conservation lands. Private lands are included solely with the permission or at the request of the land owner. The Conservation Lands category may also help protect lands which have been acquired for the purpose of long range natural resource conservation management by publicly portraying their locations in the comprehensive plan.

2. EAR ADDENDUM DISCUSSION

The Feb. 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. That discussion is reproduced below.

"Lee County has acquired over 15,000 acres of conservation lands at a cost of \$25 million since the 1989 plan was adopted. Examples of such areas include the Flint Pen Strand, the Imperial Marsh airport mitigation area, the Hickey Creek Mitigation Park, the St. James Creek Preserve, and Bocilla Island Preserve, among others. Lee County acquired the majority of these conservation lands (nearly 10,000 acres) for the purpose of protecting and preserving environmentally sensitive lands. The remaining areas were purchased for mitigation credits for the expansion of the Southwest Florida International Airport and other mitigation projects.

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 as shown in Figure 18 (Existing Conservation Lands). [Note: Figure 18 is updated in this staff analysis in Attachment 2.] Examples of other existing public preserves include Cayo Costa State Park, Estero Bay State Buffer Preserve, Little Pine Island, and Little Estero Critical Wildlife Area. An example of a private preserve is the Calusa Land Trust's St. James Creek Preserve on Pine Island.

A new land use category should be considered for the existing 45,000 [now 50,000] acres of conservation lands in Lee County. Currently, the most appropriate existing land use category for conservation lands is the Public Facilities category. This category is broadly used for publicly owned lands for any public purpose. Examples of Public Facilities uses are the waste-to-energy incinerator, public well fields, county buildings, schools, parks, etc. Due to its broad application, the Public Facilities category is included in the Future Urban Area. The use of this category for conservation lands incorrectly inflates the Future Urban Area acreage in the comprehensive plan. This category also provides no long-term protection for conservation lands from future use as an inappropriate urban public facility.

The purpose of the new category for conservation lands would be to ensure that conservation lands are protected and to provide for appropriate land uses. Appropriate lands uses might

include passive recreation, environmental education, and similar uses. Consideration should be given to making the conservation land use category available to private landowners who want to voluntarily preserve land for conservation use.”

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: Include the following new policy under Objective 1.4.:

POLICY 1.4.5: The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Wetland Conservation Lands will be classified as both Wetlands and Conservation Lands and will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category. The most stringent provisions of either category will apply. 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 would 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. Private owned conservation lands may be included at the written request of the property owner. The allowable uses within these areas will be determined by the property owner, will be compatible with this overall objective, and must comply with all applicable federal, state, and local government requirements and conditions.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- a. The February 1, 1996 Lee County Comprehensive Plan Evaluation and Appraisal Report (EAR) Update Supplement, "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.
- b. In order to maintain an accounting of wetlands, as required by Rule 9J-5, F.A.C., wetlands within conservation lands need to be identified as both wetlands and conservation lands. Care will need to be taken to avoid duplicating the accounting of these lands in future studies. For planning purposes, wetlands in conservation lands should be subject to the comprehensive plan requirements of both the Wetlands and the Conservation Lands categories. If there is a conflict in requirements, then the more restrictive policy should apply.
- c. Conservation lands should 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 would 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.
- d. The Conservation Lands category should be applied to all public owned conservation lands. Private owned conservation lands should only be included if the land owner requests in writing to be included. Permission has been granted to include private preserves owned and managed by the Calusa Land

Trust and Nature Preserve of Pine Island, Inc., the Sanibel-Captiva Conservation Foundation, and the National and Florida Audubon Societies.

- e. Uses and activities should be allowed which are compatible with this overall objective and must comply with all applicable federal, state, and local government requirements and conditions. Examples of allowable uses are listed in II.,A.,4.
- f. All public agencies which own and/or manage lands in Attachment 1 were contacted for their review and comment on the proposal and on the accuracy of the Property Appraiser's records. As a result, a number of corrections were made to the Property Appraiser records and to the proposed list of parcels to be included in this plan amendment. The corrected list and map are attached to this report. New preserve and mitigation banks/areas are continually being purchased by public agencies. The FLUM Conservation Lands category will need to be routinely updated to add the new conservation lands.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

1. INTENT OF PLAN AND MAP AMENDMENT

The Conservation Lands FLUM category is proposed for lands which are primarily used to conserve important natural resources, environmentally sensitive areas, and significant archeological or historical resources, or other conservation use. Conservation Lands would 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.

The plan amendment proposal will reclassify to the Conservation Lands category 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. Public lands include federal, state, regional, county, and city lands. Private conservation lands are included in the map amendment only with the written permission of the landowner.

2. LANDS TO BE RECLASSIFIED

The specific public and private lands which will be reclassified to Conservation Lands by this plan amendment are listed in Attachment 1 by owner of record, tax identification number (STRAP); and area of parcel. A map of these lands are shown in Attachment 2.

This data is based upon the Lee County Property Appraiser tax account records. To double check the property appraiser's records, staff mailed a list of STRAP numbers to each property owner of record for their review and comment. Consequently, a number of revisions were made to update the property appraiser records. A few disputed ownership claims remain to be resolved. Disputed parcels are

excluded from this map amendment except where both disputed property owners agree to the amendment. Lee County staff incorporated the corrections on the county GIS system. This data was used to compile the property list (Attachment I) and map of properties (Attachment II) to be reclassified to preserves.

The Property Appraiser records uses a variety of measurements for recording the area of parcels. The list shows the unit of measurement available in the records. The conversion of these measurements into a common unit (acres) is a time consuming task which staff has been unable to accomplish. Until this conversion takes place, acreage subtotals and totals cannot be made for accounting and reporting purposes.

At some future date, the county may consider reclassifying to Conservation Lands private preserves which were required as a condition of development approval. Such private preserves may include conservation easements, natural buffers, wetlands preserves, protected species preserves, and indigenous open space areas. Also appropriate for inclusion in this category are conservation lands owned and managed by Uniform Community Development Districts (UCDD) established pursuant to Ch. 190, F.S. There are presently three UCDD's which manage preserve areas required as a condition of development approval in Lee County. These are the Bayside, Bay Creek, and Gateway Services Community Development Districts. Before such areas can be included in this FLUM category, accurate and complete mapping information will need to be collected and incorporated into the county GIS mapping system.

3. LANDS EXCLUDED FROM PLAN AMENDMENT

a. AQUATIC PRESERVES

The proposed map and text plan amendment will reclassify to Conservation Lands more than 50,000 acres of upland and wetland land preserves. Open waters are currently not included in the Future Land Use Map. Consequently, this map amendment does not include approximately 110,000 acres of aquatic preserves in Lee County. A map of the Lee County Aquatic Preserves was integrated into the county's GIS mapping in 1996 and is part of the support documentation for the Lee Plan.

b. PROPOSED AND PENDING LAND ACQUISITION AREAS

The Conservation Lands category should only include conservation lands which are owned and being used for conservation purposes. Proposed conservation lands which have not yet been acquired or approved should not be included. Examples of proposed and pending conservation lands are state land acquisition program projects such as CARL and SOR and the Southwest Florida International Airport expansion mitigation area, which is pending approval by the U.S. Army Corps of Engineers.

c. PRIVATE CONSERVATION LANDS

Private conservation lands are included in the map amendment only with the written permission of the landowner. Permission to include private preserve land holdings in this proposal has been granted by the following private conservation groups: the Calusa Land Trust and Nature Preserve of Pine

Island, Inc., the Sanibel-Captiva Conservation Foundation, and the National and Florida Audubon Societies. The Nature Conservancy has requested to not participate at this time.

4. ALLOWABLE USES AND ACTIVITIES

Conservation Lands are lands 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.

Examples of activities which are currently occurring in identified public conservation lands are listed below. This list depicts uses which have been considered to be compatible uses on conservation lands by managing agencies. The list is not meant to be used to either restrict uses to only these uses or to explicitly allow all of these uses on all conservation lands. The allowable uses within Conservation Lands 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.

- a.. Public education activities including research centers, interpretive centers, historical buildings, archaeological sites, guided nature walks, educational kiosks, educational programs, signage, and other associated facilities.
- b. Natural resource restoration and management activities such as fencing, prescribed burning, invasive exotic plant removal, wetlands restoration, and other enhancement, restoration, and preservation activities.
- c.. Resource based recreation activities such as picnicking, hiking, canoeing, horseback riding, bicycle riding, camping, nature study, and associated facilities.
- d. 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.
- e. Native range for cattle grazing.

5. ZONING

The most appropriate zoning district for Conservation Lands is the “Environmentally Critical District” (Sections 34-981 to 34-984, Land Development Code). Owners or managers of Conservation Lands may elect to rezone such lands to this zoning district if more restrictive land use regulations are desired.

6. WETLANDS

In order to maintain the current Lee County system of wetland classification, it is necessary to continue to show wetlands which are located on conservation lands as 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. It is also necessary to avoid increasing the density of the wetlands category to maintain the viability of the Lee Plan and its overall density allocation.

The great majority of existing conservation lands are wetlands. Such wetlands need to be identified as conservation lands to effectively account for, connect and enlarge, conserve, and provide long range management for natural resource conservation areas in Lee County.

To deal with this dilemma, staff recommends that wetlands in conservation lands be identified as both wetlands and conservation lands. Care will need to be taken to avoid duplicating the accounting of these lands in future studies. For planning purposes, wetlands in conservation lands should 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 should apply.

7. SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

The Southwest Florida Regional Planning Council approved of the proposed reclassification and will add these lands to its "Southwest Florida Region Regionally Significant Natural Resources" map of the Strategic Regional Policy Plan.

B. CONCLUSIONS

- 1.** 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 would 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.** Apply the Conservation Lands category to all public owned conservation lands except aquatic preserves and proposed or pending conservation lands. Do not include private owned conservation lands unless the land owner/conservation agency requests in writing to be included. Permission has been granted to include private preserves owned and managed by the Calusa Land Trust and Nature Preserve of Pine Island, Inc., the Sanibel-Captiva Conservation Foundation, and the National and Florida Audubon Societies. A list and map of parcels which will be reclassified to Conservation Lands are attached to this plan amendment (Attachments 1 and 2).
- 3.** Uses and activities will be allowed which are compatible with this overall objective and must comply with all applicable federal, state, and local government requirements and conditions. Examples of allowable uses are listed in II.,A.,4.
- 4.** Where preserve areas are wetlands, the FLUM will show both categories and the Lee Plan goals, objectives, and policies related to both categories will apply. The more restrictive requirements of either category will take precedence.

5. The FLUM will be updated to include new preserve areas using the plan amendment process.

C. STAFF RECOMMENDATION

Amend the Future Land Use Map (FLUM) series to add a new Future Land Use classification to be titled "Conservation Lands" as stated in Part I.,C. of this report.

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

DATE OF PUBLIC HEARING: May 6, 1997

A. LOCAL PLANNING AGENCY REVIEW: On May 6, 1997, the Local Planning Agency (LPA) held a public hearing to receive public comment on this proposed amendment. No one from the public commented on the proposal. The LPA did, however, have several questions and comments on the amendment. Mr. Spikowski was concerned about how the wetland-conservation lands would be shown since the Lee Plan has always shown wetlands as a separate category on the Future Land Use Map. Staff responded that staff was proposing to overlay one category over the other to indicate that both categories apply. However, staff had not yet worked out how the new category would be shown on the Future Land Use Map. Attachment 2 contains an example of one way to show both categories. Mr. Spikowski stated that he felt that it was very important that the wetlands be more prominently shown than the conservation lands in this duo category.

B. LOCAL PLANNING AGENCY RECOMMENDATION: The LPA concurs with the finding of fact as advanced in the staff report and recommends that the Board of County Commissioners transmit this amendment with the understanding that staff will more clearly show wetlands which are conservation lands.

C. VOTE:

CARRON DAY	ABSENT
RICHARD DURLING	AYE
EARL HAMILTON	ABSENT
RONALD INGE	AYE
BILL SPIKOWSKI	AYE
GREG STUART	AYE
MATT UHLE	AYE

D. SUBSEQUENT PLANNING STAFF ACTION: Subsequent to this hearing, planning staff evaluated several options to more clearly show wetlands which are conservation lands. Staff concluded that using an overlay pattern over a solid color would be difficult to see due to the amount of detail on the map. Planning staff has concluded that the best way to distinguish conservation-wetlands, non-conservation wetlands, and conservation-uplands is to use distinct colors, perhaps different hues of a shade of green.

This strategy will require that staff maintain a data base of two categories of conservation lands: wetlands and uplands. The use of two separate categories would provide the best assurance that the wetlands and the conservation lands databases would not be compromised.

Following are revisions to the staff report and proposed FLUM text changes which will be necessary to implement this subsequent staff recommendation:

1. Revise **Part 1.A.2. REQUEST** as follows:

Amend the Future Land Use Map to add a new conservation lands category to show wetland and upland preserves. Amend the text of the Future Land Use Element; to add a new Conservation Lands policy under Objective 1.4: NON-URBAN AREAS; and to add a new policy under Objective 1.5: WETLANDS to reference the new conservation lands category. The new category will identify ~~lands~~ wetlands and uplands which are used for conservation purposes and are not available for urban development.

2. Revise **Part I.C.1. RECOMMENDATION** as follows:

POLICY 1.4.5: 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 Policy 1.4.5. Wetland ~~conservation lands~~ classified as Conservation Lands and will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in Policy 1.4.5. 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 would 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. Private owned conservation lands may be included at the written request of the property owner. The allowable uses within these areas will be determined by the property owner, will be compatible with this overall objective, and must comply with all applicable federal, state, and local government requirements and conditions.

OBJECTIVE 1.5: WETLANDS. Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

POLICY 1.5.1: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All

development in Wetlands must be consistent with Goal 84 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1 and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

POLICY 1.5.2: *When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)*

POLICY 1.5.3: *Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.5 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from non-conservation wetlands.*

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: Public testimony was received regarding the effect of this amendment on three private lots on San Carlos Island. The speaker disputed the wetland designation on the three lots and did not want them to be included in the Conservation Lands category. The Planning Director responded that this plan amendment does not propose changes to any lands on San Carlos island. He further clarified that property owner disputes regarding wetland mapping can be resolved administratively.

The Board questioned staff about the reasons for not including in this plan amendment mitigation lands purchased for the proposed expansion of the Southwest Florida International Airport. Staff responded that the Conservation Lands category is meant to be voluntary. The Port Authority had requested that the lands not be included in the Conservation Lands category until the environmental permits were finalized for the airport expansion. The Port Authority is concerned that the Conservation Lands designation may affect the mitigation credits for which the lands were purchased. The Board discussed options for including the airport mitigation lands without jeopardizing the mitigation credits.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board approved the transmittal of this plan amendment. The Board also directed staff to obtain letters from environmental permitting agencies to confirm whether or not the Conservation Lands designation would affect the status of lands purchased for future mitigation. The Board directed staff to add mitigation lands purchased for the proposed expansion of the airport to the Conservation Lands land use category if the environmental permitting agencies can confirm that this will not adversely affect the mitigation credit for these lands.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board concurred with the staff and LPA findings of fact. The Board would like to include on the land use map the environmentally sensitive lands purchased for the proposed airport expansion unless this action compromises the mitigation credits to be received for these lands.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	AYE

D. STAFF FOLLOW-UP

The Lee County Port Authority mailed letters to the South Florida Water Management District and to the U.S. Army Corps of Engineers to request written confirmation that placing the lands on the Conservation Lands Map would not affect the available mitigation credit. These letters and their responses are attached (See Attachment 3). Based on the responses received, the Lee County Port Authority is of the opinion that including the proposed airport mitigation lands in the proposed Conservation Lands category would be premature and may have the potential of hindering their permitting process.

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

DATE OF ORC REPORT: February 5, 1998

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

Objection: The county's effort to map areas dedicated conservation use is highly commended. However, the proposal as drafted, allows the property owner of private conservation land to determine allowable land uses. This policy is therefore not predictable because it would make uncertain the type of uses to be allowed in conservation areas. Since this is a land use category, it is appropriate for the County to indicate, in the plan, the type of conservation uses allowed in these areas so as to guide development activities occurring within the conservation areas. Rule 9J-5.003(95), 9J-5.005(6), 9J-5.006(3)(b)1., 6., & 7., and (4)6., Florida Administrative Code (F.A.C.).

Recommendation: Revise the amendment to define the range of land uses that are allowed in conservation areas. The allowed uses must be consistent with the need to conserve these areas and ensure that the natural environmental attributes of the area are not adversely impacted. Example of such uses include passive recreation activities.

B. STAFF RESPONSE

Staff concurs with the objection and recommendation by the DCA and agrees that land use restrictions for private conservation lands must be included. All wetland conservation lands are subject to the Lee Plan land use restrictions of the existing Wetland land use category and, therefore, have use limitations. The upland areas are not subject to these restrictive provisions.

Considerable concern was expressed by the public about whether or not to include private lands in the Conservation Lands category. This concern was expressed at public hearings, meetings, workshops, and by direct communications to staff. At issue was the concern that private landowners would be penalized through land use restrictions conserving their lands or for owning proposed conservation lands (e.g.; CARL, SOR, etc.). To appease these concerns, staff made it very clear to the public that the inclusion of private conservation lands would require the owner's consent, would be optional, and that no additional land use restrictions would be applied. Staff feels that it would be unfair to the public and would likely create an atmosphere of distrust with the planning process if land use restrictions are developed and applied without adequate public input.

It is infeasible for staff to develop and provide adequate public input to include land use restrictions for private, upland conservation areas before the adoption deadline. It took a great deal of persistence and time for staff to obtain the consent of just a few major landowners of private conservation lands to allow the County to change the land use category of such lands to Conservation Lands. Not all owners agreed. In addition, the private conservation lands represented in this plan amendment only represent a small portion of all of the private

conservation lands in Lee County. A complete inventory of such lands is unavailable and would require a considerable amount of staff time to develop.

In conclusion, the deletion of the private conservation lands from this amendment is the appropriate course of action at this time because: (1) private conservation areas are optional; (2) there is insufficient time to adequately develop appropriate land use restrictions; (3) it is important to adopt this plan amendment with respect to public conservation lands for the reasons stated in the staff report; and (4) the data on public conservation lands has been thoroughly verified, but data is limited on private conservation lands.

An internal policy of the Planning Division should be to continue to develop an accurate data base on private conservation land, including conservation easements and other preserve areas which are required as part of the development review process. At such time as this inventory is complete, the Planning Division should propose another plan amendment, with appropriate land use restrictions, to include a map of private conservation lands in the Conservation Lands category.

C. STAFF RECOMMENDATION

Adopt the amendment as transmitted with the following revisions to the proposed plan amendment text and map:

1. **Text Revision.** Revise the text of the transmitted Policy 1.4.5 as indicated below. The baseline language includes the revisions recommended by staff in the transmitted document. The current proposed revisions are indicated by the use of underlines for additions and strikeouts for deletions:

POLICY 1.4.5: 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 ~~would typically~~ may include such uses as wildlife preserves; ~~large~~ 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 sign age, 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. ~~Private owned conservation lands may be included at the written request of the property owner. The allowable uses within these areas will be determined by the property owner, will be compatible with this overall objective, and must comply with all applicable federal, state, and local government requirements and conditions.~~

2. Map and Data Base Revision: Delete the private lands from the Future Land Use Map and associated data base.

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

DATE OF ADOPTION HEARING: June 3, 1998

A. BOARD REVIEW: This amendment was introduced by the Planning Director. Staff advised the Board that there was a need for a change in the map. Staff suggested deleting land in township 46 south, range 27 east, section 20 from the map. This section, owned by the South Florida Water Management District, is a proposed mitigation bank and has not been approved at this time. For this reason, staff recommended that these lands not be included, at this time, in Conservation Lands category. The Board provided no discussion on this amendment. This item was approved on the administrative agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board voted to adopt this amendment with the deletion of those lands in township 46 south, range 27 east, section 20 from the map.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	ABSENT
RAY JUDAH	AYE
JOHN MANNING	ABSENT
DOUG ST. CERNY	AYE