

**PAT 96-35  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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BoCC Adoption Document

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***Lee County Planning Division  
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**June 3, 1998**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 96-35**

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

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. REQUEST:**

Revise Policy 77.1.1.4.a. to acknowledge the development of a comprehensive environmentally sensitive lands inventory and to recognize the ongoing need to maintain, upgrade, and expand the inventory. Delete Policy 77.1.1.4.c. as the implementation period of this policy has expired.

**B. BACKGROUND INFORMATION**

**1. RELEVANT OBJECTIVES AND POLICIES OF THE LEE PLAN  
CURRENT LEE PLAN TEXT (1994 LEE PLAN: 1996 CODIFICATION)**

**VII. Conservation and Coastal Management Element**

***“OBJECTIVE 77.1: RESOURCE MANAGEMENT PLAN.** The county shall continue to implement a resource management program that ensures the long-term protection and enhancement of the natural upland and*

wetland habitats through the retention of interconnected, functioning, and maintainable hydroecological systems where the remaining wetlands and uplands function as a productive unit resembling the original landscape. (Amended by Ordinance No. 94-30)

**POLICY 77.1.1:** County agencies implementing the natural resources management program shall be responsible for the following:

1. Identifying upland and wetland habitats/systems most suitable for protection, enhancement, reclamation, and conservation.
2. Recommending standards to the Board of County Commissioners for Board approval for development and conservation that will protect and integrate wetlands (as defined in Objective 84.1) and significant areas of Rare and Unique upland habitats (as defined in Objective 74.1).
3. Preparing standards for wetland and rare and unique upland mitigation.
4. Conducting a sensitive lands acquisition program, which shall consist of the following elements (see also Policy 77.2.8):
  - a. A comprehensive inventory shall be made of environmentally sensitive lands.
  - b. Environmentally sensitive lands shall include wetlands (as defined in Objective 84.1); important plant communities (as identified by Objective 77.2); critical habitat for listed wildlife species (see also Objective 77.8 and Policies 77.4.1, 77.4.2, 77.10.4, and 77.11.2); environmentally sensitive coastal planning areas (as defined in Policy 83.1.5); natural waterways; important water resources (as defined in Policy 87.1.1); storm and flood hazard areas; and Rare and Unique uplands (as defined in Objective 74.1).
  - c. Lee County shall commit a minimum of \$2,000,000 annually toward the purchase of environmentally sensitive lands through FY 93. The funding may purchase land or may be used to match acquisition funding of public, private and non-profit agencies. The total amount may include the sum of the millage assessment, water conservation utility sensitive lands funding, capital improvements program, and other funding mechanisms as they become available.
  - d. The county shall take full advantage of opportunities to cooperatively acquire and manage sensitive lands and to leverage other funding sources by working with state land acquisition and land management agencies such as the Florida Communities Trust and the Florida Game and Fresh Water Fish Commission and by participating in state land acquisition programs such as the Save Our Rivers program and the Conservation and Recreational Lands program.
  - e. The county (or other appropriate agency) shall prepare a management plan for each acquired site for the long term maintenance and enhancement of its health and environmental integrity. The management plan will address any necessary people management (e.g., fences and signage to prevent incompatible uses such as off road vehicle use and hunting); surface water management and restoration; ecosystems restoration; litter control; fire management; invasive exotic plant and animal control; and, where appropriate, compatible recreational use facilities. The plan will also address how maintenance will be funded.

- f. The county shall encourage the establishment of and provide assistance to community-based land trusts, whose purpose is the preservation and protection of Lee County's natural resources.*
- 5. Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations.*
- 6. Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features.*
- 7. Preparing recommendations for maintaining or restoring the desired seasonal base flows and water quality after reviewing monitoring data.*
- 8. Coordinating in the preparation of plans with the municipalities, South Florida Water Management District, and Southwest Florida Water Management District to better control flows of freshwater and reduce pollutant discharges into the Lee County coastal waters.*
- 9. Providing an annual progress report to the county commission on the resource management program. The report should address the adequacy of the program and land use regulations to protect and enhance these natural systems.*
- 10. Providing an annual report to the County Commission on the status of wetlands and rare and unique uplands by 1996.*

*(Amended by Ordinance No. 94-30)"*

## **2. RELEVANT EAR DISCUSSION**

A number of natural resource conservation studies and plans were completed or were in the process of being completed after the 1994 EAR was prepared. These studies and plans are summarized and evaluated in the 1995 EAR Update Addendum and 1996 EAR Addendum. The 1996 EAR Addendum recommended to amend appropriate Lee Plan policies to include some of the findings, conclusions, data, and/or recommendations of these studies. Following are excerpts from the 1995 and 1996 EAR Addendums which are related to those recommendations.

- a. DISTRICT WATER MANAGEMENT PLAN (DWMP).** Prepared by the South Florida Water Management District Planning Department. April 1995. (See 1995 EAR Update Addendum, pgs. 17-29 for a more detailed discussion.)

*The District Water Management Plan "is intended to provide comprehensive long-range guidance for the actions of the water management district in implementing its responsibilities under state and federal laws. As such, the policies in the DWMP should be considered as a whole, not individually. Given the comprehensive nature of the DWMP, it may be considered as analogous to a local government comprehensive plan. Like the local government's plans, the DWMP is intended to serve as a direction-setting document. It defines the policy*

*framework within which priorities and directions for future SFWMD planning and implementation activities will be set.”*

The SFWMD Governing Board did not require any member of the regulated community to take any action in response to the DWMP recommendations. The plan is being implemented by the SFWMD through a regulatory program.

**b. CLOSING THE GAPS IN FLORIDA'S WILDLIFE HABITAT CONSERVATION SYSTEM (GAP ANALYSIS)** Prepared by James Cox, Randy Kautz, Maureen MacLaughlin, and Terry Gilbert, Office of Environmental Services, FGFWFC. 1994. (See 1995 EAR Update Addendum, pgs. 2-7 for a more detailed discussion.)

In 1994, the FGFWFC issued computer mapping data and a report entitled “*Closing the Gaps In Florida's Wildlife Habitat Conservation System*”. This report assessed the degree of protection provided to rare species by the system of "conservation lands" present in 1992 and identified important habitat areas not protected (Strategic Habitat Conservation Areas). The report also identified areas which contain a large diversity and number of selected species (Regional Biodiversity Hot Spots). This information was “provided to local governments for guidance in public land acquisition, land use planning, development regulations, and other land conservation efforts”.

The Lee Plan contains goals, objectives, and policies for the conservation of environmentally sensitive areas.. The Strategic Habitat Conservation Areas and Regional Biodiversity Hot Spots mapping could be useful as tools in the prioritization of environmentally sensitive areas for land acquisition and other land conservation efforts.

The 1996 EAR Addendum (pg. 33) recommended to:

- (1) Continue to utilize and share the best available data for wildlife habitat protection in public land acquisition, land use planning, development regulations, and other land conservation efforts, and
- (2) Re-evaluate the definition of environmentally sensitive areas in Policy 77.1.1.4.b. and consider including Strategic Habitat Conservation Areas and Regional Biodiversity Hot Spots in the definition and corresponding policies.

**c. FLORIDA PANTHER HABITAT PRESERVATION PLAN - SOUTH FLORIDA POPULATION (HPP).** Prepared by USFWS (Logan and Eller), FGFWFC (Morrell), FDEP (Ruffner), NPS (Sewell) for the Florida Panther Interagency Committee. November 1993. (See 1995 EAR Update Addendum, pgs. 11-17 for a more detailed discussion.)

The Florida Panther Habitat Preservation Plan (HPP) is an informational report about the efforts of the Florida Panther Interagency Committee to identify panther habitat needs in South Florida. The

Committee was unable to reach a consensus on panther habitat needs. The HPP identifies proposed priority panther habitat considered essential in maintaining a self-sustaining population of panthers in south Florida, thus warranting preservation. The HPP classifies habitats for preservation as either Priority 1 or Priority 2, based on the panther use and/or habitat quality. The HPP classifies approximately 3,800 acres of Lee County as Priority 1 lands and 73,000 acres of Lee County as Priority 2 lands. Both Priority 1 and 2 areas are mapped in the Lee County GIS system.

The HPP specifically identifies the Corkscrew Regional Ecological Watershed (CREW) as an important ecological unit to preserve. Both the SFWMD and Lee County have been active in the purchase of CREW lands. The CREW project is in two Preservation 2000 environmentally sensitive land acquisition funding programs: Save Our Rivers (SOR) and Conservation and Recreation Lands (CARL). Lee County has provided almost \$10 million from ad valorem taxes to help purchase lands within the CREW ecological unit.

The 1995 EAR Update Addendum recommended (pgs. 16-17):

- (1) Re-evaluate Objective 77.11 and its policies after the status of the panther's viability and the need to designate critical habitat are resolved, as recommended in the HPP. [NOTE: This issue has not been resolved yet, so a re-evaluation is not appropriate at this time.]
- (2) Continue to maintain and update data on sitings and habitat for the Florida panther. Acknowledge that the best available data on panther habitat is currently the HPP priority panther areas while recognizing that a consensus was not reached on the validity of the data. [NOTE: This recommendation is being implemented by the implementation of Lee Plan Policies 77.1.1.1, 77.1.1.4.a, 77.1.1.5, 77.1.1.6, and 77.11.1.]
- (3) Encourage state land acquisition programs to include known panther corridors to further the HPP recommendation number 3 to "support completion of current acquisition programs affecting those land identified as essential to maintaining a self-sustaining panther population in south Florida" (HPP, page iv). [NOTE: This recommendation is being implemented by the county's support of and participation in the acquisition of the CREW Save Our Rivers Project and CARL project. This recommendation will also be furthered by the adoption of proposed PAT 96-38 which encourages the expansion and protection of the CREW Greenway.
- (4) Revise Policy 77.11.2 to acknowledge the creation of the CREW and Green Meadows Greenbelts which provide a wildlife corridor to benefit panther, black bear, and many other wildlife species. These greenbelts were created as a result of intergovernmental coordination of land acquisition programs and mitigation areas and banks. [NOTE: This recommendation is addressed by PAT 96-38.]
- (5) Policy 77.11.4 should be updated or deleted to acknowledge the completed expenditure of CREW land acquisition funds generated by the 1989-1991 millage increase. All of this fund is

expected to be spent by 1996. [NOTE: This recommendation is being implemented by this proposed plan amendment to delete Policy 77.1.1.4.c.]

- d. MAPPING WETLAND HABITATS OF HIGH PRIORITY TO ENDANGERED AND THREATENED SPECIES IN FLORIDA.** FINAL PROJECT REPORT. Prepared by Kautz, Cox, MacLaughlin, Stys for the Florida Game and Fresh Water Fish Commission. Sept. 1994. (See 1995 EAR Update Addendum, pgs. 10-11, for a more detailed discussion.)

The 1995 EAR Update Addendum (pgs. 10-11) summarizes a 1994 FGFWFC report entitled “*Mapping Wetland Habitats of High Priority to Endangered and Threatened Species in Florida*”. The report provides a map which prioritizes wetlands according to their values for the long-term viability of Florida listed species. The Planning Division is in the process of obtaining this data for use in the County’s GIS data base. A summary of this report is included in the support documentation for the 1996 EAR.

The 1995 EAR Update Addendum recommended:

*“Wetlands are protected by many policies in the Lee Plan. The “high priority” wetlands identified in this study should be included in the Lee Plan definition of “Environmentally Critical Areas” (Objective 74.1) and “Environmentally Sensitive Lands” (Policy 77.1.1.4.b.). These areas should also be given additional consideration when prioritizing future land acquisition projects.” (Pg. 11)*

The 1996 EAR Addendum recommends that a policy be added to Goal 84 - Wetlands to reference this study as a tool to help prioritize wetlands for future land acquisition programs and mitigation bank projects.

## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

### **1. RECOMMENDATIONS** Amend the text of the following policies as shown:

**a. Policy 77.1.1.4.a.**

A comprehensive inventory ~~shall be made~~ of environmentally sensitive lands shall be maintained and expanded as new data becomes available.

**b. Policy 77.1.1.4.b.**

No revisions are recommended for this policy. Retain the policy as written.

**c. Policy 77.1.1.4.c.**

~~Lee County shall commit a minimum of \$2,000,000 annually toward the purchase of environmentally sensitive lands through FY 93. The funding may purchase land or may be used to match acquisition funding of public, private and non-profit agencies. The total amount may include the sum of the millage assessment, water conservation utility sensitive lands funding, capital improvements program, and other funding mechanisms as they become available.~~

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Policy 77.1.1.4. requires the county to conduct a sensitive lands acquisition program. Policies 77.1.1.4.a., 77.1.1.4.b., and 77.1.1.4.c. are the first three elements of that program. The following findings relate to the EAR recommendations related to these policies.

- a. **Policy 77.1.1.4.a.** Lee County has developed an inventory of the environmentally sensitive lands which are defined by Policy 77.1.1.4.b. New data is continually being developed which should be added to or which should amend existing data. The 1996 EAR described a number of new studies which became available after the 1994 EAR was adopted. As discussed in the staff analysis, most of the new data has already been incorporated into the support documentation for the Lee Plan and/or in the GIS system and computer data bases.
- b. **Policy 77.1.1.4.b.**

The 1995 Addendum Update (A Summary of the Condition and Quality of Natural Resources in Lee County) summarizes 17 studies related to natural resources which were issued after the adoption of the 1994 EAR. This document and the February 1, 1996 EAR Addendum make several recommendations to specifically reference some of these studies in the Lee Plan objectives and policies.

It is not required by state law nor is it county policy to reference all related studies and available data in Lee Plan goals, objectives, and policies. Rather, studies and data are generally summarized in the background support data for the Lee Plan. New studies and data are routinely reviewed by planning staff and, if deemed appropriate, plan amendments are prepared during the annual plan amendment cycle. Occasionally, specific studies and/or data sets are referenced in some Lee Plan objectives and policies when deemed appropriate. Such references are appropriate when the BCC wants to formally incorporate the recommendations of a study or officially recognize a specific data set in the Lee Plan.

A problem with making references to general support data in goals, objectives, or policies is that the reference may become outdated and possibly inconsistent with newer studies, better management practices, and/or updated data and analysis. It would require a great deal of staff time to routinely amend the Lee Plan to update all new data sources. In the meantime, the Lee Plan policy may be misleading in that the specifically referenced documents may be construed to take precedence over more recent, unreferenced documents.

An example of such confusion was demonstrated during the 1994 EAR hearings. The 1994 EAR plan amendments recommended to amend Objective 82.2 to delete specific references made to pre-1989 studies and replace them with a generic acknowledgment of all water management and natural resource plans. The plan text amendment would avoid the necessity of amending the objective whenever a new plan is conducted. The Responsible Growth Management Coalition objected to the

deletion of the specific references based on an incorrect assumption that if the study is not mentioned in the Lee Plan text, then Lee County would not consider it even though the 1989 Support Documentation for the 1989 Lee Plan included summaries of the data from the referenced studies. A compromise recommendation was adopted which maintained the specific references to the pre-1989 studies and added a generic reference to consider all subsequent studies.

The 1994 EAR plan amendments revised Objective 82.2 and Policy 82.2.1 to be less specific about plans which the county should review and monitor. New and ongoing planning studies are continually being conducted by federal, state, regional, and local governments as well as intergovernmental study groups and public/private study groups. Examples of planning studies which were completed or initiated since the 1996 EAR Addendum was prepared include the Charlotte Harbor NEP, the Governor's Commission for a Sustainable South Florida, the Arnold Study Area Report, the Southwest Interest Group, the Southwest Florida Ecosystem Management Area. Currently proposed planning studies include the Caloosahatchee River Ecosystem Management Area, and the Agency For Bay Management For Estero Bay.

No additional revisions are necessary to specifically reference specific plans, reports, and studies.

**c. Policy 77.1.1.4.c.**

This policy should be deleted as the implementation period is completed. In 1993, the CIP funding was reduced from \$2,000,000 to \$300,000 per annum for CARL matching funds. If the Board of County Commissioners approves a new funding source, such as the Conservation 2020 referendum tax, this policy should be revised and replaced.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

**1. POLICY 77.1.1.4.a.**

Lee County has compiled a baseline comprehensive inventory of best available data for environmentally sensitive lands (as defined by Policy 77.1.1.4.b.). This inventory is contained within the support documentation for the Lee Plan. Where feasible, environmentally sensitive land data has been incorporated into the county GIS mapping system and/or in computer data bases. The supporting resource materials for the support documentation are maintained in a library in the Lee County Planning Division. These books and reports are available to both county staff and the public.

Staff began to incorporate environmentally sensitive land and related data on the computer mapping system in 1990, when the county obtained its first GIS system. Some of the currently available natural resources mapping includes: wetlands, soils, Florida Land Use, Cover, and Forms Classification System

(FLUCFCS) mapping, Rare and Unique uplands, coastal hazard zones, flood hazard zones, eagle nests, watersheds, wellfields, public and private preserves, proposed land acquisition projects, SFWMD Outstanding Natural Systems, Panther Habitat Preservation Plan Priority 1 and 2 Panther Habitat, SWFRPC Strategic Policy Plan Regionally Significant Natural Resources (including six Greenways), among others. The GIS mapping is available to all County staff with GIS access and to the public through the Property Appraiser's Mapping Section.

The county has also implemented two closely related policies: Policy 77.1.5 "Maintaining a central clearinghouse for all environmental studies and recommendations by both public and private organizations" and Policy 1.1.6. "Compiling, maintaining and regularly updating county mapping of vegetation communities; listed species habitat and sitings; and water resources including watersheds, floodplains, wetlands, aquifers, and surface water features."

Now that a baseline inventory has been made, the county needs to maintain and update it. The comprehensive inventory data bases continually become outdated as new data becomes available or circumstances change. The county attempts to track, update, and expand the inventory as staff time permits.

## **2. POLICY 77.1.1.4.b.**

Policy 77.1.1. requires the county to conduct a sensitive lands acquisition program. The 1994 EAR recognized the need to provide a consolidated definition of environmentally sensitive lands for the sensitive lands acquisition program. Previously, environmentally sensitive lands were referenced throughout the plan. A 1994 EAR amendment consolidated all such references in one definition under Policy 77.1.1.4.b.

The 1995 EAR evaluated several proposed environmentally sensitive land classification systems developed by various state agencies and intergovernmental groups. These studies are summarized in the BACKGROUND section of this report. The EAR recommended that staff consider including references to these new classification systems as lands to be considered for acquisition under Policy 77.1.1.4.b.

Following are staff's observations regarding the use of these areas for identifying lands for acquisition:

### **a. DISTRICT WATER MANAGEMENT PLAN (DWMP)**

The Outstanding Natural Systems maps are based on satellite photography on a very large scale. As such, the mapping is very general in nature and lacks specificity for project site review purposes. The county has incorporated the ONS mapping into the county GIS system. This data is available for use by county staff and the public for planning purposes. The reference to and summary of this study in the background support documentation is appropriate and sufficient to identify it as a data source.

**b. CLOSING THE GAPS IN FLORIDA'S WILDLIFE HABITAT CONSERVATION SYSTEM (GAP ANALYSIS) & MAPPING WETLAND HABITATS OF HIGH PRIORITY TO ENDANGERED AND THREATENED SPECIES IN FLORIDA**

The baseline data for these studies may be too old and too large in scale to be very useful for the specific task of identifying environmentally sensitive lands for acquisition. These reports represent FGFWFC staff recommendations. Neither report was adopted by the FGFWFC. For this reason, the Southwest Florida Regional Planning Council (RPC) declined to incorporate policies regarding these areas into their Strategic Regional Policy Plan.

**c. FLORIDA PANTHER HABITAT PRESERVATION PLAN - SOUTH FLORIDA POPULATION (HPP)**

The HPP is a staff report provided as information to local governments. The Florida Panther Interagency Committee was unable to reach a consensus on the status of the panther's viability and the need to designate critical habitat. These issues are not expected to be resolved in the near future. The Southwest Florida Regional Planning Council (RPC) acknowledged only the priority panther habitat mapping south of the Caloosahatchee River in their Strategic Regional Policy Plan.

Most of the Priority 1 Habitat in this area is owned and managed for conservation purposes by the county and the SFWMD. This area is designated in the Strategic Regional Policy Plan as the Corkscrew Regional Ecological Watershed Greenway. PAT 96-38 recommends that this greenway be acknowledged in the panther protection objective by adding a new policy.

The reference to and summary of this study in the background support documentation is appropriate and sufficient to identify it as a data source. The Priority 1 and 2 Panther Habitat areas have been incorporated into the County's GIS system and are readily available for planning decisions, development review, land acquisition efforts, etc.

**3. POLICY 77.1.1.4.c.**

CIP Funds were allocated to implemented Policy 77.1.1.4.c. in FY 91 through FY 93. The BCC sunset this funding in 1993. This funding was used for matching funds for two Florida Community Trust grants to purchase eagle nest habitat on Pine Island, an upland mitigation park on Hickey Creek. The funds also were used to acquire the Greenbriar Preserve which expands the Hickey Creek Greenway and to acquire an off-site mitigation area for the extension of Treeline Boulevard and the Florida Gulf Coast University.

In November 1996, the voters of Lee County approved a "straw vote" referendum to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation, through the adoption of an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years; pursuant to Lee County ordinance 96-12. The Board of County Commissioners must decide on an annual review basis to levy and use certain ad valorem tax funds to finance the purchase and improvement

of the environmentally critical lands . If approved, these funds would be used to purchase environmentally sensitive lands as defined in Policy 77.1.1.4.b. An advisory board called the Conservation Lands Acquisition and Stewardship Committee has been formed to develop ranking criteria to compile a list of priority lands for purchase.

## **B. CONCLUSIONS**

### **1. POLICY 77.1.1.4.a.**

Now that a baseline inventory has been made, the county needs to maintain and update it.

### **2. POLICY 77.1.1.4.b.**

- a.** It is generally not a good idea to reference specific studies in the Lee Plan. The 1994 EAR plan amendments revised Objective 82.2 and Policy 82.2.1 to be less specific about plans which the county should review and monitor in lieu of referencing specific studies, reports, or plans.
- b.** The studies referenced in this proposed plan text amendment are in most cases too general and based on outdated and large scale data to be useful for the evaluation of specific parcels.

The mapping and data of these studies is useful to tracking region al , large scale trends . Generally, the evaluation of

specific sites require more accurate, local data and on-site evaluation.

- c. Consensus could not be reached by the sponsoring agencies of the majority of the referenced studies. The FGFWFC has adopted, but not yet released, a revised Closing The Gaps study. The SWFRPC did not incorporate the recommendations of the two FGFWFC studies into the 1995 Strategic Regional Policy Plan. The Lee Plan is required by state law to be consistent with the Strategic Regional Policy Plan.
- d. The 1996 EAR summarizes the data and contains relevant maps from all of the referenced studies. As such, these data are part of the support documentation for the Lee Plan and also part of the comprehensive inventory of environmentally sensitive lands (see Policy 77.1.1.4.a). The county has incorporated most of the mapping in the County's GIS data base. These data are available to all county staff and the public to be used where appropriate. These data would be considered as best available data for some purposes.

**3. POLICY 77.1.1.4.c.**

As presented in Part I., B., 2.(c) regarding the Florida Panther Habitat Preservation Plan, the EAR recommended that *"Policy 77.11.4 should be updated or deleted to acknowledge the completed expenditure of CREW land acquisition funds generated by the 1989-1991 millage increase. All of this fund is expected to be spent by 1996"* (Recommendation 5).

## C. STAFF RECOMMENDATION

### 1. **POLICY 77.1.1.4.a.**

Revise Policy 77.1.1.4.a. to acknowledge the development of a comprehensive inventory and to recognize the ongoing need to maintain, upgrade, and expand the inventory.

### 2. **POLICY 77.1.1.4.b.**

Do not revise Policy 77.1.1.4.b. to include the following new classifications of environmentally sensitive lands:

- a. Outstanding Natural Systems
- b. Strategic Habitat Conservation Areas
- c. Regional Biodiversity Hot Spots
- d. Wetland Habitats of High Priority To Endangered and Threatened Species In Florida

### 3. **POLICY 77.1.1.4.c.**

Delete this policy.

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

DATE OF PUBLIC HEARING: May 6, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

One LPA member moved to replace the existing wording in 77.1.1.4.c with a new policy that says Lee County will implement the Conservation 2020 referendum approved by the voters in 1996. The motion was seconded for discussion. After some discussion about the fact that the Board of County Commissioners had not approved implementation of the referendum yet, the vote was taken. The motion failed with a 3-2 vote. One LPA member suggested that the Board of County Commissioners could consider this change at the transmittal hearing if the Board had approved implementation of the referendum by that time.

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

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment as recommended by staff.
  
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurs with the finding of fact as advanced in the staff report.

**C. VOTE:**

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

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

**A. BOARD REVIEW:** One Board member suggested that a new policy be created to replace Policy 77.1.1.4.c. instead of deleting the policy. After the May 6, 1997 LPA Hearing, the BCC approved a new land acquisition program to be funded by a special 0.50 (1/2) mil ad valorem tax. The Board consensus was that a new policy should acknowledge this program. Staff handed out suggested wording to replace Policy 77.1.1.4.c, as follows:

*Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.*

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

**1. BOARD ACTION:** The Board approved the transmittal of this plan amendment subject to the revision suggested by the Commissioner and as drafted by staff. The revised proposed text amendment to Policy 77.1.1.4.c. follows:

~~*Lee County shall commit a minimum of \$2,000,000 annually toward the purchase of environmentally sensitive lands through FY 93. The funding may purchase land or may be used to match acquisition funding of public, private and non-profit agencies. The total amount may include the sum of the millage assessment, water conservation utility sensitive lands funding, capital improvements program, and other funding mechanisms as they become available. Beginning in 1997, the county will adopt and implement a program to acquire and manage lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The program will be funded by an ad valorem tax of up to 0.50 (1/2) mil annually for a period not to exceed seven years. A fifteen member advisory group to be called the Conservation Lands Acquisition and Stewardship Advisory Committee (CLASAC) will develop and implement the program. Ten percent of the funds will be used to manage the lands acquired.*~~

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board concurs with the findings of fact as advanced in the staff report.



**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**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**

The DCA had no objections, recommendations, or comments concerning this amendment.

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

**A. BOARD REVIEW:** The Board provided no discussion on this amendment. This item was approved on the consent agenda.

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

**1. BOARD ACTION:** The Board voted to adopt this amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

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