

**PAT 96-38
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
PAT 96-38**

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. REQUEST:

Amend the Parks, Recreation, and Open Space Element of the Lee Plan to acknowledge the designation of regionally significant greenways in a new policy under Objective 60.1. Amend Policy 77.11.4 of the Conservation and Coastal Management Element of the Lee Plan to acknowledge the completed expenditure of the Corkscrew Regional Ecological Watershed funds and to participate in the protection and continued development of the Corkscrew Regional Ecological Watershed Greenway.

B. BACKGROUND INFORMATION

1. Lee Plan Policy 60.1.4 directs county staff to explore the feasibility of initiating a county greenway system linking parks, open spaces, linear parks, bike paths, and natural streams and sloughs. The

Southwest Florida Regional Planning Council Strategic Regional Policy Plan has partially implemented this policy by recognizing six preserve systems in Lee County which can function as greenways. Retain this policy as written to continue to direct staff to use these greenways, and possibly others, to further implement this policy.

2. Objective 77.11 directs county staff to develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. The Corkscrew Regional Ecosystem Watershed Greenway is a greenway which is located in the Habitat Preservation Plan (HPP) designated Priority 1 and 2 Panther Habitat. A policy should be added under this objective to encourage the county to protect and expand this greenway to benefit the Florida panther.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

- a. Add the following policy to Objective 60.1:

POLICY 60.1.5: The county will continue to participate in the formation, expansion, and management of the six regionally significant greenways identified in the Southwest Florida Regional Planning Council's Strategic Regional Policy Plan: the Charlotte Harbor/Pine Island Sound Coastal Greenway, the Corkscrew Regional Ecosystem Watershed Greenway, The Estero Bay/Wiggins Pass Coastal Greenway, the Hickey Creek Greenway, the Sanibel Island Greenway, and the Six Mile Cypress Slough Preserve Greenway.

- b. Revise Policy 77.11.4. as follows:

POLICY 77.11.4: Lee County shall continue its acquisition of the Flint Pen Strand funded by the millage increase of .2 mills from 1989 through 1991 for this purpose. The county will continue to protect and expand upon the Corkscrew Regional Ecosystem Watershed Greenway, a regionally significant greenway with priority panther habitat, through continued participation in land acquisition programs and land management activities and through buffer and open space requirements of the Land Development Code.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- a. The Southwest Florida Regional Planning Council Strategic Regional Policy Plan has recognized six preserve systems in Lee County which can function as greenways. Acknowledging the designation of the six greenways in a new policy under Objective 60.1 strengthens the protection of this resource.
- b. Revisions to Policy 77.11.4. acknowledge that the Corkscrew Regional Ecosystem Watershed Greenway should be protected and expanded upon to benefit the Florida panther.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

1. CURRENT LEE PLAN TEXT (1994 LEE PLAN (1996 CODIFICATION))

a. CHAPTER VI. PARKS, RECREATION AND OPEN SPACE

OBJECTIVE 60.1: FUTURE PARKS. *The planning, design, and construction of all park and recreation facilities and programs shall be supervised and monitored by the appropriate county agencies. (Amended by Ordinance No. 94-30)*

POLICY 60.1.4: *The feasibility of initiating a county greenway system linking parks, open spaces, linear parks, bike paths, and natural streams and sloughs shall be explored by county staff.*

b. CHAPTER VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT

OBJECTIVE 77.11: FLORIDA PANTHER AND BLACK BEAR. *County staff shall develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. (Amended by Ordinance No. 92-48)*

POLICY 77.11.1: *Lee County will maintain and update data on sitings and habitat for the black bear and Florida panther. (Amended by Ordinance No. 94-30)*

POLICY 77.11.2: *Encourage state land acquisition programs to include known panther and black bear corridors. The corridor boundaries shall include wetlands, upland buffers, and nearby vegetative communities which are particularly beneficial to the Florida panther and black bear (such as high palmetto and oak hammocks). (Amended by Ordinance No. 94-30)*

POLICY 77.11.3: *Lee County shall inform Collier and Charlotte counties as to Lee County corridor acquisition projects to encourage a regional approach to corridor acquisition.*

POLICY 77.11.4: *Lee County shall continue its acquisition of the Flint Pen Strand funded by the millage increase of .2 mills from 1989 through 1991 for this purpose.*

[NOTE: POLICIES 77.11.5 and 77.11.6 are not reproduced as they are not directly related to greenways.]

2 EAR ADDENDUM DISCUSSION

- a. **REGIONAL STRATEGIC POLICY PLAN (RSPP).** Prepared by the Southwest Florida Regional Planning Council. Adopted August 17, 1995. (See 1995 EAR Update Addendum, pgs. 39 and 47)

Since the 1989 Lee Plan was adopted, the Southwest Florida Regional Planning Council's plan has been revised twice. The first revision occurred in 1991, as a result of examination of the aggregated local comprehensive plans of the Region. This led to modest amendments to the Regional Comprehensive Plan adopted in 1987.

The second revision was to become "strategic" in nature, to meet requirements of the 1993 ELMS III legislation. This change required a re-examination of the entire comprehensive plan in order to determine the manner in which it contains strategic issues. The result led to the creation of five strategic areas; 1. Affordable Housing; 2. Economic Development; 3. Emergency Preparedness; 4. Natural Systems; and 5. Regional Transportation. This change led to more focused goals, but the policy structure of the 1991 plan still generally met these goals.

As part of the plan's revisions, the SWFRPC provided Lee County numerous opportunities to participate in issue identification and plan development. Lee County participated in these opportunities and contributed suggestions to ensure compatibility of the Lee Plan with the proposed SRPP. The most controversial new policies pertained to the identification and protection of Florida panther habitat.

The SWFRPC adopted a final draft of the Regional Strategic Policy Plan (SRPP) on August 17, 1995. The SWFRPC adopted a final draft of the Regional Strategic Policy Plan (SRPP) on August 17, 1995. The map and list of Regionally Significant Natural Resources in the SWFRPC region and Lee County are attached to this report (see Attachment 1).

The 1996 EAR Addendum recommends that the county revise the Lee Plan to acknowledge the Regionally Significant Natural Resources and the identification of the following six Greenways in Lee County: 1. Charlotte Harbor/Pine Island Sound Coastal Greenway, 2. Corkscrew Regional Ecosystem Watershed Greenway, 3. Estero Bay/Wiggins Pass Coastal Greenway, 4. Hickey Creek Greenway, 5. Sanibel Island Greenway, and 6. Six Mile Cypress Slough Preserve Greenway.

- b. 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. Published 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 77.11.1, 77.1.1.1., 77.1.1.4.a., 77.1.1.5. and 77.1.1.6.]
- (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 Corkscrew Regional Ecological Watershed Greenbelt 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.]

B. CONCLUSIONS

1. Lee Plan Policy 60.1.4 directs county staff to explore the feasibility of initiating a county greenway system linking parks, open spaces, linear parks, bike paths, and natural streams and sloughs. The SWRPC SRPP has partially implemented this policy by recognizing six preserve systems in Lee County which can function as greenways. Retain this policy as written to continue to direct staff to use these greenways, and possibly others, to further implement this policy. Acknowledging the designation of the six SWRPC SRPP Greenways in a new policy under Objective 60.1 in a new Policy 60.1.5. strengthens the protection of this resource.
2. Objective 77.11 directs county staff to develop measures to protect the Florida panther and black bear through greenbelt and acquisition strategies. The Corkscrew Regional Ecosystem Watershed Greenway is a greenway which is located in HPP designated Priority 1 and 2 Panther Habitat. A policy should be added under this objective to encourage the county to protect and expand this greenway to benefit the Florida panther. Revise Policy 77.11.4. to acknowledge that the Corkscrew Regional Ecosystem Watershed Greenway should be protected and expanded upon to benefit the Florida panther.

C. STAFF RECOMMENDATION

The Lee Plan should be revised to acknowledge the Regionally Significant Natural Resources and the identification of the following six Greenways in Lee County: 1. Charlotte Harbor/Pine Island Sound Coastal Greenway, 2. Corkscrew Regional Ecosystem Watershed Greenway, 3. Estero Bay/Wiggins Pass Coastal Greenway, 4. Hickey Creek Greenway, 5. Sanibel Island Greenway, and 6. Six Mile Cypress Slough Preserve Greenway. Lee County, by its participation in the development of the SRPP, has maintained consistency of the SRPP with the Lee Plan.”

Add a new policy under Objective 60.1 and revise Policy 77.11.4. as outlined in Part I, C.1. 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 held a public hearing to receive public comment on this proposed amendment. No one from the public commented on the proposal. The LPA also had no discussion on this amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

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.

C. VOTE:

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

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: There was no public testimony or Board discussion on this plan amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved the transmittal of this plan amendment to DCA.

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

C. VOTE:

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

**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:

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