

This provision is intended to encourage unified plans of development and to preserve the high quality wetlands, wildlife habitat, and other natural features that exist within areas of the Immokalee Urban Area, which are proximate to Lake Trafford and Camp Keais Strand. In the case of properties which are contiguous to Lake Trafford or Camp Keais Strand, which straddle the Immokalee Urban Area and the Rural Lands Stewardship Area Overlay (RLSA) as depicted on the countywide Future Land Use Map, and which were in existence and under unified control as of October 22, 2002, the allowable gross density and/or intensity may be shifted from the Urban designated lands to lands within the RLSA which are contiguous and under unified control, and which are designated as a Stewardship Receiving Area (SRA) in the RLSA. The density and/or intensity may be shifted on an acre per-acre basis. This Density and Intensity Blending provision is further subject to the following conditions and limitations:

~~within projects that straddle the Urban Mixed Use and Rural Fringe Mixed Use Districts, or the Immokalee Urban Area and the Rural Lands Stewardship Overlay Area. In the case of such properties, which were in existence and under unified control as of June 22, 2002, the allowable gross density and/or intensity for such properties in aggregate may be distributed as follows: for lands that straddle the Urban Mixed Use and Rural Fringe Mixed Use Districts, density may be distributed throughout the project, regardless of whether or not the density allowable for a portion of the project exceeds that which is otherwise permitted for that under this Plan; or, in the case of lands that straddle the Immokalee Urban Area and the Rural Lands Stewardship Overlay Area, density and intensity may be shifted from the urban designated lands to lands within the Rural Lands Stewardship Overlay Receiving Area on an acre per-acre basis. These Density Blending provisions are subject to the following conditions and limitations:~~

~~3. Density and Intensity Blending conditions and Limitations for Properties Straddling the Immokalee Urban Areas and the Rural Lands Stewardship Overlay Area:~~

- ~~(a) a. The project in aggregate must be a minimum of 200 acres in size and the Urban portion must be zoned designated Residential Recreational/Tourist District (RT) in the Immokalee Area Master Plan.~~

~~(b)~~ b. It must be demonstrated the lands designated Urban have a high natural resource value as indicated by the presence of Group 1 or Group 2 FLUCCS Codes ~~(as identified on the Land Use Stewardship Matrix)~~ and a score of greater than 1.2 (both as identified on the Stewardship Credit Worksheet in the RLSA); ~~Natural Resource Stewardship Index;~~

~~(c)~~ c. Density and Intensity may only be shifted from lands within the Immokalee Urban Area containing this high natural resource value (as measured above) to the lands within a contiguous SRA, on an acre per acre basis, providing such lands were under unified control as of October 22, 2002; and

~~the Urban Lands containing the high natural resource value (as measured above), on an acre per acre basis, to lands within the Rural Lands Stewardship Overlay Receiving Area having a Natural Resource Stewardship Index score of 1.2 or less; and~~

~~(d)~~ d. Lands within the Urban area, from which the density and/or intensity has been shifted, shall be placed in a conservation easement in perpetuity.

Text with single underline or single ~~striketrough~~ reflects Transmittal language as proposed changes to the current GMP – originally proposed to the FLUE, now proposed to the IAMP. Text with double underline or double ~~striketrough~~ reflects proposed changes to the Transmittal language primarily in response to the ORC Report.

Given all of the above conditions and restrictions, the application of this provision is practically limited to the +/- 2500 acres of land referenced above; the only other land designated RT in the IAMP is a small amount of land located adjacent to the referenced +/- 235 acres. Data and analysis indicates that the subject +/- 2500-acre property is the only property which: (a) is under unified control on or before October 22, 2002; and, (b) contains more than 200 acres of high quality wetlands which are adjacent to Lake Trafford/Camp Keais Strand and which have significant habitat value; and, (c) are designated RT. Staff believes it is important to preserve these valuable wetlands, and that by requiring any density or intensity that is to be shifted be located within a designed SRA, it is assured that this density and intensity will be directed

away from wetlands and habitat for listed species, thus will be located on lands that have been identified as suitable for such development.

7. LACK OF WETLAND POLICIES FOR EASTERN LANDS:

DCA Objection: Objective 6.2 of the Conservation and Coastal Management Element, as modified by the Rural Fringe Amendments, states that the wetland policies included under that objective do not apply to the Eastern Lands Study Area “for which policies are required to be adopted by November 1, 2002.” While the Stewardship Overlay approach identifies the large connected wetland systems of the Okaloacoochee Slough and Camp Keais Strand, and disallows residential, earth mining and conditional uses within these areas, the balance of the Eastern Lands are not covered by any wetland policies of the comprehensive plan. According to the data and analysis, of the 74,900 wetland acres included in the Eastern Lands area, 83% are included in the FSAs, HSAs, and WRAs, leaving 12,733 wetland acres not protected by any comprehensive plan policies. Even within the HSAs, these wetlands are vulnerable to development since golf courses and mining are allowed.

DCA Recommendation: Revise the amendment to include guidelines and criteria that will apply to all wetlands in the Eastern Lands Area consistent with the requirements of Rule 9J-5 FAC.

Response:

Policies 5.5 and 5.6 have been added to the Goals, Objectives, and Policies to provide guidelines and criteria for listed species habitat protection and wetlands protection in the Rural Lands Area that are applicable to land that is not voluntarily included in the RLSA program by its owners. For lands that are included in the Overlay program, the Group 3 Policies (as revised) provide adequate guidelines and criteria to protect wetlands.

Analysis:

In addition to the guidelines and criteria for wetlands protection provided by Policies 5.1, 5.2 and 5.3, the County has added Policy 5.6 to the Group 5 Policies to provide additional guidelines and criteria for wetlands protection in the RLSA that are applicable to land that is not included in the RLSA Overlay program. Policy 5.6 provides protection for the "minor percentage" of wetlands not within a FSA, HSA, WRA, or the Area of Critical State Concern in a manner consistent with the policies adopted for wetland protection in the Rural Fringe. The term "minor percentage" is used advisedly, as of the 74,500 acres of wetlands in the RLSA, approximately 5,600 are not within an FSA, HSA, WRA, the Area of Critical State Concern, or public or private conservation lands. As **Exhibit "B"** demonstrates, DCA's calculation of wetland acreages apparently does not take into account public or private conservation lands.

When these are taken into account, the wetlands remaining total approximately 5,600 acres rather than 12,733. State or Federal wetland protection regulations still apply to such areas.

