



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

April 25, 2014

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
Department of Economic Opportunity
Bureau of Community Planning
Caldwell Building
107 East Madison St. MSC 160
Tallahassee, FL. 32399-4120

Re: Amendment 14-2 and 14-4 ESR
Amendments to the Lee Plan
Adoption Submission Package

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendments known locally as CPA2013-06, and CPA2013-07. The Lee County Board of County Commissioners held an adoption hearing for these plan amendments on April 16, 2014 starting at 9:30 a.m.

This amendment packet includes the final action and adopting ordinance for CPA2013-06 (Concurrency Amendment), and CPA2013-07 (Wellfield Protection and Irrigation Overlay). In both cases, the changes in the proposed amendments are identical to the changes that were transmitted by the Lee County Board of County Commissioners for state review. As required by F.S. 163.3184, the final action on these amendments were completed within 180 days of the receipt of the State Land Planning Agency's review letter.

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Fax (239) 485-8319
Email: oconnops@leegov.com

Included with this package is one paper copy and two CD ROM copies, in PDF format, of the proposed amendments and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Tracy D. Suber
Department of Education

Jim Quinn
Department of Environmental Protection

Susan Harp
Florida Department of State

Scott Sanders
Florida Fish and Wildlife Conservation Commission

Lawrence Massey
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

CPA2013-07

**WELLFIELD AND IRRIGATION
OVERLAY**

LEE COUNTY ORDINANCE NO. 14-10
WELLFIELD PROTECTION
(CPA2013-00007)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS PERTAINING TO THE WELLFIELD PROTECTION APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND MAPS; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendments in accordance with Florida Statutes and the Lee County Administrative Code on December 11, 2013; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendments on January 22, 2014. At that hearing, the Board approved a motion to send, and did later send, proposed amendments pertaining to Wellfield Protection (CPA2013-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 22, 2014 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on April 16, 2014, the Board held a public hearing and adopted the proposed amendments to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6,

conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt text and map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Wellfield Protection Ordinance (CPA2013-00007)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, that removes language in the Plan pertaining to SFWMD permitting authority and updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones which identify adjacent lands needed to protect the public water supply. (CPA2013-00007).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this

ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Pendergrass. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of April 2014.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Larry Kiker
Larry Kiker, Chair



DATE: 4/16/14

Approved as to form by:

Michael D. Jacob
Michael D. Jacob
County Attorney's Office

- Exhibit A: Adopted text amendments (Adopted by BOCC April 16, 2014)
- Exhibit B: Map 13 Irrigation Well Overlay (former)
- Exhibit C1: Lee Plan Map 8 Cones of Influence (former)
- Exhibit C2: Lee Plan Map 8 Wellfield Protection Zones (Adopted by BOCC on April 16, 2014)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

~~**POLICY 1.7.10:** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map).~~



POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

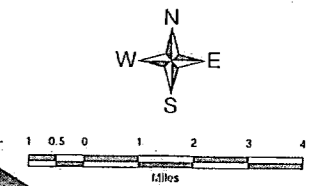
POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see ~~Policy 1.7.10~~ for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.)

IRRIGATION WELL OVERLAY

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

LEGEND

-  Irrigation Well Overlay
-  City Limits



GPA 2010-17
December 2000
Revised July 2003
Amended by No. 00-22

CONFIDENTIAL WATER INFLUENCE

Travel Times

- * Permitted Wells
- 6-Months
- ▨ 1-Year
- ▧ 5-Years
- ▩ 10-Years

EXHIBIT C1

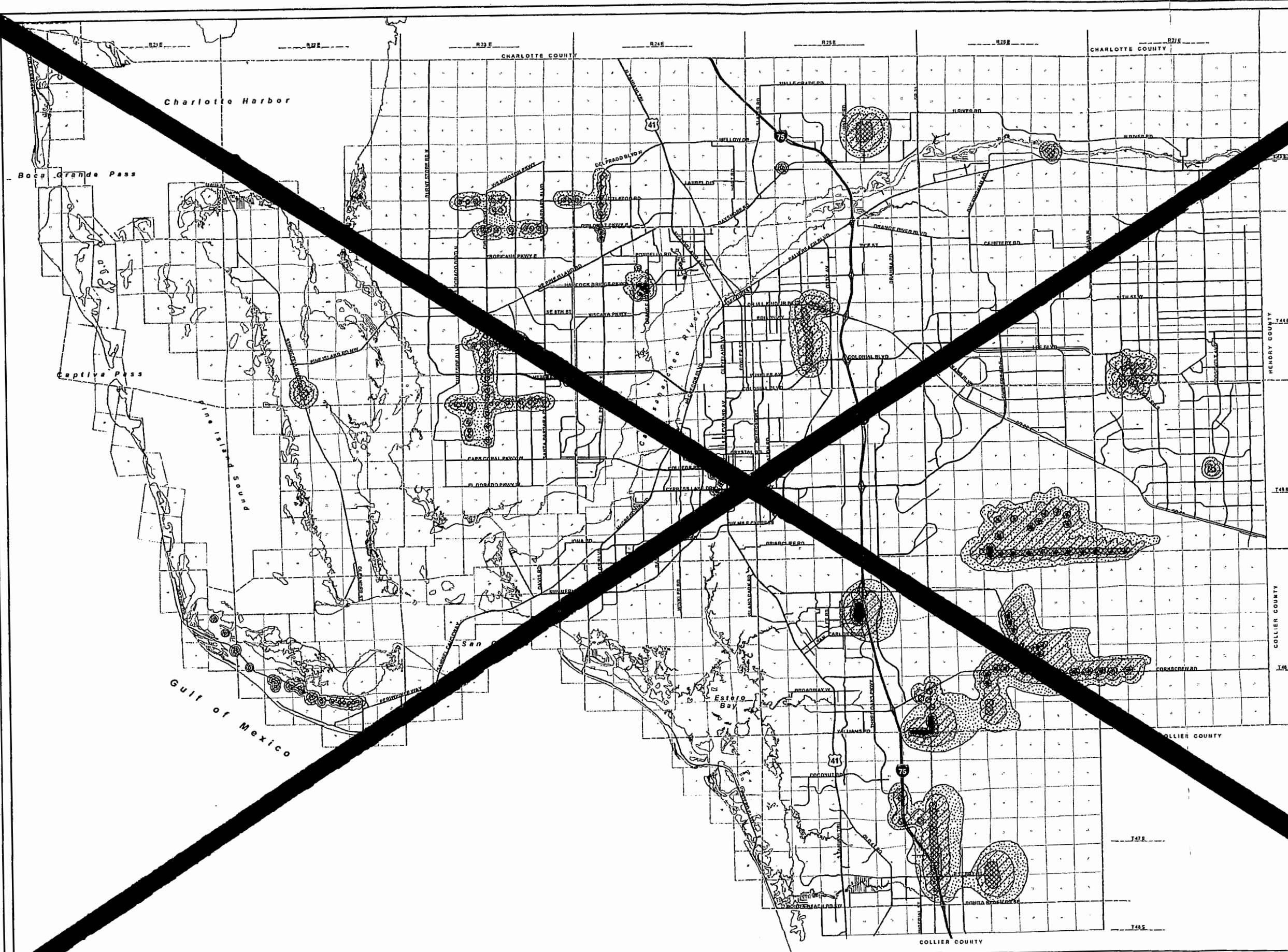
 **LEE COUNTY**
SOUTHWEST FLORIDA
DIVISION OF PLANNING



0.75 3.75 0 0.75 1.5 2.25 3
Miles

Map Generated: January 2008
Limits current to date of map generation
Recommended: August 13, 2007
Amended Ordinance No. 07-13

Lee Plan Map

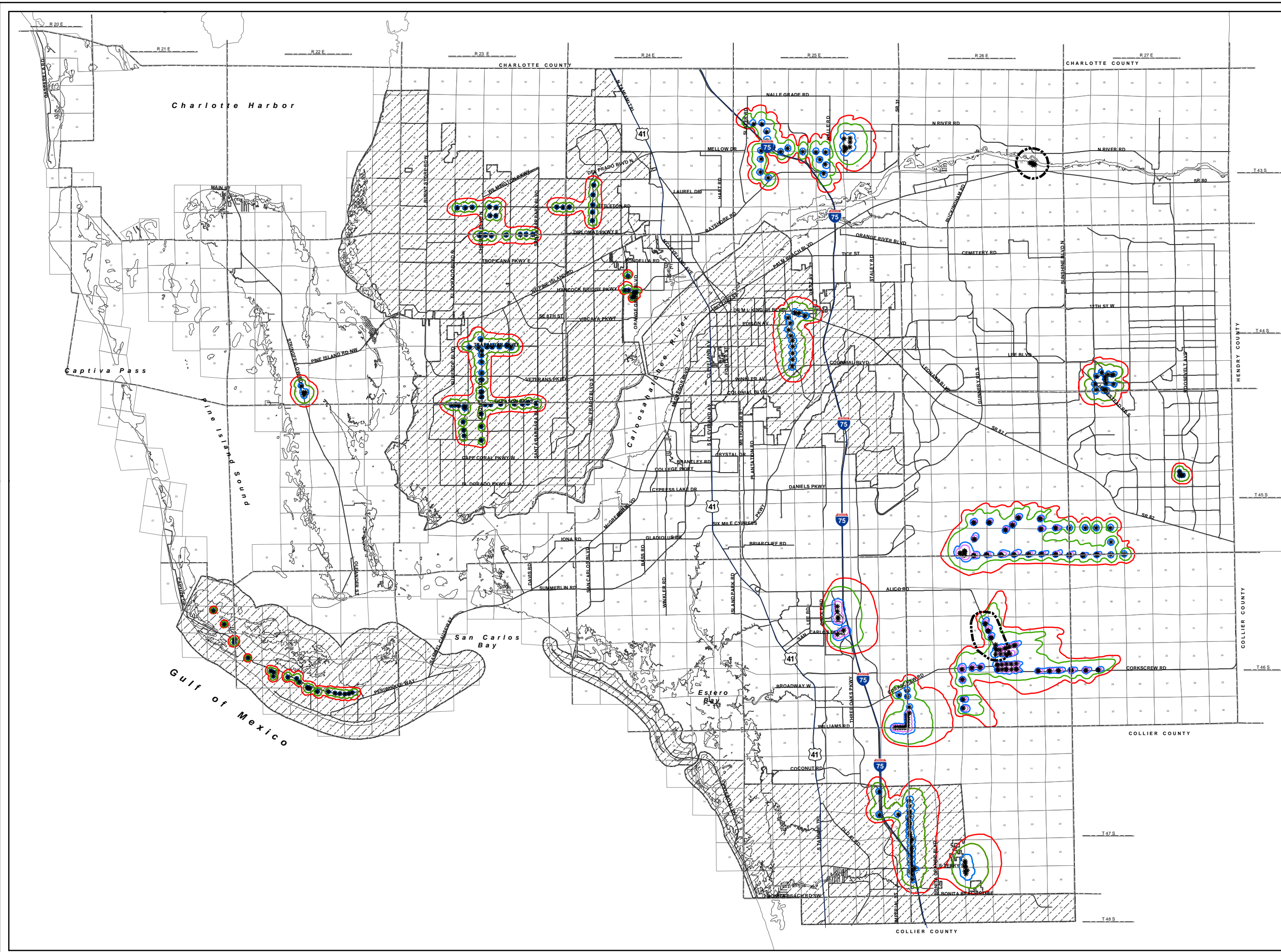


Wellfield Protection Zones

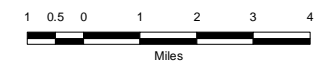
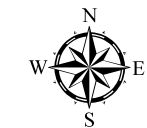
COMPOSITE ISO-TRAVEL TIME MAP

Travel Time

- 6-MONTHS
- 1-YEAR
- 5-YEARS
- 10-YEARS
- ASR PROTECTION ZONE
- * Permitted Well
- City Limits



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: November 2013
City Limits current to date of map generation

Last Amended: August 13, 2007
Amended by Ordinance No. 07-13



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 22, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-10, which was filed in this office on April 22, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

RECEIVED
MINUTES OFFICE
2014 APR 22 PM 3:09

**CPA2013-07
WELLFIELD AND IRRIGATION
OVERLAY AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

BoCC Adoption Document

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 533-8585*

April 16, 2014

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2013-07**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	Staff Response to Review Agencies' Comments
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: November 26, 2013

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. EXECUTIVE SUMMARY:

This amendment proposes two changes to the Lee Plan. The first change, following a request by the South Florida Water Management District (SFWMD), removes language in the Plan pertaining to SFWMD permitting authority.

The second change updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones. These zones regulate uses which may contaminate the public water supply.

2. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *adopt* the proposed amendment to the Lee Plan. This recommendation includes deleting Map 13, updating Map 8, and renaming Map 8 to "Wellfield Protection Zones." The recommendation includes transmitting the following modified Lee Plan language shown in strikethrough/underline form:

~~**POLICY 1.7.10:** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map). (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 02-02)~~

POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (~~Bonita Springs as described in Policy 1.7.10;~~ Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02)

POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (~~Also see Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.~~) (Amended by Ordinance No. 94-30, 00-22, 02-02)

3. APPLICANT/REPRESENTATIVES:

Lee County Board of County Commissioners/Lee County Division of Planning staff in conjunction with Lee County Utilities and Natural Resources staff.

4. REQUEST:

Amend the Lee Plan to remove provisions which regulate permitting of the use of water for irrigation from the Lower Tamiami aquifer. Also update Map 8 of the Lee Plan, which identifies the Wellfield Protection Zones for Lee County public wells and Aquifer Storage and Recovery wells.

B. FINDINGS OF FACT SUMMARY

BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Lee County Board of County Commissioners initiated the proposed amendment on November 19, 2013 through Blue Sheet No. 20130964.
- Florida Statute Section 373.016(4)(a) states that waters in the state should be managed on a regional basis.
- Florida Statute 373.217 gives the Department of Environmental Protection (DEP) or water management districts exclusive authority for requiring permits for water consumption.
- Currently, Lee Plan Map 13 depicts the Irrigation Well Overlay.
- The South Florida Water Management District (SFWMD) currently maintains a comprehensive regulatory program.
- SFWMD has determined that Lee Plan Policy 1.7.10 conflicts with the districts jurisdiction.
- The proposed amendment would remove a redundant water management policy.
- Map 8 identifies Wellfield Protection Zones for permitted wells in the County.
- Lee County Land Development Code Chapter 14 Article III addresses contamination of potable water supplies through the creation of Wellfield Protection Zones. These zones are defined by the transit time of water within the aquifer.
- The Florida DEP is requiring Lee County to expand Aquifer Storage and Recovery (ASR) well protection zones.
- New public water supply production wells have been installed, and Map 8 should also be updated to include these new wells and provide more accurate location of existing wells.

C. BACKGROUND INFORMATION

Lee Plan Map 13, The Irrigation Well Overlay, depicts the area identified in Policy 1.7.10 as a critical area for future potable water supply. The Overlay originally depicted a large area in the southern portion of the County including areas in Bonita Springs. The incorporation of the City of Bonita Springs and the subsequent removal of regulations specific to the area of the city from the Lee Plan resulted in the current extent of Map 13. The Overlay currently covers portions of the Southeast Lee County and Estero Planning Communities.

Lee Plan Map 8, currently titled "Cones of Influence," indicates the travel time of groundwater surrounding various wellfields within the County and establishes protection from certain land uses within these zones. Florida DEP is currently requiring Lee County Utilities to expand ASR protection zones from 500 to 2,640 feet. These zones are not depicted on the current Map 8.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

INTRODUCTION

In a letter dated October 16, 2013 (see Attachment #1), the South Florida Water Management District (SFWMD) identified provisions in the Lee Plan that do not conform to Florida Statutes. This letter provides that these provisions intrude on the jurisdiction of the SFWMD in regards to the permitting of irrigation wells in the Lower Tamiami Aquifer. The main source of this conflict is Policy 1.7.10 which regulates permits in the Irrigation Well Overlay identified in Lee Plan Map 13. To remove this conflict, the SFWMD has requested that Policy 1.7.10 be deleted. This will require deletion of references to Policy 1.7.10 in two other policies, Policy 2.4.2 and 54.1.9. Lee Plan Map 13 will also be deleted as it will be unnecessary without Policy 1.7.10.

Staff is also taking this opportunity to update Lee Plan Map 8 to more accurately identify the purpose of the map. The map should be named "Wellfield Protection Zones." Map 8 needs to be updated for several reasons. New public water supply production wells have been installed, and the map should also be updated to include these new wells. In addition, due to recent groundwater modeling FDEP is currently requiring Lee County Utilities to expand the ASR well protection zones from 500 feet to 2,640 feet. These ASR boundaries are depicted on proposed Map 8.

PROPOSED CHANGES

The amendment proposes the deletion of Policy 1.7.10. This will remove a conflict between the Lee Plan and the SFWMD in the Estero area. Lee Plan Policies 1.7.11 through 1.7.15 will be renumbered. Lee Plan Policies 2.4.2 and 54.1.9 both contain references to Policy 1.7.10. These references will be deleted.

Another proposed change is the deletion of Lee Plan Map 13, the Irrigation Well Overlay. The deletion of Policy 1.7.10 will render this map irrelevant and it should be removed from the Lee Plan.

The last proposed change is to adopt an updated version of Lee Plan Map 8, Cones of Influence, in order to include the latest data from the Division of Utilities and rename the map as previously discussed.

The changes to the relevant Lee Policies are shown here in strikethrough/underline format:

~~**POLICY 1.7.10:** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map). (Amended by Ordinance No. 94-30, 00-22, Amended and Relocated by Ordinance No. 02-02)~~

Lee Plan policies 1.7.11 through 1.7.15 will be renumbered to reflect this deletion.

~~**POLICY 2.4.2:** All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47, 94-30, 00-22, 02-02)~~

~~**POLICY 54.1.9:** Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see Policy 1.7.10 for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22, 02-02)~~

Deletion of Policy 1.7.10 and references to it will bring the Lee Plan into conformance with Florida Statute 373.106(4)(a). Deleting Lee Plan Map 13 will remove an unnecessary provision from the Lee Plan. Adoption of an updated Lee Plan Map 8 will

keep groundwater protection policies current, will more accurately depict existing and new wells, and will now depict ASR well protection zones.

B. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners *adopt* the proposed amendment.

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

DATE OF PUBLIC HEARING: December 11, 2013

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation regarding the proposed amendment. LPA member asked if there were other regulations addressing water permitting in Bonita Springs. Natural Resources Staff answered that there are and that staff is currently addressing them. No members of the public spoke, appeared, or addressed the proposed plan amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Lee County Board of County Commissioners *transmit* the proposed Lee Plan amendment as recommended by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>ABSENT</u>
STEVE BRODKIN	<u>AYE</u>
WAYNE DALTRY	<u>AYE</u>
JIM GREEN	<u>AYE</u>
MITCH HUTCHCRAFT	<u>AYE</u>
ANN PIERCE	<u>ABSENT</u>
ROGER STRELOW	<u>ABSENT</u>

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

DATE OF TRANSMITTAL HEARING: January 22, 2014

A. BOARD REVIEW:

Staff provided a brief overview of the proposed amendment. The Board of County Commissioners did not make any comments or have any questions concerning the proposed amendment. No members of the public addressed the Board of County Commissioners concerning the proposed amendment.

A motion was made to transmit the proposed amendment. The motion passed 5-0.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners transmitted the proposed amendment as recommended by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

BRIAN HAMMAN	<u>AYE</u>
LARRY KIKER	<u>AYE</u>
FRANK MANN	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
CECIL L PENDERGRASS	<u>AYE</u>

**PART V – STATE REVIEWING AGENCIES OBJECTIONS,
RECOMMENDATIONS AND COMMENTS**

DATE OF REVIEWING AGENCY COMMENTS: Comments from the State Reviewing Agencies were due to Lee County by March 1, 2014.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment: Florida Departments of Economic Opportunity, Education, Environmental Protection, and Transportation; the Southwest Florida Regional Planning Council; and the South Florida Water Management District.

These agencies stated that they had no comments or concerns about the proposed amendment.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the amendment to the Lee Plan as transmitted.

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

DATE OF PUBLIC HEARING: April 16, 2014

A. BOARD REVIEW

Staff made a brief presentation to the Board of County Commissioners, providing a summary of the proposed plan amendment. Staff stated that the state reviewing agencies provided no substantive comments and therefore recommend adoption of the amendment as it was transmitted to the Department of Economic Opportunity. The Board of County Commissioners did not make any comments or have any questions concerning the proposed amendment.

No members of the public addressed the BoCC concerning the proposed Lee Plan amendment.

A motion was made to adopt the proposed amendment as recommended by staff.

The motion passed 5-0

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY

- 1. BOARD ACTION:** The Board of County Commissioners adopted the proposed amendment as recommended by staff.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the finding of fact as advanced by staff.

C. VOTE:

BRIAN HAMMAN	AYE _____
LARRY KIKER	AYE _____
FRANK MANN	AYE _____
JOHN MANNING	AYE _____
CECIL L PENDERGRASS	AYE _____

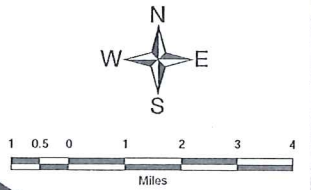
IRRIGATION WELL OVERLAY

(Lee Plan Map 13)

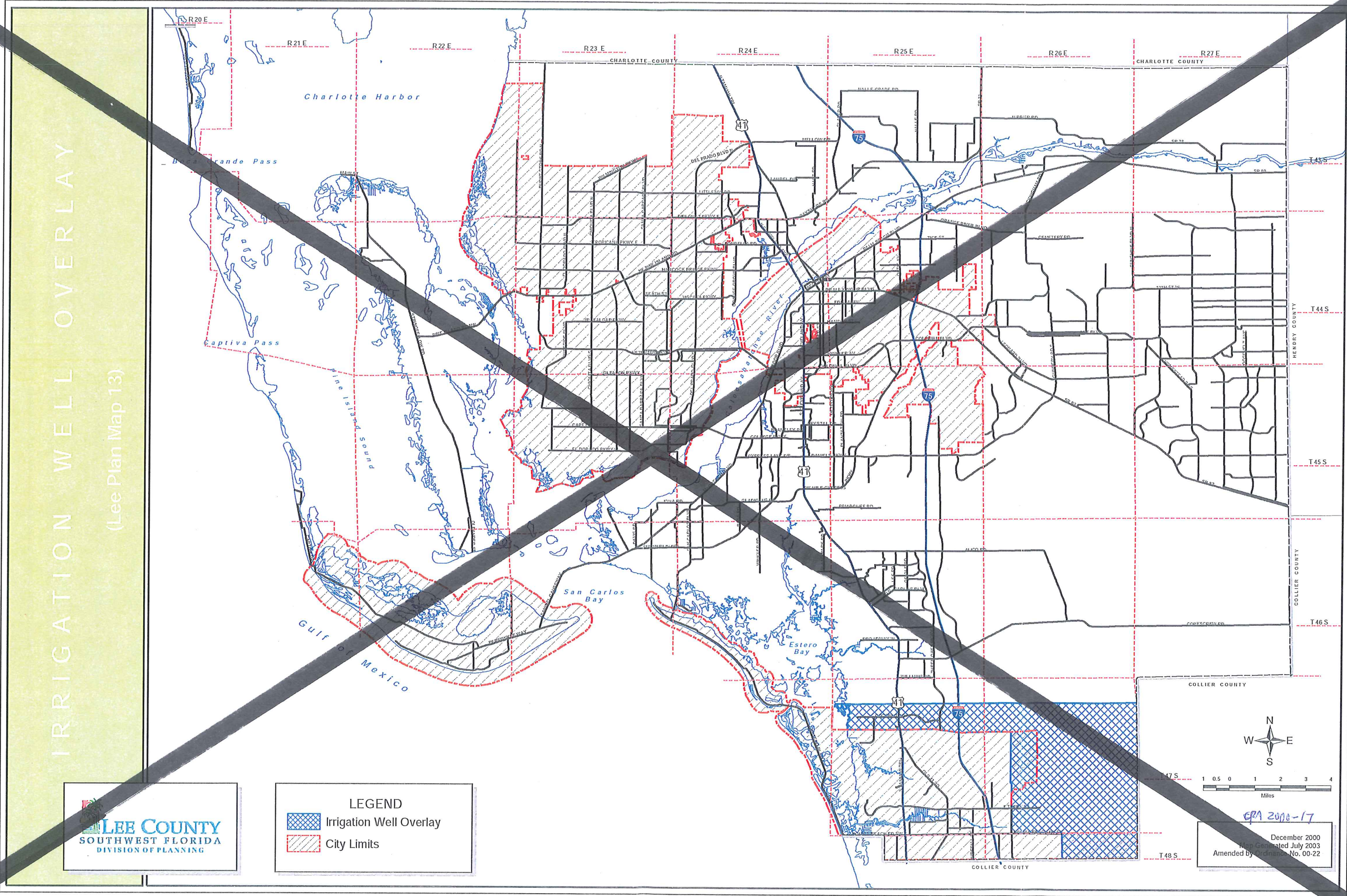


LEGEND

- Irrigation Well Overlay
- City Limits



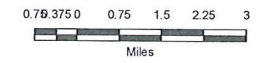
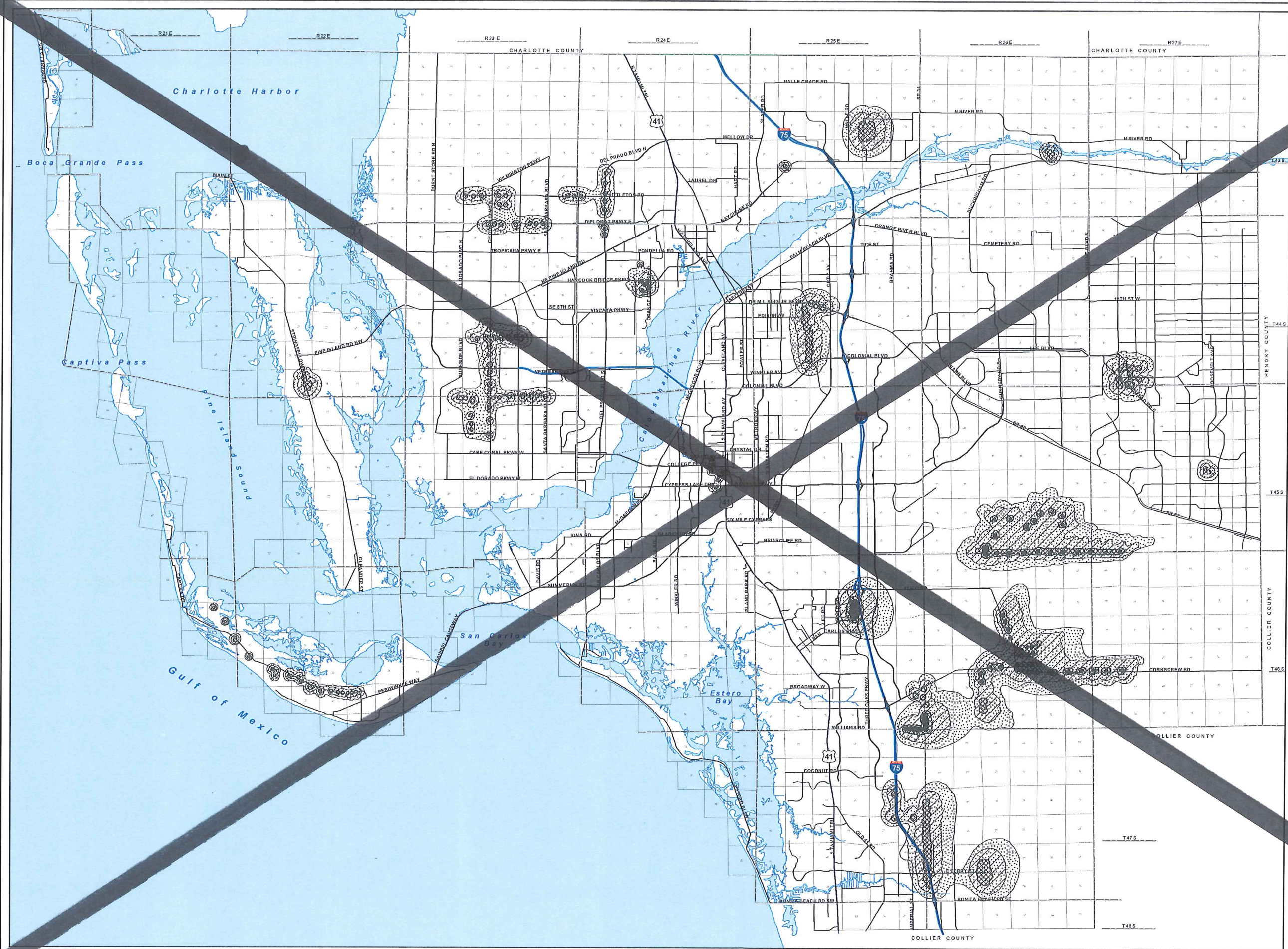
December 2000
Map Generated July 2003
Amended by Ordinance No. 00-22



CONES OF INFLUENCE

Travel Times

- * Permitted Wells
- 6-Months
- ▨ 1-Year
- ▧ 5-Years
- ▩ 10-Years



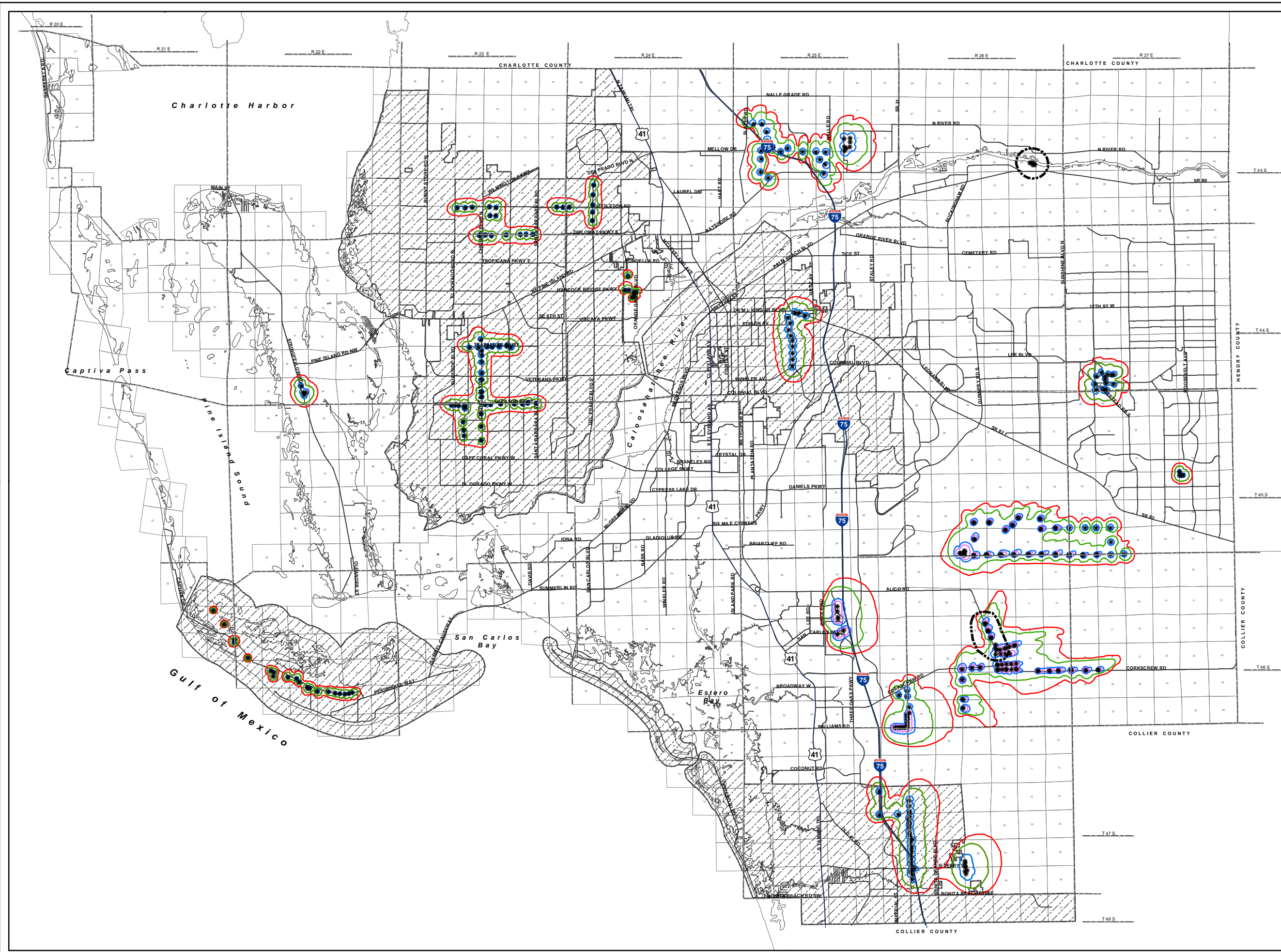
Map Generated: January 2008
 City Limits current to date of map generation
 Last Amended: August 13, 2007
 Amended by Ordinance No. 07-13

Wellfield Protection Zones

COMPOSITE ISO-TRAVEL TIME MAP

Travel Time

- 6-MONTHS
- 1-YEAR
- 5-YEARS
- 10-YEARS
- ASR PROTECTION ZONE
- * **Permitted Well**
- City Limits



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: November 2013
City Limits current to date of map generation

Last Amended: August 13, 2007
Amended by Ordinance No. 07-13



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

October 16, 2013

Lee Werst
Lee County Natural Resources Management
1500 Monroe Street
Ft. Myers, Florida 33901

LEE COUNTY DIV. OF
NATURAL RESOURCES
OCT 18 2013

RECEIVED

Re: Lee County Comprehensive Plan

Dear Mr. Werst:

Thank you for providing the South Florida Water Management District (District) with the opportunity to review Lee County's proposed changes to Ordinance No. 06-09. As noted in its September 12, 2013 letter, the District requested deletion of the renumbered Section 8.3.2(16), previously Section 9.3.2(16), purporting to regulate the use of water for irrigation from the Lower Tamiami aquifer, as such regulation is preempted to the District.

It has come to the District's attention that Policy 1.7.10 of the Lee County Comprehensive Plan ("Lee Plan") also intrudes into the District's exclusive jurisdiction. The Policy states:

The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series.

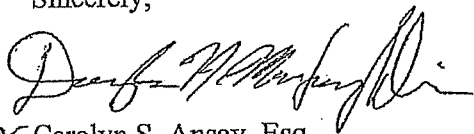
The Legislature stated that the waters in the state should be managed on a statewide and regional basis. See § 373.016(4)(a), Fla. Stat. (2013). To effectuate this goal, the Legislature enacted Section 373.217, Fla. Stat., giving the Department of Environmental Protection or water management districts exclusive authority for requiring permits for the consumptive use of water under Part II of Chapter 373, F.S. The law also superseded any existing state or local laws that conflicted with the Part II of Chapter 373, F.S., and preempted the enactment of future regulations.

The District adopted a comprehensive regulatory program. The Consumptive Use Permitting (CUP) Program protects the water resources from harm. § 373.216, Fla. Stat. (2013). All CUPs issued have been technically evaluated to determine if the water use has the potential to cause harm to the resources of the area. To further protect the Lower Tamiami aquifer, the District has adopted a minimum level for the aquifer. Fla. Admin. Code R. 40E-8.331. To prevent the

aquifer from reaching the minimum level, maximum developable limits have been set. See Section 3.2.4 of the Basis of Review for Water Use Permits within the South Florida Water Management District. Taken together, these rules and criteria are sufficient to accomplish the goals espoused by the Lee Plan.

Therefore, the District respectfully requests Lee County remove Policy 1.7.10 of the Lee Plan which purports to prohibit the construction of irrigation wells into the Lower Tamiami aquifer within a portion of Bonita Springs. If you have any questions, feel free to contact Jennifer Bokankowitz at 561-682-2258, or jbokanko@sfwmd.gov

Sincerely,


for Carolyn S. Ansay, Esq.
General Counsel

CSA/jdb

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

RECEIVED
MAR 03 2014

COMMUNITY DEVELOPMENT

February 25, 2014

The Honorable Cecil L. Pendergrass, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Pendergrass:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (DEO No. 14-2ESR), which was received on January 30, 2014. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to Lee County. If other reviewing agencies provide comments, we recommend Lee County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption. The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment.

Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

If you have any questions concerning this review, please contact Matt Preston, at (850) 717-8490, or by email at matt.preston@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ana Richmond', with a long horizontal flourish extending to the right.

Ana Richmond
Comprehensive Planning Manager

AR/mrp

Enclosure(s): Procedures for Adoption

cc: Mr. Paul O'Connor, Director, Lee County Division of Planning
Ms. Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RECEIVED
FEB 27 2014

February 24, 2014

COMMUNITY DEVELOPMENT

Paul O'Connor, AICP, Director
Lee County Department of Community Development
P. O. Box 398
Fort Myers, FL 33902-0398

**Subject: Lee County, DEO #14-2ESR
Comments on Proposed Comprehensive Plan Amendment Package**

Dear Mr. O'Connor:

The South Florida Water Management District (District) has completed its review of the proposed amendment package submitted by Lee County (County). The amendment removes a policy and map regarding the Irrigation Well Overlay. The proposed changes also update Map 8 to include recently installed water supply wells and updated wellfield protection zones. There appear to be no regionally significant water resource issues; therefore, the District forwards no comments on the proposed amendment package.

The District offers its technical assistance to the County and the Department of Economic Opportunity in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of adopted amendments to the District. For assistance or additional information, please contact Deborah Oblaczynski, Policy and Planning Analyst, at (561) 682-2544 or doblaczy@sfwmd.gov.

Sincerely,

A handwritten signature in cursive script that reads "De Powell".

Dean Powell
Water Supply Bureau Chief

DP/do

c: Ray Eubanks, DEO
Deborah Oblaczynski, SFWMD
Brenda Winningham, DEO
Margaret Wuerstle, SWFRPC



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

ANANTH PRASAD, P.E.
SECRETARY

February 19, 2014

Mr. Paul O'Connor, AICP
Lee County Planning Division
P.O. Box 398
Fort Myers, FL 33902-0398

RE: Lee County 14-2ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations

Dear Mr. O'Connor:

The Florida Department of Transportation, District 1, has reviewed the Lee County 14-2ESR Proposed Comprehensive Plan Amendment transmitted under the Expedited State Review process (*transmitted by the Board of County Commissioners on January 22, 2014*) in accordance with the requirements of Florida Statutes (F.S.) Section 163 and Chapter 9J-11 of the Florida Administrative Code (F.A.C.). The Department offers the County the following comments and recommendations for your consideration regarding the proposed amendment.

Lee County CPA2013-07:

The Lee County CPA2013-07 proposes to:

- 1- Amend the Lee Plan to remove provisions which regulate permitting of the use of water for irrigation from the Lower Tamiami aquifer as requested by the South Florida Water Management District.
- 2- Update Map 8 of the Lee Plan, which identifies the Well Field Protection Zones for Lee County public wells and Aquifer Storage and Recovery wells.

FDOT Comment # 1:

The Department has determined that the changes associated with the proposed Comprehensive Plan Amendment CPA 2013-07 are not anticipated to adversely impact any important state transportation resources or facilities. Therefore, FDOT offers no further comments on this amendment.

Thank you for providing the Department with the opportunity to review and comment on the proposed amendment. If you need additional information or would like to discuss these comments, please contact me at (239) 461-4300 or lawrence.massey@dot.state.fl.us.

Sincerely,

Mr. Paul O'Connor
Lee County 14-2ESR - FDOT Comments and Recommendations
February 19, 2014
Page 2 of 2



Lawrence Massey
District 1 Growth Management Coordinator
Southwest Area Urban Office

LLM/gmb/llm

*Cc: Mr. Ray Eubanks, Florida Department of Economic Opportunity
Mr. Scott Rogers, Florida Department of Economic Opportunity*

Miller, Janet

From: O'Connor, Paul
Sent: Wednesday, February 19, 2014 8:39 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-2ESR Proposed

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Tuesday, February 18, 2014 3:10 PM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-2ESR Proposed

To: Paul O'Connor, Planning Division Director

Re: Lee County 14-2ESR– Expedited Review of Proposed Comprehensive Plan Amendment

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction. Please feel free to contact me with any questions.

Christopher Stahl
DEP Office of Intergovernmental Programs
3900 Commonwealth Blvd., MS 47
Tallahassee, FL 32399-3000
(850) 245-2169 office

Thank you!
cjs



Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

GARY CHARTRAND, *Chair*

JOHN R. PADGET, *Vice Chair*

Members

ADA G. ARMAS, M.D.

JOHN A. COLÓN

REBECCA FISHMAN LIPSEY

ANDY TUCK

Pam Stewart
Commissioner of Education

February 3, 2014

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
Via E-mail: oconnops@leegov.com

Dear Mr. O'Connor:

Re: Lee County 14-2 ESR

Thank you for the opportunity to review the Lee County 14-2 ESR amendment package, which the Florida Department of Education received on January 27, 2014. According to the department's responsibilities under section 163.3184(3), Florida Statutes, I reviewed the amendment considering provisions of chapter 163, part II, F.S., and to determine whether the proposal, if adopted, would have potential to create significant adverse effects on public school facilities.

The proposal would amend Lee Plan to remove provisions that regulate water use permitting in the Lower Tamiami Aquifer and Map 8 in response to a request by the Southwest Florida Water Management District. Because the amendment does not appear to create adverse effects on educational facilities or sites, I offer no comment.

Again, thank you for the opportunity to review the amendment package. If I may be of assistance, please contact me at 850-245-9312 or Tracy.Suber@fldoe.org.

Sincerely,

Tracy D. Suber
Growth Management and Facilities Policy Liaison

TDS/

cc: Ms. Dawn Huff, Lee County School District
Mr. Scott Rogers and Ms. Brenda Winningham, DEO/State Land Planning Agency

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

325 W. GAINES STREET • SUITE 1014 • TALLAHASSEE, FLORIDA 32399-0400 • 850-245-0494 • FAX 850-245-9304

www.fldoe.org

LEE COUNTY ORDINANCE NO. 14-10
WELLFIELD PROTECTION
(CPA2013-00007)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS PERTAINING TO THE WELLFIELD PROTECTION APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED TEXT AND MAPS; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendments in accordance with Florida Statutes and the Lee County Administrative Code on December 11, 2013; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendments on January 22, 2014. At that hearing, the Board approved a motion to send, and did later send, proposed amendments pertaining to Wellfield Protection (CPA2013-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 22, 2014 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on April 16, 2014, the Board held a public hearing and adopted the proposed amendments to the Lee Plan set forth herein.

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

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6,

conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt text and map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Wellfield Protection Ordinance (CPA2013-00007)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, that removes language in the Plan pertaining to SFWMD permitting authority and updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones which identify adjacent lands needed to protect the public water supply. (CPA2013-00007).

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this

ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Manning, who moved its adoption. The motion was seconded by Commissioner Pendergrass. The vote was as follows:

John E. Manning	Aye
Cecil L Pendergrass	Aye
Larry Kiker	Aye
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of April 2014.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Larry Kiker
Larry Kiker, Chair



DATE: 4/16/14

Approved as to form by:

Michael D. Jacob
Michael D. Jacob
County Attorney's Office

- Exhibit A: Adopted text amendments (Adopted by BOCC April 16, 2014)
- Exhibit B: Map 13 Irrigation Well Overlay (former)
- Exhibit C1: Lee Plan Map 8 Cones of Influence (former)
- Exhibit C2: Lee Plan Map 8 Wellfield Protection Zones (Adopted by BOCC on April 16, 2014)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan. Strike-through text represents deletions from the Lee Plan.

~~**POLICY 1.7.10:** The Irrigation Well overlay in Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in the Irrigation Well overlay may not utilize the main potable water source. For the purposes of this plan, the boundaries of the Irrigation Well overlay are indicated on Map 13 of the Future Land Use Map series. (Also see Policy 54.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map).~~



POLICY 2.4.2: All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 1.7.10; Lehigh Acres as described in Policy 54.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change.

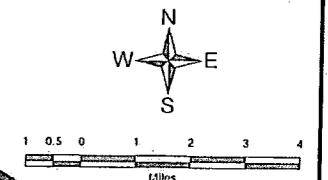
POLICY 54.1.9: Lehigh Acres (as defined by outer boundaries of its Privately Funded Infrastructure overlay on the Future Land Use Map) is hereby declared a critical area for future potable water supply due to fluctuating water levels in the Sandstone aquifer. In response to this designation, the county will amend current regulations to provide that new wells in Lehigh Acres must be constructed to accommodate submersible pumps. (Also see ~~Policy 1.7.10~~ for new permit requirements for irrigation wells in Bonita Springs, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.)

IRRIGATION WELL OVERLAY

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

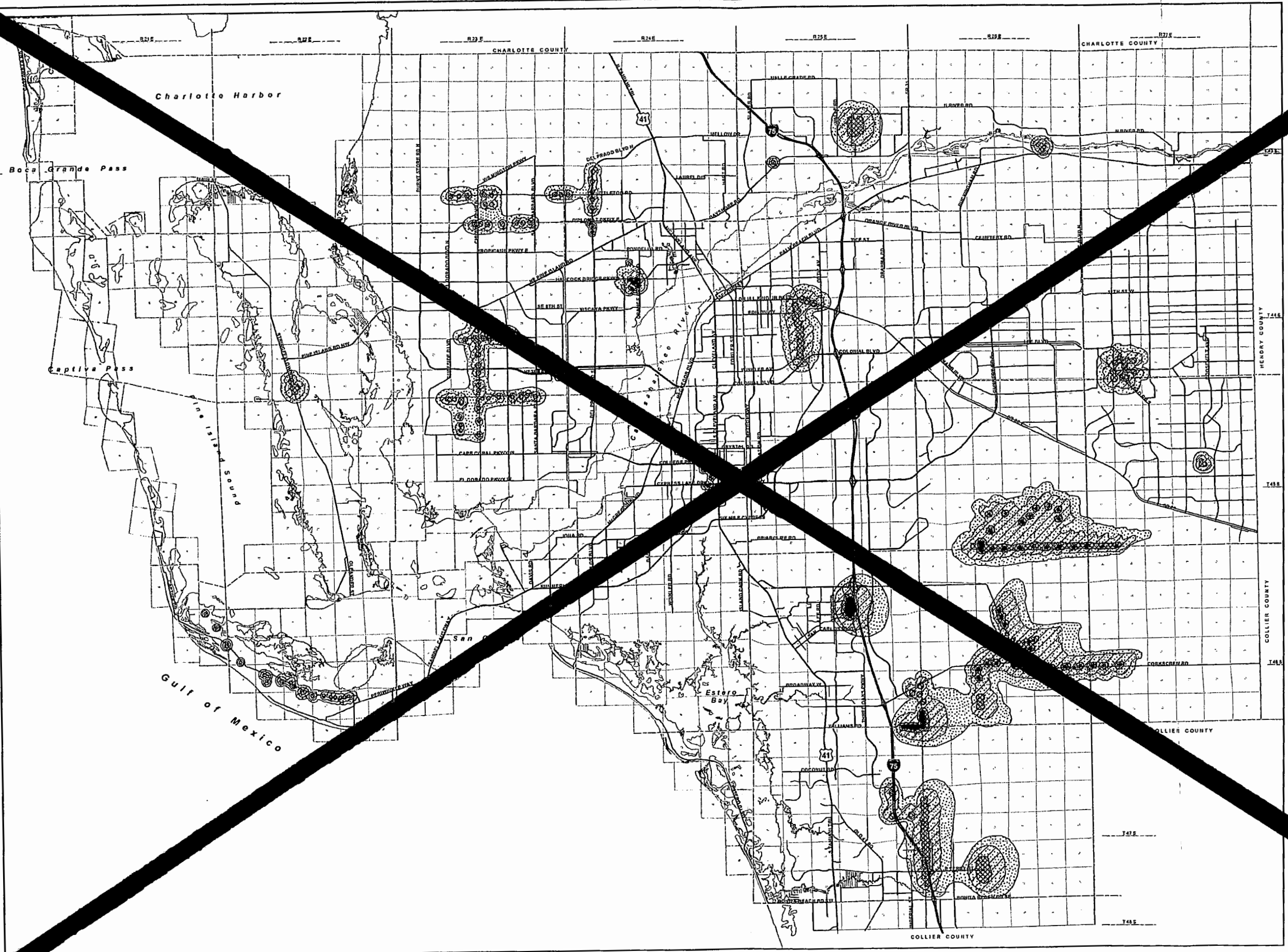
LEGEND

-  Irrigation Well Overlay
-  City Limits



GPA 2010-17
December 2000
Revised July 2003
Amended by No. 00-22

EXHIBIT B



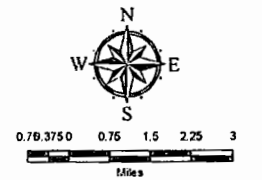
CONFIDENTIAL
INFLUENCE

Travel Times

- * Permitted Wells
- 6-Months
- ▨ 1-Year
- ▧ 5-Years
- ▩ 10-Years

EXHIBIT C1

LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING



Map Generated: January 2008
 Limits current to date of map generation
 Recommended: August 13, 2007
 Amended Ordinance No. 07-13

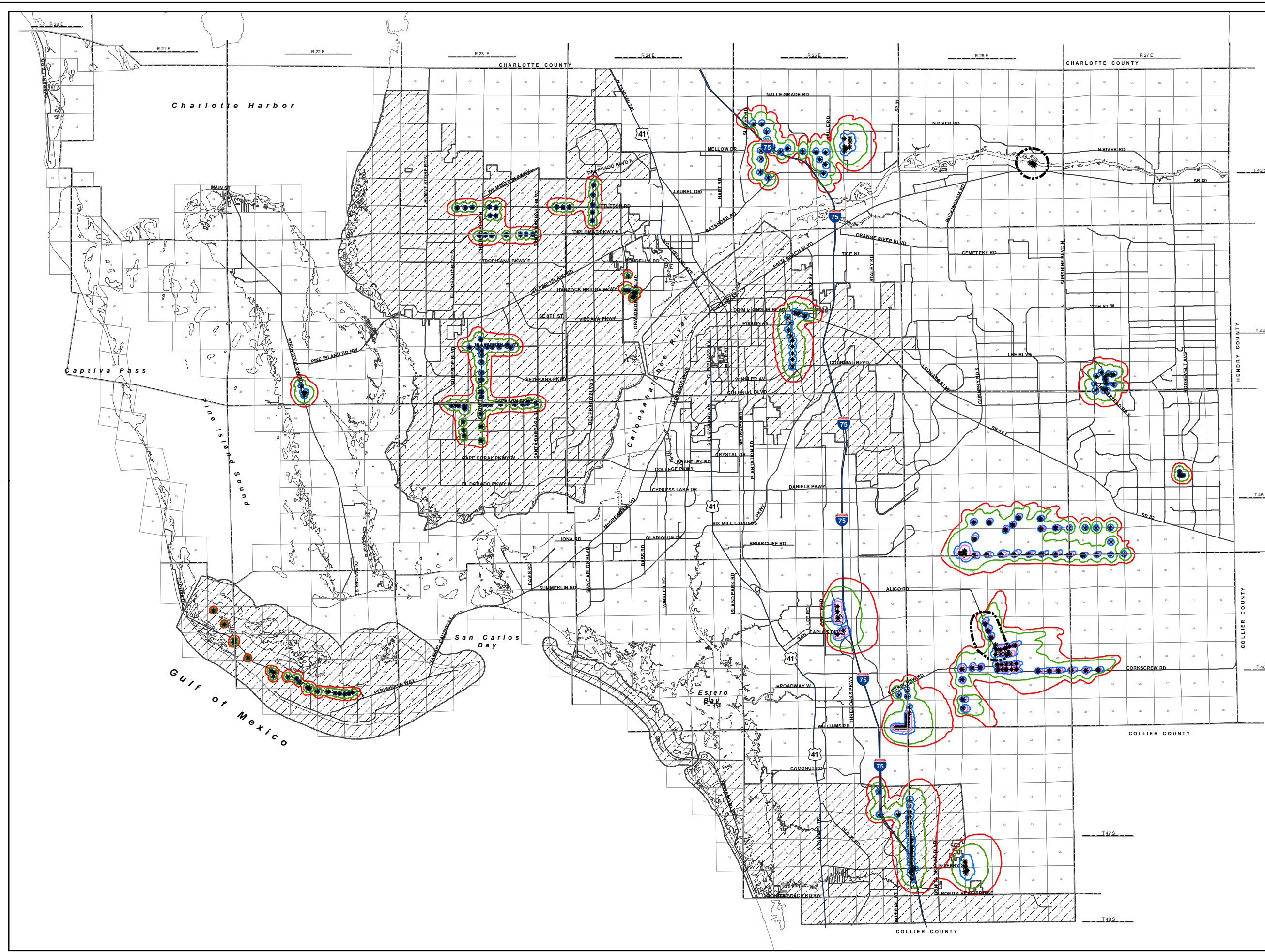
Lee Plan Map

Wellfield Protection Zones

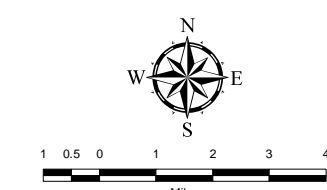
COMPOSITE ISO-TRAVEL TIME MAP

Travel Time

- 6-MONTHS
- 1-YEAR
- 5-YEARS
- 10-YEARS
- ASR PROTECTION ZONE
- * Permitted Well
- City Limits



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: November 2013
City Limits current to date of map generation

Last Amended: August 13, 2007
Amended by Ordinance No. 07-13



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

April 22, 2014

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Lisa Pierce, Deputy Clerk

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy for Lee County Ordinance No. 14-10, which was filed in this office on April 22, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

RECEIVED
MINUTES OFFICE
2014 APR 22 PM 3:09

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared **Shari Terrell** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Notice Of Public Hearing

In the matter of:
Proposed Amendment to the Lee County Comprehensive Land Use Plan (Adoption Hearing)

In the court was published in said newspaper in the issues of
April 10, 2014

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County; Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Shari Terrell

Sworn to and subscribed before me this 10th day of April, 2014

By **Shari Terrell**
Personally known to me or who has produced

_____ as identification, and who did or did not take an oath.

Notary Public *Jessica Hanft*

Print Name: **Jessica Hanft**
My commission Expires: **February 12, 2017**



NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (ADOPTION HEARING)
The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, April 16, 2014. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers, 2120 Main Street in Downtown Fort Myers.
The Board proposes to adopt two ordinances amending the Lee Plan as follows:
CPA2013-00006 - Concurrence Update. Amend the Lee Plan to make Lee County concurrence consistent with State regulatory and non-regulatory concurrence requirements. The proposed amendment will make parks and recreation and transportation concurrence non-regulatory. Public education concurrence will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities.
CPA 2013-00007 - Wellfield Protection. This amendment removes language in the Plan pertaining to SFWAD permitting authority. The second change updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones which identify adjacent lands needed to protect the public water supply.
This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. To make arrangements or for further information contact Janet Miller at 239-533-8583. No. 1486250 April 10, 2014

THE NEWS-PRESS
Published every morning
Daily and Sunday
Fort Myers, Florida
Affidavit of Publication

STATE OF FLORIDA
COUNTY OF LEE

Before the undersigned authority, personally appeared **Shari Terrell** who on oath says that he/she is the **Legal Assistant** of the News-Press, a daily newspaper, published at Fort Myers, in Lee County, Florida; that the attached copy of advertisement, being a

Notice of Public Hearing

In the matter of:
**Proposed Amendments to the Lee
County Comprehensive Land Use Plan
(Transmittal Hearing)**

In the court was published in said newspaper in the
issues of

Jan. 14, 2014

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, and has been entered as a second class mail matter at the post office in Fort Myers in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of the advertisement; and affiant further says that he/she has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Shari Terrell

Sworn to and subscribed before me this 14th day of
January, 2014

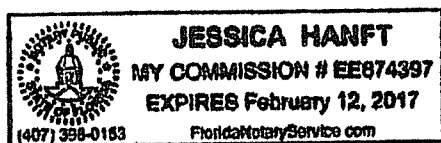
by **Shari Terrell**
personally known to me or who has produced

as identification, and who did or did not take an
oath.

Notary Public

Jessica Hanft

Print Name: **Jessica Hanft**
My commission Expires: **February 12, 2017**



NOTICE OF PROPOSED AMENDMENTS TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, January 22, 2014. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity, CPA 2013-00007 Wellfield Protection. This amendment proposes two changes to the Lee Plan. The first change, following a request by the South Florida Water Management District (SFWMD), removes language in the Plan pertaining to SFWMD permitting authority. The second change updates the Lee Plan Map that identifies Lee County Utility wells and their associated protection zones which identify adjacent lands needed to protect the public water supply. This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application. This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing. In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. To make arrangements or for further information contact Janet Miller at 239-533-8583. No. 1482532 January 14, 2014

2014 JAN 15 PM 1:06
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