LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

April 25, 2014

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

CPA2013-06

CONCURRENCY

AMENDMENT

LEE COUNTY ORDINANCE NO. 14-9
CONCURRENCY AMENDMENT
(CPA2013-00006)

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 CONCURRENCY AMENDMENT 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 January 27, 2014; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendments on February 19, 2014. At that hearing, the Board approved a motion to send, and did later send, proposed amendments pertaining to the concurrency amendment (CPA2013-00006) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the February 19, 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 "Concurrency Amendment Ordinance (CPA2013-00006)."**

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, which makes Lee County concurrency consistent with State regulatory and non-regulatory concurrency requirements. Parks and recreation and transportation concurrency will be non-regulatory. Public education concurrency will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities. (CPA2013-00006).

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 Mann, who moved its adoption. The motion was seconded by Commissioner Manning. 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

BY: Marcia Wilson
Deputy Clerk

LEE COUNTY
BOARD OF COUNTY
COMMISSIONERS

BY: _____
Larry Kiker, Chair

BOARD OF COUNTY COMMISSIONERS SEAL LEE COUNTY, FLORIDA

DATE: 4/16/14

Approved as to form by:

_____
Michael D. Jacob
County Attorney's Office

Exhibit A: Adopted text amendments (Adopted by BOCC April 16, 2014)
Exhibit B1: Map 3A Lee County 2030 Financially Feasible Highway Plan (former)
Exhibit B2: Map 3A Lee County 2030 Financially Feasible Highway Plan (Adopted by BOCC on April 16, 2014)
Exhibit C1: Map 11 Future Recreational Uses, Generalized Service Area Boundaries (former)
Exhibit C2: Reserved for Map 11

EXHIBIT A

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

TEXT AMENDMENTS:

FUTURE LAND USE ELEMENT, CHAPTER II

POLICY 33.3.4: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.

2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.

3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be

available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.

4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).

~~5. The state has designated S.R. 82 as an "emerging component" of Florida's Strategic Intermodal System, a designation that establishes the levels of service Lee County must adopt for S.R. 82. Lee County will seek to include the Mixed-Use Communities and appropriate adjacent urban areas in a multimodal transportation district to mitigate regulatory barriers these levels of service would impose on Lee County's ability to accomplish Objective 33.3 and its policies. As an alternative, Lee County may pursue a comparable mechanism, such as a transportation concurrency exception area, transportation concurrency management area, transportation concurrency backlog area/plan, long-term concurrency management system, or FDOT level of service variance, that would achieve similar results. Lee County's planning will include the following steps:~~

~~a. Actively seek advice, technical assistance, and support from Florida DOT and DCA while formulating the scope of a technical evaluation of a potential multimodal transportation district that includes the four Mixed-Use Communities adjoining S.R. 82 and appropriate adjacent urban areas.~~

~~b. Conduct the necessary technical studies to determine the potential for substantial trip diversion from Lehigh Acres residents, the viability of transit service to these Mixed-Use Communities and appropriate adjacent urban areas, and the practicality of maintaining the adopted level-of-service standards on S.R. 82.~~

~~c. Adopt a Lee Plan amendment establishing a multimodal transportation district (or comparable mechanism).~~

~~6. Lee County will complete these three steps by 2016. Until step 5.c is adopted, TDR credits may not be redeemed in the Mixed-Use Communities located along S.R. 82. No redemption of TDR credits that will increase dwelling units or non-residential floor area will be permitted, if these increases would cause the adopted level of service for S.R. 82 to be exceeded (see Goal 37). This restriction applies unless a Mixed-Use Community addresses its transportation impacts through the DRI process consistent with F.S. 163.3180(12).~~

~~a~~5. ~~This temporary restriction does not prohibit~~ Lee County encourages landowners to concentrate ~~from concentrating~~ development rights from contiguous DR/GR property under common ownership or control.

~~b~~6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:

(1) Other Mixed-Use Communities;
(2) Rural Golf Course Communities;
(3) Improved Residential Communities
(4) Future Urban Area (see Objective 1.1);
(5) Mixed-Use Overlay;
(6) Lehigh Acres Specialized Mixed-Use Nodes;
(7) Lee Plan designation that allow bonus density (see Table 1(a)); and,
(8) Incorporated municipalities that have formally agreed to accept TDR credits.

TRANSPORTATION ELEMENT, CHAPTER III

POLICY 37.1.2: Link-specific service volumes (capacities) have been established for arterials and collector roadways based on specific Lee County conditions, for use in the annual ~~concurrency~~ monitoring report. Because these service volumes are heavily dependent on existing geometrics, signal timing and spacing, variables subject to considerable change over time, the link-specific service volumes are appropriate only for short-term analyses (five years or less, as measured from the date of the last update of those service volumes). Lee County has also developed generalized service volumes for future year analyses. The Lee County Department of Transportation is responsible for keeping both sets of service volumes up to date. Preparers of Traffic Impact Statements for DRIs, rezonings and development orders and other transportation analyses must use the most appropriate and up-to-date set of service volumes, as determined by the Lee County Department of Transportation.

OBJECTIVE 37.3: TRANSPORTATION ~~CONCURRENCY MANAGEMENT~~ CAPACITY MONITORING SYSTEM. Lee County will continue to monitor the capacity of the roadway network for planning and informational purposes in order to identify where areas of concern may be expected. ~~utilize a transportation concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C.~~

POLICY 37.3.1: Lee County will measure ~~concurrency~~ traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. ~~(i.e., transportation concurrency exception areas, transportation concurrency management areas, and multi-modal transportation districts).~~ Transportation ~~concurrency~~ for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan.

POLICY 37.3.2: Lee County will continue to annually identify roadway conditions and available capacity on major roadways as part of its capacity monitoring

~~concurrency management~~ report. The report will identify existing traffic conditions (based on the latest year's traffic counts), a one-year projection (adding traffic from projects with approved building permits) and forecast traffic conditions (adding traffic from projects with approved local development orders). The available capacity for existing conditions will include the added capacity of roadway improvements programmed for construction in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program.

POLICY 37.3.3: All proposed development activity (local development order requests)~~, except activity that affects constrained roads and roads subject to concurrency alternatives~~, will be ~~reviewed~~ inventoried against the available capacity identified in the annual ~~concurrency~~ capacity monitoring report based on existing conditions. ~~If capacity is available, a concurrency certificate may be issued, good for three years; otherwise no concurrency certificate will be issued.~~

~~**OBJECTIVE 37.4: TRANSPORTATION CONCURRENCY ALTERNATIVES.** Where appropriate, Lee County will employ alternatives to standard segment-by-segment transportation concurrency measurements consistent with the requirements of Chapter 163.3180, F.S. and Rule 9J-5.0055, F.A.C.~~

~~**POLICY 37.4.1:** Based on short term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Exception Area in Lehigh Acres.~~

~~**POLICY 37.4.2:** Based on short term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Management Area in Estero.~~

~~**POLICY 37.4.4:** Lee County will continue to explore an area-wide transportation concurrency approach for the entire county.~~

OBJECTIVE 37.5: PROPORTIONATE FAIR SHARE PROGRAM. Lee County will ~~adopt~~ maintain a Transportation Proportionate Fair Share Program~~, consistent with the requirements of Subsection 163.3180(16), F.S.,~~ that provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors.

~~**POLICY 37.5.2:** The Proportionate Fair Share Program will not apply until a deficiency is identified through the County's Concurrency Management System.~~

POLICY 37.4.35.2: Previously vested cConcurrency certificates ~~vesting~~ (i.e., a long-term concurrency certificate) ~~may be granted for DRIs under limited circumstances in accordance with Chapter 163.3180(12), F.S., and~~ will remain valid as long as the certificate includes the following: ~~including up to~~ a 10-year time limitation, a limitation on changes to the DRI development parameters over time, and was ~~the~~ executedion as part of a local government development agreement in which the developer agreeds to pay ~~his~~ the full proportionate share/impact fee

obligation up front.

PARKS, RECREATION AND OPEN SPACE ELEMENT, CHAPTER V

OBJECTIVE 83.1: ~~STANDARD~~ COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in ~~standard~~ community parks by providing a minimum of 0.8 acres of developed ~~Standard~~ Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide~~ However, the County strives to provide 2 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved ~~Standard~~ Community Parks acres that are open for public use. The ~~1996 and 1998~~ Community park standards are non-regulatory~~, desired level of service standards~~ and are not required for concurrency purposes.

OBJECTIVE 84.1: REGIONAL PARK STANDARD: Lee County ~~must~~ will provide a minimum of 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1998 this standard will be increased to~~ However, the County strives to provide 8 or more acres per 1,000 population (~~non-regulatory,~~ desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. The Regional Park standards are non-regulatory and are not required for concurrency proposes.

CAPITAL IMPROVEMENTS ELEMENT, CHAPTER VI

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management~~, community and regional parks, and transportation~~. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein,

the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use. These consist of facilities for the provision of community and regional parks, and transportation.; ~~compliance~~ Compliance with ~~these~~ non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.

REGULATORY STANDARDS

1. Potable Water Facilities:

   Minimum Acceptable Level of Service:

   Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

2. Sanitary Sewer Facilities:

   Minimum Acceptable Level of Service:

   Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 150 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

3. Facilities for Disposal of Solid Waste:

   Minimum Acceptable Level of Service:

   Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service: ~~INTERIM~~

(a) Existing Infrastructure/Interim Standard

The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

(b) Six Mile Cypress Watershed

The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

(c) Regulation of Private and Public Development

Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.

~~5. Parks and Recreation Facilities:~~ [RELOCATED AS 6.]

~~6. Roadway Facilities:~~ [RELOCATED AS 7.]

~~7~~5. Public School Facilities

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

(a) Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the

School Board annually to account for measurable programmatic changes.

(b) Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

(c) High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

(d) Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

NON-REGULATORY STANDARDS

~~5~~6. Parks and Recreation Facilities:

Minimum ~~Acceptable~~ Level of Service:

(a) Regional Parks

6 acres of developed regional park land open for public use per 1000 total seasonal county population.

(b) Community Parks - 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

~~6~~7. Roadway Facilities:

~~The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:~~

	~~Peak Hour/Peak Season/Peak Direction~~
~~State & County Maintained Roads (Excluding FIHS, SIS and TRIP Roads)~~	
~~Expressways (Limited Access Facilities)~~	~~D~~
~~Controlled Access Arterials~~	~~E~~
~~Arterials~~	~~E~~
~~Major Collectors~~	~~E~~
~~Minor Collectors~~	~~E~~
~~FIHS Roads~~ [1]	
~~I-75~~	
~~Collier County to SR 78~~	~~D~~
~~SR 78 to Charlotte County~~	~~C~~
~~SR 80 (Palm Beach Boulevard)~~	
~~I-75 to Werner Dr.~~	~~D~~
~~Werner Dr. to Hendry County~~	~~C~~
~~SIS Roads~~	
~~SR 82 (Immokalee Road)~~	
~~Lee Boulevard to Commerce Lakes Dr.~~	~~D~~
~~Commerce Lakes Dr. to Hendry County~~	~~C~~
~~Airport Connector~~	
~~I-75 to Ben Hill Griffin Parkway~~	~~D~~
~~TRIP Funded Roads~~	
~~Colonial Boulevard~~	

~~I-75 to Lee Boulevard~~	~~D~~
~~Imperial Parkway~~	
~~E. Terry Street to Bonita Bill Dr.~~	~~D~~
~~Six Mile Cypress Parkway~~	
~~Daniels Parkway to Winkler Avenue~~	~~D~~

~~(1) The County may seek variances to the level of service of standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.~~

LOS "E" is the standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a). ~~Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.~~

The minimum ~~acceptable~~ level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum ~~acceptable~~ levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.

~~NON-REGULATORY STANDARDS~~

8. Recreation Facilities:

   (a) Community Recreation Centers - four recreation centers of 25,000 square feet or more within unincorporated Lee County.
   (b) Boat Ramps - One boat ramp lane with adequate parking per 12,500 people, based on seasonal population.
   (c) Water (Beach) Accesses - Retain current inventory, and develop or redevelop accesses throughout Lee County.

9. Libraries:

   Maintain existing per-capita inventory; provide 1.6 items and .274 square feet of library space per capita (permanent residents).

10. Emergency Medical Service:

    3.18 advanced life support ambulance stations per 100,000 population with a five and one half (5 1/2) minute average response time.

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS. For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrency Management System.

1. Stormwater Management Facilities:

   To be established basin by basin subsequent to the county-wide surface water management master plan. Future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems.

   The following additional standards are hereby established for the Six Mile Cypress Watershed:

   - The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25-year, 3-day storm event (rainfall). (Ref: Six Mile Cypress Watershed Plan (February 1990) - Volume II, page 10-5.)

   - Water quality must be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

2. Parks and Recreation Facilities:

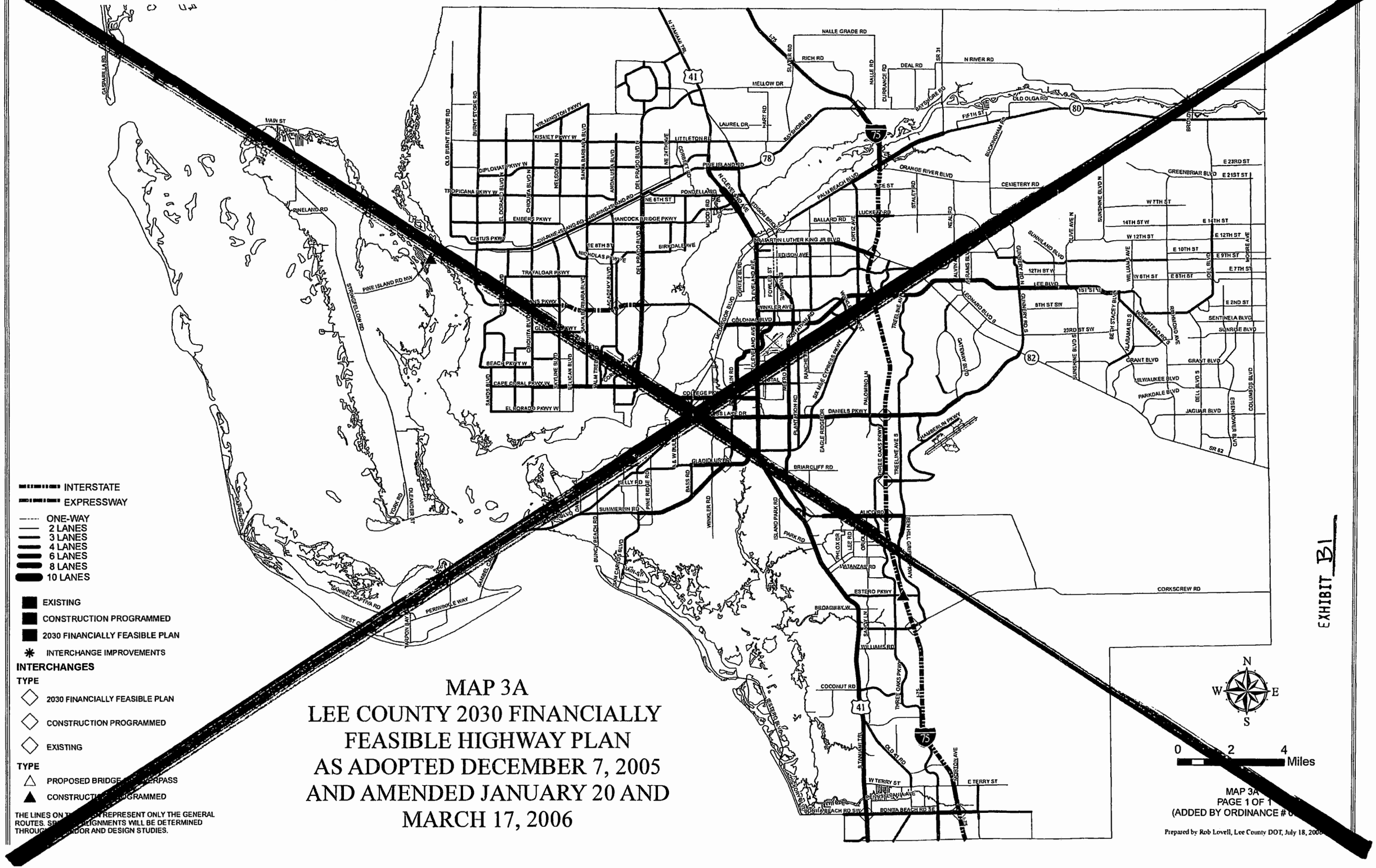
   a. Regional Parks:
   ~~By 1998,~~ Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.

   b. Community Parks:
   ~~By 1996,~~ Lee County will provide ~~1.75 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; by September 30, 1998 the county will increase this~~

~~to~~ 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.

3. Libraries:
   2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.

OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays ~~at least 90%~~ an appropriate share of the capital costs of the public infrastructure directly attributable to that new development.


INTERSTATE
EXPRESSWAY
ONE-WAY
2 LANES
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EXISTING
CONSTRUCTION PROGRAMMED
2030 FINANCIALLY FEASIBLE PLAN
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TYPE
PROPOSED BRIDGE
CONSTRUCTION PROGRAMMED
THE LINES ON THE MAP REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.
MAP 3A
LEE COUNTY 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006
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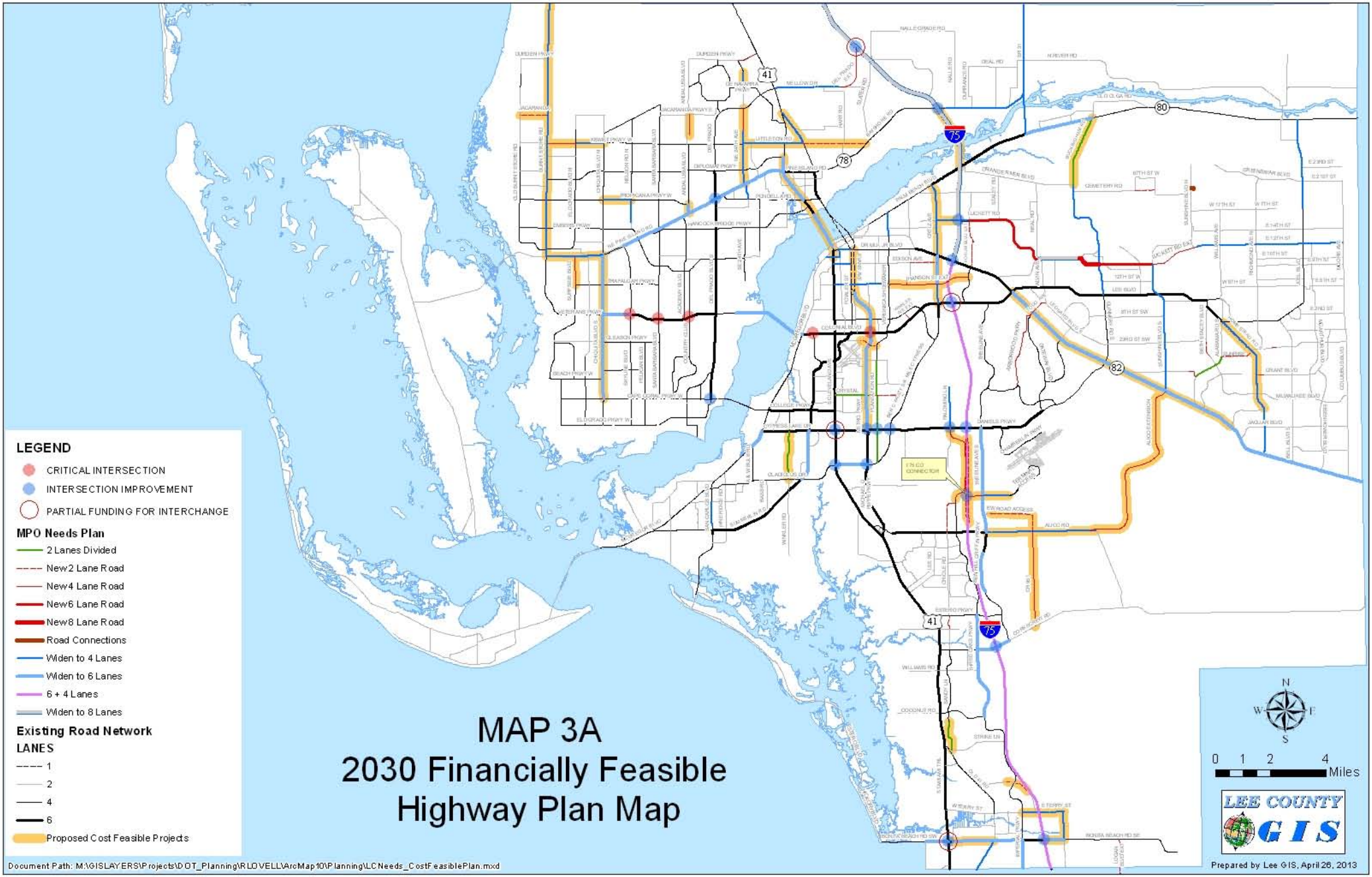
MAP 3A
PAGE 1 OF 1
(ADDED BY ORDINANCE #
Prepared by Rob Lovell, Lee County DOT, July 18, 2006
EXHIBIT B1


LEGEND
CRITICAL INTERSECTION
INTERSECTION IMPROVEMENT
PARTIAL FUNDING FOR INTERCHANGE
MPO Needs Plan
2 Lanes Divided
New 2 Lane Road
New 4 Lane Road
New 6 Lane Road
New 8 Lane Road
Road Connections
Widen to 4 Lanes
Widen to 6 Lanes
6 + 4 Lanes
Widen to 8 Lanes
Existing Road Network
LANES
1
2
4
6
Proposed Cost Feasible Projects
MAP 3A
2030 Financially Feasible
Highway Plan Map
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LEE COUNTY GIS
Document Path: M:\GISLAYERS\Projects\DOT_Planning\RLOVELL\ArcMap10\Planning\LCNeeds_CostFeasiblePlan.mxd
Prepared by Lee GIS, April 26, 2013

FUTURE RECREATIONAL USES
GENERALIZED SERVICE AREA BOUNDARIES
((Lee Plan Map 11)

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

LEGEND

- Generalized Boundaries for Community Parks
- Generalized Boundaries for Regional Parks
- Incorporated Cities

December 2000
Map Updated October 2003

EXHIBIT C1

Reserved for Map 11

EXHIBIT C2

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. 14-9, which was filed in this office on April 22, 2014.

Sincerely,

Liz Cloud
Program Administrator

LC/mrh

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2014 APR 22 PM 3:09

R. A. Gray Building • 500 South Bronough Street • Tallahassee, Florida 32399-0250
Telephone: (850) 245-6270 • Facsimile: (850) 488-9879
www.dos.state.fl.us

CPA2013-06
CONCURRENCY
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
CPA2013-06

✓ **Text Amendment** ✓ **Map Amendment**

	This Document Contains the Following Reviews
✓	**Staff Review**
✓	**Local Planning Agency Review and Recommendation**
✓	**Board of County Commissioners Hearing for Transmittal**
✓	**Staff Response Review Agencies' Comments**
✓	**Board of County Commissioners Hearing for Adoption**

STAFF REPORT PREPARATION DATE: January 17, 2014

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVES:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS / LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Amend the Lee Plan to make it consistent with State regulatory and non-regulatory concurrency requirements.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners ***adopt*** the proposed amendments as identified in Attachment 1 to this staff report, including text and map amendments. Proposed text has been depicted in strikethrough and underline format as it relates to the existing provisions of the Lee Plan.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this plan amendment on August 27, 2013.

- Changes to the Florida Statutes in 2011, HB7207, amended concurrency statutes, which made concurrency for transportation facilities, parks and recreation facilities and public education facilities optional. If a local government elects to implement the optional concurrency it must be consistent with F.S. 163.3180, as revised by the legislature.

- The Lee Plan currently identifies regulatory standards for transportation facilities, parks and recreation facilities, and public education facilities which are inconsistent with Florida Statutes as amended.

- An interlocal agreement between the School District of Lee County and Lee County requires that regulatory standards are maintained for public education facilities.

- Lee County cannot terminate the interlocal agreement with the School District until March 18, 2015 and must notify the School district by November 18, 2014 if it wishes to do so.

C. BACKGROUND INFORMATION

The Community Planning Act of 2011 was adopted by the Florida Legislature and became law on June 2, 2011. The Act has revised concurrency management significantly. Parks and Recreation, Schools, and Transportation have been removed from the list of public facilities that are subject to regulatory concurrency requirements. Sanitary sewer, potable water, drainage (Stormwater management) and solid waste disposal are still subject to regulatory concurrency and it is intended that they will remain in the County's concurrency management program.

Currently Lee County has regulatory concurrency standards for Potable Water Facilities, Sanitary Sewer Facilities, Solid Waste, Stormwater Management, Regional and Community Parks, Roadway Facilities, and Public School Facilities. Lee County has non-regulatory standards for boat ramps, beach access, community recreation centers, libraries and emergency medical service.

Under the provisions of the 2011 Community Planning Act, the County now has the option to implement regulatory concurrency requirements on a local basis for Parks and Recreation, Schools, and Transportation. Should the County elect to implement concurrency requirements for these public facilities on a local basis, it must do so consistent with the requirements of Florida Statutes 163.3180.

On August 27, 2013, the Board of County Commissioners directed Staff to analyze and revise concurrency requirements for Parks and Recreation, Schools, and Transportation within The Lee Plan.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Staff recommends that Lee County eliminate regulatory standards for Parks and Recreation Facilities, and Transportation Facilities. These facilities are largely the responsibility of public agencies. Even though these facilities would not be regulatory staff recommends that Lee County continue to collect data in order to keep an accurate inventory for planning purposes. At this time, due to the obligations contained in the interlocal agreement between the county, five municipalities, and the School District, staff recommends that Public School facilities remain regulatory.

Details for the three public facilities types that are currently regulatory but that Lee County now has the option to review as non-regulatory are provided below.

Parks and Recreation Facilities

Florida Statutes have been amended so that local governments are no longer required to maintain concurrency for parks and recreation facilities. Staff recommends that provision of parks and recreation facilities should be made a non-regulatory standard in the Lee Plan. Now that statutes have been modified to eliminate it as a mandatory requirement, permits cannot be denied based on deficiencies of parks and recreation facilities. This change is expected to have minimal to no impact to the development process, as no project has been denied because of deficiencies in parks and recreation facilities.

Future Recreational Uses, Generalized Service Area Boundaries – Map 11

The Lee Plan has no Goals, Objectives, or Policies that refer to Map 11. Lee Plan Map 11 is also not used for any purposes outside of the Lee Plan. Planning staff recommends that Map 11 should be deleted to simplify the Lee Plan.

Transportation Facilities

Florida Statutes now allow local governments to either eliminate transportation concurrency or to continue it with modifications. If the county elects to continue with transportation concurrency it must be done in accordance with Chapter 163.3180(5).

Staff recommends that the provision of transportation facilities be made a non-regulatory standard. Transportation concurrency was initially required by the Florida legislature to place the responsibility on local government to provide infrastructure meeting adopted Level of Service (LOS) standards concurrent with new development. For transportation infrastructure

this typically referred to roadway facilities. In Lee County the LOS is based on the operation of roadway facilities during the peak season daily peak hour and peak direction. If roadway infrastructure were not available on a facility, the county had the ability to deny applications for new development that impact those roadway facilities.

The 2011 legislation removed the ability of local government to deny applications for new development based on deficient transportation infrastructure. The statutes now allow development to go forward with payment of their proportionate share of roadway capacity improvements, even if that share does not remedy the deficiencies. This legislation places the full responsibility for deficient roadways on the local jurisdiction. Development impacting already deficient roadways is not required to pay a proportionate share.

This means that the county can no longer deny development approval based solely on transportation concurrency. In addition, if Lee County were to maintain Transportation Concurrency, the county, not the developer, would be responsible for making improvements to the facility if there is an application for development on roadways identified in the Concurrency report as being, or projected to be, deficient.

Lee County 2030 Financially Feasible Highway Plan – Map 3A

As part of the Concurrency update staff recommends that the Lee County 2030 Financially Feasible Highway Plan should be updated to reflect the latest data from the Metropolitan Planning Organization. This map was last updated on March 17, 2006. On October 18 the Florida Department of Economic Opportunity (DEO) sent a letter to the Lee County Metropolitan Planning Organization identifying four road segments that were on the MPO Transportation Improvement Program that were not identified on Lee County's Future Transportation Map. The DEO recommended that Lee County should update its Future Transportation Plan to include these and other segments. Lee County Staff concurs with that recommendation.

Public Education Facilities

State statutes no longer require that School Concurrency be included in a local government comprehensive plan. To that end, staff is working with representatives of the Lee County School District to explore alternatives to the current School Concurrency Regulations. The School District has stated that it wishes to retain regulatory concurrency standards within the Lee Plan. Planning Staff understands that tracking existing and future school capacity and usage is an important planning function, however Staff believes that the Lee Plan could be modified to monitor non-regulatory levels of service. In order to effect this change, however, the County will first need to amend the Interlocal Agreement between the School District, the County, and all five municipalities that requires regulatory School Concurrency. Until that agreement is amended, Lee County cannot change the requirement for regulatory

School Concurrency. Therefore, no changes to School Concurrency regulations are recommended at this time. Those regulations can be amended after the Interlocal Agreement is amended. If an amendment cannot be agreed to, staff will look for direction from the Board of County Commissioners as whether or not to terminate the agreement.

School Concurrency was established in such a way that the three school zones, the East Zone, the South Zone and the West Zone, could all work in conjunction to calculate level of service on a county wide basis. Therefore, if capacity was lacking for a proposed development order in the East Zone, excess capacity in either the South Zone or the West Zone could be counted to achieve the required level of service standard. In effect, there is a countywide school concurrency policy. At this time there is excess capacity in all three zones and there are no foreseeable level of service issues.

Non-Regulatory Capacity Monitoring

Lee County currently publishes an annual Concurrency Report that inventories the public facilities related to solid waste, surface water management, potable water, sanitary sewer, schools, parks and recreation, and transportation. The report provides information related to facility capacity and usage. This information is used to help prioritize various potential capital improvement projects by the County. It is also been used in development review to insure that sufficient public facilities are available to support proposed development. The recent changes to Florida Statutes make concurrency for transportation and parks and recreation optional, and staff recommends that standards for these facilities should be made non-regulatory.

However, the proposed non-regulatory status of transportation and recreation facilities does not diminish the need for accurate facility inventories and capacity monitoring for planning purposes. Therefore, based on these changes, Staff recommends amending future Concurrency Reports to include only the public facilities that maintain regulatory standards. Staff will also continue to collect, inventory, and monitor non-regulatory standards for planning and capital improvement purposes only.

CONSISTENCY WITH THE LEE PLAN

Planning staff finds that allowing for the removal of the requirement for concurrency and regulatory standards for transportation and parks and recreation facilities by amending potions of the Future Land Use Element; Transportation Element; Parks, Recreation and Open Space Element, and the Capital Improvements Element is consistent with the remainder of the Lee Plan.

CONSISTENCY WITH FEDERAL AND STATE REQUIREMENTS

The amendment addresses changes to the Florida Statutes adopted by HB7207, which changed transportation and parks and recreation concurrency so that it is no longer a

statewide requirement. Concurrency for these types of public facilities is now optional. The proposed changes to the Lee plan text and maps are consistent with federal and state requirements.

B. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners adopt the proposed amendments to the Lee Plan.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: January 27, 2014

A. LOCAL PLANNING AGENCY REVIEW

Staff gave a brief presentation regarding the proposed amendment. No members of the public were present to address the LPA concerning the proposed amendment. One member of the LPA asked questions about how this amendment would affect Lee County's annual concurrency report. Staff responded that some facilities would remain regulatory and therefore remain in the report; and that non-regulatory facilities would continue to be monitored for planning purposes.

One member of the LPA identified provisions of the policies proposed to be amended that should also be updated. These included specific dates identified in the park standards, DRI concurrency vesting, the term "minimum acceptable" in reference to transportation level of service, the term "INTERIM" in reference to stormwater management facilities' level of service, and references to Objective 14.2, the 810/910 rule, affecting Pine Island.

A motion was made to transmit the amendment with modifications as follows:

1. **Bring references to Objective 14.2 (and subsequent policies) of the Pine Island Plan into compliance with Community Planning Act of 2011**
2. **Make the DRI vesting policy, 37.5.2, past tense**
3. **Remove dates that have past in the park standards**
4. **Add "Regional Parks Standards" to Objective 84.1**
5. **Delete "Interim" in reference to Stormwater Management Facilities**
6. **Replace "minimum acceptable" in reference to transportation facility LOS with a non-regulatory term.**

The motion passed with 7 being in favor and 0 being opposed.

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 with the relevant changes identified in the motion.

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	**AYE**
DENNIS CHURCH	**AYE**
JIM GREEN	**AYE**
MITCH HUTCHCRAFT	**AYE**
JAMES INK	**AYE**
RICK JOYCE	**AYE**
DAVID MULICKA	**AYE**

D. STAFF RESPONSE TO LPA MOTION

The LPA motion to recommend transmittal of CPA2013-06, Concurrency Update, included six revisions. Staff agrees with all the recommended changes, except one.

Staff does not recommend revising the amendment to address Item number one of the LPA motion regarding the Pine Island Plan's consistency with the Community Planning Act of 2011. The policies that accomplish these objectives, including the revisions made to the Pine Island plan in 2003, should remain in place. Eliminating or revising these policies could have unintended consequences. Discussions regarding the consistency of the Pine Island Plan are outside the scope of the CPA2013-06. Staff does not recommend making changes to other parts of the Lee Plan not material to the Amendment presented within this application specifically Objective 14.2 (and subsequent policies) of the Pine Island Plan.

The portion of the Pine Island Goals, objectives, and policies, recommended for revision by the LPA's motion, Objective 14.2, Policy 14.2.1, and Policy 14.2.2, are an integral part of the Pine Island plan's to recognize the constrained roadway access to the island, protect the island's ability to evacuate in the event of a hurricane, and accommodate the thousands of already platted single family lots on the island.

Staff made a conscientious effort to ensure that these important objectives for Pine Island are maintained through this amendment. The policies that accomplish these objectives should remain in place.

Because of the forthcoming EAR based amendments, staff's original recommendation represented the minimum changes needed to make Lee County Concurrency rules comply with recent amendments to the Florida Statutes. Items 2 through 6 of the LPA motion are for changes that go beyond the minimum changes needed to make the Lee Plan consistent with Florida Statutes, but staff finds that these proposed changes are appropriate to transmit. To address items 2 through 6 of the LPA motion staff recommends the following revisions to the proposed amendment for transmittal shown with double underlines. The revisions identified below have been incorporated into Attachment 1.

POLICY 37.4.~~3~~5.2: Previously vested c~~C~~oncurrency certificates ~~vesting~~ (i.e., a long-term concurrency certificate) ~~may be granted for DRIs under limited circumstances, in accordance with Chapter 163.3180(12), F.S., and~~ will remain valid as long as the certificate includes the following: ~~including up to~~ a 10-year time limitation, a limitation on changes to the DRI development parameters over time, and was ~~the~~ executed~~ion~~ as part of a local government development agreement in which the developer agrees~~s~~ to pay ~~his~~ the full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-08)

OBJECTIVE 83.1: ~~STANDARD~~ COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in ~~standard~~ community parks by providing a minimum of 0.8 acres of developed ~~Standard~~ Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide~~ However, the County strives to provide 2 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved ~~Standard~~ Community Park~~s~~ acres that are open for public use. The ~~1996 and 1998~~ Community park~~s~~ standards are non-regulatory~~, desired level of service standards~~ and are not required for concurrency purposes. (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22)

OBJECTIVE 84.1: REGIONAL PARK STANDARD: Lee County ~~must~~ will provide a minimum of 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1998 this standard will be increased to~~ However, the County strives to provide 8 or more acres per l,000 population (~~non-regulatory,~~ desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. The Regional Park standards are non-regulatory and are not required for concurrency proposes.(Amended by Ordinance No. 94-30, 98-09, 00-22)

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS

No additional changes to Paragraphs 1 to 3.

4. Stormwater Management Facilities

Minimum Acceptable Level of Service: ~~INTERIM~~

(a) Existing Infrastructure/Interim Standard - The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

No additional changes to Paragraphs 5 and 6.

7. Roadway Facilities

LOS "E" is the ~~minimum acceptable~~ standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS

No additional changes to Paragraph 1.

2. Parks and Recreation Facilities:

a. Regional Parks:

~~By 1998,~~ Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.

b. Community Parks:

~~By 1996,~~ Lee County will provide ~~1.75 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; by September 30, 1998 the county will increase this to~~ 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.

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

DATE OF TRANSMITTAL HEARING: February 19, 2014

A. BOARD REVIEW:

Planning staff provided a brief summary of the proposed amendment to the Board of County Commissioners. One member of the Board requested clarification about the meaning of the double underlined text. Staff clarified that the double underlined text represented revisions made to the proposed amendment in response to the LPA transmittal hearing.

The Board called for public input. One member of the public, representing the Horizon Council's Business Issues Task Force addressed the Board concerning the proposed amendment, and stated support for 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	**AYE**
LARRY KIKER	**AYE**
FRANK MANN	**AYE**
JOHN MANNING	**AYE**
CECIL L PENDERGRASS	**AYE**

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 28, 2014.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

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

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments 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 Lee 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 findings of fact as advanced by staff.

C. VOTE:

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

TEXT AMENDMENTS:

FUTURE LAND USE ELEMENT, CHAPTER II

POLICY 33.3.4: Owners of major DR/GR tracts without the ability to construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to Future Urban Areas (see Objective 1.1), specifically the Mixed-Use Overlay, the Lehigh Acres Specialized Mixed-Use Nodes, and any Lee Plan designation that allows bonus density (see Table 1(a)), or to future Mixed-Use Communities, Rural Golf Course Communities, or Improved Residential Communities on land so designated on Map 17. These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural or natural lands, and allow the conservation of larger contiguous tracts of land.

1. To these ends, Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) to designated TDR receiving areas. This program will also allow limited development in accordance with Policy 16.2.6 and 16.2.7.

2. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are required. Each Mixed-Use Community adjoining S.R. 82 must be designed to include non-residential uses not only to serve its residents but also to begin offsetting the shortage of non-residential uses in adjoining Lehigh Acres. At a minimum, each community adjoining S.R. 82 must designate at least 10% of its developable land into zones for non-residential uses. Specific requirements for incorporating these uses into Mixed-Use Communities are set forth in the Land Development Code.

3. Mixed-Use Communities must be served by central water and wastewater services. All Mixed-Use Communities were added to the future water and sewer service areas for Lee County Utilities (Lee Plan Maps 6 and 7) in 2010. Development approvals for each community are contingent on availability of adequate capacity at the central plants and on developer-provided upgrades to distribution and collection systems to connect to the existing systems. Lee County Utilities has the plant capacity at this time to serve full build-out of all Mixed-Use Communities. Lee County acknowledges that the Three Oaks wastewater treatment plant does not have sufficient capacity to serve all anticipated growth within its future service area through the year 2030. Lee County commits to expand that facility or build an additional facility to meet wastewater demands. One of these improvements will be included in a future capital improvements program to ensure that sufficient capacity will be available to serve the Mixed-Use Communities and the additional development anticipated through the year 2030.

4. Development approvals for Mixed-Use Communities are contingent on adequate capacity in the public school system (see Goal 67).

~~5. The state has designated S.R. 82 as an "emerging component" of Florida's Strategic Intermodal System, a designation that establishes the levels of service Lee County must adopt for S.R. 82. Lee County will seek to include the Mixed-Use Communities and appropriate adjacent urban areas in a multimodal transportation district to mitigate regulatory barriers these levels of service would impose on Lee County's ability to accomplish Objective 33.3 and its policies. As an alternative, Lee County may pursue a comparable mechanism, such as a transportation concurrency exception area, transportation concurrency management area, transportation concurrency backlog area/plan, long-term concurrency management system, or FDOT level-of-service variance, that would achieve similar results. Lee County's planning will include the following steps:~~

~~a. Actively seek advice, technical assistance, and support from Florida DOT and DCA while formulating the scope of a technical evaluation of a potential multimodal transportation district that includes the four Mixed-Use Communities adjoining S.R. 82 and appropriate adjacent urban areas.~~

~~b. Conduct the necessary technical studies to determine the potential for substantial trip diversion from Lehigh Acres residents, the viability of transit service to these Mixed-Use Communities and appropriate adjacent urban areas, and the practicality of maintaining the adopted level-of-service standards on S.R. 82.~~

~~c. Adopt a Lee Plan amendment establishing a multimodal transportation district (or comparable mechanism).~~

~~6. Lee County will complete these three steps by 2016. Until step 5.c is adopted, TDR credits may not be redeemed in the Mixed-Use Communities located along S.R. 82. No redemption of TDR credits that will increase dwelling units or non-residential floor area will be permitted, if these increases would cause the adopted level of service for S.R. 82 to be exceeded (see Goal 37). This restriction applies unless a Mixed-Use Community addresses its transportation impacts through the DRI process consistent with F.S. 163.3180(12).~~

~~a~~5. ~~This temporary restriction does not prohibit~~ Lee County encourages landowners to concentrate ~~from concentrating~~ development rights from contiguous DR/GR property under common ownership or control.

~~b~~6. Lee County encourages the creation of TDR credits from Southeast DR/GR lands and the transfer of those credits to all other designated receiving areas, including:

(1) Other Mixed-Use Communities;

(2) Rural Golf Course Communities;
(3) Improved Residential Communities
(4) Future Urban Area (see Objective 1.1);
(5) Mixed-Use Overlay;
(6) Lehigh Acres Specialized Mixed-Use Nodes;
(7) Lee Plan designation that allow bonus density (see Table 1(a)); and,
(8) Incorporated municipalities that have formally agreed to accept TDR credits.

(Added by Ordinance No. 10-43, Renumbered and Amended by Ordinance No. 12-24)

TRANSPORTATION ELEMENT, CHAPTER III

POLICY 37.1.2: Link-specific service volumes (capacities) have been established for arterials and collector roadways based on specific Lee County conditions, for use in the annual ~~concurrency~~ monitoring report. Because these service volumes are heavily dependent on existing geometrics, signal timing and spacing, variables subject to considerable change over time, the link-specific service volumes are appropriate only for short-term analyses (five years or less, as measured from the date of the last update of those service volumes). Lee County has also developed generalized service volumes for future year analyses. The Lee County Department of Transportation is responsible for keeping both sets of service volumes up to date. Preparers of Traffic Impact Statements for DRIs, rezonings and development orders and other transportation analyses must use the most appropriate and up-to-date set of service volumes, as determined by the Lee County Department of Transportation. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15)

OBJECTIVE 37.3: TRANSPORTATION ~~CONCURRENCY MANAGEMENT~~ CAPACITY MONITORING SYSTEM. Lee County will continue to monitor the capacity of the roadway network for planning and informational purposes in order to identify where areas of concern may be expected. ~~utilize a transportation concurrency management system consistent with the requirements of Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. (Added by Ordinance No. 99-15, Amended by Ordinance No. 00-08)~~

POLICY 37.3.1: Lee County will measure ~~concurrency~~ traffic volumes and capacity on all roads on a roadway segment-by-segment basis, except for constrained roads and where alternatives are established pursuant to Chapter 163.3180, F.S., and Rule 9J-5.0055, F.A.C. ~~(i.e., transportation concurrency exception areas, transportation concurrency management areas, and multi-modal transportation districts)~~. Transportation ~~concurrency~~ for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan. (Amended by Ordinance No. 98-09, Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09)

POLICY 37.3.2: Lee County will continue to annually identify roadway conditions and available capacity on major roadways as part of its capacity monitoring ~~concurrency management~~ report. The report will identify existing traffic conditions (based on the

latest year's traffic counts), a one-year projection (adding traffic from projects with approved building permits) and forecast traffic conditions (adding traffic from projects with approved local development orders). The available capacity for existing conditions will include the added capacity of roadway improvements programmed for construction in the first three years of an adopted County Capital Improvement Program or State Five-Year Work Program. (Added by Ordinance No. 00-08, Amended by Ordinance No.07-09)

POLICY 37.3.3: All proposed development activity (local development order requests)~~, except activity that affects constrained roads and roads subject to concurrency alternatives,~~ will be ~~reviewed~~ inventoried against the available capacity identified in the annual ~~concurrency~~ capacity monitoring report based on existing conditions. ~~If capacity is available, a concurrency certificate may be issued, good for three years; otherwise no concurrency certificate will be issued. (Amended and Relocated by Ordinance No. 99-15, Amended by Ordinance No. 00-08, 07-09)~~

~~**OBJECTIVE 37.4: TRANSPORTATION CONCURRENCY ALTERNATIVES.** Where appropriate, Lee County will employ alternatives to standard segment-by-segment transportation concurrency measurements consistent with the requirements of Chapter 163.3180, F.S. and Rule 9J-5.0055, F.A.C. (Added by Ordinance No. 00-08)~~

~~**POLICY 37.4.1:** Based on short-term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Exception Area in Lehigh Acres. (Added by Ordinance No. 00-08, Amended by Ordinance No. 07-09)~~

~~**POLICY 37.4.2:** Based on short-term forecast conditions, Lee County by 2010 will investigate the creation of a Transportation Concurrency Management Area in Estero. (Added by Ordinance No. 99-15, Amended and Relocated by Ordinance No. 00-08, Amended by Ordinance No. 07-09)~~

~~**POLICY 37.4.4:** Lee County will continue to explore an area-wide transportation concurrency approach for the entire county. (Added by Ordinance No. 07-09)~~

OBJECTIVE 37.5: PROPORTIONATE FAIR SHARE PROGRAM. Lee County will ~~adopt~~ maintain a Transportation Proportionate Fair Share Program~~, consistent with the requirements of Subsection 163.3180(16), F.S.,~~ that provides a method by which the impacts of development on transportation facilities can be mitigated by the cooperative efforts of the public and private sectors. (Added by Ordinance No. 07-09)

~~**POLICY 37.5.2:** The Proportionate Fair Share Program will not apply until a deficiency is identified through the County's Concurrency Management System. (Added by Ordinance No. 07-09)~~

POLICY 37.4.~~3~~5.2: Previously vested c~~C~~oncurrency certificates ~~vesting~~ (i.e., a long-term concurrency certificate) ~~may be granted for DRIs under limited circumstances, in~~

~~accordance with Chapter 163.3180(12), F.S., and~~ will remain valid as long as the certificate includes the following: ~~including up to~~ a 10-year time limitation, a limitation on changes to the DRI development parameters over time, and was ~~the~~ executed~~ion~~ as part of a local government development agreement in which the developer agreed~~s~~ to pay ~~his~~ the full proportionate share/impact fee obligation up front. (Added by Ordinance No. 00-08)

PARKS, RECREATION AND OPEN SPACE ELEMENT, CHAPTER V

OBJECTIVE 83.1: ~~STANDARD~~ COMMUNITY PARK STANDARD. Lee County will provide for the active recreational needs of unincorporated Lee County in ~~standard~~ community parks by providing a minimum of 0.8 acres of developed ~~Standard~~ Community Parks open for public use per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide~~ However, the County strives to provide 2 or more acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only. The population used for calculating these standards is the unincorporated Lee County permanent population. The acres used in calculating these standards are improved ~~Standard~~ Community Park~~s~~ acres that are open for public use. The ~~1996 and 1998~~ Community park~~s~~ standards are non-regulatory~~, desired level of service standards~~ and are not required for concurrency purposes. (Amended by Ordinance No. 93-25, 94-30, 98-09, 00-22)

OBJECTIVE 84.1: REGIONAL PARK STANDARD: Lee County ~~must~~ will provide a minimum of 6 acres per 1,000 population (minimum acceptable level of service, see Policy 95.1.3). ~~By 1998 this standard will be increased to~~ However, the County strives to provide 8 or more acres per l,000 population (~~non-regulatory,~~ desired future level of service, see Policy 95.1.4). The population used for calculating this standard is the total seasonal population for all of Lee County. The acres used in calculating this standard are improved Regional Park acres that are open for public use. Federal and state facilities in Lee County are to be counted in meeting this standard. The Regional Park standards are non-regulatory and are not required for concurrency proposes.(Amended by Ordinance No. 94-30, 98-09, 00-22)

CAPITAL IMPROVEMENTS ELEMENT, CHAPTER VI

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF-SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law or inter-local agreements as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, and stormwater management~~, community and regional parks, and transportation~~. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use. These consist of facilities for the provision of community and regional parks, and transportation.~~; compliance~~ Compliance with ~~these~~ non-regulatory standards will not be a requirement for continued development permitting, but will be used for facility planning purposes.

REGULATORY STANDARDS

1. Potable Water Facilities:
   Minimum Acceptable Level of Service:
   Within certificated, franchised, or designated service areas only: supply and treatment capacity of 250 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 187.5 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 150 gallons per day. Where a private water utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

2. Sanitary Sewer Facilities:
   Minimum Acceptable Level of Service:
   Within certificated, franchised, or designated service areas only: average treatment and disposal capacity of 200 gallons per day per Equivalent Residential Connection (ERC) for the peak month, except that facilities serving only mobile home residential structures must have a capacity of 150 gallons per day, and facilities serving only travel trailer residential structures must have a capacity of 120 gallons per day. Where a private sewer utility has provided an alternate standard for application within its certificated or franchised area, and that standard has been adopted into this comprehensive plan, that will be the standard to be used for concurrency management in the respective certificated or franchised area.

3. Facilities for Disposal of Solid Waste:
   Minimum Acceptable Level of Service:
   Disposal facility capacity for 7 pounds of waste (or equivalent volume) per day per capita

4. Stormwater Management Facilities:

Minimum Acceptable Level of Service: ~~INTERIM~~

(a) Existing Infrastructure/Interim Standard - The existing surface water management system in the unincorporated areas of the county will be sufficient to prevent the flooding of designated evacuation routes (see Map 15) from the 25-year, 3-day storm event (rainfall) for more than 24 hours.

(b) Six Mile Cypress Watershed - The level-of-service standard for the Six Mile Cypress Watershed will be that public infrastructure remains adequate such that floor slabs for all new private and public structures which are constructed a minimum of one (1) foot above the 100-year, 3-day storm event flood plain level for Six Mile Cypress Watershed will be safe from flooding from a 100-year, 3-day storm event (rainfall). The 100-year level and watershed boundaries are as established in Volume IV of the Six Mile Cypress Watershed Plan.

(c) Regulation of Private and Public Development - Surface water management systems in new private and public developments (excluding widening of existing roads) will be designed to SFWMD standards (to detain or retain excess stormwater to match the predevelopment discharge rate for the 25-year, 3-day storm event [rainfall]). Stormwater discharges from development must meet relevant water quality and surface water management standards as set forth in Chapters 17-3, 17-40, and 17-302, and Rule 40E-4, F.A.C. New developments will be designed to avoid increased flooding of surrounding areas. These standards are designed to minimize increases of discharge to public water management infrastructure (or to evapotranspiration) that exceed historic rates, to minimize change to the historic hydroperiod of receiving waters, to maintain the quality of receiving waters, and to eliminate the disruption of wetlands and flow-ways, whose preservation is deemed in the public interest.

~~7~~5. Public School Facilities

The following Level of Service (LOS) standards for public schools are based upon Permanent Florida Inventory School Houses (FISH) capacity.

(a) Elementary Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
(b) Middle Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
(c) High Schools: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.
(d) Special Purpose Facilities: 100% of Permanent FISH Capacity as adjusted by the School Board annually to account for measurable programmatic changes.

(Added by Ordinance No. 08-17, Amended by Ordinance 08-27)

NON-REGULATORY STANDARDS

~~5~~6. Parks and Recreation Facilities:

Minimum ~~Acceptable~~ Level of Service:

(a) Regional Parks - 6 acres of developed regional park land open for public use per 1000 total seasonal county population.

(b) Community Parks - 0.8 acres of developed standard community parks open for public use per 1000 permanent population, unincorporated county only.

~~6~~7. Roadway Facilities:

~~The minimum acceptable peak hour, peak season, peak direction roadway levels of service will be as follows:~~

	~~**Peak Hour/Peak Season/Peak Direction**~~
~~State & County Maintained Roads (Excluding FIHS, SIS and TRIP Roads)~~	
~~Expressways (Limited Access Facilities)~~	~~D~~
~~Controlled Access Arterials~~	~~E~~
~~Arterials~~	~~E~~
~~Major Collectors~~	~~E~~
~~Minor Collectors~~	~~E~~
~~FIHS Roads (1)~~	
~~I-75~~	
~~- Collier County to SR 78~~	~~D~~
~~- SR 78 to Charlotte County~~	~~C~~
~~SR 80 (Palm Beach Boulevard)~~	
~~- I-75 to Werner Dr.~~	~~D~~
~~- Werner Dr. to Hendry County~~	~~C~~
~~SIS Roads~~	
~~SR 82 (Immokalee Road)~~	
~~- Lee Boulevard to Commerce Lakes Dr.~~	~~D~~
~~- Commerce Lakes Dr. to Hendry County~~	~~C~~
~~Airport Connector~~	
~~- I-75 to Ben Hill Griffin Parkway~~	~~D~~
~~TRIP-Funded Roads~~	
~~Colonial Boulevard~~	
~~- I-75 to Lee Boulevard~~	~~D~~
~~Imperial Parkway~~	
~~- E. Terry Street to Bonita Bill Dr.~~	~~D~~
~~Six Mile Cypress Parkway~~	
~~- Daniels Parkway to Winkler Avenue~~	~~D~~

~~(1) The County may seek variances to the level of service of standards for the FIHS facilities as authorized under Section 120.542, F.S. If granted, the level of service standards for I-75 and SR 80 will be as approved by FDOT in the Order Granting Petition for Variance.~~

LOS "E" is the ~~minimum acceptable~~ standard LOS for principal and minor arterials, and major collectors on county-maintained transportation facilities. Level of service standards

for the State Highway System during peak travel hours are D in urbanized areas and C outside urbanized areas.

Due to scenic, historic, environmental, aesthetic, and right-of-way characteristics and considerations, Lee County has determined that certain roadway segments will not be widened. Therefore, reduced peak hour levels of service will be accepted on those constrained roads within unincorporated Lee County as a trade-off for the preservation of the scenic, historic, environmental, and aesthetic character of the community. These constrained roads are defined in Table 2(a). ~~Growth on those constrained roads will be permitted only within the volume-to-capacity (v/c) ratios established in this plan and only if consistent with the Operational Improvement Program for those constrained roads.~~

The minimum ~~acceptable~~ level of service as specified above for Pine Island Road between Burnt Store Road and Stringfellow Boulevard is subject to Policy 14.2.1 and Policy 14.2.2.

For minimum ~~acceptable~~ levels of service determination, the peak season, peak hour, peak direction condition will be defined as the 100th highest volume hour of the year in the predominant traffic flow direction. The 100th highest hour approximates the typical peak hour during the peak season. Peak season, peak hour, peak direction conditions will be calculated using K-100 factors and "D" factors from the nearest, most appropriate county permanent traffic count station.
(Amended by Ordinance No. 07-09, 10-36)

~~NON-REGULATORY STANDARDS~~

8. Recreation Facilities:

   (a) Community Recreation Centers - four recreation centers of 25,000 square feet or more within unincorporated Lee County.
   (b) Boat Ramps - One boat ramp lane with adequate parking per 12,500 people, based on seasonal population.
   (c) Water (Beach) Accesses - Retain current inventory, and develop or redevelop accesses throughout Lee County.

9. Libraries:

   Maintain existing per-capita inventory; provide 1.6 items and .274 square feet of library space per capita (permanent residents).

10. Emergency Medical Service:

    3.18 advanced life support ambulance stations per 100,000 population with a five and one half (5 1/2) minute average response time.

(Amended by Ordinance No. 91-19, 92-35, 94-30, 99-15, 00-08, 00-22, 02-02, 07-09, [Partially] Renumbered by Ordinance No. 08-17, Amended by Ordinance No. 08-27, 10-36, 11-22)

POLICY 95.1.4: DESIRED FUTURE LEVEL-OF-SERVICE STANDARDS. For certain facilities, a second LOS standard, a "Desired Future Level of Service," is set forth. These standards represent a community goal of higher levels of public service and facility provision than can be achieved with current resources. It is the intent of Lee County to achieve these levels of facility provision by the dates prescribed in this policy. However, failure to achieve these goals will not halt the issuance of development orders under the Concurrency Management System.

1. Stormwater Management Facilities:

   To be established basin by basin subsequent to the county-wide surface water management master plan. Future service standards can only be finalized upon the completion of the basin studies and will be based upon providing a defined level of flood protection, balanced with the protection of natural flow ways and associated wetland systems.

   The following additional standards are hereby established for the Six Mile Cypress Watershed:

   - The Six Mile Cypress Slough and its major tributaries as identified in the Six Mile Cypress Watershed Plan (February 1990) must accommodate the associated discharge from the 25-year, 3-day storm event (rainfall). (Ref: Six Mile Cypress Watershed Plan (February 1990) - Volume II, page 10-5.)

   - Water quality must be improved in accordance with EPA's NPDES and Rule 17-40 F.A.C. criteria for stormwater discharges.

2. Parks and Recreation Facilities:

   a. Regional Parks:
   ~~By 1998,~~ Lee County will provide 8 acres of improved regional park land open for public use per 1000 total seasonal population for all of Lee County.

   b. Community Parks:
   ~~By 1996,~~ Lee County will provide ~~1.75 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population; by September 30, 1998 the county will increase this to~~ 2.0 acres of improved standard community parks open for public use per 1000 unincorporated Lee County permanent population.

3. Libraries:

2 items per capita (permanent residents) and .424 square feet of space per capita in 2000.

(Amended by Ordinance No. 91-19, 93-25, 94-30, 98-09, 00-22)

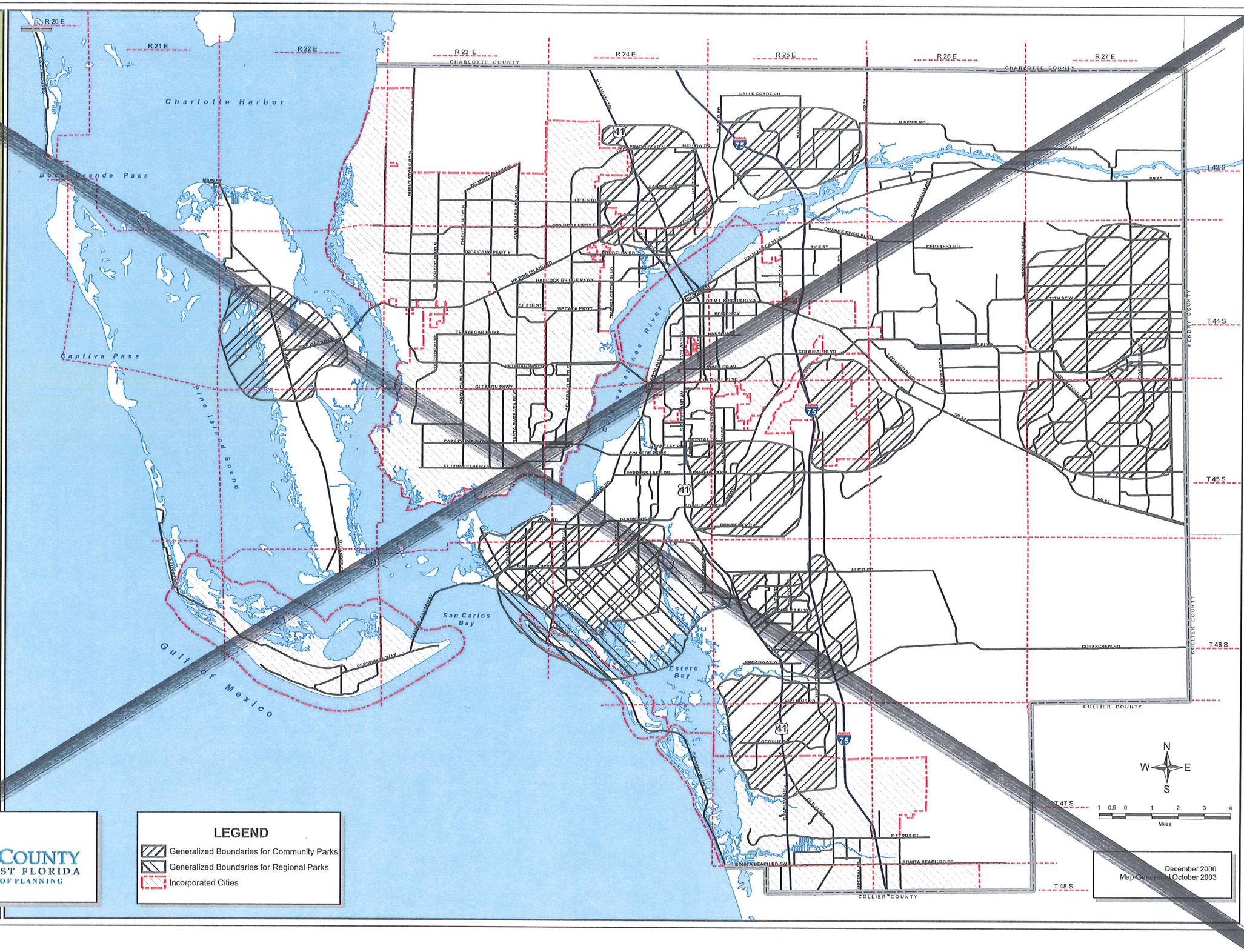
OBJECTIVE 95.3: OTHER FINANCING POLICIES. Establish a broad-based system of revenue regulations that ensure that new development pays ~~at least 90%~~ an appropriate share of the capital costs of the public infrastructure directly attributable to that new development. (Amended by Ordinance No. 94-30)

MAPS AMENDMENTS:

MAP 3A: Lee County 2030 Financially Feasible Highway Plan (Update)

MAP 11: Future Recreational Uses, Generalized Service Area Boundaries (Delete)

FUTURE RECREATIONAL USES
GENERALIZED SERVICE AREA BOUNDARIES
(Lee Plan Map 11)



LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

LEGEND

- Generalized Boundaries for Community Parks
- Generalized Boundaries for Regional Parks
- Incorporated Cities

December 2000
Map Generated October 2003

Reserved
for
Map 11

MAP 3A
LEE COUNTY 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN AS ADOPTED DECEMBER 7, 2005 AND AMENDED JANUARY 20 AND MARCH 17, 2006

INTERSTATE
EXPRESSWAY
ONE-WAY
2 LANES
3 LANES
4 LANES
6 LANES
8 LANES
10 LANES

EXISTING
CONSTRUCTION PROGRAMMED
2030 FINANCIALLY FEASIBLE PLAN
INTERCHANGE IMPROVEMENTS

INTERCHANGES

TYPE

2030 FINANCIALLY FEASIBLE PLAN
CONSTRUCTION PROGRAMMED
EXISTING

TYPE

PROPOSED BRIDGE OR OVERPASS
CONSTRUCTION PROGRAMMED

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

N
W E
S

0 1 2 4 Miles

MAP 3A
PAGE 1 OF 1
(ADDED BY ORDINANCE # 07-11)

Prepared by Rob Lovell, Lee County DOT, July 18, 2006

MAP 3A
2030 Financially Feasible Highway Plan Map

LEGEND

- CRITICAL INTERSECTION
- INTERSECTION IMPROVEMENT
- PARTIAL FUNDING FOR INTERCHANGE

MPO Needs Plan

- 2 Lanes Divided
- New 2 Lane Road
- New 4 Lane Road
- New 6 Lane Road
- New 8 Lane Road
- Road Connections
- Widen to 4 Lanes
- Widen to 6 Lanes
- 6 + 4 Lanes
- Widen to 8 Lanes

Existing Road Network

LANES

- 1
- 2
- 4
- 6

- PROPOSED COST FEASIBLE PROJECTS

PROPOSED

N W E S

0 1 2 4 Miles

LEE COUNTY GIS

Prepared by Lee GIS, April 26, 2013

Document Path: M:\GISLAYERS\Projects\DOT_Planning\RLOVELL\ArcMap10\Planning\LCNeeds_CostFeasiblePlan.mxd

Rick Scott
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Jesse Panuccio
EXECUTIVE DIRECTOR

October 18, 2013

Kevin Ruane, Chairman
Lee County Metropolitan Planning Organization
Post Office Box 150045
Cape Coral, Florida 33915-0045

Dear Chairman Ruane:

Thank you for submitting the Lee County MPO Transportation Improvement Program (TIP) for fiscal years 2013/2014 through 2017/2018. Pursuant to Section 339.175, Florida Statutes, the Department has reviewed the TIP for consistency with the applicable local government comprehensive plans.

Our review indicates that the TIP is generally consistent with the comprehensive plans of the County and municipalities within the MPO's area. However, Lee County's comprehensive plan does not reflect four projects on the Future Transportation Map Series. The County should update its Future Transportation Map to reflect these projects and, if the projects' construction phase is planned within the next five years, the Five-year Schedule of Capital Improvements. The following is the detailed information concerning the TIP projects:

- FPN #: 4258411, Project name: State Route 82, Project Limits: from CR 884 to Shawnee Road, Local Government Location: Lee County
- FPN #: 4258412, Project name: State Route 82, Project Limits: from Shawnee Road to Alabama Road South, Local Government Location: Lee County
- FPN#: 4258413, Project name: State Route 82, Project Limits: from Alabama Road South to Homestead Road South, Local Government Location: Lee County
- FPN#: 4258414, Project name: State Route 82, Project Limits: from Homestead Road South to Hendry County Line , Local Government Location: Lee County

We appreciate your efforts to coordinate the transportation projects in the TIP with local government comprehensive plans and have sent a copy of this letter to Lee County. Should you have any questions concerning this determination or the review process, please contact Chris A. Wiglesworth at (850) 717-8515.

Sincerely,

Mike McDaniel,
Comprehensive Planning Manager

MM/caw

cc: Paul O' Conner, AICP, Lee County Planning Division Director

Rick Scott
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Jesse Panuccio
EXECUTIVE DIRECTOR

February 5, 2014

RECEIVED
FEB 06 2014
COMMUNITY DEVELOPMENT

Ms. Kendra Sheffield, Manager
Work Program Development and Operations
Florida Department of Transportation
605 Suwannee Street, M.S. 21
Tallahassee, Florida 32399-0450

Re: The Florida Department of Transportation's 2014 Tentative Work Program

Dear Ms. Sheffield:

Thank you for the opportunity to review the Florida Department of Transportation's Tentative Work Program for fiscal years 2014/15 through 2018/19. In accordance with Section 339.135 (4)(f), Florida Statutes, the Department of Economic Opportunity has reviewed the Work Program projects for consistency with the local government comprehensive plans.

The Variance Report included with your letter dated January 7, 2014, included forty-nine proposed major roadway capacity projects for the Department to review. Based on the Department's review project number 4258411, in Lee County (widening State Route 82 from County Road 884 to Shawnee Road), is not consistent with the County's Comprehensive Plan. The Department recommends the County update their Comprehensive Plan to include this project.

If you have any questions or comments regarding this review, please feel free to contact Chris A. Wiglesworth at (850)717-8515 or email at chris.wiglesworth@deo.myflorida.com.

Sincerely,

Ana Richmond
Comprehensive Planning Manager

AR/caw

cc: Tom DiGiacomo, Florida Transportation Commission
L.K. Saliba, Florida Department of Transportation
Paul O'Conner, Lee County

Copy to: Paul Mott M. Gibbs 9/16

THE SCHOOL DISTRICT OF LEE COUNTY

2855 COLONIAL BLVD. ♦ FORT MYERS, FLORIDA 33966-1012 ♦ (239) 334-1102 ♦ WWW.LEESCHOOLS.NET

CC: Dist 1, 2, 3, 4. Karen Hoeny Collins, Mary Gibbs, Donna Marie Collins

September 14, 2011

Commissioner Frank Mann
Chair, Lee County Board of County Commissioners
PO Box 398
Fort Myers, FL 33902

RE: School Concurrency

Dear Commissioner Mann:

At its September 13, 2011 Briefing Meeting, information was presented to the School Board indicating that Lee County is considering the elimination of school concurrency. The School Board Members expressed a strong desire to retain school concurrency and asked that I express this desire to the Board of County Commissioners on their behalf. In Lee County, the School Board and the County Commissioners have always had a cooperative relationship and have worked together to ensure that the needs of school children in Lee County are met. During the years of intensive growth in the County, the School Board faced a number of challenges in ensuring that there were adequate facilities in place to serve the needs of the rapidly growing student population. The District was required to build a large number of school facilities in a short period of time. The Board of County Commissioners provided essential support to this District effort by adopting and implementing school impact fees. Although growth in some counties is currently stagnant, the District has seen an increase in the number of students that are being served this year and we expect that growth to continue. While it may not return to the rapid rate of growth that the County experienced a few years ago, the District will continue to have a responsibility to provide student stations for those additional students and, at the same time, provide for maintenance of existing facilities, to ensure that all of the children in Lee County have a safe environment in which to pursue their education. School Concurrency can play a vital role in ensuring that the District meets these obligations. While the school impact fee has provided valuable assistance to the District in fulfilling the needs resulting from student growth and will continue to do so in the future, the collection of the fee occurs at the time that each individual permit is pulled. Under school concurrency, if a developer is required to pay mitigation, those funds are received by the District at a time that allows the District to construct facilities in anticipation of those additional students. When the students move in to the homes in these developments, the schools will be available for them. This is especially important in a time when the revenue received from the state for capital projects continues to decline. Concurrency can also add to the District's ability to locate facilities in close proximity to developments, which will assist the District in minimizing the time that children spend on a bus travelling to and from school.

The support and assistance of the Lee County Board of County Commissioners, through the adoption of school concurrency and school impact fees, has been vital to ensuring the District has sufficient school facilities to serve all of its students. The result has been improved academic

achievement for our students. The District has received an A grade from the Florida Department of Education for the last three years. In order to maintain this level of accomplishment, the District must continue to excel in all areas that serve the needs of students, including providing facilities that meet the needs of a growing population in a way that fosters student achievement. The continued support of the Lee County Board of County Commissioners by maintaining school concurrency and school impact fees is essential to meeting this need.

For all of the reasons mentioned above, the School Board would ask that you consider maintaining school concurrency in Lee County. If you have any questions, please feel free to contact me.

Sincerely,

Joseph P. Burke, Ed.D.
Superintendent

cc: Thomas Scott, Chair
Mary Fischer, Vice Chair
Jeanne Dozier, Board Member
Dr. Jane Kuckel, Board Member
Don Armstrong, Board Member

INTERLOCAL AGREEMENT
ON SCHOOL CONCURRENCY

This agreement is made this 18th day of March 2008, by and between Lee County, a political subdivision of the State of Florida, hereinafter referred to as "County," and the School Board of Lee County, a public agency of the State of Florida, hereinafter referred to as "School Board."

WHEREAS, the School Board of Lee County has constitutional and statutory obligations to provide a uniform system of free public schools on a Countywide basis; and,

WHEREAS, Lee County's land use authority includes the authority to approve or deny Comprehensive Plan amendments, zoning applications, and development orders; and,

WHEREAS, Lee County and the School Board desire to establish mechanisms for coordinating the development, adoption, and amendment of Lee County's public school facilities element with each other and the plans of the School Board to ensure a uniform district-wide school concurrency system; and,

WHEREAS, Lee County and the School Board desire to specify uniform, district-wide level-of-service standards for public schools of the same type and the process for modifying the adopted level-of-service standards; and,

WHEREAS, Lee County and the School Board desire to establish a process for the preparation, amendment, and joint approval of a financially feasible Public School Capital Facilities Program, and a process and schedule for incorporation of the Public School Capital Facilities Program into the County's Comprehensive Plan on an annual basis; and,

WHEREAS, Lee County and the School Board desire to establish a uniform district-wide procedure for implementing school concurrency that provides for:

a. the evaluation of development applications for compliance with school concurrency requirements, including information provided by the School Board on affected schools, impacts on levels-of-service, programmed improvements for affected schools, and options to provide sufficient capacity; and,

b. monitoring and evaluation of the School Concurrency System; and,

WHEREAS, Lee County and th e School Board desire to develop a process and uniform methodology for determining proportionate share mitigation for projects that are unable to achieve public school concurrency; and,

WHEREAS, Lee County and the School Board desire to establish options for proportionate share mitigation of impacts on public school facilities as contemplated in Florida Statutes, Section 163.3180(13)(e); and,

WHEREAS, Lee County and the School Board entered into an interlocal agreement for public educational facility planning and siting on August 20, 2002, that remains in full force and effect; and,

WHEREAS, that interlocal was subsequently amended on January 11, 2005; and,

WHEREAS, Florida Statutes 163.31777 and 163.3180(g) set forth requirements for school concurrency that must be implemented through interlocal coordination between the County and the School Board; and,

WHEREAS, the County and the School Board have met and coordinated with respect to the statutory requirements for a Countywide, uniform School Concurrency Program; and,

WHEREAS, the County must amend its Comprehensive Plan and Land Development Code in 2008 in order to effectuate its obligations under this agreement and State statutes; and,

WHEREAS, this interlocal agreement does not delegate or transfer land use planning or regulatory authority to the School Board.

NOW, THEREFORE, IT IS mutually agreed between the Lee County Board of Commissioners and the School Board of Lee County that the following requirements and procedures will be followed in connection with the implementation of a School Concurrency Program in Lee County.

1. Definitions.

a. Definitions. The terms used in this subsection are defined as follows:

i. Available school capacity – the circumstance where there is sufficient school capacity, based on LOS standards, to accommodate the demand created by a proposed development.

ii. Capacity – "capacity" as defined in the FISH Manual.

iii. Existing school facilities – school facilities constructed and operational at the time a School Concurrency Application is submitted to the County.

iv. FISH Manual – the document entitled "Florida Inventory of School Houses (FISH)", 2006 edition, that is published by the Florida Department of Education, Office of Educational Facilities.

v. Permanent FISH Capacity – capacity that is added by permanent buildings, as defined in the FISH manual.

vi. Planned school facilities – school facility capacity that will be in place or under actual construction within three (3) years after the issuance of final subdivision or site plan approval; pursuant to the School Board's adopted Work Program.

vii. Previously Approved Development – development approved as follows:

(1) Single family lots having received final plat approval prior to the effective date of the County's School Concurrency Ordinance.

(2) Multi-Family residential development having received final site plan approval prior to the effective date of the County's respective School Concurrency Ordinance.

viii. Concurrency Certificate – A certificate issued by the County stating that there is sufficient capacity by school type and by CSA to adequately serve the projected impacts of a proposed Development Order.

ix. Total school facilities – Existing school facilities and planned school facilities.

x. Used capacity – School facility capacity consumed by or reserved for preexisting development.

xi. Work Program – the financially feasible five-year school district facilities program adopted pursuant to section 1013.35, Florida Statutes. Financial feasibility shall be determined using professionally accepted methodologies.

2. Comprehensive Plan. No later than April 1, 2008, the County will adopt Comprehensive Plan Amendments to address school concurrency matters, including:

a. A Public Schools Facilities Element, pursuant to Sections 163.3177 (12) and 163.3180, Florida Statutes.

b. Changes to the Intergovernmental Coordination Element necessary to effectuate school concurrency methodologies and processes, as provided herein.

c. Changes to the Capital Improvements Element (CIE) necessary to effectuate school concurrency methodologies and processes, as provided herein.

3. Land Development Code. Following the amendment of the County's Comprehensive Plan to incorporate school concurrency, the County will amend the Land Development Code to implement school concurrency consistent with the Comprehensive Plan, sections 163.3180 and 163.3202, Florida Statutes and this Agreement.

4. Five-Year Facilities Work Program.

a. Annually, following adoption of this Agreement, but no later than December 1st, the County will amend the CIE of the Comprehensive Plan to incorporate the School Board's adopted Work Program. Following a Work Program update or amendment, the County will consider further amendments to its CIE to incorporate updates or amendments during the immediately subsequent round of Comprehensive Plan Amendments.

5. Level of Service Standards.

a. Pursuant to Section 163.3180(13)(b) Florida Statutes, the Level of Service (LOS) standards set forth herein will be applied consistently throughout the County for the purposes of implementing school concurrency, including determining whether sufficient capacity exists to accommodate a particular development proposal, and determining the financial feasibility of the School Board's Work Program.

b. The LOS standards set forth herein will be included in the CIE and will be applied consistently by the County and the School Board districtwide to all schools of the same type.

c. After consultation and agreement with Lee County and the School Board, the LOS standards may be amended only pursuant to an amendment to the Lee Plan and this interlocal agreement.

d. The LOS standards to be used by the County and the School Board to implement school concurrency are as follows:

i. Elementary: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

ii. Middle: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

iii. High: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

iv. Special Purpose: 100% of permanent FISH capacity as adjusted by the School Board annually to account for measurable programmatic changes.

A "measurable programmatic change" means a change to the operation of a school and measurable capacity impacts including, but not limited to, double sessions, floating teachers, year-round schools and special educational programs.

v. Relocatable classrooms will be utilized to maintain the level of service on a temporary basis when construction to increase capacity is planned and is in process. The temporary capacity provided by relocatables may not exceed 20 percent of the permanent FISH capacity and may be used for a period of not to exceed three years. Relocatables may also be used to accommodate special education programs as required by law and to provide temporary classrooms while a portion of an existing school is under renovation.

6. School Concurrency Service Areas.

a. Pursuant to Section 163.3180 (13)(c), School Concurrency Service Areas (CSAs) are initially established to be coterminous with the existing Student Assignment Zones for elementary, middle, and high schools shown on the attached map (Exhibit A).

b. CSAs may be subsequently modified to maximize available school capacity and make efficient use of new and existing public school facilities in accordance with the LOS standards set forth in this Agreement. The School Board may amend the CSAs only after review and comment by the County. After the initial three years of implementing school concurrency, the School District may propose an amendment to the CSAs to make them coterminous with the existing Student Assignment sub-zones. Lee County will consider and process a Lee Plan amendment accordingly.

c. The establishment and modification of CSAs will take into account school policies to:

i. minimize student transportation costs;

ii. limit maximum student travel times;

iii. achieve socio-economic, racial and cultural diversity objectives;

iv. recognize capacity commitments resulting from local governments' development approvals for the CSA; and,

v. recognize capacity commitments resulting from local governments' development approvals for contiguous CSAs

d. CSAs will be described geographically in the County's Comprehensive Plan pursuant to Section 163.3180(13)(g)(5), Florida Statutes.

7. Demand Monitoring and Evaluation.

a. The County will provide the following information to the School Board on an annual basis to facilitate the projection of demand and student generation rate trends:

i. Geo-referenced building permit and certificate of occupancy data;

ii. Summary of actions on preliminary and final plats;

iii. Summary of site development plan approvals for multi-family projects; and,

iv. Summary of other actions that affect demands for public school facilities.

b. The School Board will provide the County with a copy of each concurrency determination letter issued to a municipality. The County will reflect the data from the letters in the forecasted capacity commitments for the corresponding CSA.

8. Applicability.

a. Except as provided in subsection b. below, school concurrency applies to residential uses that generate demands for public school facilities and are proposed or established after the effective date of the LDC amendments incorporating school concurrency.

b. The following residential uses are exempt from the requirements of school concurrency:

i. Single family lots having received final plat approval prior to the effective date of the applicable School Concurrency Ordinance.

ii. Multi-family residential development having received final site plan approval prior to the effective date of the applicable amendments to the LDC incorporating school concurrency.

iii. Amendments to residential development approvals issued prior to the effective date of the Lee Plan, that do not increase the number of residential units or change the type of residential units proposed.

iv. Other uses as provided for in the Land Development Code.

9. Process for Determining School Facilities Concurrency.

a. The School Board will annually compile a School Concurrency Inventory Report. The School Board will inventory current school capacity and current occupancy by school type and by CSA. Current capacity will be adjusted by adding in the expected capacity increase from new or expanded planned school facilities for the next three years, in accordance with the adopted School Board Capital Improvements Program. Current occupancy will then be subtracted from existing and expected capacity to calculate the available capacity by school type by CSA. The School Concurrency Inventory will then be transmitted to the County.

b. Upon the receipt of a complete School Concurrency Inventory the County will formally incorporate the Inventory in the County's Concurrency Report. This information will be utilized to determine whether there is available school capacity for each level of school, to accommodate the proposed development, based on the LOS standards, CSAs, and other standards set forth herein and in the respective land development codes.

c. Upon receipt of a Development Order application, the County will review the application and, based on the standards set forth in this Agreement and the information in the County's current Concurrency Report, make a determination as to:

i. whether adequate school capacity exists for each level of school, based on the standards set forth in this Agreement; or

ii. if adequate capacity does not exist, whether appropriate mitigation can be accepted, and, if so, acceptable options for mitigation, consistent with this Agreement.

d. If the County determines that adequate capacity will not be in place or under actual construction within three years after the issuance of final subdivision or site plan approval and mitigation is not an acceptable alternative, the County will not issue a School Concurrency Certificate and will not approve the development application.

e. If the County determines that adequate capacity does not exist but that mitigation is an acceptable alternative, the development application will remain active pending the conclusion of the mitigation negotiation period described below.

f. The County will issue a School Concurrency Certificate only upon:

i. A determination that adequate school capacity for each level of school will be in place or under actual construction within three years after the issuance of the final subdivision or plat approval without mitigation; or,

ii. The execution of a legally binding mitigation agreement between the applicant and the School Board, as provided by this Agreement.

10. Rezoning Review.

When reviewing a proposed rezoning, the County will consider whether the CSA in which the proposed rezoning is situated has available school capacity.

a. If the CSA where the proposed rezoning is situated does not have available school capacity, the County will determine whether a contiguous CSA (i.e. East Zone, West Zone or South Zone) has available school capacity by identifying the contiguous CSA with the most available school capacity for the particular type of school and assigning the demand from the proposed development to that CSA.

b. If there is not sufficient capacity in the CSA where the proposed rezoning is situated and there is not sufficient capacity in a contiguous CSA, the County will not issue a concurrency certificate until capacity is in place as contemplated by the agreement, or the applicant provides appropriate mitigation consistent with this agreement.

11. Mitigation Alternatives. If the School Board reports that mitigation may be accepted in order to offset the impacts of a proposed development, the following procedure will be used.

a. The applicant must initiate, in writing, mitigation negotiation with the School Board to establish an acceptable form of mitigation, pursuant to Section 163.3180(13)(e), Florida Statutes, the Lee Plan, LDC, and this Agreement.

b. Acceptable forms of mitigation may include:

   i. The donation of land or funding for land acquisition or construction of a public school facility sufficient to offset the demand for public school facilities anticipated from the proposed development; and,

   ii. Establishment of a Charter School with facilities constructed in accordance with the State Requirements for Educational Facilities (SREF) on a site that meets the minimum acreage provided in SREF and subject to guarantees that the facility will be conveyed to the School Board at no cost if the Charter School ceases to operate.

c. The following standards apply to mitigation accepted by the School Board:

   i. Mitigation must be directed towards a permanent school capacity improvement identified in the School Board's financially feasible Work Program and satisfy the demands created by the proposed development.

   ii. Relocatable classrooms will not be accepted as mitigation.

d. In accordance with section 163.3180(13)(e), Florida Statutes, the applicant's proportionate-share mitigation obligation to resolve a capacity deficiency will be based on the following formula, for each school level: Multiply the number of new student stations required to serve the new development by the average cost per student station. The average cost per student station must include school facility development costs and land costs. Pursuant to Section 163.3180(13)(e)(2), Florida Statutes, the applicant's proportionate share mitigation obligation will be credited toward impact fees or exaction imposed by local ordinance for the same need, on a dollar-for-dollar basis, at fair market value.

e. If within 90 days of the date the applicant initiates mitigation negotiation, the applicant and the School Board agrees to an acceptable form of mitigation, the parties will execute a legally binding mitigation agreement. The mitigation agreement must include the terms of the mitigation, including the amount, nature and timing of donations or funding to be provided by the developer, and any other matter necessary to effectuate mitigation in accordance with this Agreement. The mitigation agreement must specify the

amount and timing of any impact fee credits or reimbursements that will be provided as required by state law.

f. If, after 90 days, the applicant and the School Board are not able to agree to an acceptable form of mitigation, the School Board will report an impasse to the County in writing. The County will not issue a Concurrency Certificate for the proposed development.

g. Mitigation must be proportionate to the demand for public school facilities to anticipated from development of the property.

12. Amendments. This agreement may be amended only by the written consent of the Lee County School Board and the Lee County Board of Commissioners.

13. Oversight. The School Board and the County may appoint citizens to serve on an Oversight Committee to monitor the implementation of this agreement. The Committee may appoint a chairperson and meet annually to report to the County and the School Board and the general public on the effectiveness of the implementation of this interlocal agreement.

14. Termination. Pursuant to Section 1013.33, Florida Statutes, this agreement will be effective on the date it has been executed by all parties, and will continue in full force and affect thereafter. The agreement will automatically be renewed for one-year periods unless the County or the School Board signifies in writing its intent to terminate the agreement at least 120 days prior to the annual renewal date. Notice of Intent to Terminate must be in writing.

15. Dispute Resolution. The adjudication of disputes and disagreements under this agreement will be resolved in accordance with the Government Conflict Resolution Procedures specified in Chapters 164 and 186 of the Florida Statutes.

16. Supplement. This agreement is intended to supplement the interlocal agreement between the County and the School Board dated August 20, 2002, and later amended on January 11, 2005.

17. Counterpart Execution. This agreement may be executed in any number of counterparts, each of which will be deemed an original; but, which together, will constitute one and the same instrument and be the agreement of the parties.

18. Notice. All notices and other communications provided for in this agreement must be in writing. Such notices will be deemed properly delivered when delivered:

a. Personally;

b. By facsimile transmission providing the sending party received electronic confirmation thereof; or,

c. By the mailing of such notice by registered or certified mail to the following address:

i. If to the School Board:
Office of the Superintendent
Lee County School District
2855 Colonial Boulevard
Fort Myers, FL 33966
Telephone - 239-337-8512
Fax - 239-337-8683

ii. If to the County:
Office of the Lee County Attorney
2115 Second Street, Sixth Floor
Fort Myers, FL 33901
Telephone - 239-533-2236
Fax - 239-485-2106

IN WITNESS WHEREOF, this Interlocal Agreement has been executed on March 18, 2008.

ATTEST:
CHARLIE GREEN, CLERK

By: Marcia Wilson
Deputy Clerk

(Seal)

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Chair

Date: 3/18/08

APPROVED AS TO FORM:

By: Donna Marie Collins
Donna Marie Collins
Lee County Attorney's Office

ATTEST:

By: _____
Superintendent

THE SCHOOL BOARD OF LEE COUNTY, FLORIDA

By: _____
Chairman of the Board

Date: _____

APPROVED

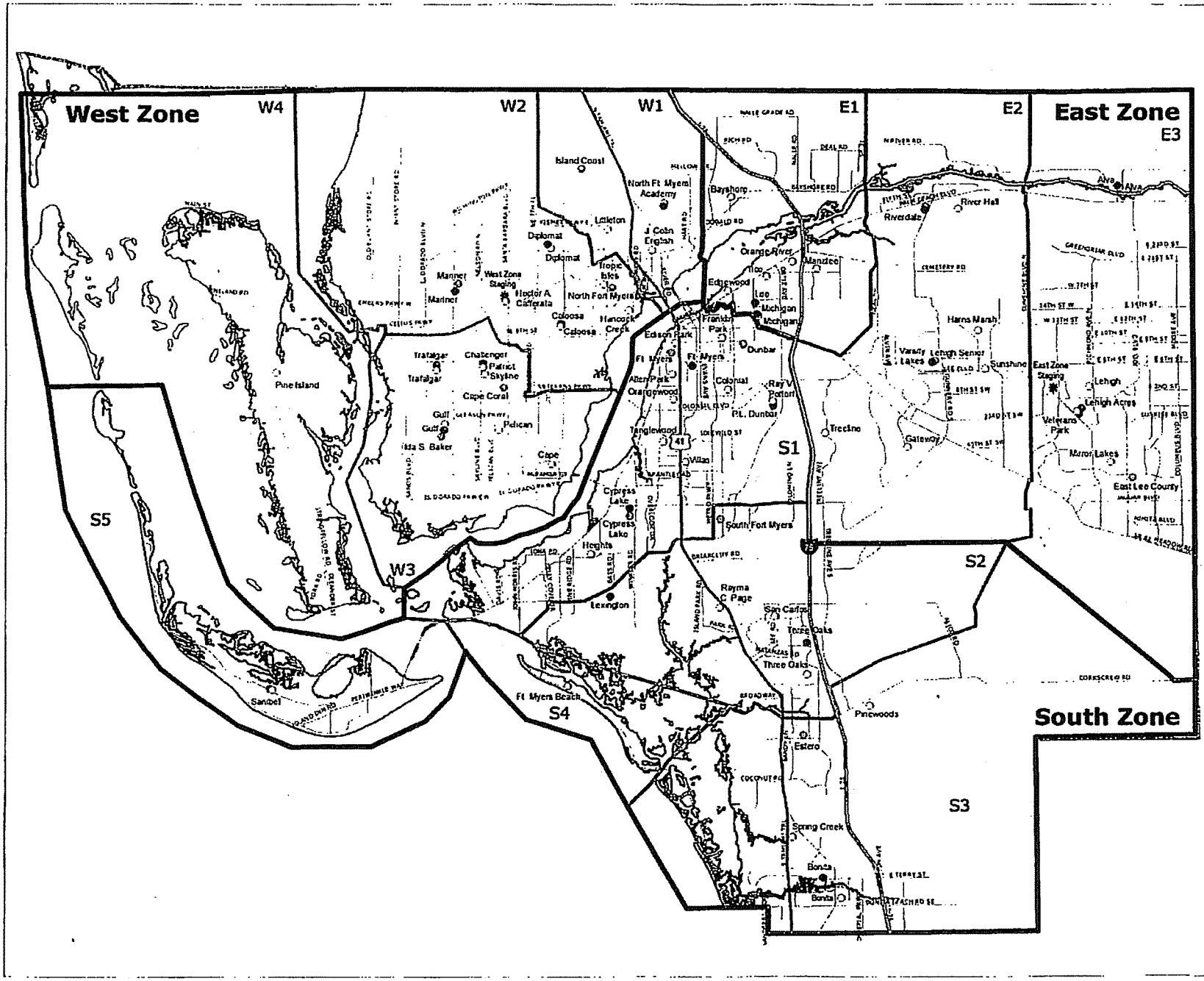
FEB 26 2008

SCHOOL BOARD OF
LEE COUNTY

APPROVED AS TO FORM:

By: _____
Keith Martin, Esq.
Attorney for The School Board

Exhibits: School Attendance Zones


West Zone
W4
W2
W1
E1
E2
East Zone
E3
S1
S2
S3
S4
S5
W3
South Zone
Island Coast
North Ft Myers Academy
Bayshore
Riverdale
River Hall
Orange River
Mandee
Edgewood
Lee
Michigan
Diplomat
Littleton
Tropic Isles
North Fort Myers
Mariner
West Zone Staging
Hector A Cafferata
Coloosa
Hancock Creek
Edison Park
Ft Myers
Franklin Park
Dunbar
Trafalgar
Chaparral
Patriot
Skyline
Cape Coral
Pine Island
Gulf
Pelican
Ida S Baker
Cape
Alva
Harns Marsh
Varsity Lakes
Lehigh Senior
Sunshine
East Zone Staging
Lehigh
Lehigh Acres
Veterans Park
Mirror Lakes
East Lee County
Gateway
Treeline
Colonial
Ray V Pottorf
Ft. Dunbar
Tanglewood
Villas
Cypress Lake
Cypress Lake Heights
South Fort Myers
Lexington
Rayma C Page
San Carlos
Three Oaks
Pinewoods
Estero
Spring Creek
Bonita
Ft Myers Beach
Sanibel
STUDENT ASSIGNMENT ZONES
2007-2008
Legend
ASSIGNMENT ZONES
EAST
SOUTH
WEST
Sub-Zones
SCHOOLS
Staging
Elementary
Middle
High
Please read:
All information taken from this map should be verified by the Parent Information Center.
MAP DISCLAIMER:
Miles

Rick Scott
GOVERNOR

FLORIDA DEPARTMENT of ECONOMIC OPPORTUNITY

Jesse Panuccio
EXECUTIVE DIRECTOR

March 24, 2014

The Honorable Larry Kiker, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Kiker:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 14-4ESR), which was received on February 26 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 the County. If other reviewing agencies provide comments, we recommend the 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 Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at scott.rogers@deo.myflorida.com.

Sincerely,

Ana Richmond
Comprehensive Planning Manager

AR/sr

Enclosure: Procedures for Adoption

cc: Paul O'Connor, Director, Lee County Division of Planning
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.

Southwest Florida Regional Planning Council
Serving Charlotte, Collier, Glades, Hendry, Lee and Sarasota Counties
1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

March 31, 2014

Mr. D. Ray Eubanks
Administrator
Plan Review and Processing
Department of Economic Opportunity
Caldwell Building
107 East Madison – MSC 160
Tallahassee, Florida 32399-0800

Re: Lee County / DEO 14-4ESR

Dear Mr. Eubanks:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendments (DEO 14-4ESR/CPA 2013-06) to the Lee Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments to the Lee Plan and the staff recommendations at its April 17, 2014 meeting. Council staff has recommended that Council find the requested changes to the concurrency provisions of the Lee Plan as procedural, regionally significant, and consistent with the Strategic Regional Policy Plan. Also, Council staff has recommended that the changes to the Lee Plan do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local jurisdictions.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

M. Wuerstle

Margaret Wuerstle, AICP
Executive Director

MW/DEC
Attachment

Cc: Mr. Paul O'Connor, AICP, Director, Planning Division, Lee County

LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY

The Council staff has reviewed proposed changes to the Lee County Growth Management Plan (DEO 14-4ESR/CPA 2013-06). A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Proposed Amendment	Factors of Regional Significance			
	Location	Magnitude	Character	Consistent
Concurrency (CPA 2013-06)	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.

04/14

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
   A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:
Charlotte County, Punta Gorda
Collier County, Everglades City, Marco Island, Naples
Glades County, Moore Haven
Hendry County, Clewiston, LaBelle
Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel
Sarasota County, Longboat Key, North Port, Sarasota, Venice

Comprehensive Plan Amendments

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government.

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

Attachment II

SOUTHWEST FLORIDA REGIONAL PLANNING COUNCIL

LOCAL GOVERNMENT COMPREHENSIVE PLAN REVIEW FORM 01

Pursuant to Section 163.3184, Florida Statutes, Council review of proposed amendments to local government Comprehensive Plans is limited to adverse effects on regional resources and facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any affected local government within the region. A written report containing the evaluation of these impacts, pursuant to Section 163.3184, Florida Statutes, is to be provided to the local government and the State land planning agency within 30 calendar days of receipt of the amendment.

LOCAL GOVERMENT:

Lee County

DATE AMENDMENT RECIEVED:

February 24, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

March 31, 2014

1. AMENDMENT NAME

Concurrency (CPA 2013-06)

2. DESCRIPTION OF AMENDMENT(S):

Lee County is requesting to amend the Lee Plan to make the County's concurrency consistent with the State regulatory and non-regulatory concurrency requirements. The proposed amendment will make parks and recreation and transportation concurrency requirements non-regulatory. Under the requested changes the public education concurrency requirements will remain regulatory due to interlocal agreements between the County, the School District and the five municipalities within the County.

3. ADVERSE EFFECTS TO SIGNIFICANT REGIONAL RESOURCES AND FACILITIES IDENTIFIED IN THE STRATEGIC REGIONAL POLICY PLAN:

Council staff has reviewed the proposed amendments to the Lee County Comprehensive Plan and finds that the proposed changes will update the Plan's concurrency policies. The proposed changes are important in order to provide consistency between State law and the

Lee Plan. Based on the fact that the requested policy changes to the Lee Plan provides consistency with the Lee Plan, Council staff finds the proposed amendments are procedural in nature, are regionally important because it will impact the provision of regional parks and recreation and transportation infrastructure resources and facilities within the region. However, base upon staff review of the request, Council staff finds that the proposed changes do not adversely affect any significant regional resources or facilities that are identified in the Strategic Regional Policy Plan.

4. EXTRA-JURISDICTIONAL IMPACTS INCONSISTENT WITH THE COMPREHENSIVE PLANS OF LOCAL GOVERNMENTS WITHIN THE REGION

Council staff has reviewed the proposed amendments with respect to extra-jurisdictional impacts on surrounding local government Comprehensive Plans and finds that the proposed amendments do not negatively impact and are not inconsistent with adjacent local governmental Comprehensive Plans.

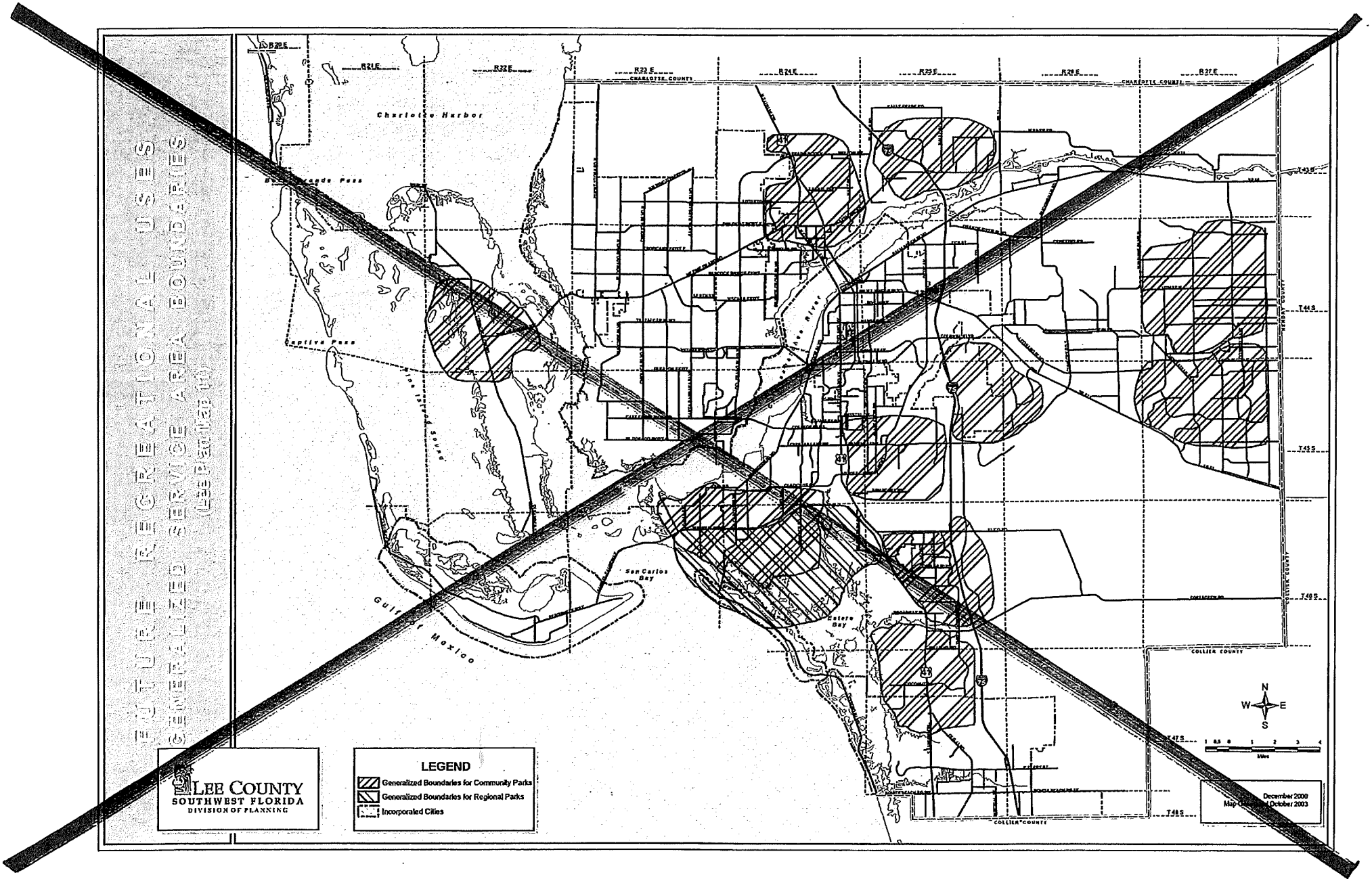
Request a copy of the adopted version of the amendment? _X_ Yes ___ No

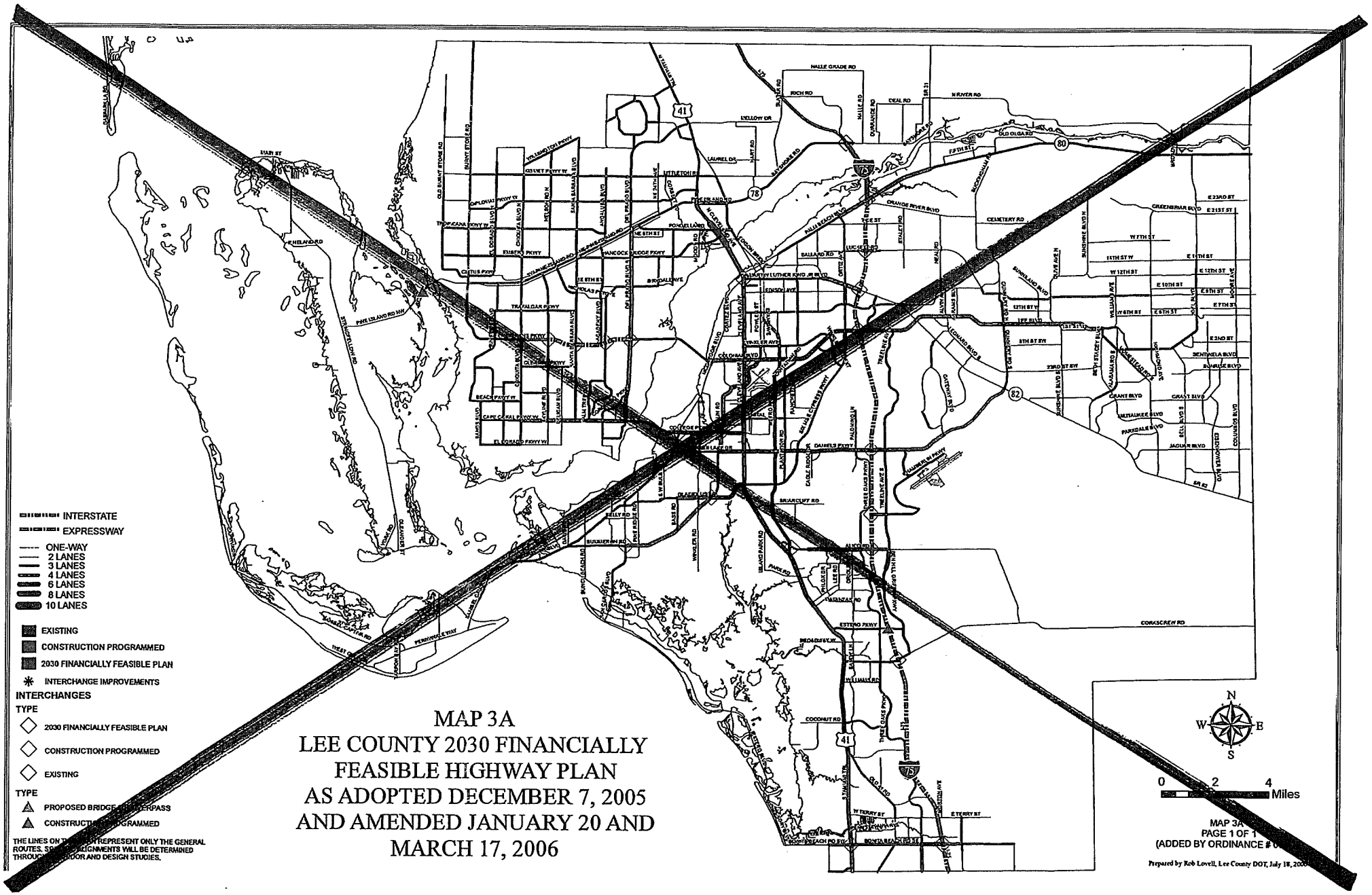
Attachment III

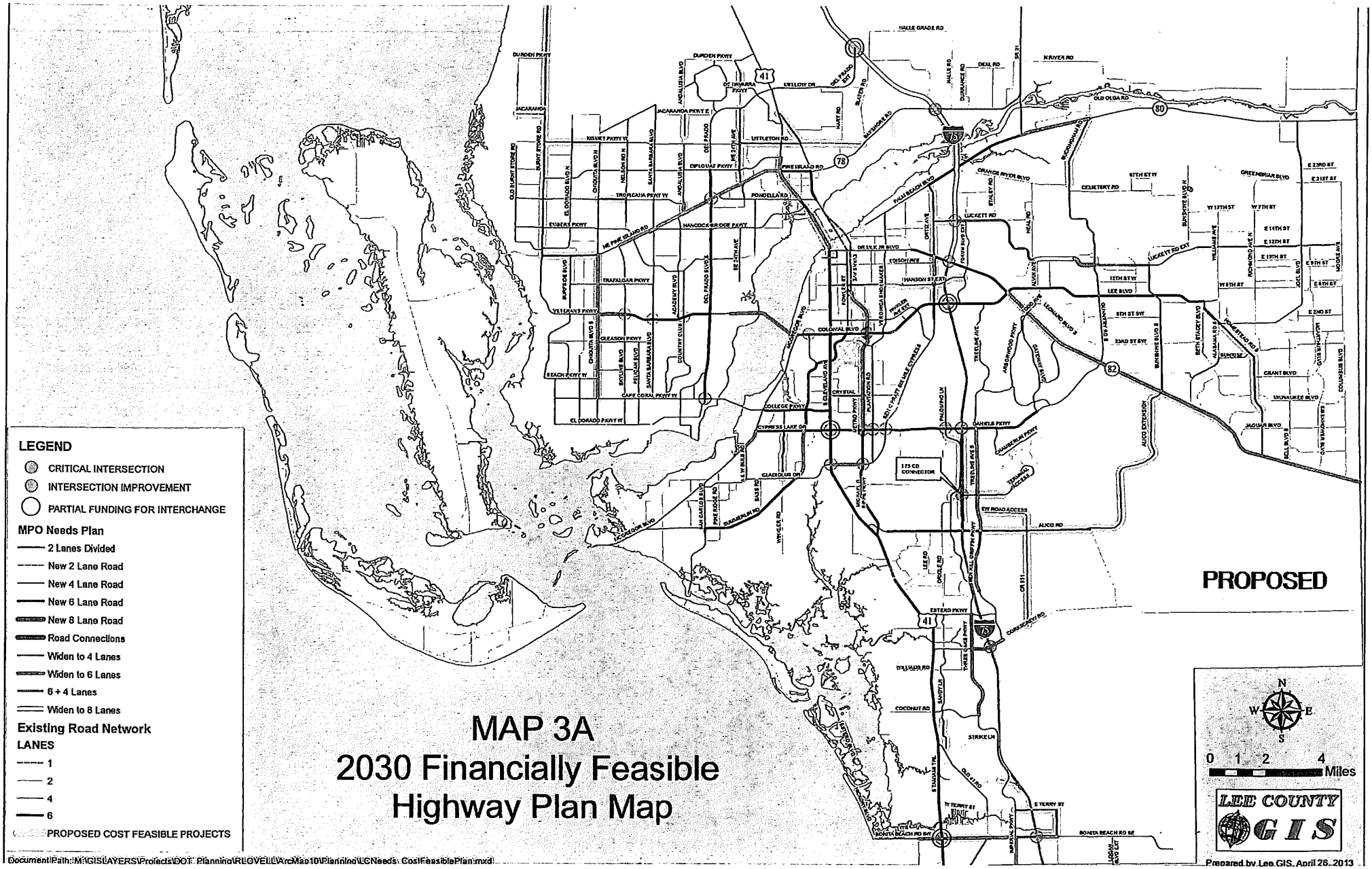
Maps

Lee County
DEO 14-4ESR

Comprehensive Plan Amendments


FUTURE REGIONAL USE SERVICE AREA BOUNDARIES
(as Shown on Page 10)
Charlotte Harbor
Captiva Pass
San Carlos Bay
Estero Bay
Gulf of Mexico
Caloosahatchee River
Pine Island Sound
CHARLOTTE COUNTY
COLLIER COUNTY
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING
LEGEND
Generalized Boundaries for Community Parks
Generalized Boundaries for Regional Parks
Incorporated Cities
N
W
E
S
December 2000
Map Updated October 2003


INTERSTATE
EXPRESSWAY
ONE-WAY
2 LANES
3 LANES
4 LANES
6 LANES
8 LANES
10 LANES
EXISTING
CONSTRUCTION PROGRAMMED
2030 FINANCIALLY FEASIBLE PLAN
INTERCHANGE IMPROVEMENTS
INTERCHANGES
TYPE
2030 FINANCIALLY FEASIBLE PLAN
CONSTRUCTION PROGRAMMED
EXISTING
TYPE
PROPOSED BRIDGE OR UNDERPASS
CONSTRUCTION PROGRAMMED
THE LINES ON THE MAP REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.
MAP 3A
LEE COUNTY 2030 FINANCIALLY FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006
N
W
E
S
0
2
4
Miles
MAP 3A
PAGE 1 OF 1
(ADDED BY ORDINANCE # 0
Prepared by Rob Lovell, Lee County DOT, July 18, 2006


LEGEND
CRITICAL INTERSECTION
INTERSECTION IMPROVEMENT
PARTIAL FUNDING FOR INTERCHANGE
MPO Needs Plan
2 Lanes Divided
New 2 Lane Road
New 4 Lane Road
New 6 Lane Road
New 8 Lane Road
Road Connections
Widen to 4 Lanes
Widen to 6 Lanes
6 + 4 Lanes
Widen to 8 Lanes
Existing Road Network
LANES
1
2
4
6
PROPOSED COST FEASIBLE PROJECTS
PROPOSED
MAP 3A
2030 Financially Feasible
Highway Plan Map
N
W
E
S
0 1 2 4 Miles
LEE COUNTY GIS
Document Path: M:\GIS\LAYERS\Projects\DOT Planning\RLOVELL\ArcMap10\Planning\LCNeeds_CostFeasiblePlan.mxd
Prepared by Lee GIS, April 26, 2013

Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

March 27, 2014

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

RE: Lee County 14-4ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Comments and Recommendations

Dear Mr. O'Connor:

The Florida Department of Transportation, District One, has reviewed the Lee County 14-4ESR, Proposed Comprehensive Plan Amendment, transmitted under the Expedited State Review process (*transmitted by the Board of County Commissioners on February 19, 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 CPA2013-06 (Text and Map Amendment):

The Lee County CPA2013-06 proposes to:

1. Amend the Lee Plan to make Lee County concurrency consistent with State regulatory and non-regulatory concurrency requirements. More specifically, the proposed amendment will make "parks and recreation" and "transportation" concurrency non-regulatory, while the public education concurrency will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities.

2. Delete Map 11 of the Lee Plan, which identifies the Future Recreational Uses since the Lee Plan has no Goals, Objectives, or Policies that refer to Map 11.

3. Update Map 3A of the Lee Plan, which identifies the Lee County 2030 Financially Feasible Highway Plan to reflect the improvements along SR 82 from CR 834 to Hendry County Line based on the latest data from the Lee County Metropolitan Planning Organization.

Additionally, the Lee Plan was modified to:

1. Bring references to Objective 14.2 (and subsequent policies) of the Pine Island Plan into compliance with Community Planning Act of 2011.
2. Make the DRI vesting policy, 37.5.2, past tense.
3. Remove dates that have past in the park standards.
4. Add "Regional Parks Standards" to Objective 84.1.
5. Delete "Interim" in reference to Stormwater Management Facilities.
6. Replace "minimum acceptable" in reference to transportation facility LOS with a non-regulatory term.

FDOT Comment

The Florida Department of Transportation, District One, offers **no comments** on the Lee County proposed Comprehensive Plan Amendment CPA 2013-06, as this amendment is not anticipated to adversely impact any important state transportation resources or facilities.

If you have any questions please free to contact me at (863) 519-2395 or bob.crawley@dot.state.fl.us.

Sincerely,

Bob Crawley
District Transportation Modeling Coordinator
FDOT District One

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

OFFICE OF THE COMMISSIONER
(850) 617-7700

THE CAPITOL
400 SOUTH MONROE STREET
TALLAHASSEE, FLORIDA 32399-0800

FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

March 17, 2014

VIA EMAIL (oconnops@leegov.com)

Lee County Planning Division Director
Attn: Paul O'Connor
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20140303-355
Lee County CPA2013-00006 - Concurrency
Submission dated February 21, 2014

Dear Mr. O'Connor:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on March 3, 2014 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2289.

Sincerely,

Stormie Knight
Sr. Management Analyst I
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 14-4 ESR)

SOUTH FLORIDA WATER MANAGEMENT DISTRICT

March 13, 2014

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

Subject: Lee County, DEO #14-4ESR
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 text amendment updates the Parks and Recreation, and Transportation Elements with concurrency requirements. 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,

Dean Powell
Water Supply Bureau Chief

DP/do

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

FLORIDA DEPARTMENT OF EDUCATION

Pam Stewart
Commissioner of Education

March 12, 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 14-4 ESR

Thank you for the opportunity to review the Lee County 14-4 ESR amendment package, which the Florida Department of Education received on February 25, 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 the Lee Plan to make concurrency requirements for transportation and for park and recreation nonregulatory. Because the amendment does not appear to create adverse effects on public educational facilities, 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

Miller, Janet

From: O'Connor, Paul
Sent: Tuesday, March 11, 2014 8:18 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-4ESR Proposed

From: Stahl, Chris [mailto:Chris.Stahl@dep.state.fl.us]
Sent: Monday, March 10, 2014 4:03 PM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-4ESR Proposed

To: Paul O'Connor, Planning Division Director

Re: Lee County 14-4ESR – 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

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**

JESSICA HANFT
MY COMMISSION # EE874397
EXPIRES February 12, 2017
(407) 398-0153 FloridaNotaryService.com

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 - Concurrency Update. Amend the Lee Plan to make Lee County concurrency consistent with State regulatory and non-regulatory concurrency requirements. The proposed amendment will make parks and recreation and transportation concurrency non-regulatory. Public education concurrency will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities.

CPA2013-00007- Wellfield Protection. This amendment 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 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) 2/19/14 at 9:30am

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

Feb. 11, 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 11th day of February, 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**

JESSICA HANFT
MY COMMISSION # EE874397
EXPIRES February 12, 2017
(407) 398-0153 FloridaNotaryService.com

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, February 19, 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:

CPA2013-00006 - Concurrency Update. Amend the Lee Plan to make Lee County concurrency consistent with State regulatory and non-regulatory concurrency requirements. The proposed amendment will make parks and recreation and transportation concurrency non-regulatory. Public education concurrency will remain regulatory due to an interlocal agreement between Lee County, the School District and five municipalities.

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.1483736
February 11, 2014