

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

January 31, 2014

Mr. Paul O'Connor, Director
Lee County Planning Division
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Mr. O'Connor:

Thank you for submitting Lee County's proposed comprehensive plan amendments for our review pursuant to the Expedited State Review process. The reference number for the amendment package is **Lee County 14-2ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than **March 1, 2014**.

If you have any questions please contact Anita Franklin of my staff at (850)717-8486 or BrendaWinningham, Regional Planning Administrator, who will be overseeing the review of the amendments at (850)717-8516.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/af

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

MEMORANDUM

TO : Suzanne Ray, DEP
Deena Woodward, DOS
Tracy Suber, DOE
Terry Manning, South Florida WMD
Margaret Wuerstle, Southwest Florida RPC
Crawley/Massey FDOT1
Wendy Evans, AG
Scott Sanders, FWC

DATE : January 31, 2014

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 14-2ESR

STATE LAND PLANNING AGENCY CONTACT PERSON/PHONE NUMBER:

Brenda Winningham/850-717-8516

The referenced proposed comprehensive plan amendment is being reviewed pursuant the Expedited State Review Process according to the provisions of Section 163.3184(3), Florida Statutes. Please review the proposed documents for consistency with applicable provisions of Chapter 163, Florida Statutes.

Please note that your comments must be sent directly to and received by the above referenced local government within 30 days of receipt of the proposed amendment package. A copy of any comments shall be sent directly to the local government and ALSO to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: DCPexternalagencycomments@deo.myflorida.com

Please use the above referenced State Land Planning Agency AMENDMENT NUMBER on all correspondence related to this amendment.

Note: Review Agencies - The local government has indicated that they have mailed the proposed amendment *directly to your agency*. See attached transmittal letter. *Be sure to contact the local government if you have not received the amendment*. Also, letter to the local government from State Land Planning Agency acknowledging receipt of amendment is attached.



LEE COUNTY
SOUTHWEST FLORIDA
BOARD OF COUNTY COMMISSIONERS

Received

JAN 30 2014

January 23, 2014

Department of Economic Opportunity
Division of Community Development
Bureau of Community Planning

John E. Manning
District One

Cecil L. Pendergrass
District Two

Larry Kiker
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wm. Wesch
County Attorney

Donna Marie Collins
Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

Re: Amendment to the Lee Plan
Transmittal Submission Package
Publicly Sponsored Amendment, CPA2013-07

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Publicly Sponsored Comprehensive Plan amendment, known locally as CPA2013-07. The proposed amendment is being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

CPA2013-07 is to amend the Lee Plan to remove provisions which regulate permitting of the use of water for irrigation from the Lower Tamiami aquifer as requested by the South Florida Water Management District. Also update Map 8 of the Lee Plan, which identifies the Wellfield Protection Zones for Lee County public wells and Aquifer Storage and Recovery wells.

The Local Planning Agency held a public hearing for this plan amendment on December 11, 2013. The Board of County Commissioners transmittal hearing for the plan amendment was held on January 22, 2014. The Board of County Commissioners voted to transmit the attached Lee Plan amendment package at the January 22, 2014 transmittal hearing. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing following the receipt of the review agencies' comments.

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) 533-8309
Fax (239) 485-8319
Email: oconnops@leegov.com

P.O. Box 398, Fort Myers, Florida 33902-0398 (239) 533-2111
Internet address <http://www.lee-county.com>
AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the proposed amendment and supporting data and analysis. By copy of this letter and its attachments, I certify that this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP, Director
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in a CD ROM format, 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

FLORIDA DEPARTMENT OF EDUCATION



STATE BOARD OF EDUCATION

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ANDY TUCK

Pam Stewart
Commissioner of Education

February 3, 2014

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

Dear Mr. O'Connor:

Re: Lee County 14-2 ESR

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy D. Suber".

Tracy D. Suber
Growth Management and Facilities Policy Liaison

TDS/

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

THOMAS H. INSERRA
DIRECTOR, OFFICE OF EDUCATIONAL FACILITIES

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

www.fldoe.org



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Park way
Fort Myers, FL 33913

ANANTH PRASAD, P.E.
SECRETARY

February 19, 2014

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

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

Dear Mr. O'Connor:

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

Lee County CPA2013-07:

The Lee County CPA2013-07 proposes to:

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

FDOT Comment # 1:

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

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

Sincerely,

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



Lawrence Massey
District 1 Growth Management Coordinator
Southwest Area Urban Office

LLM/gmb/llm

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

Miller, Janet

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

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

To: Paul O'Connor, Planning Division Director

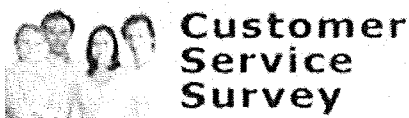
Re: Lee County 14-2ESR– Expedited Review of Proposed Comprehensive Plan Amendment

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

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

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

Thank you!
cjs



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

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



SOUTH FLORIDA WATER MANAGEMENT DISTRICT

RECEIVED
FEB 27 2014

February 24, 2014

COMMUNITY DEVELOPMENT

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

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

Dear Mr. O'Connor:

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

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

Sincerely,

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

Dean Powell
Water Supply Bureau Chief

DP/do

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

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

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MAR 03 2014

COMMUNITY DEVELOPMENT

February 25, 2014

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

Dear Chairman Pendergrass:

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

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

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

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

Sincerely,

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

Ana Richmond
Comprehensive Planning Manager

AR/mrp

Enclosure(s): Procedures for Adoption

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

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

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

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

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

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

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

_____ Ordinance number and adoption date;

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

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

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

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

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

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

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

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

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

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

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

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

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

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



Southwest Florida Regional Planning Council

1926 Victoria Ave, Fort Myers, Florida 33901-3414 (239) 338-2550 FAX (239) 338-2560 www.swfrpc.org

RECEIVED
MAR 07 2014

COMMUNITY DEVELOPMENT

March 5, 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 14-2ESR

Dear Mr. Eubanks:

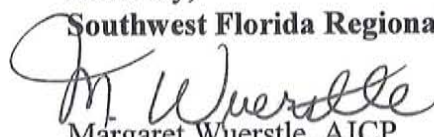
The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendments (DEO 14-2ESR/CPA 2013-07) to the Lee Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendments to the Lee Plan and the staff recommendations at its March 20, 2014 meeting. Council staff has recommended that Council find the requested changes to the Wellfield and Irrigation Overlay 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


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 14-2ESR/CPA 2013-07). 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:

<u>Proposed Amendment</u>	<u>Location</u>	<u>Factors of Regional Significance</u>		
		<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
Wellfield and Irrigation Overlay (CPA 2013-07)	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.

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.

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 GOVERNMENT:

Lee County

DATE AMENDMENT RECIEVED:

January 24, 2014

DATE AMENDMENT MAILED TO LOCAL GOVERNMENT AND STATE:

March 5, 2014

1. AMENDMENT NAME

Wellfield and Irrigation Overlay (CPA 2013-07)

2. DESCRIPTION OF AMENDMENT(S):

This request is a County initiated amendment to remove the two (2) provisions in the Lee Plan. First, based on a request from the South Florida Water Management District (SFWMD) in a letter dated October 16, 2013, the County is removing language in the Plan text that pertains to the permitting authority of the SFWMD. The SFWMD identified in its letter provisions of the Lee Plan that did not conform to Florida Statutes, in that the subject provisions intruded on the District's permitting of the use of water for irrigation purposes from the Lower Tamiami aquifer.

Secondly, the requested amendment updates the map in Lee Plan that identifies the Lee County Utility wells and their associated protection zones. These zones regulate land uses which may have the potential to contaminate the public water supply. Specifically, the changes include deleting the existing Map 13 and updating and renaming Map 8 to "Wellfield Protection Zones.

These text amendments will change Lee Plan Policy 1.7.10, Policy 2.4.2, and Policy 54.1.9 in order to be consistent with the SFWMD request.

The proposed Lee Plan text changes in this amendment request are as follows:

- **Policy 1.7.10**

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

- **Policy 2.4.2**

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

- **Policy 54.1.9**

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

The amendment proposed to delete Policy 1.7.10. This action will remove a conflict between the Lee Plan and the SFWMD in the Estero area and will bring the Lee Plan into conformance with Florida Statute 373.106(4)(a). Lee Plan Policies 1.7.11 through 1.5.15 will be renumbered. Lee Plan Policies 2.4.2 and 54.1.9 both contain references to Policy 1.7.10. The references will be deleted. Lee Plan Policies 2.4.3 and 2.4.4 will be renumbered.

Deleting Lee Plan Map 13 will remove an unnecessary provision of from the Lee Plan. Adoption of an updated Lee Plan Map 8 will keep groundwater protection policies current, will more accurately depict existing and new wells, and will depict ASR well protection zones.

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 groundwater protection 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 addresses the use of significant groundwater resources of the region, but does 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.

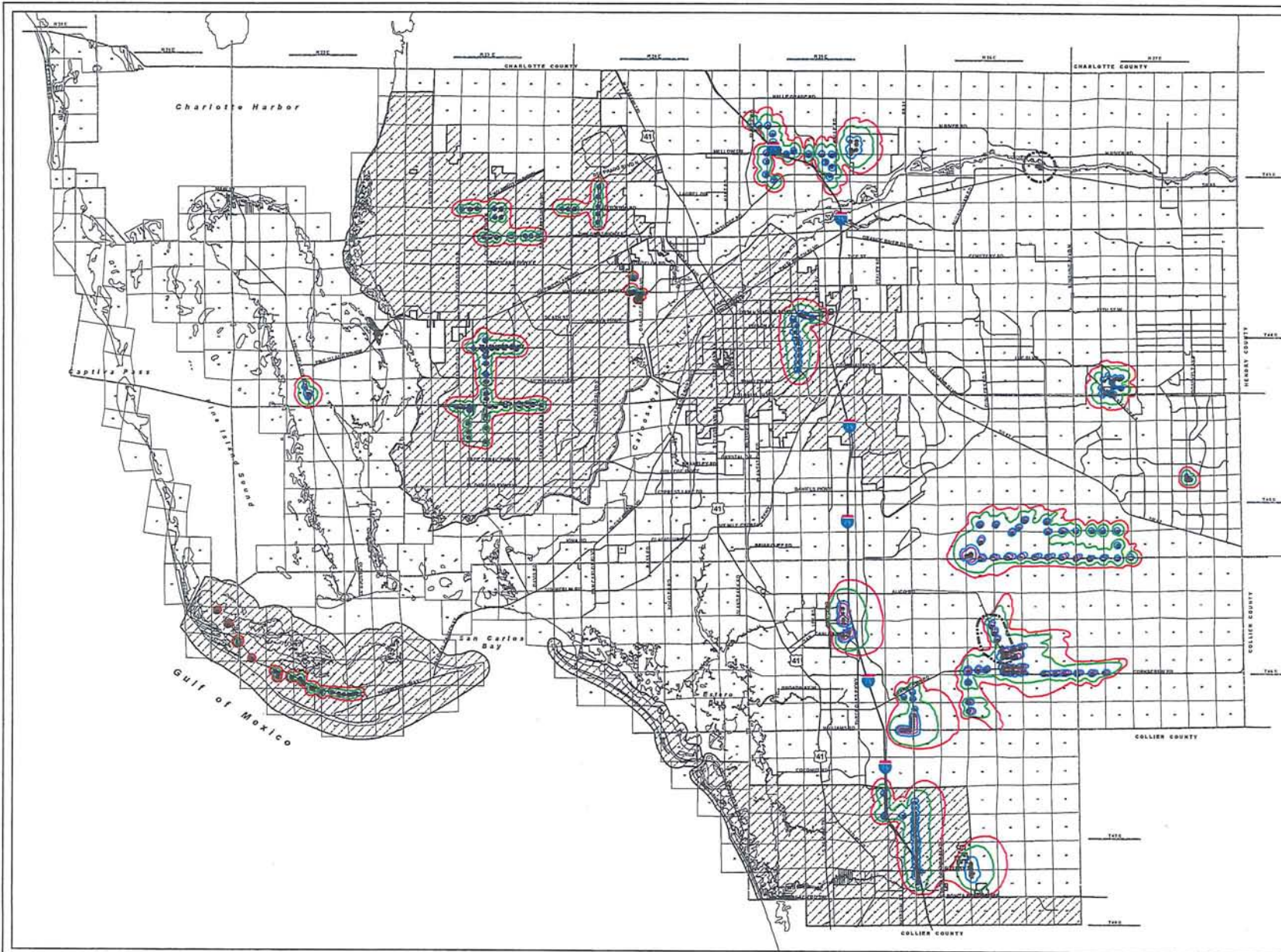
Request a copy of the adopted version of the amendment? Yes No

Attachment III

Maps

**Lee County
DEO 14-2ESR**

Comprehensive Plan Amendments



Wellfield Protection Zones

COMPOSITE ISO-TRAVEL TIME MAP

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

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING

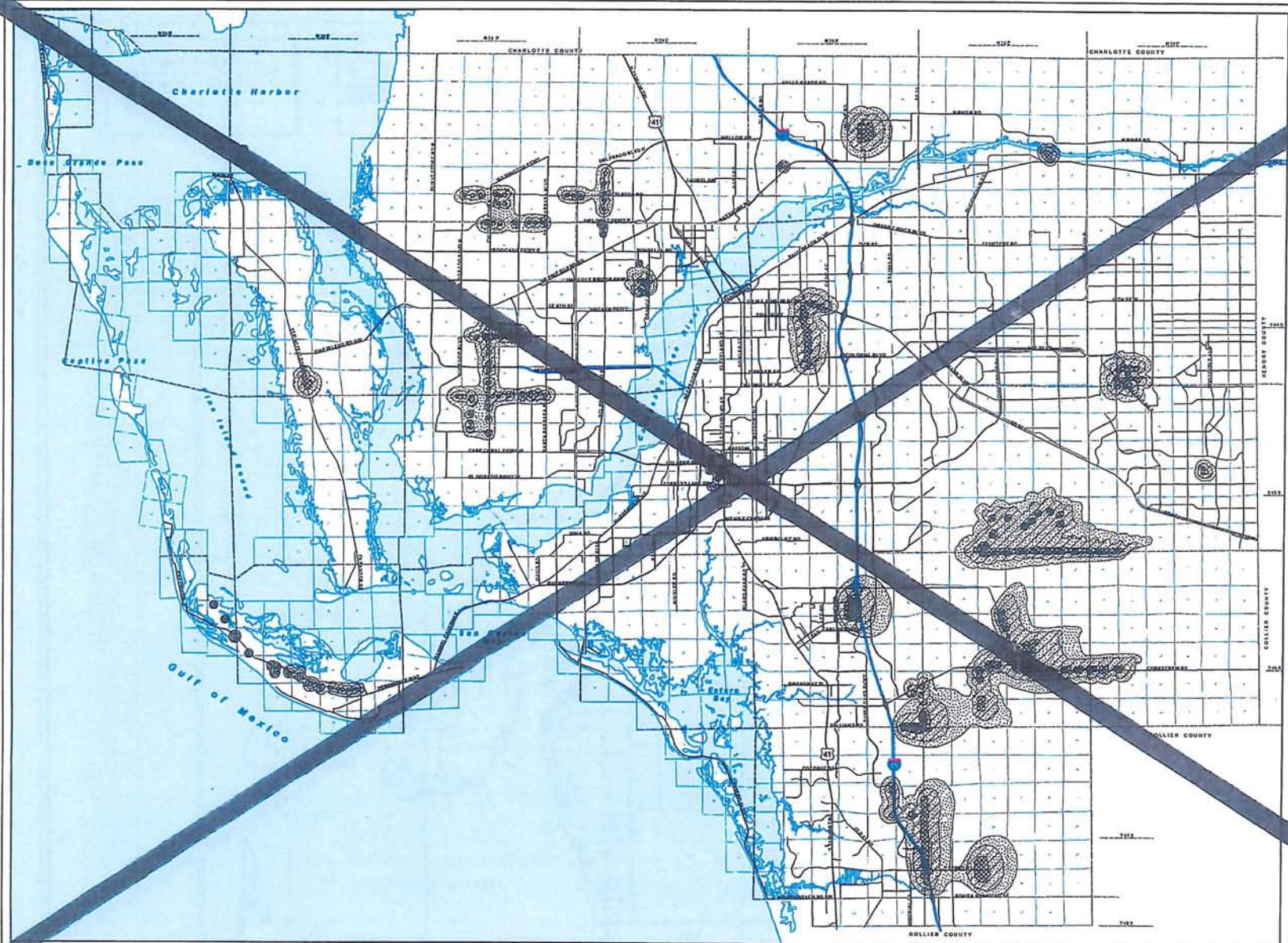


Map Generated: November 2013
City Limits current to date of map generation
Last Amended: August 13, 2007
Amended by Ordinance No. 07-13

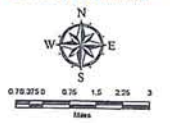
CONES OF INFLUENCE

Travel Times

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

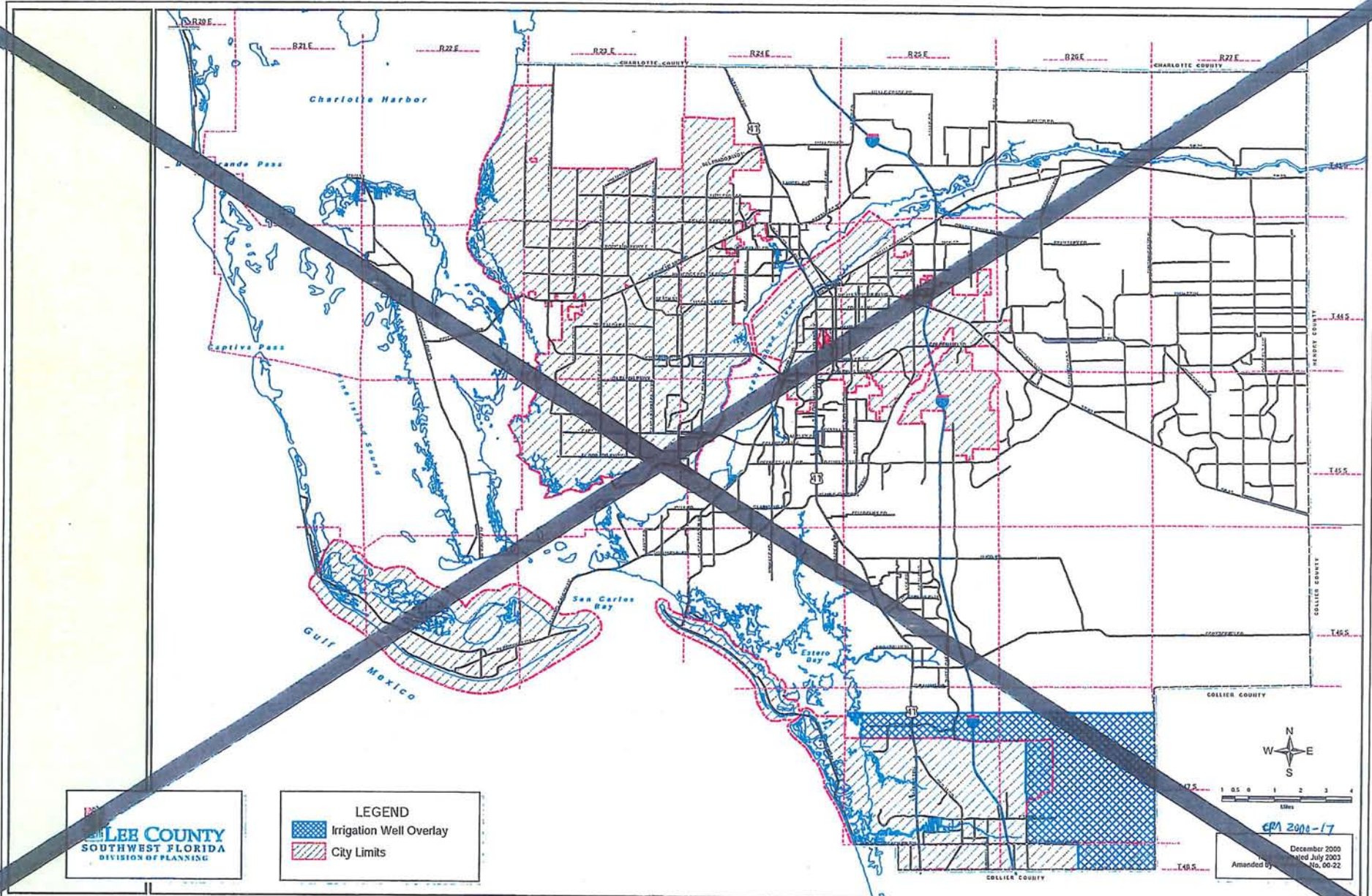


LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING





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



Lee Plan Map




LEE COUNTY
 SOUTHWEST FLORIDA
 DIVISION OF PLANNING

LEGEND

-  Irrigation Well Overlay
-  City Limits



 1 0.5 1 2 3 4
 Miles
 CPA 2000-17
 December 2000
 Repealed July 2003
 No. 00-22
 Amended by

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

FLORIDA DEPARTMENT *of*
ECONOMIC OPPORTUNITY

May 1, 2014

RECEIVED
MAY 05 2014

COMMUNITY DEVELOPMENT

Mr. Paul O'Connor, Director
Lee County Planning Division Director
Post Office Box 398
Ft. Myers, Florida 33902-0398

Dear Mr. O'Connor:

Thank you for submitting the **Lee County's** plan amendment **No. 14-2ESR** adopted by **Ordinance No. 14-10 on April 16, 2014**, for our review pursuant to the Expedited State Review process. The adopted package was received by the Department on **April 30, 2014**.

We have conducted a preliminary inventory of the plan amendment package to verify the inclusion of all required materials. The submission package was determined to be complete on **May 1, 2014**, and your adopted plan amendment will be reviewed pursuant to the process set forth in Chapter 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review.

If you have any questions, please contact Brenda Winningham, Regional Planning Administrator who will be overseeing the review of the amendments at (850) 717-8516.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

cc: Margaret Wuerstle, Executive Director, Southwest Florida RPC



Florida Department of Transportation

RICK SCOTT
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

ANANTH PRASAD, P.E.
SECRETARY

May 9, 2014

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

**RE: CORRECTED Lee County 14-2ESR Adopted Comprehensive Plan Amendment –
FDOT Comments and Recommendations**

Dear Mr. O'Connor:

The Florida Department of Transportation, District One (hereafter the "Department"), has reviewed the Lee County 14-2ESR Adopted Comprehensive Plan Amendment (received by the Department on 4/28/14) 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 Lee County the following comments:

The Department offers **no comment** on Lee County 14-2ESR Adopted Comprehensive Plan Amendment, as this amendment is not anticipated to adversely impact any State highway 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

/BC

Miller, Janet

From: O'Connor, Paul
Sent: Friday, May 16, 2014 11:34 AM
To: Dunn, Brandon; Miller, Janet
Subject: FW: Lee County 14-2ESR Adopted

From: Stahl, Chris [<mailto:Chris.Stahl@dep.state.fl.us>]
Sent: Thursday, May 15, 2014 11:07 AM
To: O'Connor, Paul
Cc: Craig, Kae; DEO Agency Comments
Subject: Lee County 14-2ESR Adopted

To: Paul O'Connor, Lee County Planning Division Director

Re: Lee County 14-2ESR – Expedited Review of 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 would result in adverse impacts to important state resources subject to the Department's jurisdiction. Please feel free to contact me with any questions.

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

Thank you!
cjs



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

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

Rick Scott
GOVERNOR



Jesse Panuccio
EXECUTIVE DIRECTOR

May 30, 2014

RECEIVED
JUN 02 2014

COMMUNITY DEVELOPMENT

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 comprehensive plan amendment adopted by Lee County on April 16, 2014 (Amendment No. 14-2ESR). We have reviewed the amendment in accordance with the expedited state review process set forth in Sections 163.3184(2), (3) and (5), Florida Statutes (F.S.), and have identified no provision that necessitates a challenge of the Ordinance adopting the amendment.

If this plan amendment is not challenged by an affected person, the amendment will become effective 31 days after the Department notified the local government that the plan amendment package was complete. If this plan amendment is challenged by an affected person, the amendment will not become effective until the Department or the Administration Commission enters a final order determining the amendment to be "In Compliance." No development orders, development permits, or land uses dependent on this amendment may be issued or commenced before it has become effective.

We appreciate the opportunity to work with Lee County staff in the review of the amendment. If you have any questions related to this review, please contact Matt Preston, at (850) 717-8490, or by email at matt.preston@deo.myflorida.com.

Sincerely,

William B. Killingsworth
Director, Division of Community Development

WBK/mrp

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