



LEE COUNTY
SOUTHWEST FLORIDA

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May 27, 2008

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Suzanne Lex, Planning Manager
Department of Community Affairs
Division of Resource Planning and Management
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Donald D. Stilwell
County Manager

David M. Owen
County Attorney

Re: Proposed Expansion of North Fort Myers Utility Service Area

Diana M. Parker
County Hearing
Examiner

Dear Ms. Lex:

It has come to my attention that the North Fort Myers Utility, Inc. has applied to the Florida Public Service Commission for an expansion of their service area. This expansion consists of two areas, one to the west of U.S. 41, just north of Del Prado Boulevard, and the other to the east of State Road 31, just north of the Caloosahatchee River. It is this latter expansion, located in Sections 18 and 19, Township 43 South, Range 26 East, that is the subject of this letter. Planning staff objects to this expansion as it is inconsistent with the provisions of the Lee County Comprehensive Plan, the Lee Plan.

The future land use designation of the properties in question is Rural. The Rural future land use category is considered a non-urban area, as described by Lee Plan Objective 1.4. As such these areas are "not anticipated for urban development at this time." Rural is one of the least intensive future land use designations and, as stated in the descriptor policy, "these areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas." The Rural areas are remote from public services and are characterized by agricultural and low-density residential uses.

One central tenant of the Lee Plan is to contain urban sprawl. The plan recognizes that the provision of infrastructure is one way of guiding development decisions. For example, Objective 2.3, Public Provision of Infrastructure, gives the highest priority to the planning, programming, and construction of urban services and facilities in the existing developed areas where facilities are inadequate and second priority to service expansions in existing developed areas, followed by further expansions into other portions of the Future Urban Areas. The Community Facilities and Services element of the plan provides similar guidance. For example, Lee Plan Goal 36: Sanitary Sewer Infrastructure, states that the County encourages "the provision of sewer sanitary service and wastewater treatment and disposal throughout the future urban areas of the unincorporated areas."

While the Lee Plan does not expressly prohibit the extension of a utility's franchise area into non-urban areas it has been the County's long standing policy that sewer service not be provided within these areas of the County.

If I can be of further assistance in this matter, do not hesitate to call me at (239) 533-8309.

Sincerely,

DEPARTMENT OF COMMUNITY DEVELOPMENT



Paul O'Connor, AICP
Director of Planning

*cc: Mary Gibbs, AICP, Director of Community Development
David Owen, County Attorney
Douglas Meurer, Director of Utilities*