



January 27, 2016

John 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 15-4 ESR  
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 CPA2014-01, CPA2015-06, and CPA2015-08. This amendment packet includes the final action and adopting ordinances for the following amendments:

CPA2014-00001, Water Supply Facilities Work Plan: Amend the Lee Plan to incorporate the Lee County Water Supply Facilities Work Plan (Work Plan) as required by Florida Statute (F.S.) 163.3177(6)(c). (Adopted by Ordinance 16-01)

CPA2015-00006, Treeline 200: Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category. (Adopted by Ordinance 16-02)

CPA2015-00008, Capital Improvement Element Update: Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by Florida Statute (F.S.) 163.3177(3)(b). (Adopted by Ordinance 16-03)

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinances for the three plan amendments on January 20, 2016. As required by F.S. 163.3184, the final action on these amendments was completed within 180 days of the receipt of the State Land Planning Agency's review letter.

No additional changes were made to the adopted amendments that the State Land Planning Agency did not previously review.

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 amendments is as follows:

Mr. Brandon Dunn, Principal Planner  
Department of Community Development  
Planning Section  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239) 533-8585  
Fax (239) 485-8344  
Email: bdunn@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

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

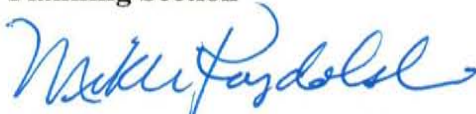
Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
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**  
**Planning Section**



Mikki Rozdolski, Planning Manager

**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 **Teri Halm** 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

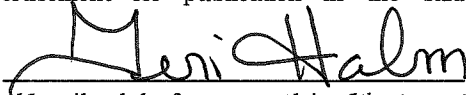
**Legal Notice**

In the matter of: **Notice of Proposed Amendment to the Lee County Comprehensive Land Use Plan – Transmittal Hearing**)

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

**November 6, 2015**

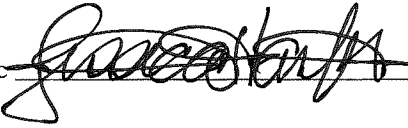
Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida and that said newspaper has heretofore been continuously published in said Lee County, Florida, each day, 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.



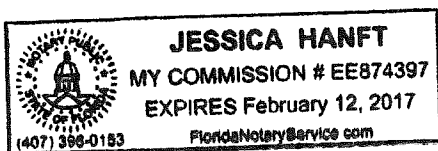
Sworn to and subscribed before me this 6<sup>th</sup> day of November, 2015.

by **Teri Halm**  
personally known to me or who has produced

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

Notary Public 

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



NOTICE OF PROPOSED AMENDMENT  
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, November 18, 2015. 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:

CPA2015-00006, Treeline 200: Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category.

CPA2014-00001, Water Supply Facilities Work Plan: Incorporate the Lee County Water Supply Facilities Work Plan into the Lee Plan as required by Florida Statutes (F.S.) §163.3177(6)(c).

CPA2015-00008, Capital Improvement Element: Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by revised Florida Statute (F.S.) §163.3177(3)(b).

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. Persons with disabilities who need an accommodation to participate in the public hearing should contact Janet Miller at 239-533-8583 or jmiller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711.  
Ad No. 845354 November 6, 2015

Attn: Mikki Rozdolski  
**LCBC-DEPT OF GROWTH MGMT -A**  
**1700 MONROE ST**  
**FORT MYERS, FL 33901**

STATE OF FLORIDA COUNTY OF LEE:  
 Before the undersigned authority personally appeared Shari Terrell, who on oath says that he or she is a 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 Legal Ad in the matter of

Legal Notices

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

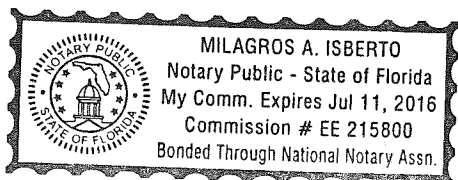
**01/11/16**

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 the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals 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 advertisement; and affiant further says that he or she has never 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.

Sworn to and Subscribed before me this 11th of January 2016, by Shari Terrell who is personally known to me.

*Milagros A. Isberto*

Milagros A. Isberto  
 Notary Public for the State of Florida  
 My Commission expires July 11, 2016



**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 January 20, 2016. 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 an ordinance amending the Lee Plan as follows:

CPA2014-00001, Water Supply Facilities Work Plan: Incorporate the Lee County Water Supply Facilities Work Plan into the Lee Plan as required by Florida Statutes (F.S.) §163.3177(6)(c).

CPA2015-00006, Treenline 200: Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange future land use category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange future land use category.

CPA2015-00008, Capital Improvement Element: Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by revised Florida Statute (F.S.) §163.3177(3)(b).

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. Persons with disabilities who need an accommodation to participate in the public hearing should contact Janet Miller at 239-533-8583 or jmiller@leegov.com. To ensure availability of services, please request accommodation as soon as possible but preferably five or more business days prior to the event. Persons using a TDD may contact Janet Miller through the Florida Relay Service, 711. AD#975914 Jan 11 2016

**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 January 20, 2016. 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 an ordinance amending the Lee Plan as follows:

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**CPA2015-00008**

**CAPITAL IMPROVEMENT**

**ELEMENT**

**LEE COUNTY ORDINANCE NO. 16-03**  
Capital Improvement Plan  
CPA2015-00008

**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 AMENDMENT PERTAINING TO THE CAPITAL IMPROVEMENT PLAN (CPA2015-00008) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; 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 amendment in accordance with Florida Statutes and the Lee County Administrative Code on October 26, 2015 and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on November 18, 2015. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Capital Improvement Plan (CPA2015-00008) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the November 18, 2015 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on January 20, 2016 the Board held a public hearing and adopted the proposed amendment 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 map and text 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 "Capital Improvement Plan Ordinance (CPA2015-00008)."**

## 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 amends Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 known as the Capital Improvement Plan (CPA2015-00008).

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: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

## SECTION FIVE: 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 SIX: 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 SEVEN: 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 EIGHT: EFFECTIVE DATE

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

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

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



DONE AND ADOPTED this 20<sup>th</sup> day of January, 2016.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: *Linda Doggett*  
Deputy Clerk

BY: *Franklin B. Mann*  
Franklin B. Mann, Chair



DATE: 1/20/2016

Approved as to Form for the  
Reliance of Lee County Only

*[Signature]*  
County Attorney's Office

Exhibit A: Text Amendments

**Text Amendments:**

**POLICY 95.1.1: CAPITAL IMPROVEMENTS PROGRAM (CIP).** ~~The county will annually prepare and adopt a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The county will also annually evaluate and update this Capital Improvements element to incorporate the schedule of capital improvements adopted as part of the annual operating budget. The schedule must show all public facility projects to be undertaken during the ensuing five-year period.~~ The following policies will govern the development of the CIP:

## a. Preparation of the CIP:

1. Each county department having responsibility for public facilities for which levels of service have been set under this plan will annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department will prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.
3. A proposed CIP will be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP will be "balanced" (i.e., proposed expenditures will not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP will be a report of the projects designated as needed, but which cannot be funded.
4. ~~The proposed CIP will be reviewed by the Local Planning Agency (LPA), which will consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the county.~~
54. ~~The proposed CIP, along with the report of the Local Planning Agency, will be reviewed by the Board of County Commissioners. The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget~~

must be consistent with the first year of the adopted CIP. The schedule of capital improvements adopted as part of the annual operating budget will be incorporated into the Lee Plan annually by ordinance.

65. The adopted CIP will may be reviewed by the Board of County Commissioners during periodic public meetings, ~~to be held at least quarterly, called to discuss the status of CIP projects. Staff will be required to provide the Board with a status report on all ongoing CIP projects prior to these meetings.~~ The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general. ~~Where an amendment to the CIP affects the first year, the annual operating budget will also be amended so as to remain consistent with the CIP.~~
76. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program will be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

b. Priorities for the CIP:

Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects that are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the county's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas; and
5. Projects that provide new or additional facility capacity for undeveloped Future Urban areas.

For the purpose of ranking projects in categories 4 - 5 that fall into the same category, the following will be considered:

- (a) Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4, 38.2.6, 40.2.2, 40.2.6, 76.1.2, and 109.1.3; and

- (b) Whether the facility is needed to satisfy a regulatory or a non-regulatory level of service requirement in this element.

Other factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

- (a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;
- (b) The revenue-generating potential of the project;
- (c) Offers of donations of lands and/or services by the private sector and/or other governmental entities; and
- (d) The size and number of similar projects in each of the county's planning and commission districts.

c. Effect of the CIP:

1. After adoption of the CIP, no public facility project will be constructed by the county, nor will land be acquired for such project, except in conformity with the adopted CIP.
2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the CIP. Any CIP amendment which delays or cancels a project should only be made after consideration of:
  - (a) Changes in facility needs based on more up-to-date population projections;
  - (b) Changes in revenues compared with previous projections; and
  - (c) Changes in adjusted level of service standards.
3. The county will consider and may accept dedication of facilities contributed to the county. Where contributed facilities are not provided by county funds, they need not be included in the CIP prior to acceptance. The county may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System. (Amended by Ordinance No. 94-30, 00-22, 07-16)

**No amendments proposed to Policy 95.1.2 to Policy 95.1.4**

**POLICY 95.1.5:** In accordance with Florida Statute §163.3177(3)–Section 9J-5.016(4)(a)1., Florida Administrative Code, Table 3 contains a schedule of capital improvements, extracted from the most recently adopted CIP and incorporated into the Lee Plan by ordinance. ~~Lee County Capital Improvements Program.~~ This

schedule provides, by operating department and type of improvement, a list of projects identified by project number and descriptive name, with the proposed annual budget and five-year total expenditures. Table 3A provides the location of the project by Planning District, the plan criteria by CIE-priority numbers established in (from Policy 95.1.1(b)), and specific references to the Lee Plan policies which require or encourage the proposed capital project. (Amended by Ordinance No. 94-30)

**POLICY 95.1.6:** In accordance with Florida Statute §163.3177(3) Section 9J-5.016(4)(a)2., ~~Florida Administrative Code~~, Table 3 is hereby provided as the required list of projected costs and revenue sources by the type of public facility. Additional information may be obtained by consulting the annual update of the Lee County Capital Improvements Program or the Lee County annual fiscal year budget document. (Amended by Ordinance No. 94-30)

**No amendments proposed to Objective 95.2 to Objective 95.5**

**POLICY 95.5.1:** The County will annually incorporate by ordinance into the Capital Improvements Element the School District's annually adopted Five-Year Capital Facilities Plan. ~~The County adopts by reference the Lee County School District 2008-2009 Work Plan adopted by the Lee County School District on September 23, 2008.~~ (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

**POLICY 95.5.2:** The County, in conjunction with the School District, will annually review the Public School Community Facilities and Services Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period. (Added by Ordinance No. 08-17)

STATE OF FLORIDA

COUNTY OF LEE

I, LINDA DOGGETT, Clerk of Circuit Court, Lee County, Florida, and ex-officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the attached Lee County Ordinance No. 16-03 is a true and correct copy of the Ordinance adopted by the Board of Lee County Commissioners at their meeting held on the 20<sup>th</sup> day of January, 2016.

GIVEN under my hand and seal at Fort Myers, Florida, this 22nd day of January, 2016.



LINDA DOGGETT  
Clerk of Circuit Court  
Lee County, Florida

By: Joyce Townsend  
Deputy Clerk



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**COMPREHENSIVE PLAN  
AMENDMENT**

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**CPA2015-08  
CAPITAL IMPROVEMENTS  
ELEMENT UPDATE**

**County-Initiated Amendment**

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**Board of County Commissioners  
Adoption Document**

**1/20/2016**

**LEE COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT  
PLANNING SECTION**

**STAFF REPORT  
COMPREHENSIVE PLAN AMENDMENT  
CPA2015-08**

**Text Amendment**

**Map Amendment**

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

Staff Report Publication Date: October 16, 2015

**PART I  
APPLICATION SUMMARY**

**A. PROJECT NAME:**

Capital Improvements Element Update

**B. APPLICANT:**

Lee County Board of County Commissioners

**C. REPRESENTATIVE:**

Lee County Department of Community Development, Planning Section

**D. PROPOSED LEE PLAN AMENDMENTS:**

Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by revised Florida Statute (F.S.) §163.3177(3)(b).



## PART II STAFF DISCUSSION AND ANALYSIS

The Lee Plan is required to have a Capital Improvements Element that includes a schedule of the capital improvements which are to be funded. The schedule is determined by the Capital Improvement Program (CIP) – a five-year plan of all public facility development projects to be undertaken based on facilities needed to meet current and projected deficiencies. Capital improvements are defined by the Lee Plan as the acquisition of land, real property, a physical facility, or the construction of a physical facility. Capital improvements include major infrastructure facilities such as roads, bridges, parks, libraries, utilities, and general government facilities. The Lee County Board of County Commissioners (BOCC) adopt the CIP in conjunction with the county's annual operating budget. The following tables constitute the state required schedule of capital improvements to be incorporated into the Lee Plan:

- **Table 3: Total Project List.** A list of the funding for various Lee County projects over the next five years. These projects are nominated by various departments to meet projected level of service needs and are approved by the BOCC as part of the annual budget. Some projects address existing deficiencies while others are intended to address projected deficiencies during the ensuing five-year period.
- **Table 3(a): Lee County School District Five-Year Capital Improvement Program.** The five-year work plan of the Lee County School District that identifies their capital needs and is annually adopted by the Lee County School Board.
- **Table 4: Total Revenue and Project Summary.** A summary of the total revenue and expenditures for the projects listed in Table 3.

Following adoption of the CIP, to keep the Lee Plan consistent with the CIP, a separate county-initiated Lee Plan amendment has historically been required to incorporate these tables into the Lee Plan. In 2011 F.S. 163.3177(3)(b) was amended to allow the adopted five-year capital improvement schedule to be incorporated into the Lee Plan by ordinance as opposed to a separate county-initiated Lee Plan amendment. The statute states that *“modification to update the 5-year capital improvement schedule may be accomplished by ordinance and may not be deemed to be amendments to the local comprehensive plan.”* Incorporating the CIP into the Lee Plan by ordinance eliminates superfluous reviews of the already adopted capital improvement schedule and thereby streamlines the process. The proposed amendments to Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 will align the procedures of the Lee Plan with those allowed by the state. The proposed amendments to the Capital Improvements Element Policies are identified in Attachment 1.

**PART III**  
**CONCLUSIONS, FINDINGS OF FACT, AND RECOMMENDATION**

**CONCLUSIONS:**

The amendments to the Capital Improvements Element will simplify the process for incorporating into the Lee Plan the CIP tables adopted by the annual operating budget by the BOCC. The proposed amendments, as identified in Attachment 1, will allow future incorporation of updated CIP tables into the Lee Plan consistent with the process allowed by F.S. 163.7177(3)(b).

**FINDINGS OF FACT:**

Based on the analysis provided in this report, staff makes the following findings of fact:

- F.S. §163.3177 requires that each local government adopt a Capital Improvements Element.
- F.S. §163.7177(3)(b) provides that modifications to update the five-year capital improvement schedule may be accomplished by ordinance rather than a plan amendment.
- The proposed amendments will streamline the process for incorporating updated CIP tables into the Lee Plan consistent with Florida Statutes.

**STAFF RECOMMENDATION:**

Staff recommends that the Board of County Commissioners **adopt** the proposed amendments to Policy 95.1.1, Policy 95.1.5, Policy 95.1.6, Policy 95.5.1 and Policy 95.5.2 as identified Attachment 1 to this staff report.

**PART IV  
LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: October 26, 2015

**A. LOCAL PLANNING AGENCY REVIEW:**

Following a brief presentation concerning the proposed amendment, one LPA member asked what role the LPA would have in the CIP process. Staff replied that the LPAs role has been eliminated consistent with state statute. The LPA discussed the importance of providing an additional public forum for review of the CIP. As an alternative, the LPA requested that the CIP be made an agenda item for their review prior to its adoption by the Board of County Commissioners.

**A motion was made to recommend that the Board not transmit the proposed amendment. The motion was called and passed by a 5 to 0 vote.**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

1. **RECOMMENDATION:** The Local Planning Agency voted to recommend that the Board of County Commissioners NOT transmit the proposed amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA stated that the amendment would reduce public opportunities to participate in the CIP process.

**C. VOTE:** To not transmit: **5-0**

<b>NOEL ANDRESS</b>	<u>          <b>AYE</b>          </u>
<b>TIMOTHY BROWN</b>	<u>          <b>AYE</b>          </u>
<b>DENNIS CHURCH</b>	<u>          <b>ABSENT</b>          </u>
<b>JIM GREEN</b>	<u>          <b>AYE</b>          </u>
<b>RICK JOYCE</b>	<u>          <b>AYE</b>          </u>
<b>DAVID MULICKA</b>	<u>          <b>AYE</b>          </u>
<b>GARY TASMAN</b>	<u>          <b>ABSENT</b>          </u>

**D. Staff response to the LPA Recommendation:**

Staff continues to support the initial staff recommendation, and recommends that the Board of County Commissioners transmit the proposed amendment to the Capital Improvement Element.

**PART V  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: November 18, 2015

**A. BOARD REVIEW:**

Staff gave a brief presentation and made a recommendation that the BoCC transmit the proposed amendment.

No members of the public were present; therefore, no public comment was heard.

**A motion was made that the BOCC transmit staff's recommendation. The motion was called and 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.

**C. VOTE:**

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

**PART VI**  
**STATE REVIEWING AGENCIES OBJECTIONS,**  
**RECOMMENDATIONS AND COMMENTS**

DATE OF REVIEWING AGENCY COMMENTS: Comments from the State Reviewing Agencies were due to Lee County by December 30, 2015.

**A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

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

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 amendment to the Lee Plan as transmitted.

**PART VII  
BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: January 20, 2016

**A. BOARD REVIEW**

Staff gave a brief presentation and made a recommendation that the BoCC adopt the proposed amendment.

No members of the public were present; therefore, no public comment was heard.

**A motion was made that the BOCC adopt staff's recommendation. The motion was called and 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:**

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

**Text Amendments:**

**POLICY 95.1.1: CAPITAL IMPROVEMENTS PROGRAM (CIP).** ~~The county will annually prepare and adopt a Capital Improvements Program showing all public facility development projects to be undertaken during the ensuing five-year period. The county will also annually evaluate and update this Capital Improvements element to incorporate the schedule of capital improvements adopted as part of the annual operating budget. The schedule must show all public facility projects to be undertaken during the ensuing five-year period.~~ The following policies will govern the development of the CIP:

## a. Preparation of the CIP:

1. Each county department having responsibility for public facilities for which levels of service have been set under this plan will annually review existing facilities, level-of-service standards, and current and projected deficiencies using the level-of-service standards contained in this plan, the established minimum geographic units for each facility, and the latest population projections from the Planning Division. Based on identified current and projected deficiencies, each department will prepare a capital improvements program based on facilities needed to meet these deficiencies.
2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.
3. A proposed CIP will be presented by the County Administrator in conjunction with the presentation of the proposed annual operating budget. The proposed CIP will be "balanced" (i.e., proposed expenditures will not be greater than the amount of revenues available to fund the expenditures, on a fund-by-fund basis). Attached to the proposed balanced CIP will be a report of the projects designated as needed, but which cannot be funded.
4. ~~The proposed CIP will be reviewed by the Local Planning Agency (LPA), which will consider the consistency of the proposal with the Comprehensive Plan and the effect of the CIP on the growth management objectives of the county.~~
54. ~~The proposed CIP, along with the report of the Local Planning Agency, will be reviewed by the Board of County Commissioners.~~ The Board of County Commissioners will by resolution adopt a CIP at approximately the same time as the adoption of the annual operating budget. The annual operating budget

must be consistent with the first year of the adopted CIP. The schedule of capital improvements adopted as part of the annual operating budget will be incorporated into the Lee Plan annually by ordinance.

65. The adopted CIP ~~will~~ may be reviewed by the Board of County Commissioners during periodic public meetings, ~~to be held at least quarterly, called to discuss the status of CIP projects. Staff will be required to provide the Board with a status report on all ongoing CIP projects prior to these meetings.~~ The Board may amend the CIP at these meetings by resolution after making findings of fact that the amendment is consistent with the priorities in this policy and with the Lee Plan in general. ~~Where an amendment to the CIP affects the first year, the annual operating budget will also be amended so as to remain consistent with the CIP.~~
76. All estimates of facility or service demand used to develop specific facility plans or any annual update of the capital improvements program will be based on the specific volume and location of demand represented by developments for which local and DRI Development Orders were issued prior to the effective date of this plan, as well as more general estimates of population and land use intensity.

b. Priorities for the CIP:

Where needs based on current and/or projected deficiencies exceed revenues projected to be available, projects will be included according to certain priorities which are listed below. In addition, these priorities will be considered in reviewing proposals to amend the CIP.

1. Projects that remove a direct and immediate threat to the public health or safety;
2. Projects that are directed by a court order or otherwise by law;
3. Projects that are essential for the maintenance of the county's investment in existing infrastructure;
4. Projects that remove a service level deficiency that affects developed areas; and
5. Projects that provide new or additional facility capacity for undeveloped Future Urban areas.

For the purpose of ranking projects in categories 4 - 5 that fall into the same category, the following will be considered:

- (a) Priorities found elsewhere in this plan, including, but not limited to, Objective 2.3 and Policies 36.1.5, 37.3.3, 38.1.7, 38.2.1, 38.2.4, 38.2.6, 40.2.2, 40.2.6, 76.1.2, and 109.1.3; and



- (b) Whether the facility is needed to satisfy a regulatory or a non-regulatory level of service requirement in this element.

Other factors that may be considered in ranking projects that are otherwise equal in priority include (in no particular order of significance):

- (a) Whether the project competes with other facilities that have been or could reasonably be provided by other governmental entities or the private sector;
- (b) The revenue-generating potential of the project;
- (c) Offers of donations of lands and/or services by the private sector and/or other governmental entities; and
- (d) The size and number of similar projects in each of the county's planning and commission districts.

c. Effect of the CIP:

1. After adoption of the CIP, no public facility project will be constructed by the county, nor will land be acquired for such project, except in conformity with the adopted CIP.
2. It is the intent of this plan to actively pursue the development of any public facility project once it has been included in the CIP. Any CIP amendment which delays or cancels a project should only be made after consideration of:
  - (a) Changes in facility needs based on more up-to-date population projections;
  - (b) Changes in revenues compared with previous projections; and
  - (c) Changes in adjusted level of service standards.
3. The county will consider and may accept dedication of facilities contributed to the county. Where contributed facilities are not provided by county funds, they need not be included in the CIP prior to acceptance. The county may, however, establish procedures for including contributed facilities in the CIP where inclusion in the CIP is a requirement of the Concurrency Management System. (Amended by Ordinance No. 94-30, 00-22, 07-16)

**No amendments proposed to Policy 95.1.2 to Policy 95.1.4**

**POLICY 95.1.5:** In accordance with Florida Statute §163.3177(3) ~~Section 9J-5.016(4)(a)1.~~, ~~Florida Administrative Code~~, Table 3 contains a schedule of capital improvements, extracted from the most recently adopted CIP and incorporated into the Lee Plan by ordinance. ~~Lee County Capital Improvements Program.~~ This

schedule provides, by operating department and type of improvement, a list of projects identified by project number and descriptive name, with the proposed annual budget and five-year total expenditures. Table 3A provides the location of the project by Planning District, the plan criteria by ~~CIE~~ priority numbers established in (from Policy 95.1.1(b)), and specific references to the Lee Plan policies which require or encourage the proposed capital project. (Amended by Ordinance No. 94-30)

**POLICY 95.1.6:** In accordance with Florida Statute §163.3177(3) Section 9J-5.016(4)(a)2., ~~Florida Administrative Code~~, Table 3 is hereby provided as the required list of projected costs and revenue sources by the type of public facility. Additional information may be obtained by consulting the annual update of the Lee County Capital Improvements Program or the Lee County annual fiscal year budget document. (Amended by Ordinance No. 94-30)

### **No amendments proposed to Objective 95.2 to Objective 95.5**

**POLICY 95.5.1:** The County will annually incorporate by ordinance into the Capital Improvements Element the School District's annually adopted Five-Year Capital Facilities Plan. ~~The County adopts by reference the Lee County School District 2008-2009 Work Plan adopted by the Lee County School District on September 23, 2008.~~ (Added by Ordinance No. 08-17; Amended by Ordinance No. 08-27)

**POLICY 95.5.2:** The County, in conjunction with the School District, will annually review the Public School Community Facilities and Services Element and maintain a long-range public school facilities map series, including the existing schools and ancillary facilities and the planned general location of schools and ancillary facilities for the five-year planning period and the long-range planning period. (Added by Ordinance No. 08-17)

Rick Scott  
GOVERNOR



Jesse Panuccio  
EXECUTIVE DIRECTOR

RECEIVED  
DEC 28 2015

COMMUNITY DEVELOPMENT

December 22, 2015

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

Dear Chairman Turner:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 15-4ESR), which was received on November 30, 2015. 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](mailto:scott.rogers@deo.myflorida.com).

Sincerely,

A handwritten signature in black ink, appearing to read 'J.A. Dennis', with a large, stylized flourish at the end.

Julie A. Dennis, Interim Director  
Division of Community Development

JD/sr

Enclosure: Procedures for Adoption

cc: Mikki Rozdolski, Planning Manager, Lee County Department of Community Development  
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.

**Miller, Janet**

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**From:** Dunn, Brandon  
**Sent:** Monday, December 28, 2015 4:25 PM  
**To:** Miller, Janet  
**Cc:** Sweigert, Rebecca; Wegis, Howard  
**Subject:** FW: Lee County, DEO # 15-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Here is correspondence from SFWMD about the proposed Water Supply Facilities Work Plan amendment (CPA2014-01)

*Brandon D. Dunn*, Principal Planner

Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]  
**Sent:** Monday, December 28, 2015 3:19 PM  
**To:** Rozdolski, Mikki  
**Cc:** Dunn, Brandon; Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Scott Rogers ([scott.rogers@deo.myflorida.com](mailto:scott.rogers@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret (swfrpc.org)  
**Subject:** Lee County, DEO # 15-4ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package updates to the Water Supply Facilities Work Plan, General Interchange land use category uses, and policies in the Capital Improvements Element. The District offers the following technical assistance comment that we request the County consider prior to adopting the amendment:

- Include a policy in the Comprehensive Plan adopting the Town's updated Work Plan by reference (Section 163.3177(1)(b) F.S.). The Statute states: "The reference must identify the title and author of the document and indicate clearly what provisions and edition of the document is being adopted." The District has drafted the following example draft policy for use by local governments in adopting Work Plans by reference:
- "[The Local Government] hereby adopts by reference the Water Supply Facilities Work Plan (Work Plan), dated xxxx, for a planning period of not less than 10 years. The Work Plan addresses issues that pertain to water supply facilities and requirements needed to serve current and future development within the [Local Government's] water service area. [The Local Government] shall review and update the Work Plan at least every five (5) years within 18 months after the governing board of the water management district approves an updated regional water supply plan. Any changes affecting the Work Plan shall be included in the annual Capital Improvements Plan update to ensure consistency between the Work Plan and the Capital Improvements Element."

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](mailto:doblaczy@sfwmd.gov).

Sincerely,

Deb Oblaczynski  
Policy & Planning Analyst  
Water Supply Implementation Unit  
South Florida Water Management District  
3301 Gun Club Road  
West Palm Beach, FL 33406  
(561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov)

We value your opinion. Please take a few minutes to share your comments on the service you received from the District by clicking on this [link](#).

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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.



## Miller, Janet

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**From:** Dunn, Brandon  
**Sent:** Tuesday, December 22, 2015 1:26 PM  
**To:** Miller, Janet  
**Cc:** Rozdolski, Mikki; Sweigert, Rebecca; Wegis, Howard; Blackwell, Peter  
**Subject:** FW: Lee County 15-4ESR Proposed

Please find below for correspondence from Florida DEP concerning the following plan amendments.

CPA2014-00001  
CPA2015-00006  
CPA2015-00008

*Brandon D. Dunn*, Principal Planner  
Lee County Department of Community Development  
Planning Section  
[bdunn@leegov.com](mailto:bdunn@leegov.com)  
239.533.8585

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**From:** Ray, Suzanne E. [<mailto:Suzanne.E.Ray@dep.state.fl.us>]  
**Sent:** Tuesday, December 22, 2015 1:21 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@DEO.myflorida.com](mailto:DCPexternalagencycomments@DEO.myflorida.com)  
**Subject:** Lee County 15-4ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 15-4ESR – 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.

Feel free to contact me at [Suzanne.e.ray@dep.state.fl.us](mailto:Suzanne.e.ray@dep.state.fl.us) or (850) 245-2172 for assistance or additional information. Please send all amendments, both proposed and adopted, to [plan.review@dep.state.fl.us](mailto:plan.review@dep.state.fl.us) or

Florida Department of Environmental Protection  
Office of Intergovernmental Programs, Plan Review  
3900 Commonwealth Blvd., MS 47  
Tallahassee, FL 32399-3000

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

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December 17, 2015

VIA EMAIL (bdunn@leegov.com)

Lee County Planning Division  
Mr. Brandon Dunn  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20151130-669  
Lee County CPA2014-00001, CPA2015-00006, CPA2015-00008  
Submission dated November 23, 2015

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on November 30, 2015 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 15-4 ESR)

1400 Colonial Blvd., Suite 1  
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817  
www.swfRPC.org

December 11, 2015

RECEIVED  
DEC 21 2015

COMMUNITY DEVELOPMENT

Ms. Mikki Rozdolski  
Planning Manager  
Department of Community Development  
P.O. Box 398  
Fort Myers, Florida 33902-0398

**Re: Lee County CPA2014-01, CPA2015-06, CPA2015-08 / DEO 15-4ESR**

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 15-4ESR) to the Lee County Comprehensive 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 amendment and the staff recommendations at its January 21, 2016 meeting. Council staff is recommending that the request be found not regionally significant. Council staff also finds that the proposed changes are consistent with the SRPP and do not produce extra-jurisdictional impacts that are inconsistent with the Comprehensive Plans of other local governments.

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. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS  
LEE COUNTY**

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 15-4ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. 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>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
DEO 15-4ESR	No	No	No	(1) Not regionally significant (2) 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.**

LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 15-4ESR)

RECEIVED: NOVEMBER 30, 2015

**Summary of Proposed Amendment**

CPA2014-00001, Water Supply Facilities Work Plan: Amend the Lee Plan to incorporate the Lee County Water Supply Facilities Work Plan (Work Plan) as required by Florida Statute (F.S.) 163.3177(6)(c). The current Work Plan identifies the need for the following Lee Plan amendments to Policies 2.4.3, 53.1.11, 54.1.3, 54.1.1, 55.1.3 and 117.2.1, Objective 117.2, Standards 11.1.7 and 11.2.6, the Glossary, and Table 6:

- Remove references to Florida Administrative Code (F.A.C) 9J-5;
- Coordinate updates of Lee Plan Table 6 with updates of the Capital Improvement Program tables;
- Include new policies to allow expansion of water and sewer service to protect public health, safety and welfare; and
- Define “Florida Friendly Landscape” in the Glossary and replace the term Xeriscape with the term Florida Friendly Landscape, consistent with terminology used by State agencies.

CPA2015-00006, Treeline 200: Amend Lee Plan Policy 1.3.2 and Table 1(a) to allow for multi-family residential uses within the General Interchange Future Land Use Category. Amend Table 1(b), Year 2030 Allocations, to accommodate residential development within the General Interchange Future Land Use Category.

The proposed amendment will affect the uses allowed in the General Interchange Future Land Use Category. The General Interchange FLU Category has been included in the Lee Plan since 1984 with the same language that exists today. However, between the years 1996 and 2000, the General Interchange future land use category was amended to allow residential uses.

This language was removed from the General Interchange Category by Ordinance 99-18 which became effective on January 19, 2000. The residential use and criteria were relocated to a newly created “Mixed-Use Interchange” Future Land Use Category. The Mixed-Use Interchange Category was deleted from the Lee Plan in 2002 by Ordinance 02-02. Lee County has not allowed residential uses in any of the Interchange categories since that time.

There are currently approximately 740 acres in the General Interchange Future Land Use Category within unincorporated Lee County located near the I-75 intersections at Daniels Road, Bonita Beach Road, and Bayshore Road

CPA2015-00008, Capital Improvement Element Update: Amend Lee Plan Capital Improvement Element Policies 95.1.1, 95.1.5, 95.1.6, 95.5.1 and 95.5.2 to allow future revisions to Lee Plan Tables 3, 3(a), and 4 by ordinance as permitted by Florida Statute (F.S.) 163.3177(3)(b).

The amendments to the Capital Improvements Element will simplify the process for incorporating the Capital Improvement Program tables adopted by the annual operating budget by the BOCC into the Lee Plan.

**Regional Impacts**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant regional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

**Extra-Jurisdictional Impacts**

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan Amendments do not directly produce any significant extra-jurisdictional impacts to regional counties and cities that would be inconsistent with the Comprehensive Plan of any other local government within the region.

**Conclusion**

No adverse effects on regional resources or facilities and no extra-jurisdictional impacts have been identified. Staff finds that this project is not regionally significant.

**Recommended Action**

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