



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

LEE COUNTY ZONING
And
COMPREHENSIVE PLAN AMENDMENT HEARING
AGENDA

Wednesday, June 20, 2018
9:30AM

DRI2018-00004
Z-18-019

THE SUMMIT CHURCH

CPA2017-00010

COMM. PLANNING ADMIN. UPDATE - ADOPTION

CPA2018-00001

CONSERVATION LANDS UPDATE - ADOPTION

NOTICE OF PUBLIC HEARING

The Lee County Board of County Commissioners will hold a public hearing at 9:30 am on Wednesday, June 20, 2018 in the Board Chambers at 2120 Main St., Ft. Myers, FL, to review the written recommendations made by Lee County Zoning Staff and make a final decision on the case below.

DRI2018-00004 / THE SUMMIT CHURCH

Applicant, in compliance with Florida Statute §380.115(1)(b), seeks the rescission of Lee County Zoning Resolution No. Z-05-098 previously approving a 10-acre Development of Regional Impact (DRI) known as The Summit Church DRI (State DRI#07-0405-168). Located at 19601 Ben Hill Griffin Pkwy., San Carlos Planning Community, Lee County, FL.

Copies of the application and the staff report may be obtained or the file reviewed at the Zoning Section, 1500 Monroe St., Ft. Myers, FL. Telephone 239-533-8585 for additional information.

This meeting is open to participation by the public. If a participant decides to appeal a decision made by the Board of County Commissioners with respect to any matter considered at this hearing, a verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, 239-533-2314, Florida Relay Service 711, or jlguardia@leegov.com, at least 5 business days in advance.

**NOTICE OF PROPOSED AMENDMENT TO THE
LEE COUNTY COMPREHENSIVE LAND USE PLAN
(ADOPTION HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider the adoption of proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, June 20, 2018. 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:

CPA2017-00010 Community Planning Administrative Update – Amend the Lee Plan Future Land Use Element to: create two subelements titled Growth Management and Community Planning; locate the community plan goals to the Community Planning subelement; revise the community plan goals as necessary for consistency and clarity; provide a definition for Community Plan and a single policy for all community plan areas regarding public information meetings and community plan boundaries; and delete Goal 19 relating to Estero. Amend the following Lee Plan Future Land Use Maps to reflect municipal incorporations and annexations: Map 1 (Pages 1, 2, 4, and 6) and Map 15.

CPA2018-00001 Conservation Lands Update – Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category. The properties are located in the following Lee County Preserves: Alva Scrub Preserve, Buckingham Trails Preserve, Buttonwood Preserve, Caloosahatchee Creeks Preserve, Orange River Preserve, Pine Island Flatwoods Preserve, Telegraph Creek Preserve, and West Marsh Preserve.

Copies of this Notice and the proposed ordinance are available for inspection or copying during regular business hours at the Minutes Office of the Clerk of Courts of Lee County, located in the Courthouse Administration Building, 2115 Second Street, Fort Myers, Florida. 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.

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.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or jla Guardia@leegov.com, at least five business days in advance.

CPA2018-00001

Conservation Lands Update

Summary Sheet

Conservation Lands Update, CPA2018-01

Purpose:

Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category. The properties are located in the following Lee County Preserves: Alva Scrub Preserve, Buckingham Trails Preserve, Buttonwood Preserve, Caloosahatchee Creeks Preserve, Orange River Preserve, Pine Island Flatwoods Preserve, Telegraph Creek Preserve, and West Marsh Preserve.

Public Comments:

There was no public comment concerning the proposed amendment at the LPA Hearing.

LPA Motion:

The LPA voted to recommend that the Board of County Commissioners **transmit** CPA2018-01 as recommended by staff. The motion was passed 7 to 0.

Transmittal Hearing:

A motion was made to **transmit** CPA2018-01 as recommended by staff and the LPA. The motion was passed 5 to 0.

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

Public Comments:

There have been no public comments.

State Reviewing Agency Objections, Recommendations, and Comments:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Agriculture and Consumer Services,
- Florida Department of Economic Opportunity,
- Florida Fish and Wildlife Conservation Commission (FWC), and
- Southwest Florida Regional Planning Council.

There were no objections or comments concerning the proposed amendments.

Staff Recommendation:

Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

LEE COUNTY ORDINANCE NO. 18-**

Conservation Lands Update
(CPA2018-00001)

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 CONSERVATION LANDS UPDATE (CPA2018-00001) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; 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”) 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 February 26, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 4, 2018. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Conservation Lands Update (CPA2018-00001) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 4, 2018 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on June 20, 2018, 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 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 "Conservation Lands Update Ordinance (CPA2018-00001)."**

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 the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category.

The corresponding Staff Reports and Analysis, along with all attachments and application submittals 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 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 _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

John Manning	_____
Cecil Pendergrass	_____
Larry Kiker	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this _____ day of _____ 20__.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Cecil Pendergrass, Chair

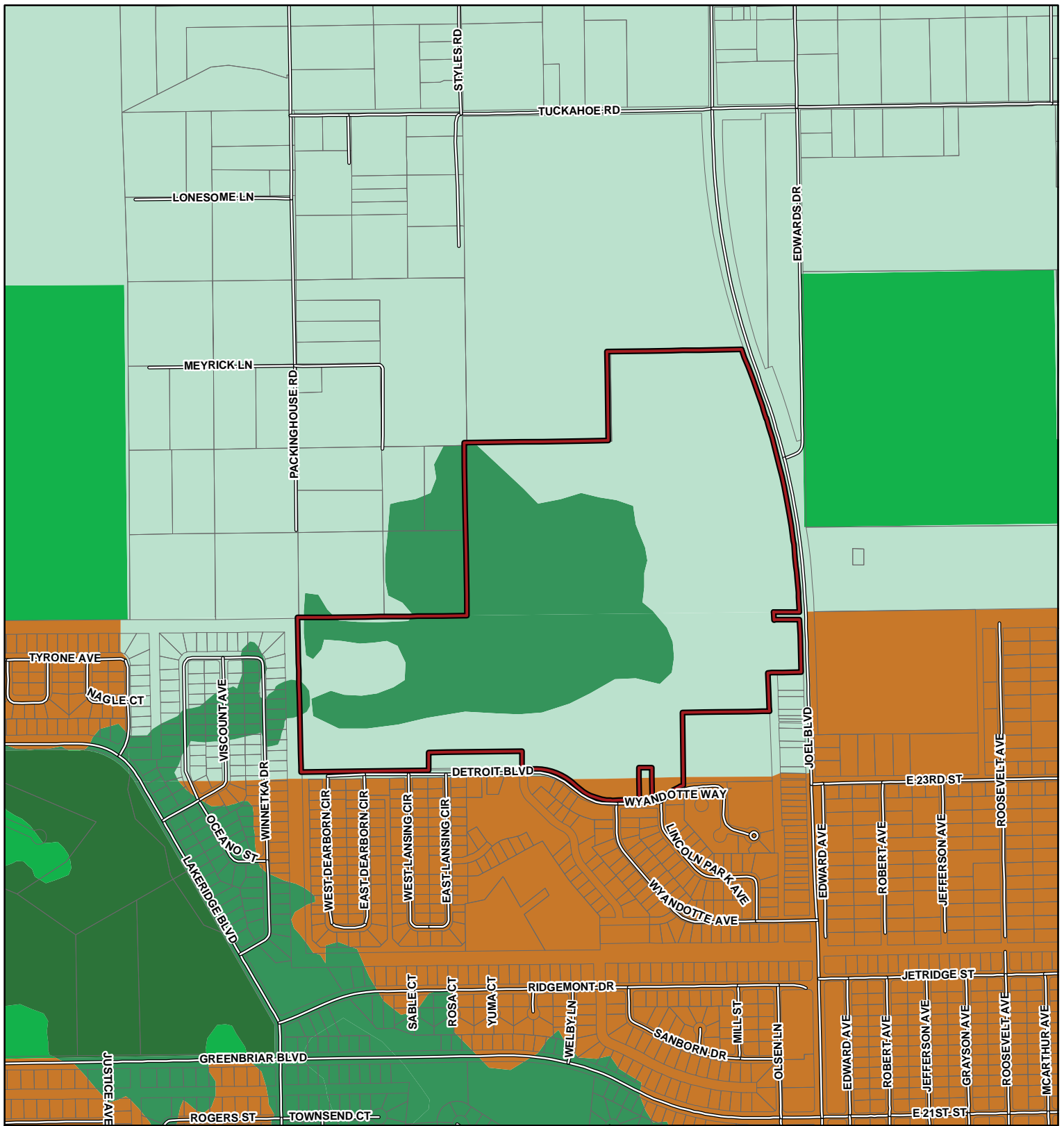
DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

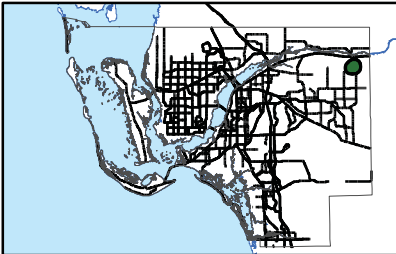
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map series, Map 1 (Adopted by BOCC June 20, 2018)

EXHIBIT A



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



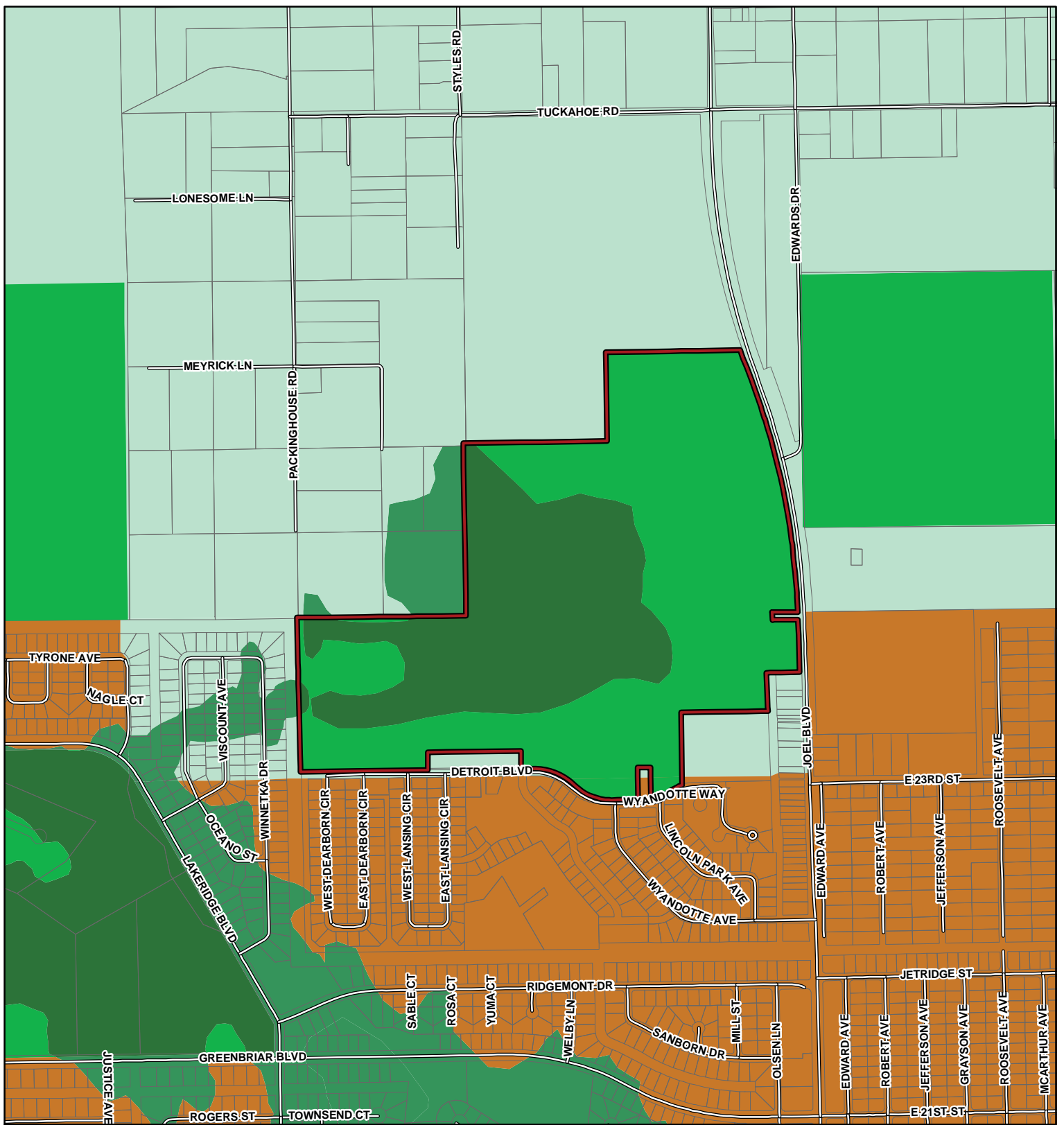
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 Parcel Boundary

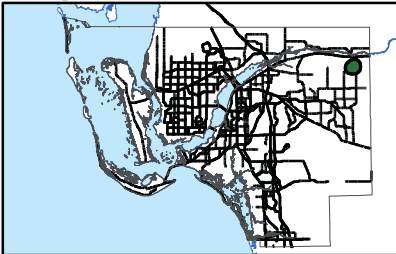
Urban Community
Rural
Conservation Lands - Upland
Wetlands
Conservation Lands - Wetland

EXHIBIT A

Map generated: Feb. 2018

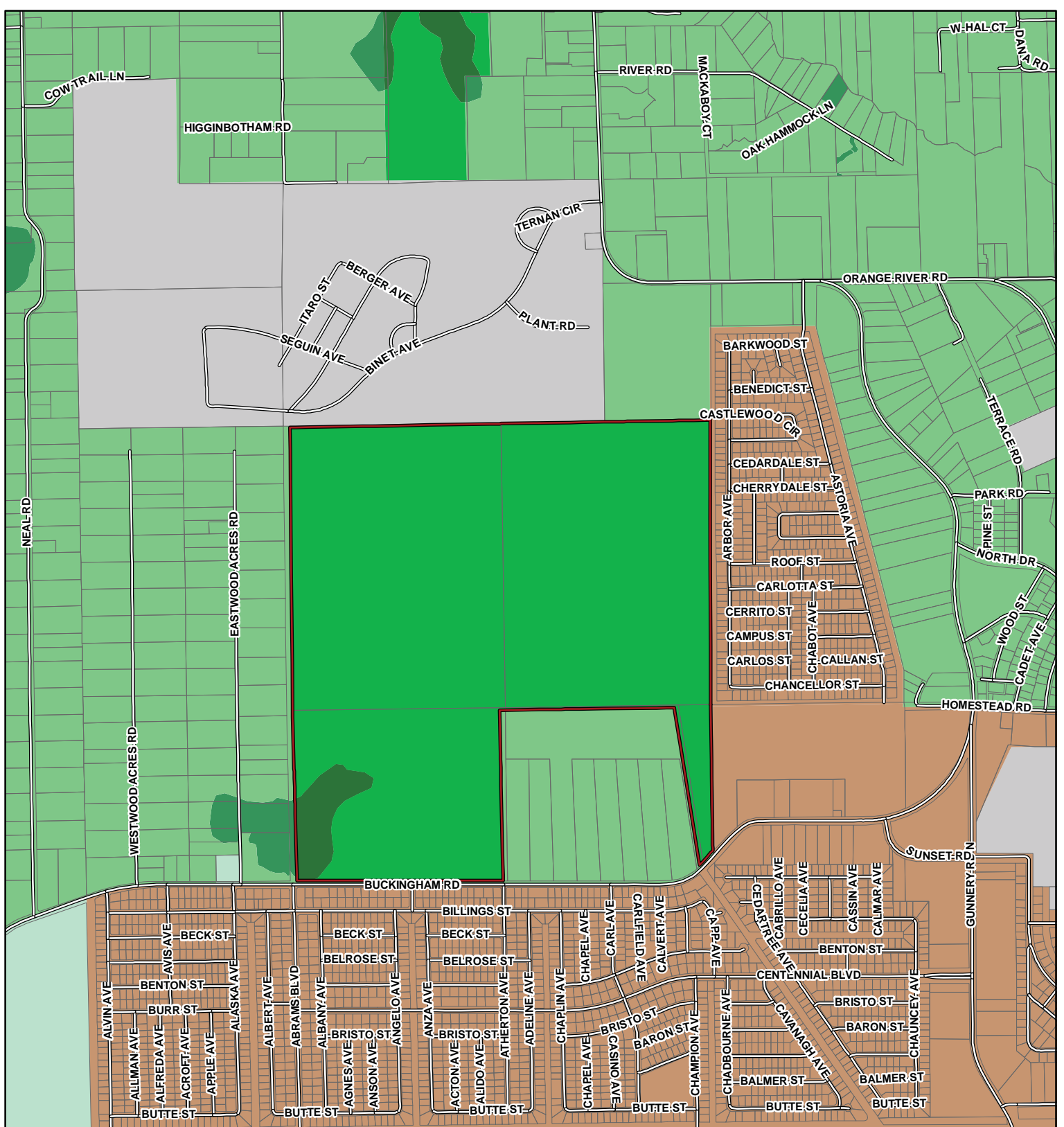


CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

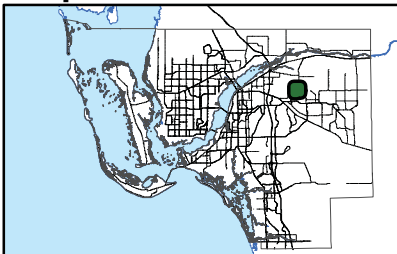


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- Subject Property
- Parcel Boundary
- Urban Community
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

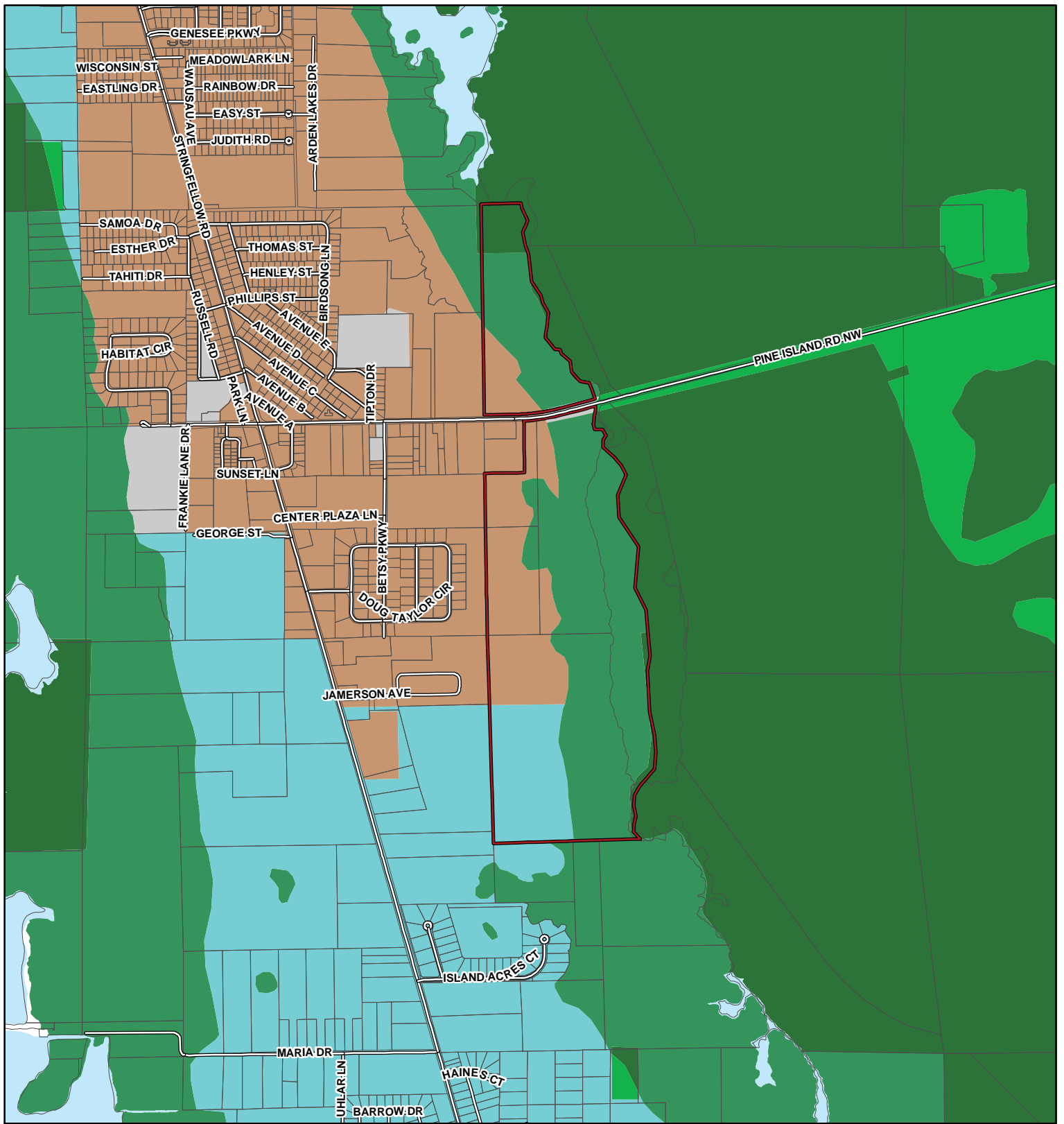


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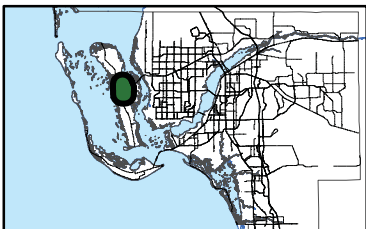


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- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

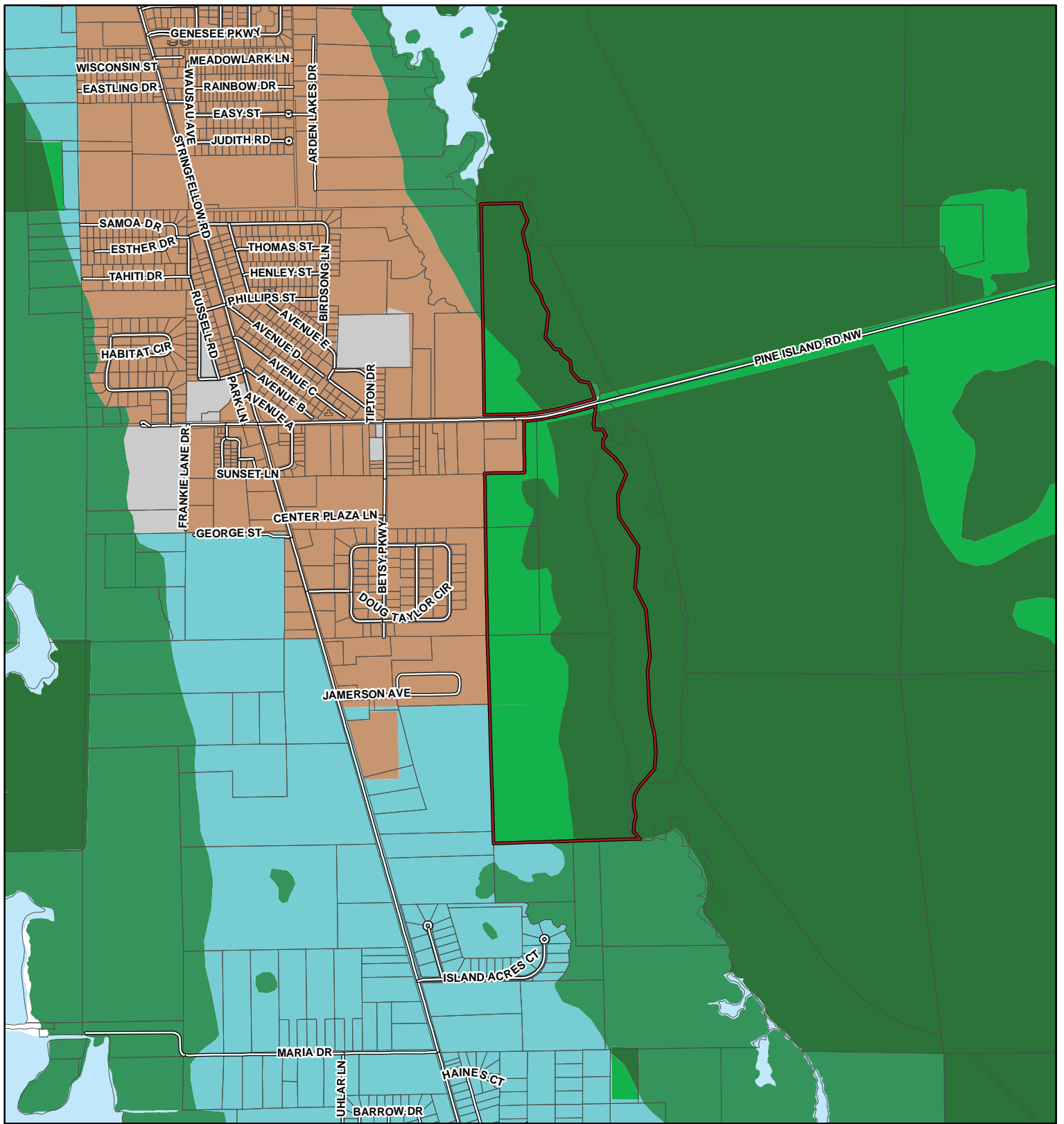


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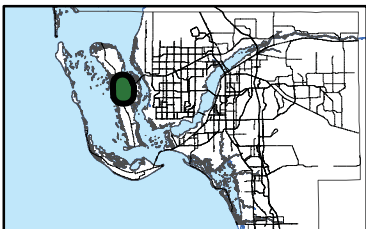
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|------------------|------------------------------|
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| Parcel Boundary | Public Facilities |
| | Coastal Rural |
| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

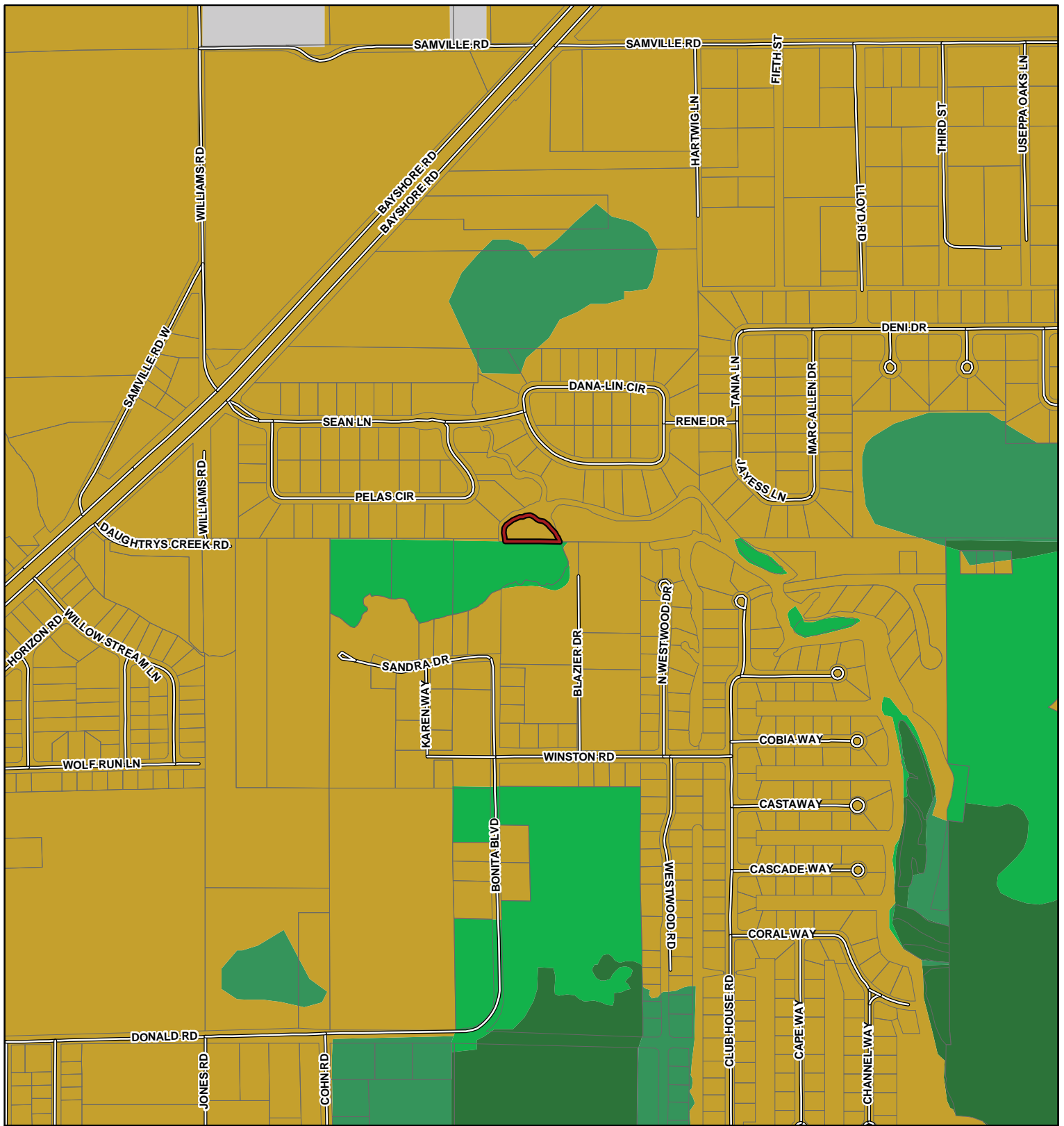


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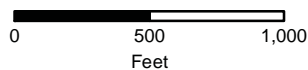
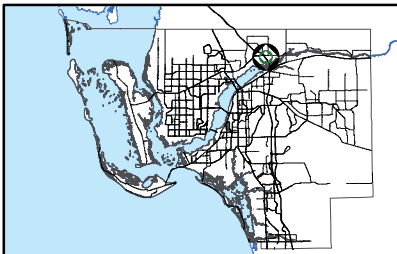
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| | Conservation Lands - Wetland |

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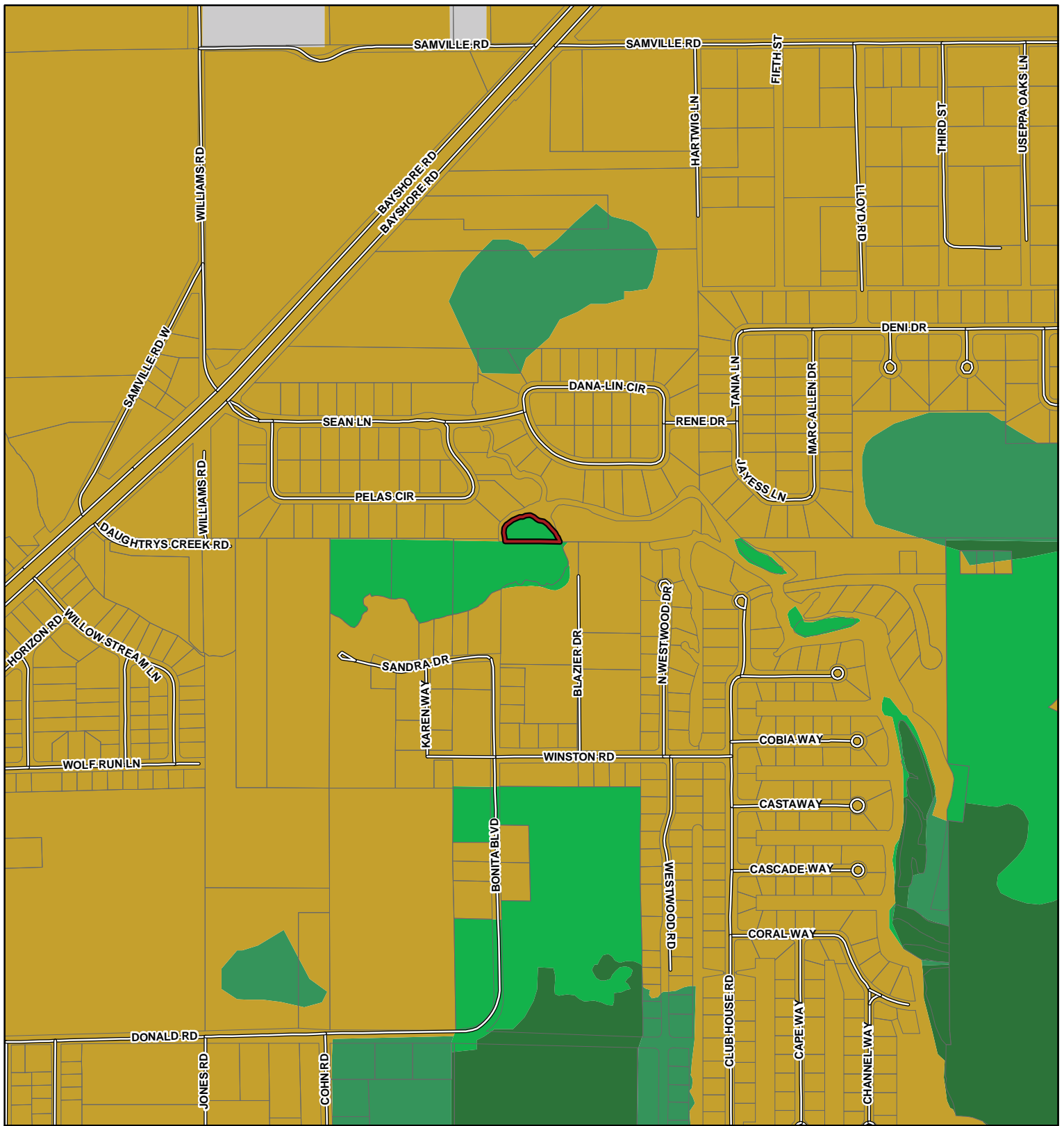
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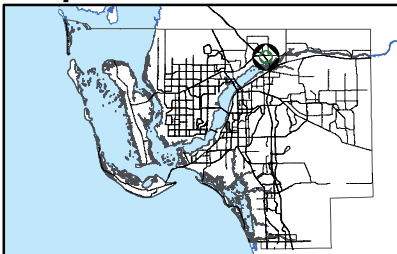
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- Parcel Boundary
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

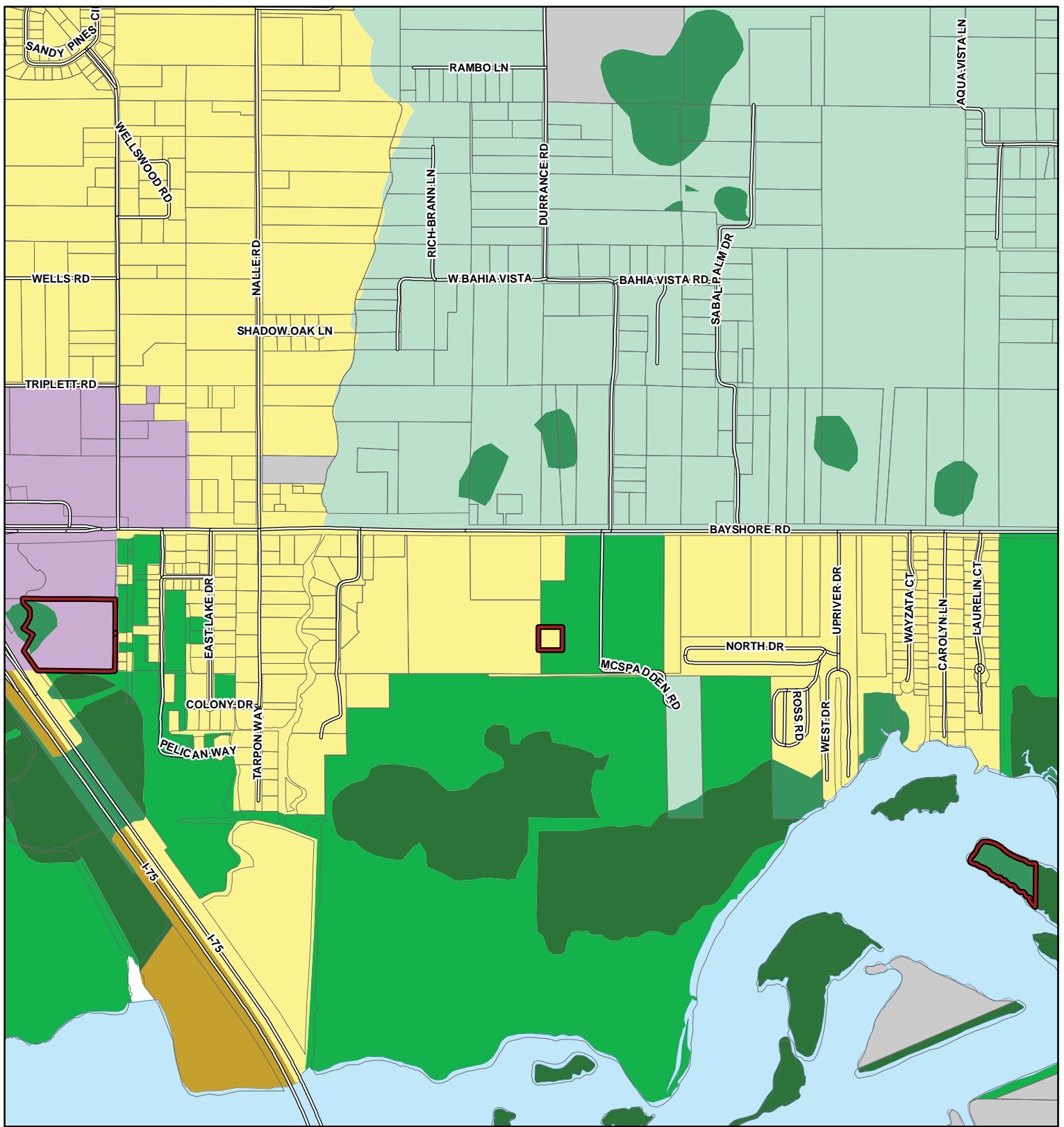


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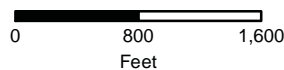
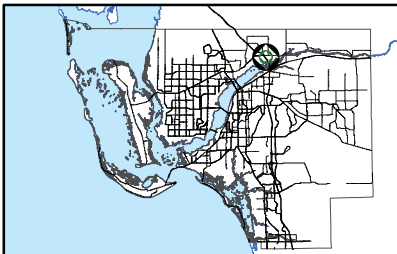


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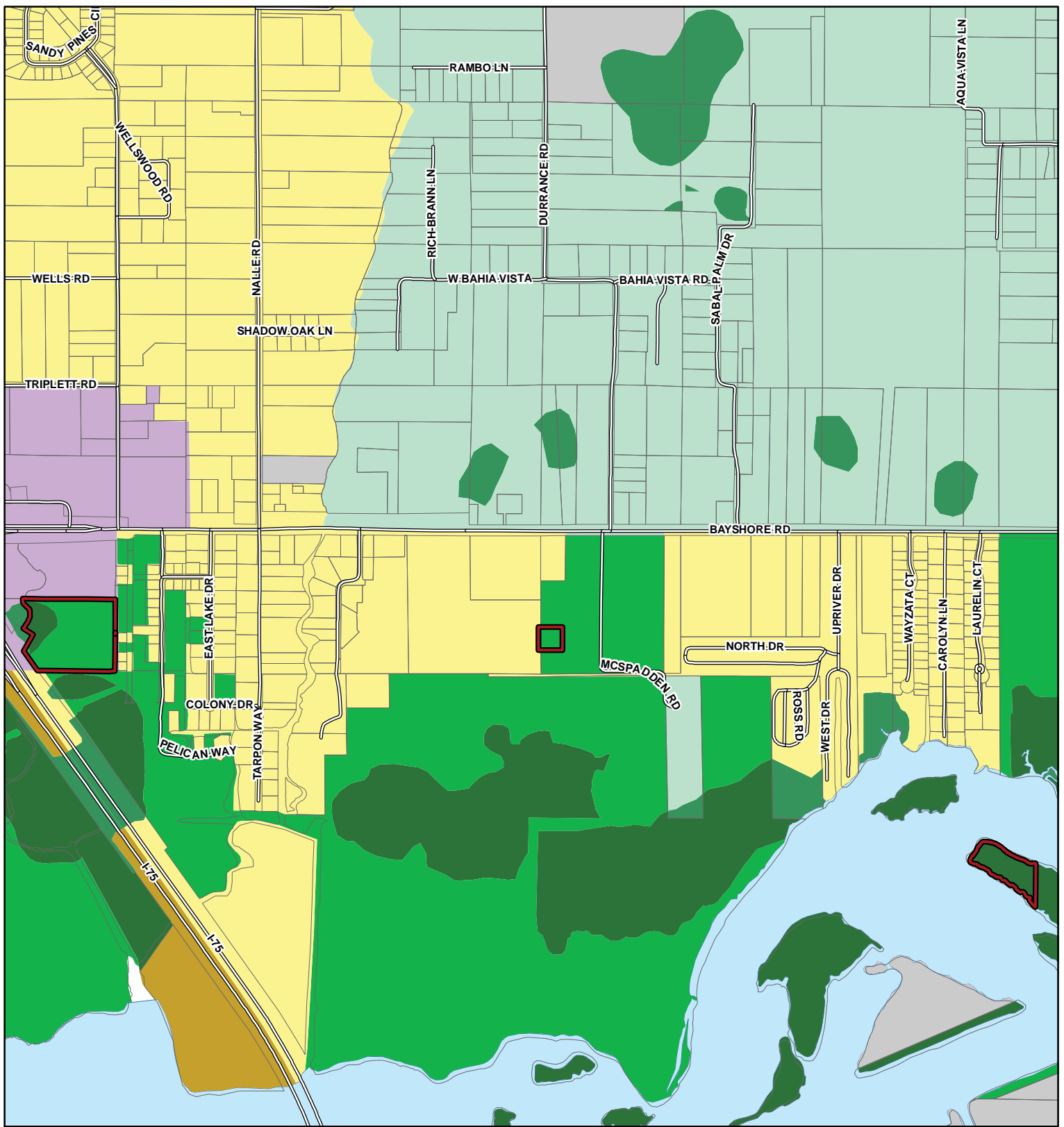
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- Parcel Boundary
- Suburban
- Public Facilities
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- Wetlands
- Conservation Lands - Wetland



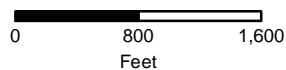
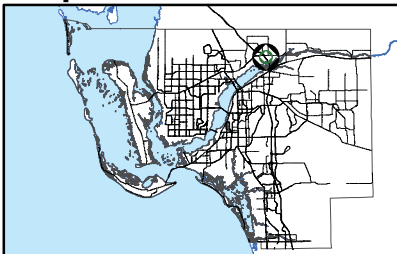
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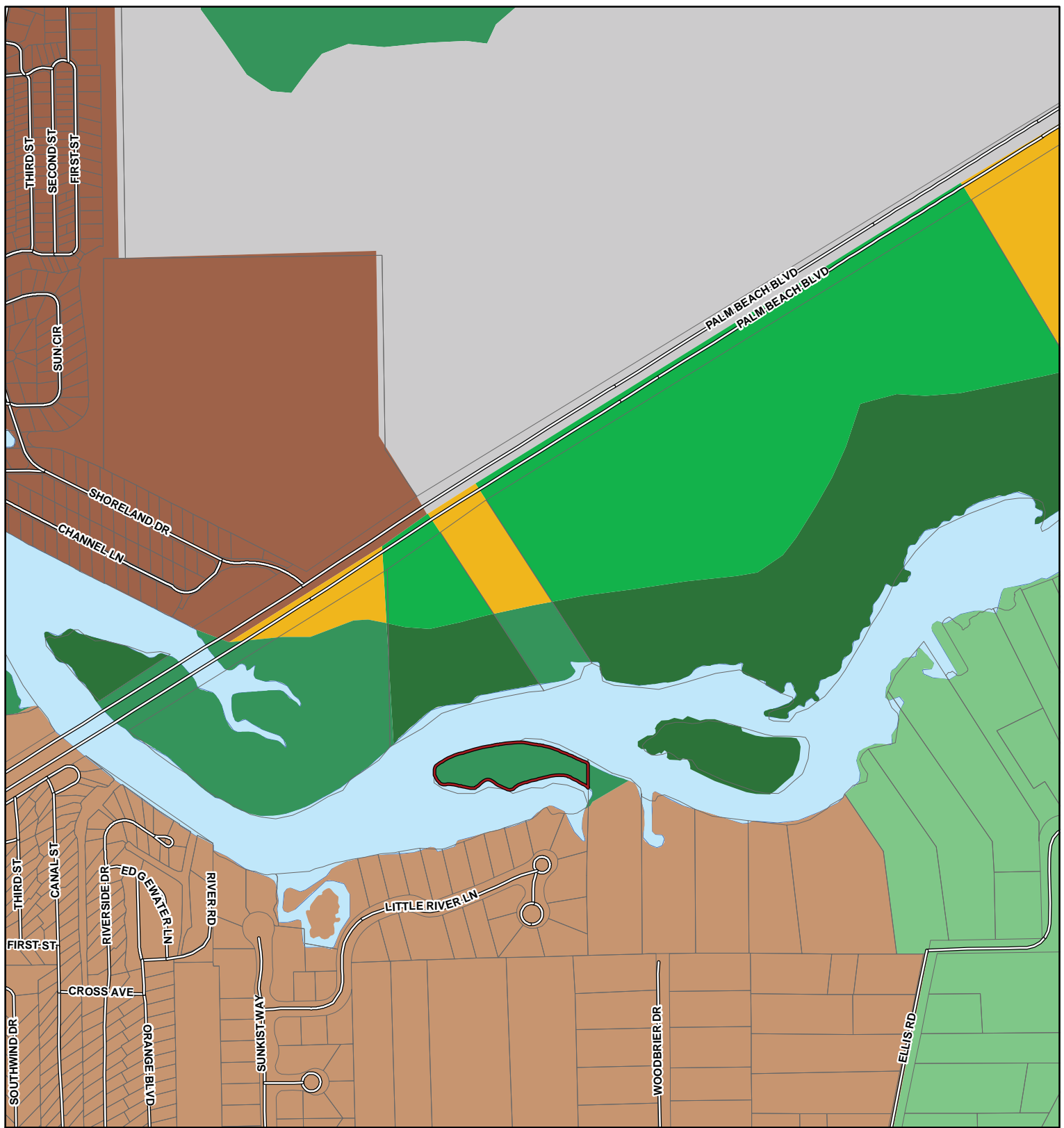
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- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



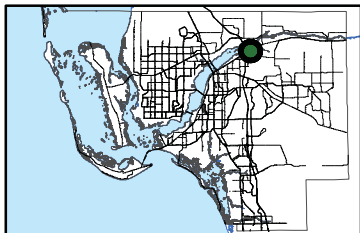
CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



- Subject Property
- Parcel Boundary
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

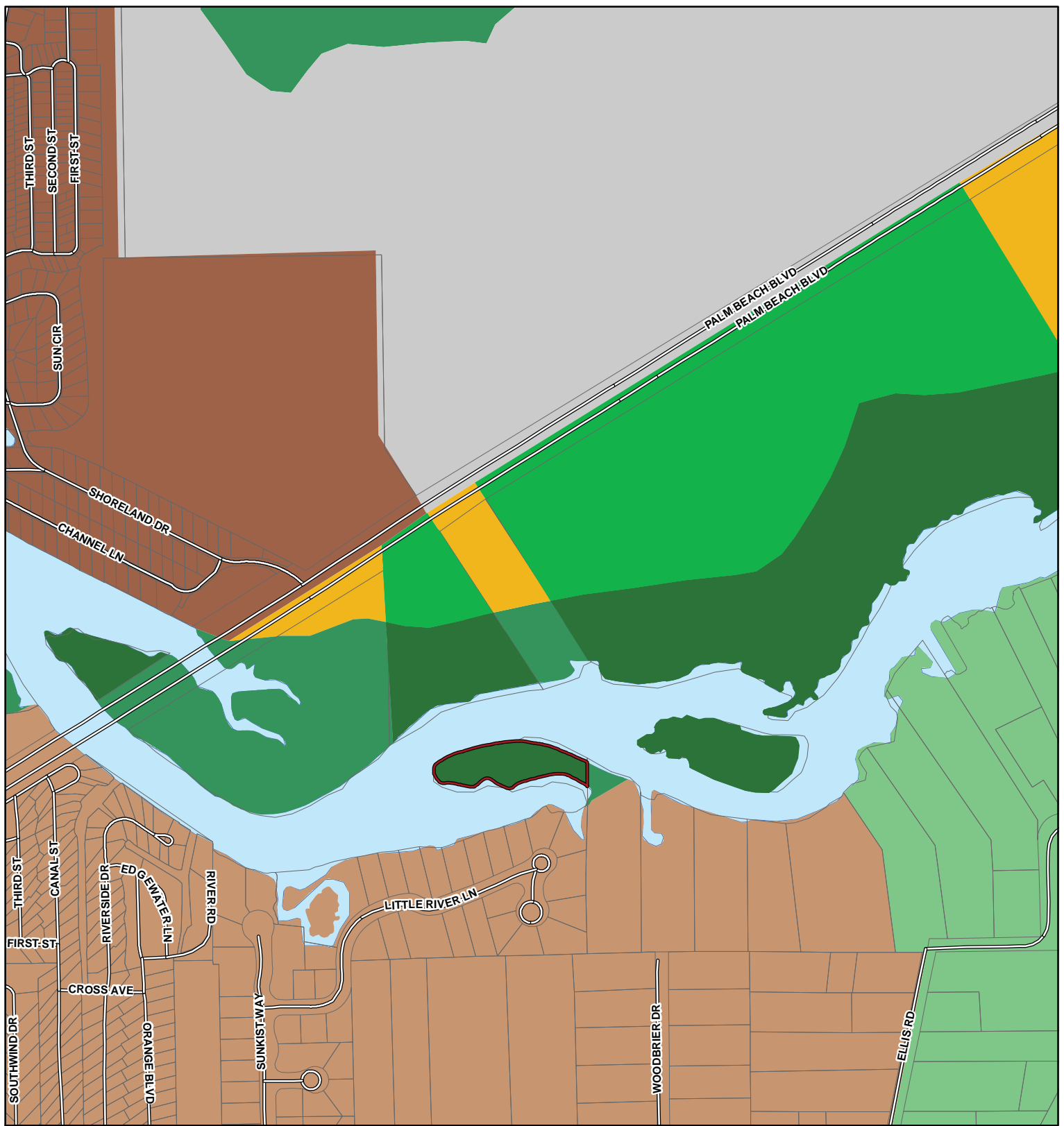


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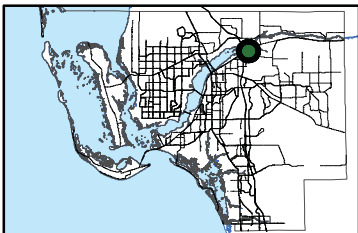
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|------------------|------------------------------|
| Subject Property | Central Urban |
| Parcel Boundary | Urban Community |
| | Suburban |
| | Public Facilities |
| | Rural Community Preserve |
| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

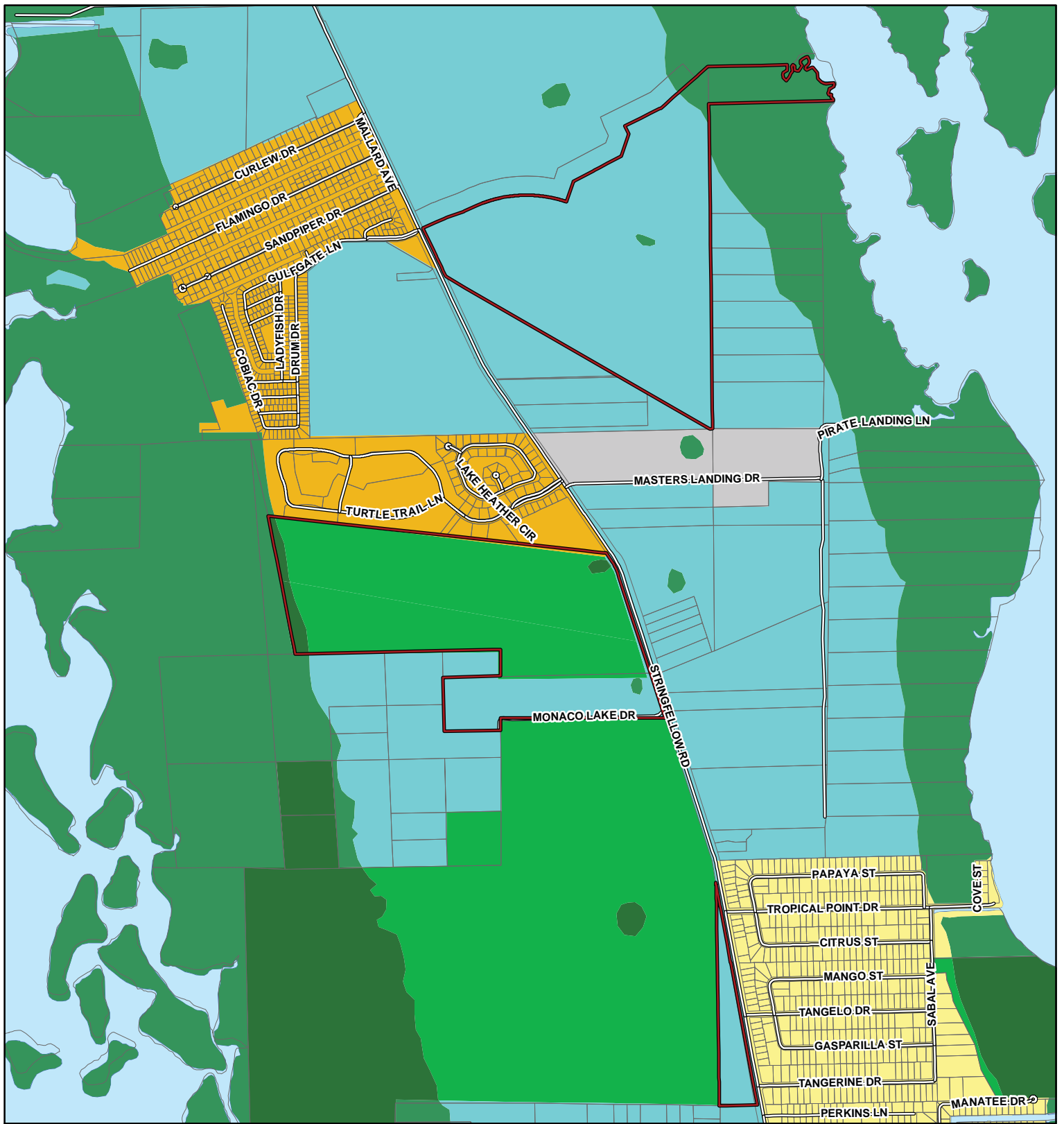


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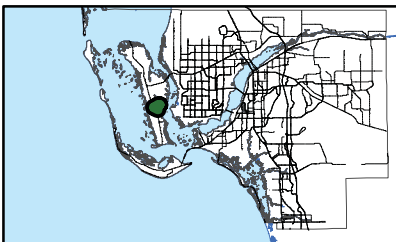
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|------------------|------------------------------|
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| Parcel Boundary | Urban Community |
| | Suburban |
| | Public Facilities |
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| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

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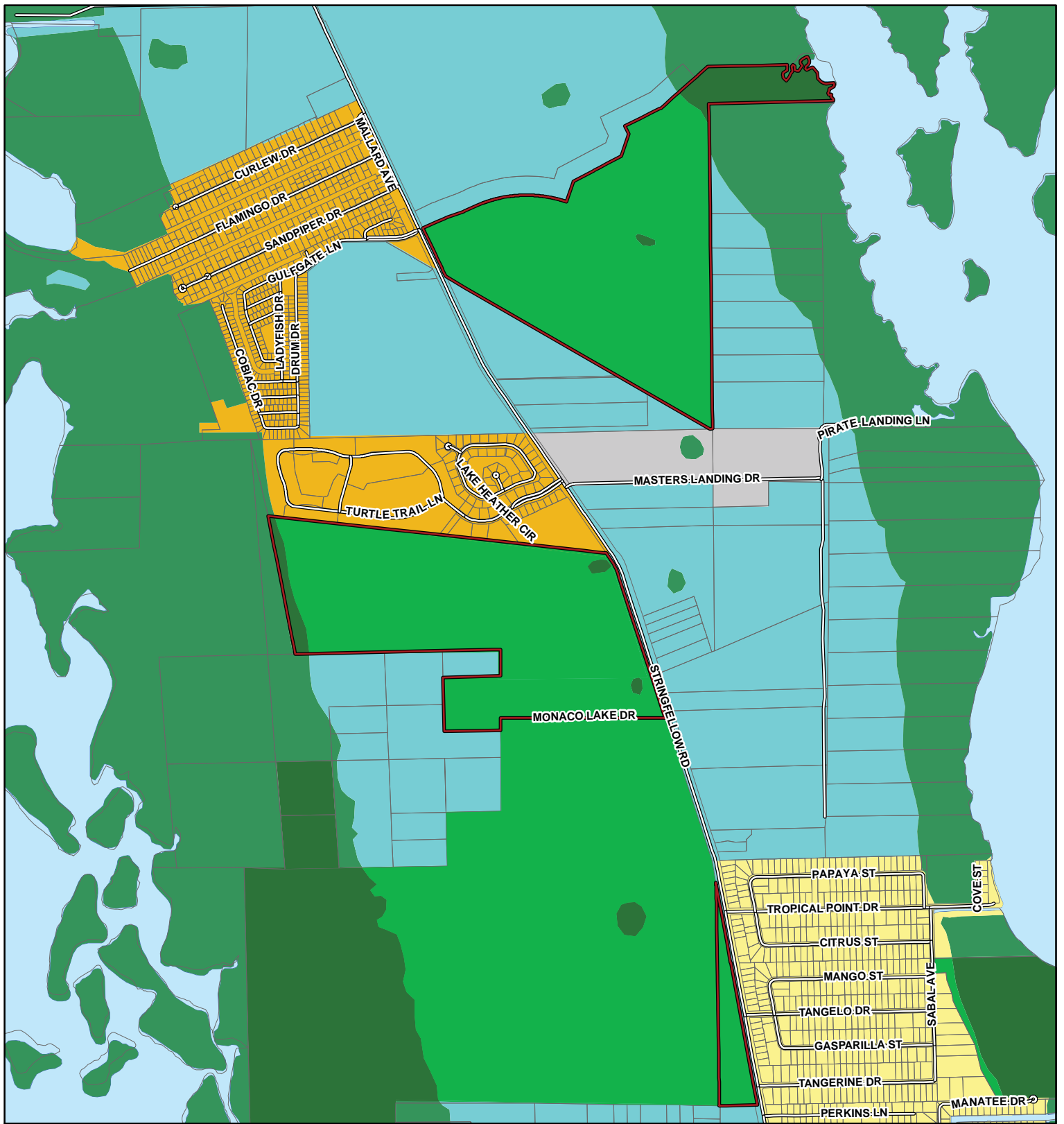


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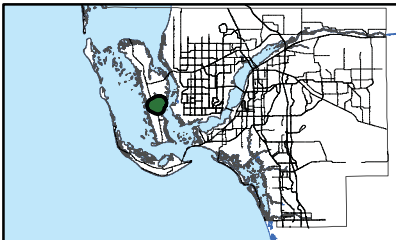


0 1,200 2,400
Feet

- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

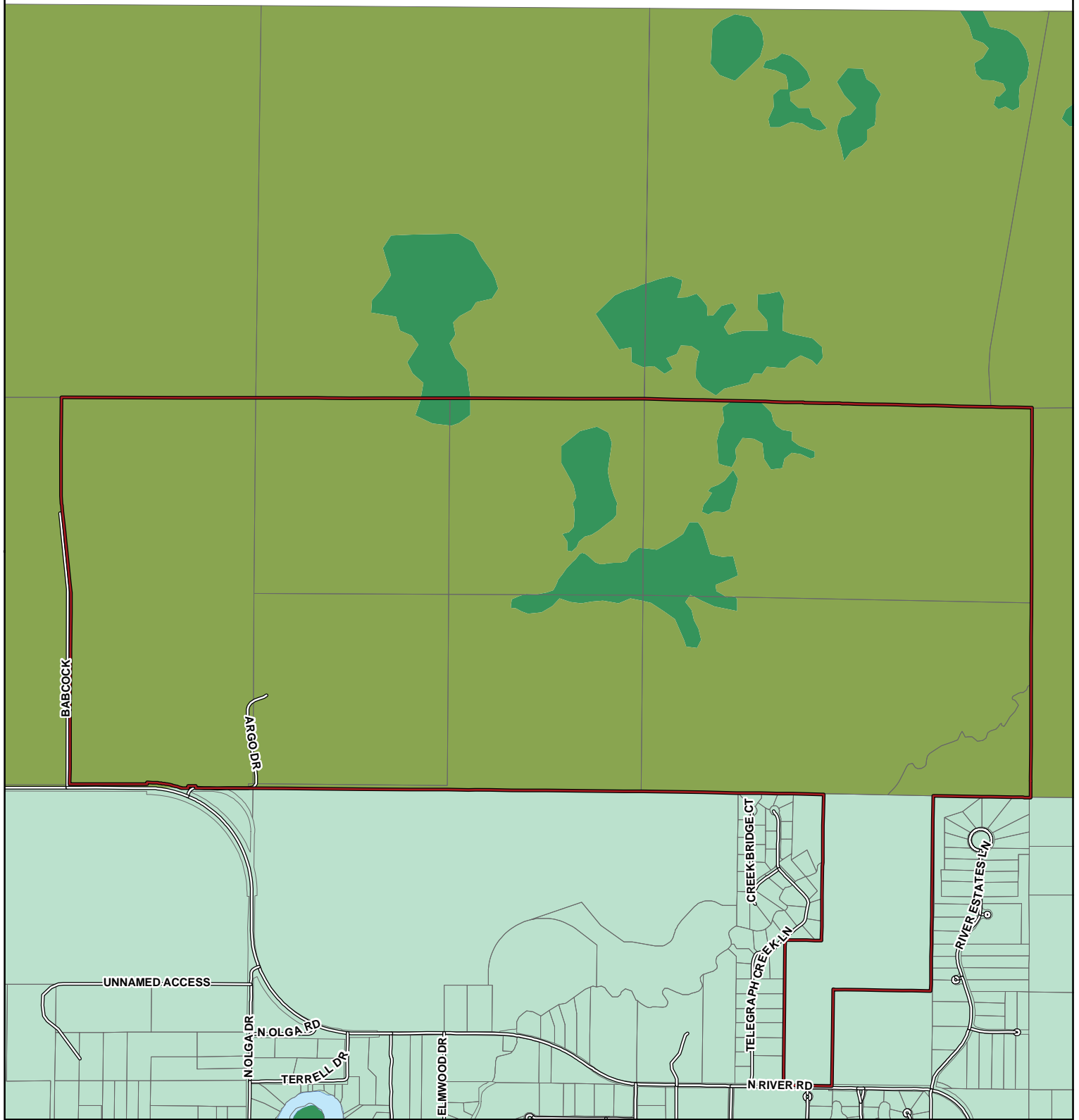


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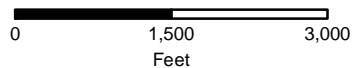
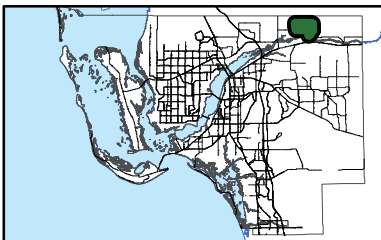


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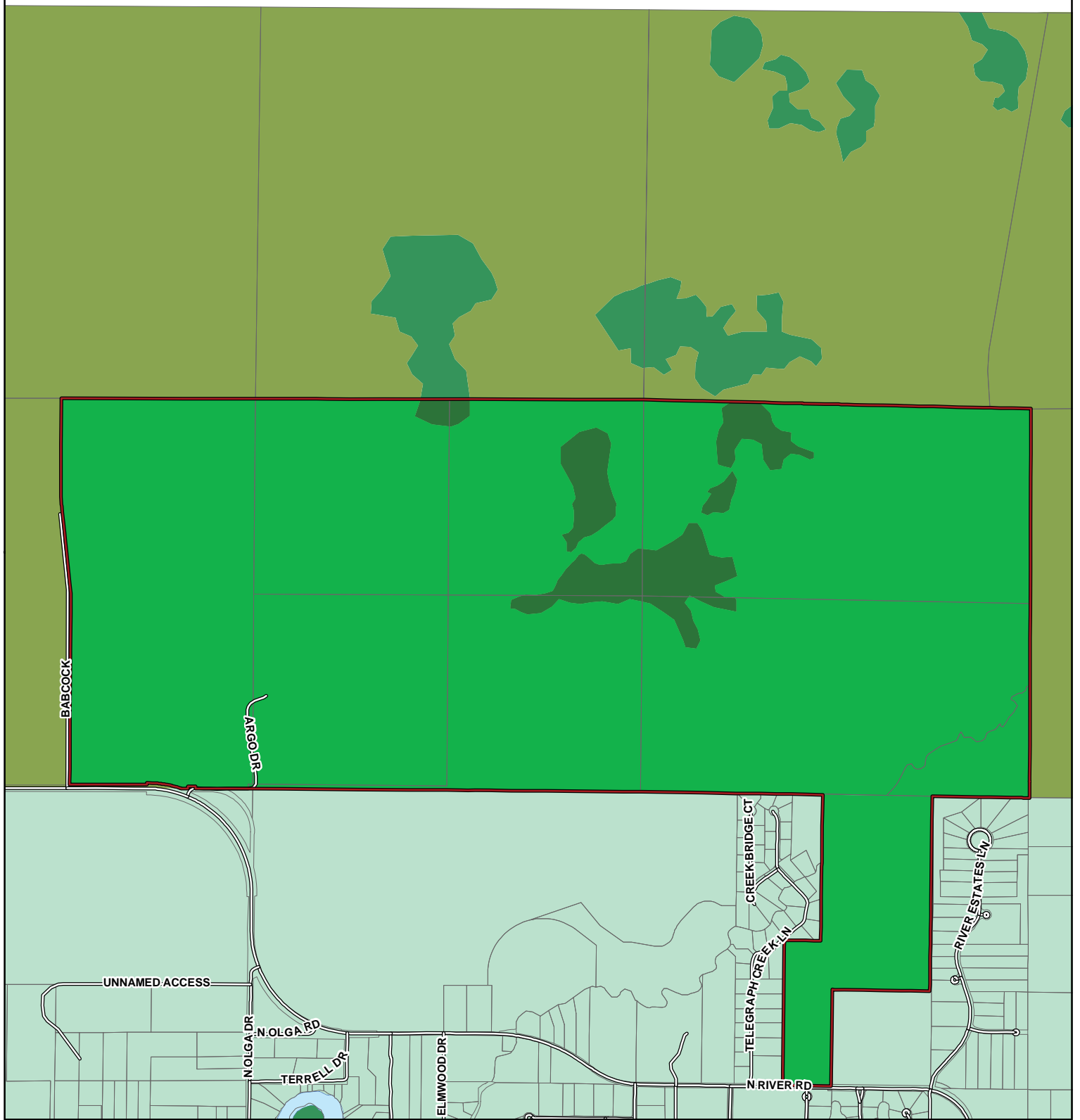
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- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



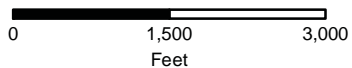
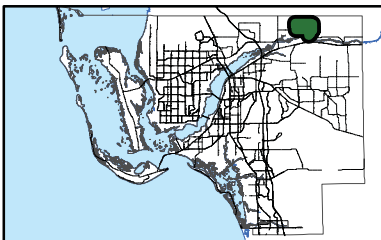
CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



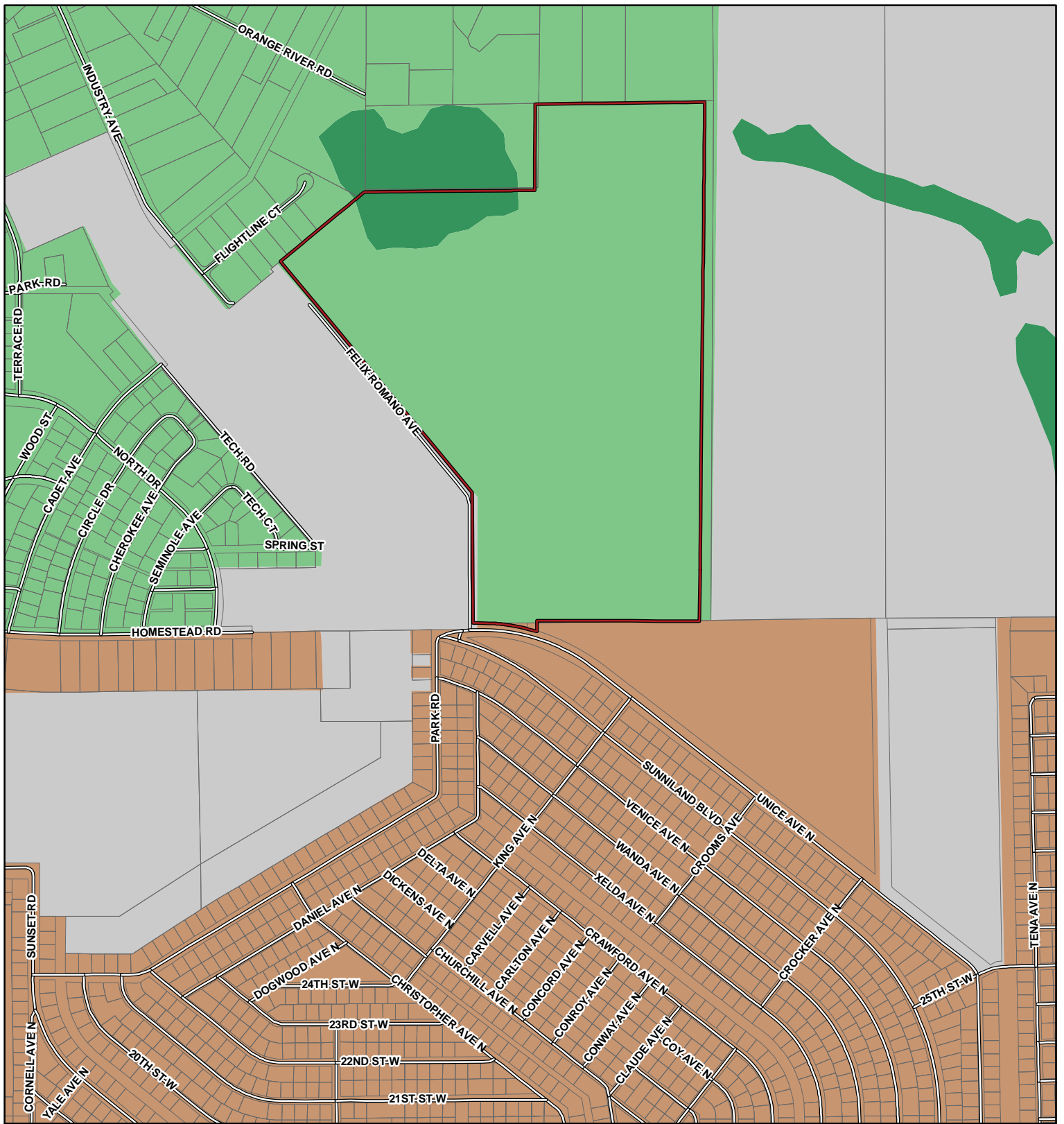
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| Subject Property | Rural |
| Parcel Boundary | Density Reduction/Groundwater Resource |
| | Wetlands |



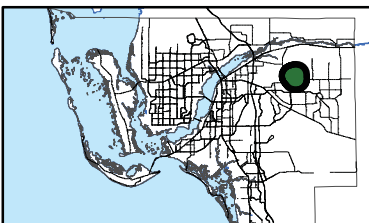
CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



- | | |
|--|---|
| Subject Property | Conservation Lands - Upland |
| Parcel Boundary | Conservation Lands - Wetland |
| | Rural |
| | Density Reduction/Groundwater Resource |
| | Wetlands |



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

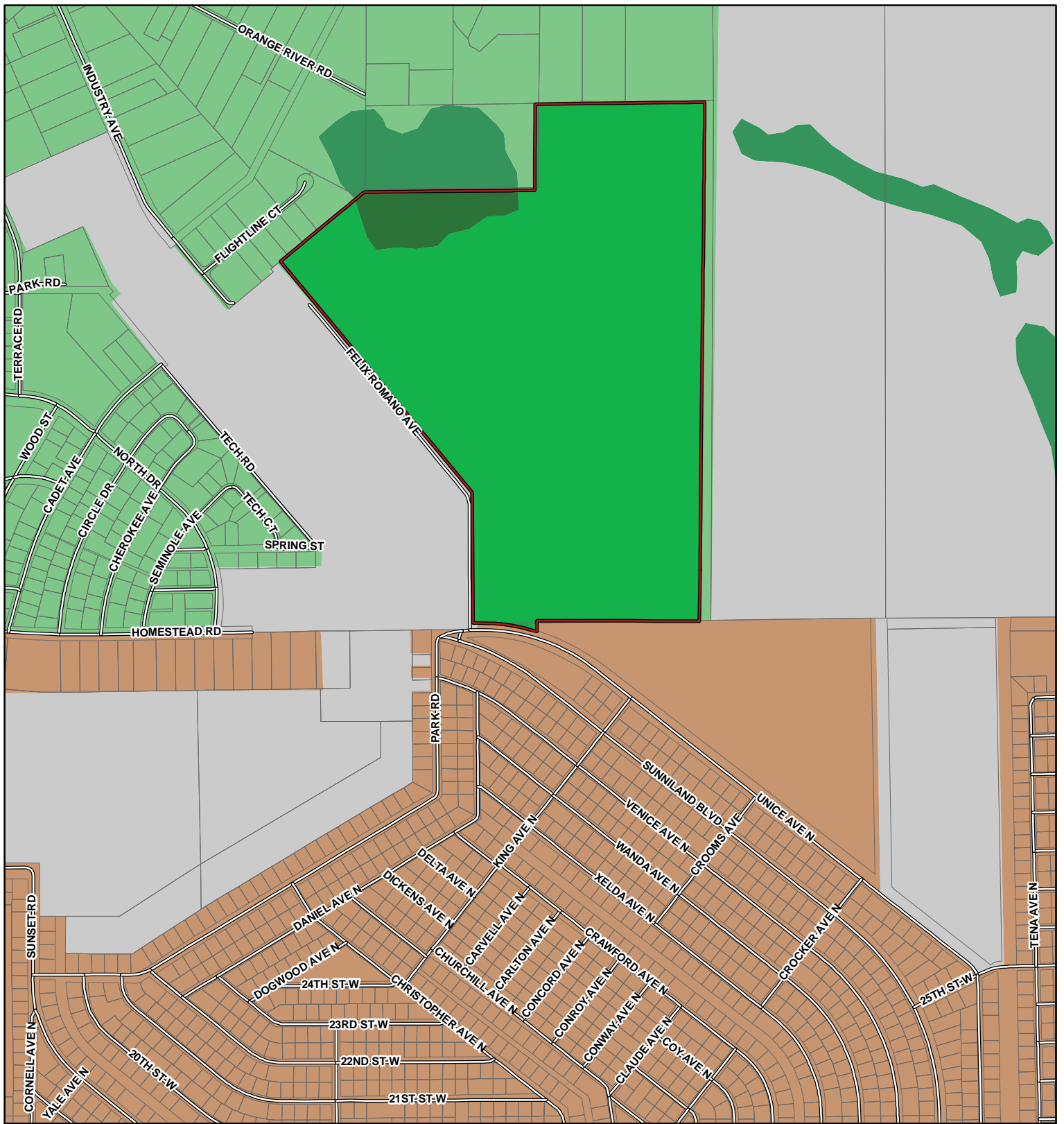


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Feet

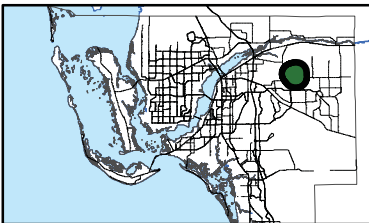
- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural Community Preserve
- Wetlands

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



0 600 1,200
Feet

- | | |
|------------------|------------------------------|
| Subject Property | Urban Community |
| Parcel Boundary | Public Facilities |
| | Rural Community Preserve |
| | Wetlands |
| | Conservation Lands - Upland |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

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STAFF REPORT FOR

CPA2018-01: Conservation Lands Update

County Initiated **Map** Amendments to the Lee Plan



Property Size:

3,240.33± Acres

Current FLUC:

Coastal Rural, DR/GR, General Interchange, Public Facilities, Rural, Rural Community Preserve, Sub-Outlying Suburban, Suburban, and Wetlands

Proposed FLUC:

Conservation Lands

Conservation

20/20 Preserves:

Alva Scrub, Buckingham Trails, Buttonwood, Caloosahatchee Creeks, Orange River, Pine Island Flatwoods, Telegraph Creek, and West Marsh

Hearing Dates:

LPA:

2/26/2018

BoCC Transmittal:

4/4/2018

BoCC Adoption:

6/20/2018

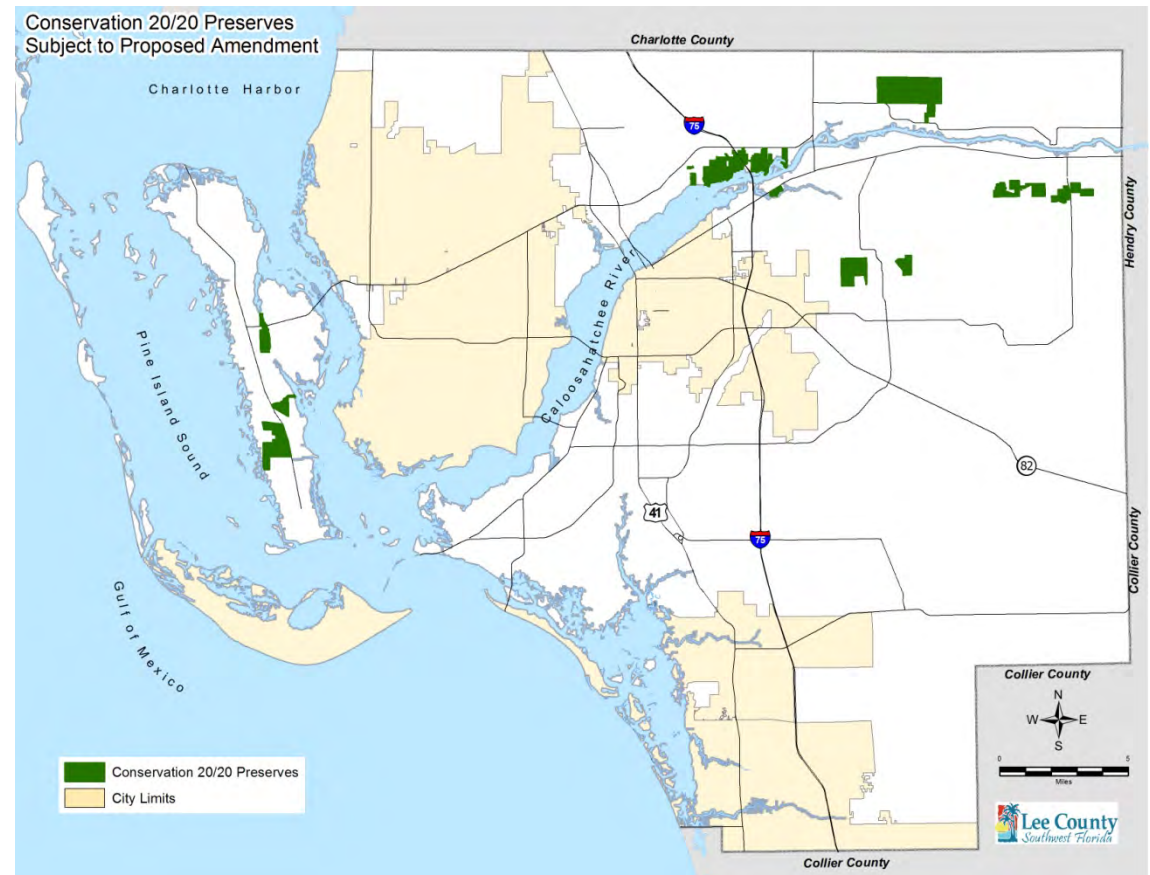
REQUEST

Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Upland and Wetland) land use category.

PROJECT SUMMARY

The requested amendment would change the future land use categories for approximately 3,240.33 acres in eight different Conservation 20/20 preserves to the Conservation Lands (Upland and Wetland) future land use category (FLUC). Conservation and restoration activities will have positive impacts on water quality, wildlife, habitat improvements, downstream flooding, and groundwater resources.

PROPERTY LOCATION



RECOMMENDATION

Staff recommends that the Board of County Commissioners (BoCC) **transmit** the map amendment provided in Attachment 1.

PART 1 BACKGROUND

In 1996, a group of concerned citizens acknowledged the importance of impeding the degradation of environmentally sensitive land being brought about by intensifying development. The grassroots group of citizens successfully lobbied for a referendum on the November 1996 election ballot; asking voters whether or not they were willing to increase their property taxes by ½ mil (50 cents per \$1,000 property valuation) to buy, improve, and manage conservation lands critical to water supply, flood protection, wildlife habitat, and passive recreation. The referendum passed by a majority in every precinct. As a result of the referendum, the BoCC established a land acquisition program through Ordinance 96-12 (amended by Ord. 15-08, 05-17, 13-09). This program has become known as “Conservation 20/20.”

The objective of the Conservation 20/20 program is to put into the public domain, lands that provide the following public benefits:

- Protect drinking water for Lee County citizens;
- Provide groundwater and aquifer recharge;
- Support and enhance natural plant communities;
- Protect critical wildlife habitat;
- Protect nature-based recreational opportunities, when appropriate, based on the conservation goals for the land; and
- Direct residential and commercial uses to more appropriate areas.

In 2016, twenty years after the inception of Conservation 20/20 program, an overwhelming 84 percent of Lee County voters continued to support the program by electing to retain the increased property tax that funds the Conservation 20/20 program. It is important to note that the BoCC mandated the program to only pursue property with willing sellers and not use the BoCC’s power of eminent domain.

On June 3, 1998, the BoCC adopted Lee Plan Policy 1.4.6 to create the Conservation Lands (Upland and Wetland) categories. These categories were created to accurately depict and protect lands acquired for conservation purposes, such as lands purchased through the Conservation 20/20 program. Since the adoption of Policy 1.4.6, the Future Land Use Map (FLUM) has been revised regularly to accurately depict conservation lands acquired by Lee County as Conservation Lands (Upland and Wetland).

PART 2

STAFF DISCUSSION AND ANALYSIS

INTENT OF MAP AMENDMENT

CPA2018-00001 seeks to update the FLUM for 3,240.33 acres of land in eight different Conservation 20/20 preserves by changing their future land use category to Conservation Lands (Upland and Wetland). The intent is to obtain the highest level of protection for these preserves - which have been purchased with taxpayer monies.

The Conservation Lands (Upland and Wetland) FLUM category is for lands that are primarily used to conserve important natural resources, environmentally sensitive areas, significant archeological or historical resources, or other conservation uses. Uses and activities should be compatible with this overall objective and must comply with all applicable federal, state, and local government requirements and conditions. Examples of activities which currently occur on the aforementioned public conservation lands include but are not limited to:

1. Public education activities including research centers, interpretive centers, historical buildings, archaeological sites, guided nature walks, educational kiosks, educational programs, signage, and other associated facilities.
2. Natural resource enhancement, restoration and management activities such as fencing, prescribed burning, invasive exotic plant removal, wetlands restoration, and other similar activities.
3. Resource based recreation activities such as picnicking, hiking, canoeing, horseback riding, bicycle riding, camping, nature study, and associated facilities.
4. Public utility facilities associated with water conservation, public water supply, and water quality such as public well fields, water and wastewater treatment facilities, and effluent reuse and disposal systems.
5. Native range for cattle grazing as a management tool only.

LAND TO BE RECLASSIFIED

This amendment contains land acquired by the County through the Conservation 20/20 program funds. These properties are within the Alva Scrub Preserve, Buckingham Trails Preserve, Buttonwood Preserve, Caloosahatchee Creeks Preserve, Orange River Preserve, Pine Island Flatwoods Preserve, Telegraphic Creek Preserve, and West Marsh Preserve. Within this report, the various Conservation 20/20 nominations are located within eight different preserves and will be referenced as the 'subject property'. These lands are independent of one another, but are grouped together to accomplish the shared goal of changing their current FLUC to Conservation Lands (Upland and Wetland). The BoCC directed staff to amend the future land

use category for these different preserves, through board adoption of the preserves' respected Land Stewardship Plan (LSP).

Current future land use categories range from Coastal Rural, Density Reduction/Groundwater Resource (DR/GR), General Interchange, Public Facilities, Rural, Rural Community Preserve, Sub-Outlying Suburban, Suburban, and Wetlands. The subject properties and associated 20/20 Preserves are described in greater detail below:

A. ALVA SCRUB PRESERVE

Total acreage: 845.23 acres.

Location: Lehigh Acres and Northeast Lee County Community Plan areas, within Sections 28,32,33,34,25 and 03, Townships 43 and 44 South and Range 27 East.

Existing Uses: Bird watching, Hiking (unmarked or fire lines), nature study/photography.

Current Zoning Classifications: Agriculture (AG-2) and Environmentally Critical (EC).

Current Future Land Use Category: Conservation Lands-Upland – 592.67 acres, Conservation Lands-Wetland – 56.33 acres, Rural – 121.32 acres, Urban Community – 2.41 acres, and Wetlands – 72.5 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 716.4 acres and Conservation Lands-Wetland – 128.83 acres.

STRAPs: 32-43-27-00-00001.0060, 32-43-27-00-00001.0020, 33-43-27-00-00001.0200, 32-43-27-00-00001.0030, 34-43-27-00-00008.1000, and 35-4327-00-00019.0010.

Existing Preserve Nominations in the Conservation Lands FLUC: 57, 127, 136, 195, 357.

Nominations Subject to FLUC Amendment: 325.

B. BUCKINGHAM TRAILS PRESERVE

Total Acreage: 572.46 acres.

Location: Buckingham Community Plan area, within Sections 17 and 20, Township 44 South and Range 26 East.

Existing Uses: Bird watching, hiking, horseback riding, nature study, and cattle lease.

Current Zoning Classifications: AG-2.

Current Future Land Use Category: Rural Community Preserve – 556.12 acres and Wetlands – 16.34 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 556.12 acres and Conservation Lands-Wetland – 16.34 acres.

STRAPs: 17-44-26-00-00003.0000, 17-44-26-00-00001.0000, 20-44-26-00-00001.0000, and 20-44-26-00-00006.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 371.

C. BUTTONWOOD PRESERVE

Total Acreage: 267.7 acres.

Location: Greater Pine Island Community Planning area, within Sections 27 and 34, Township 44 South and Range 22 East.

Existing Uses: No public access, restoration projects underway; allowing for preserve to eventually be a suitable home for eagles, osprey, pawpaw, and other species listed in the LSP.

Current Zoning Classification: AG-2.

Current Future Land Use Category: Coastal Rural – 36.79 acres, Conservation Lands-Wetland – 8.78 acres, Public Facilities – 1.34 acres, Urban Community – 65.64 acres, and Wetlands – 155.15 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 103.77 acres, and Conservation Lands-Wetland – 163.93 acres.

STRAPs: 27-44-22-00-00001.0000, 27-44-22-00-00001.0020, 27-44-22-00-00001.1000, 27-44-22-00-00001.2000, 27-44-22-00-00001.001A, and 34-44-22-00-00001-0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 276-2 and 276-2B.

D. CALOOSAHATCHEE CREEKS PRESERVE

Total acreage: 1,274.3 acres.

Locations: Bayshore and North Fort Myers Community Plan area, within Sections 21, 22, 23, 25, 26, 27, 28, 29, 32, 33, and 35, Township 43 South, and Range 25 East.

Existing uses: Bird watching, canoe/kayak launch, canoeing/kayaking, fishing, hiking (boardwalk), hiking (marked trails), hiking (unmarked or fire lines), nature study/photography, on-leash pet walking, picnic area.

Current zoning Classification: EC, AG-2, Residential Planned Development (RPD), Residential Multi-Family (RM2), and Mobile Home (MH-2).

Current Future Land Use Category: Conservation Lands-Upland – 707.49 acres, Conservation Lands-Wetland – 529.64 acres, General Interchange – 11.69 acres, Rural – 1.13 acres, Sub-Outlying Suburban – 8.85 acres, Suburban – 4.86 acres, and Wetlands – 10.64 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 734.02 acres and Conservation Lands-Wetland – 540.28 acres.

STRAPs: See Caloosahatchee Shores Land Management Plan, page 59 for complete list.

Existing Preserve Nominations in the Conservation Lands FLUC: 82, 108, 124, 174, 188, and 225.

Nominations Subject to FLUC Amendment: 158-2, 175, 362, 472, and 515.

E. ORANGE RIVER PRESERVE

Total acreage: 61.12 acres.

Location: Fort Myers Shores planning community, within Section 35, Township 43 South, and Range 25 East.

Existing uses: Bird watching, canoeing/kayaking, hiking (fire lines), nature study/photography.

Current zoning Classification: AG-2 and EC.

Current Future Land Use Category: Conservation Lands-Upland – 31.63 acres, Conservation Lands-Wetland – 27.93, and Wetlands – 1.56 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 31.63 acres, Conservation Lands-Wetland – 29.49 acres.

STRAPs: 35-43-25-00-00004.0000, 35-43-25-00-00006.0000, 35-43-25-00-00008.0000, and 35-43-25-00-00009.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: 142.

Nominations Subject to FLUC Amendment: 470.

F. PINE ISLAND FLATWOOD PRESERVE

Total acreage: 921.01 acres.

Location: Greater Pine Island Community Plan area, within Sections 10, 11, and 15; Township 45 South, and Range 22 East.

Existing uses: Bird watching, hiking (marked and unmarked trails), and nature study/photography.

Current zoning Classification: AG-2, Commercial (C-1A), and EC.

Current Future Land Use Category: Coastal Rural – 220.37 acres, Conservation Lands-Upland – 496.04 acres, Conservation Lands-Wetland – 183.61 acres, Suburban – 2.58 acres, and Wetlands – 18.41 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 718.99 acres and Conservation Lands-Wetland – 202.02 acres.

STRAPs: 10-45-22-00-00001.0000, 11-45-22-00-00001.0000, 15-45-22-00-00001.5000, 15-45-22-00-00001.3010, 15-45-22-00-00001.3030, 15-45-22-00-00006.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: 346 and 389.

Nominations Subject to FLUC Amendment: 92, 121, 147, 168, 184, and 402.

G. TELEGRAPH CREEK PRESERVE

Total acreage: 1,726.79 acres.

Location: Northeast Lee County Community Plan area, within Sections 9, 10, 11, and 14; Township 43 South, and Range 26 East.

Existing uses: Bird watching, canoeing/kayaking, hiking (fire lines), nature study/photography, and horseback riding.

Current zoning Classification: AG-2.

Current Future Land Use Category: DR/GR – 1520.42 acres, Rural – 119.03 acres, and Wetlands – 87.34 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 1639.45 acres and Conservation-Wetland – 87.34 acres.

STRAPs: 09-43-26-00-00002.0000, 10-43-26-00-00003.0000, 10-43-26-00-00002.0030, 10-43-26-00-00004.0000, 10-43-26-00-00001.0000, 11-43-26-00-00001.0020, 11-43-26-00-00001.0000, 11-43-26-00-00001.0050, and 11-43-26-00-00002.1000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 236-2 and 412.

H. WEST MARSH PRESERVE

Total acreage: 205.84 acres.

Location: Buckingham Community Plan area, within Sections 15 and 26, Township 44 South, and Range 26 East.

Existing uses: Bird watching, hiking (fire lines), and nature study/photography.

Current Zoning Classification: AG-2.

Current Future Land Use Category: Public Facilities - .89 acres, Rural Community Preserve – 194.97 acres, Urban Community - .23 acres, and Wetlands – 9.75 acres.

Proposed Future Land Use Category: Conservation Lands-Upland – 196.09 acres and Conservation Lands-Wetland – 9.75 acres.

STRAPs: 15-44-26-00-00003.0000 and 22-44-26-00-00004.0000.

Existing Preserve Nominations in the Conservation Lands FLUC: N/A.

Nominations Subject to FLUC Amendment: 214.

GROWTH MANAGEMENT

This proposed FLUM amendment is consistent with Objective 2.1 and Policy 2.1.1 of the Lee Plan, which address growth management. 96.96% of the subject property is currently designated as Future Non-Urban Areas and 3.04% is designated as Future Suburban or Future Urban Areas (see Table 1, below). Rather than having the opportunity to be developed at extremely low density/intensity rates, the reclassifications of the subject property to Conservation Lands (Upland and Wetland) will ensure the subject property will function as an environmental preserve and fulfill the individual goals provided for in their respective LSP. The removal of density/intensity will help guide development to more suitable areas and provide enormous benefit to the environment and ecosystem. This amendment is also consistent with Objective 1.4 and Policy 1.4.6 of the Lee Plan. As stated by Objective 1.4, FLUC's that fall within the Future Non-Urban Areas that are not anticipating urban development. Changing the FLUC of the subject property to Conservations Lands (Upland and Wetland) will assure urban development will not occur on these properties. The subject property is managed by eight different LSP's, which represents eight individual and unique preserves. Because the subject property receives funding, is publically owned, and is regulated by a LSP; the property should be categorized as Conservations Lands (Upland and Wetland). Amending the FLUM to Conservation Lands (Upland and Wetland) will satisfy Policy 1.4.6 of the Lee Plan.

FLUM	Current Acres
Coastal Rural	257.16
DR/GR	1,520.42
Wetlands	371.69
Rural Community Preserve	751.09
Rural	241.48
Non-Urban Subtotal	3,141.84 acres
Public Facilities	2.23
Sub-Outlying Suburban	8.85
Suburban	7.44
Suburban Subtotal	18.52 acres
Urban Community	68.28
General Interchange	11.69
Urban Subtotal	79.97 acres
Total	3,240.33 acres

Table 1: Shows the distribution of acres by current future land use category. These future land use categories are further aggregated to Future Urban, Future Suburban, and Future Non-Urban Areas.

PART 3 CONCLUSION

Placement of the lands acquired through the Conservation 20/20 program into the Conservation Lands category is consistent with Objective 1.4, Policy 1.4.6, Objective 2.1, and Policy 2.1.1 of the Lee Plan. The proposed reclassification of 3,240.33 acres from various future land use categories to Conservation Lands (Upland and Wetland) supports the goals of the Lee Plan as summarized below:

- Providing for environmental protection and an area or basin wide surface water management system;
- Connecting to publicly-owned conservation lands that serve as the backbone for wildlife movement within Lee County and the region as a whole;
- Preserving and enhancing existing natural flow-ways to achieve improved water quality and water storage;
- Designing the surface water management system in a manner that enhances the potential groundwater recharge in the area;
- Restoring natural habitats and wetlands;
- Maximizing long range conservation efforts; and,
- Preventing development on properties purchased is to function as an environmental preserve.

STAFF RECOMMENDATION

Planning staff recommends that the BoCC ***transmit*** the proposed amendment as discussed in this report and displayed on the FLUM in Attachment 1.

**PART 4
LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 26, 2018

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan, Board direction, and staff recommendation. Following staff's presentation, members of the LPA asked about transfer of development units (TDUs), Edison Farms, and the Land Stewardship Plan (LSPs) for the different Conservation 20/20 preservers.

No members of the public spoke in favor of or against the proposed amendments.

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2018-00001 as recommended by staff. The motion was passed 7 to 0.

VOTE:

DENNIS CHURCH	AYE
FRANK FEENEY	AYE
JAMES INK	AYE
CHRISTINE SMALE	AYE
STAN STOUDE	AYE
JUSTIN THIBAUT	AYE
HENRY ZUBA	AYE

PART 5
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT

DATE OF PUBLIC HEARING: April 4, 2018

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendments, reasons for the proposed amendments, and staff recommendation. No members of the public were present at the hearing. There were no questions concerning the proposed amendments from the Board.

B. BOARD ACTION:

A motion was made to transmit CPA2018-00001 as recommended by staff. The motion was passed 5 to 0.

VOTE:

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

PART 6
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by May 16, 2018.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

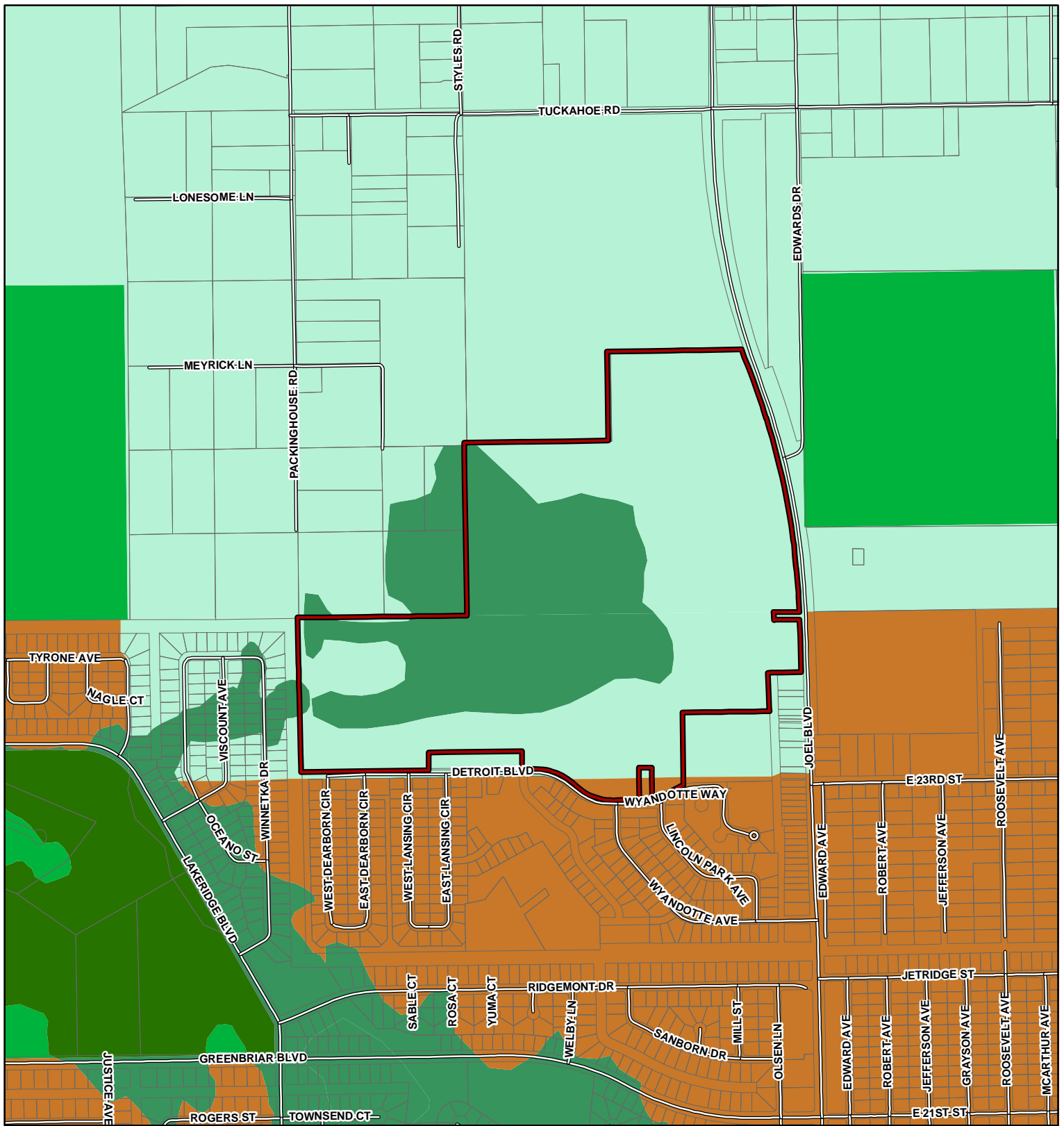
- Florida Department of Agriculture and Consumer Services,
- Florida Department of Economic Opportunity,
- Florida Fish and Wildlife Conservation Commission (FWC), and
- Southwest Florida Regional Planning Council.

There were no objections or comments concerning the proposed amendments.

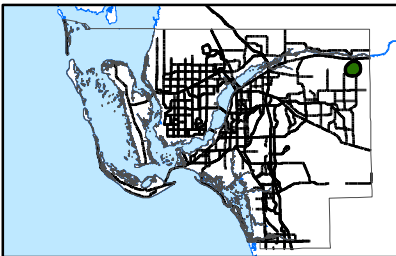
B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

<i>Preserve Name</i>	<i>Page #</i>
Alva Scrub Preserve	1a, 1b
Buckingham Trails Preserve	2a, 2b
Buttonwood Preserve	3a, 3b
Caloosahatchee Creeks Preserve	4a, 4b, 4c, 4d
Orange River Preserve	5a, 5b
Pine Island Flatwoods Preserve	6b, 6b
Telegraph Creek Preserve	7a, 7b
West Marsh Preserve	8a, 8b

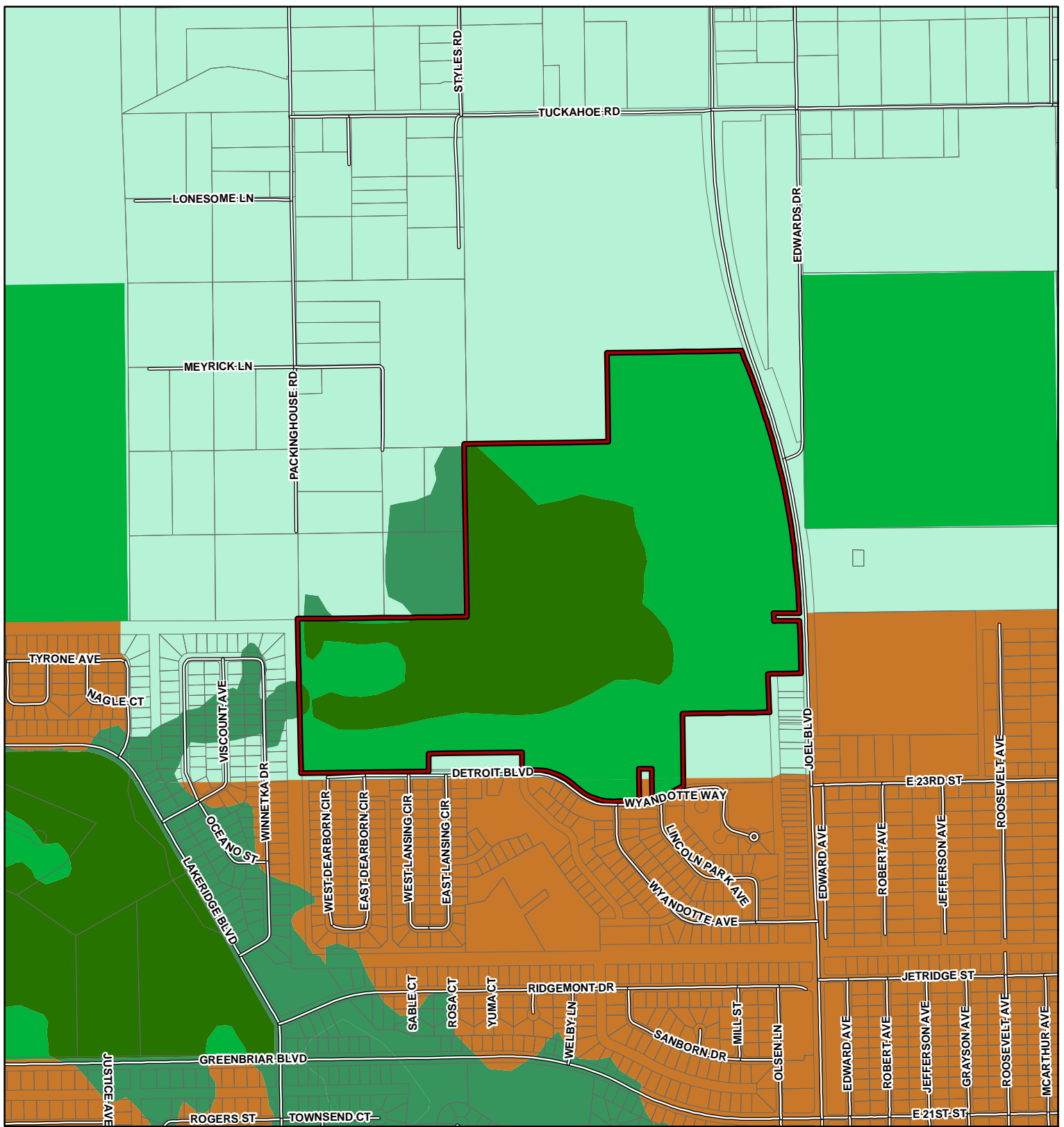


CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

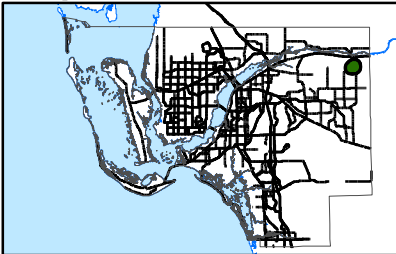


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- Rural
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- Wetlands
- Conservation Lands - Wetland

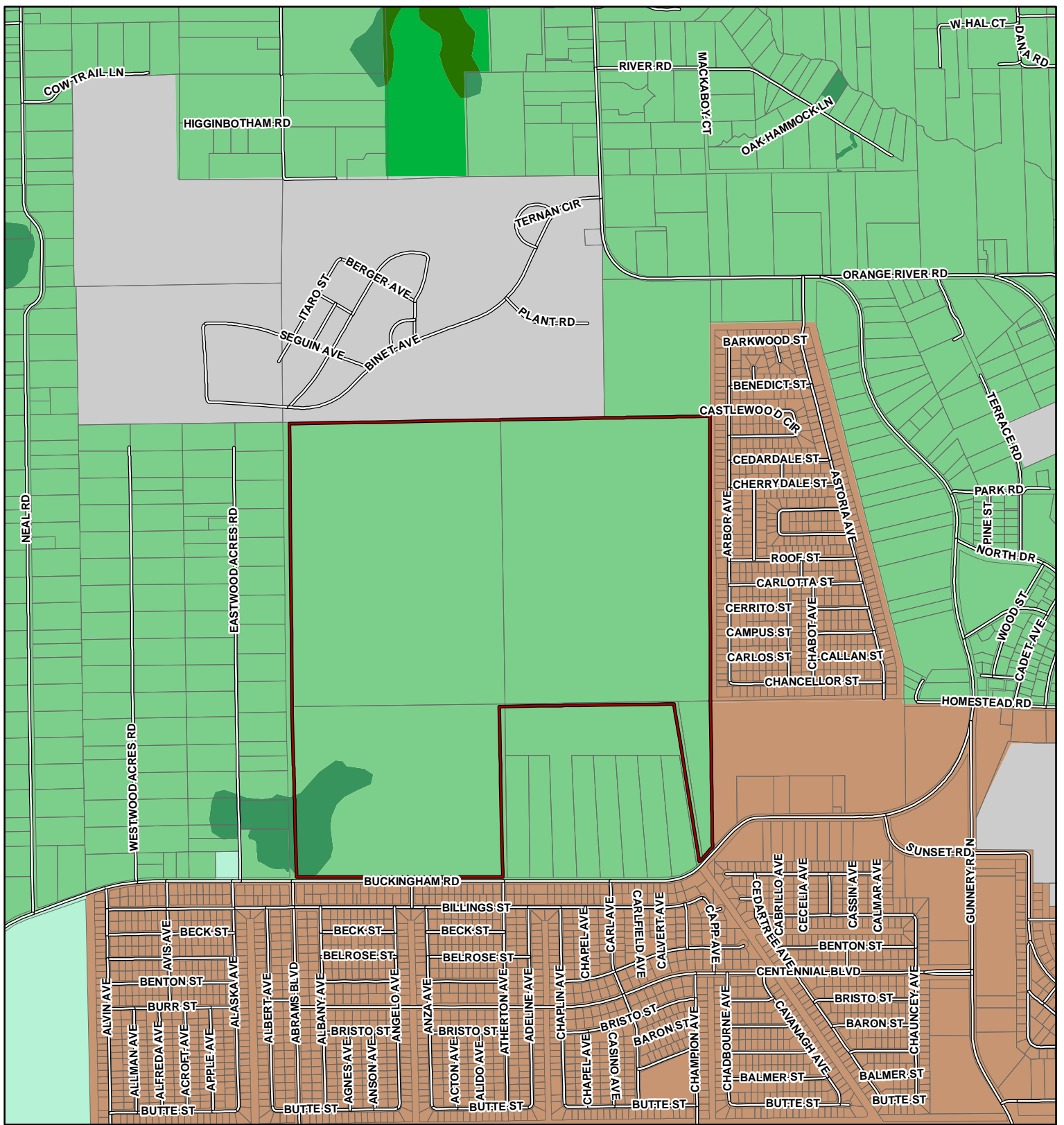


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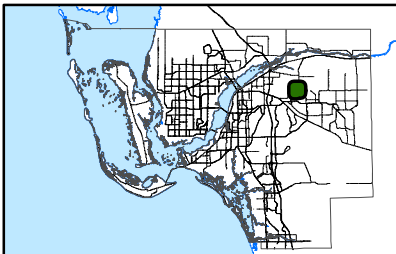


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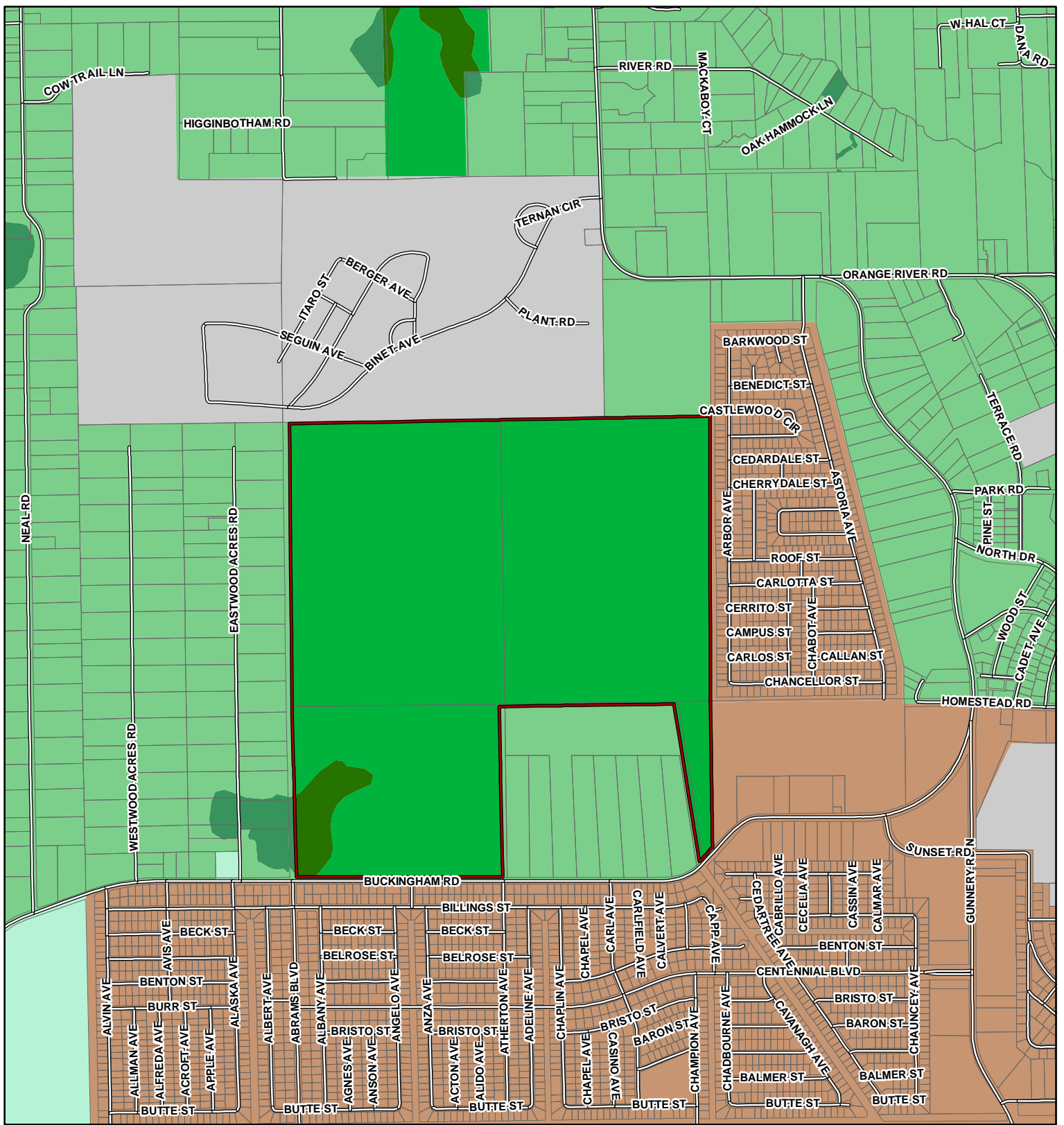


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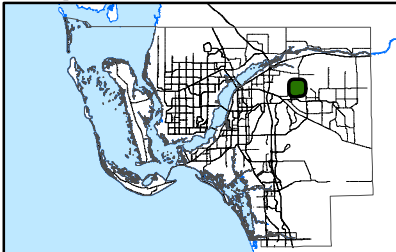


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- Rural
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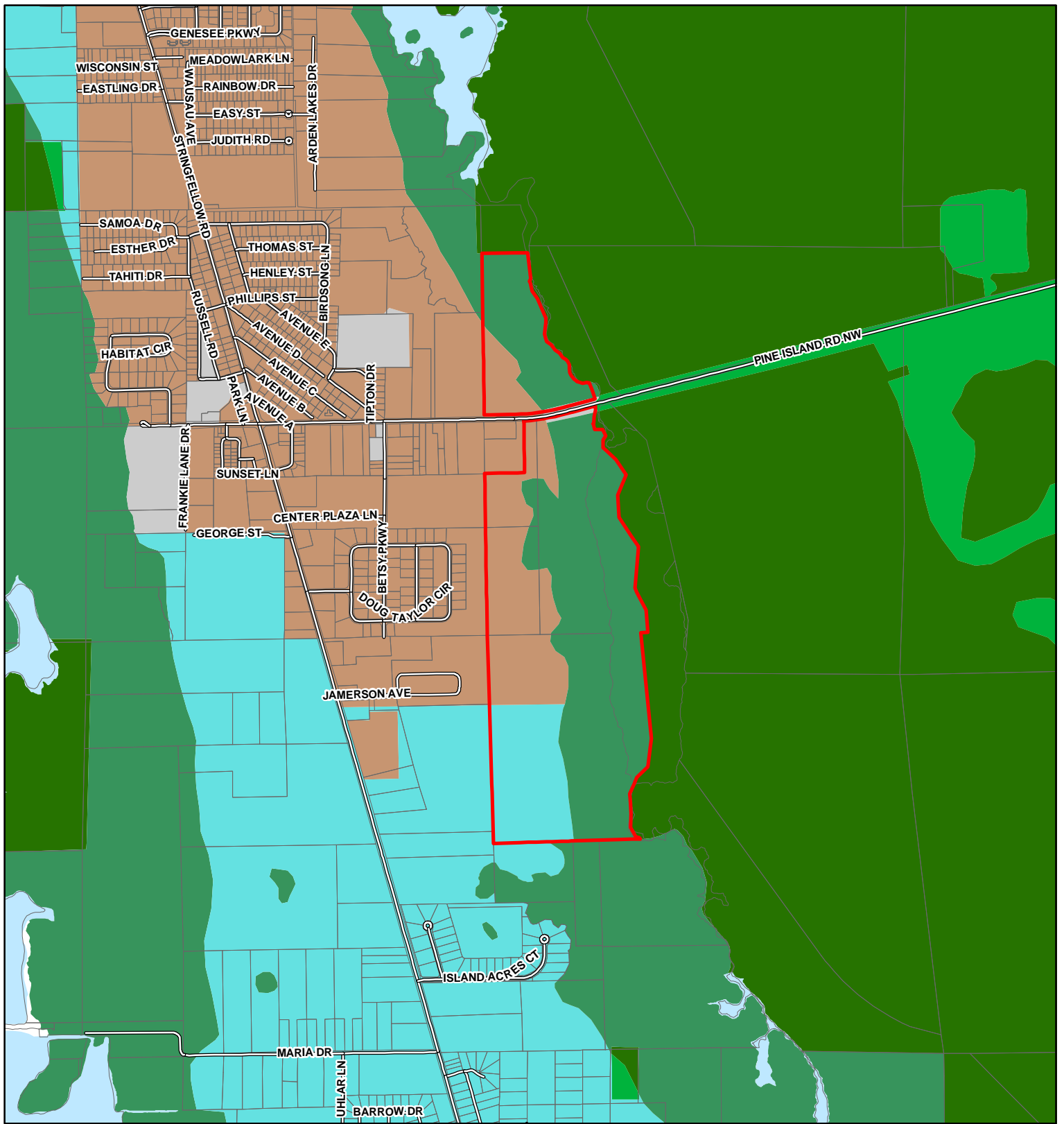


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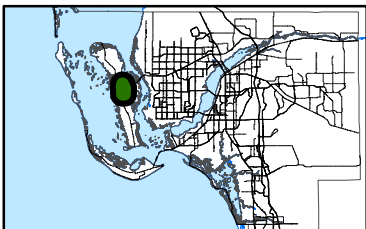


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- Conservation Lands - Wetland



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

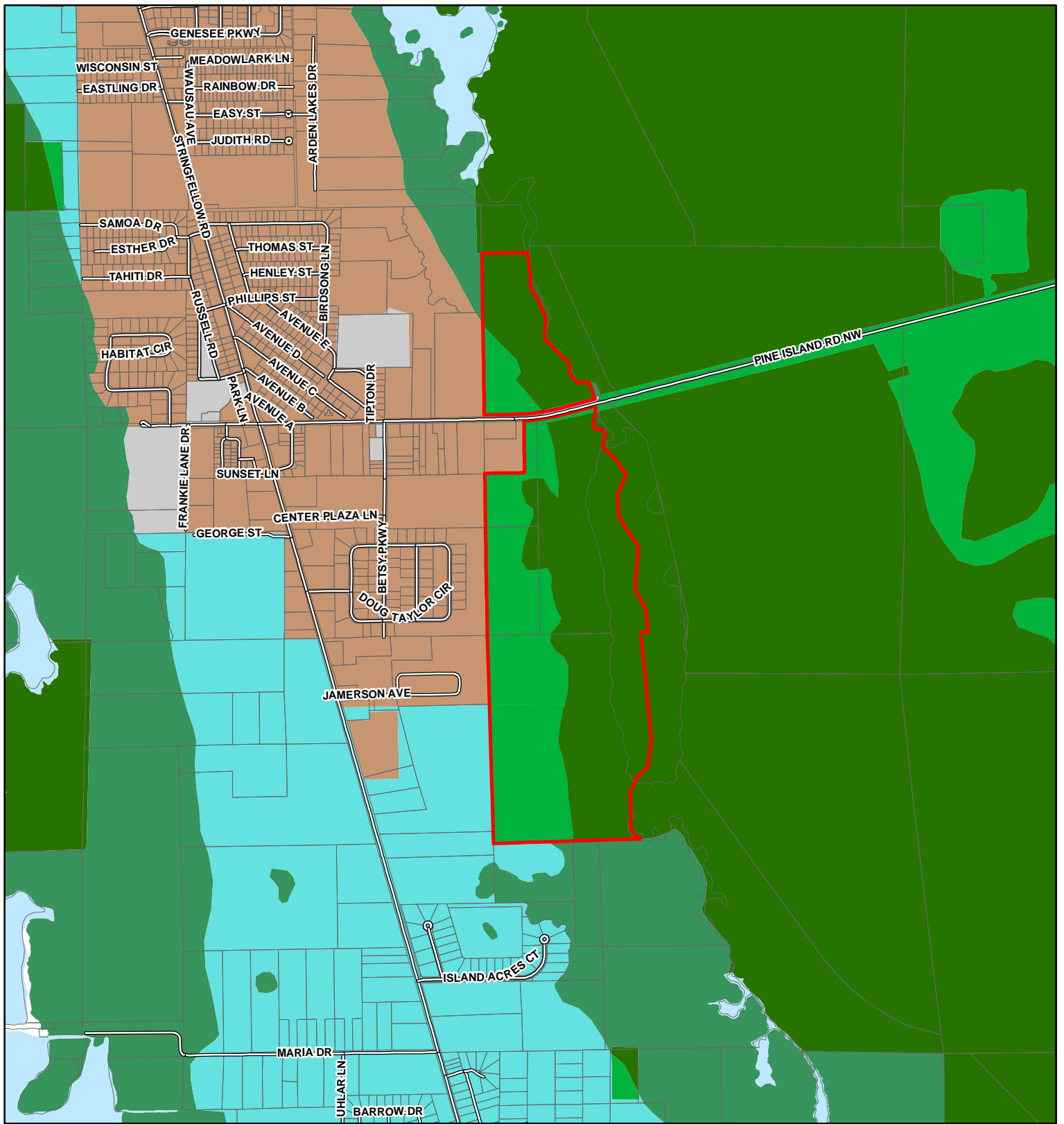


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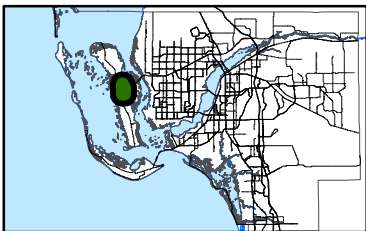
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| Subject Property | Urban Community |
| Parcel Boundary | Public Facilities |
| | Coastal Rural |
| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

Page 3a of 8



CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

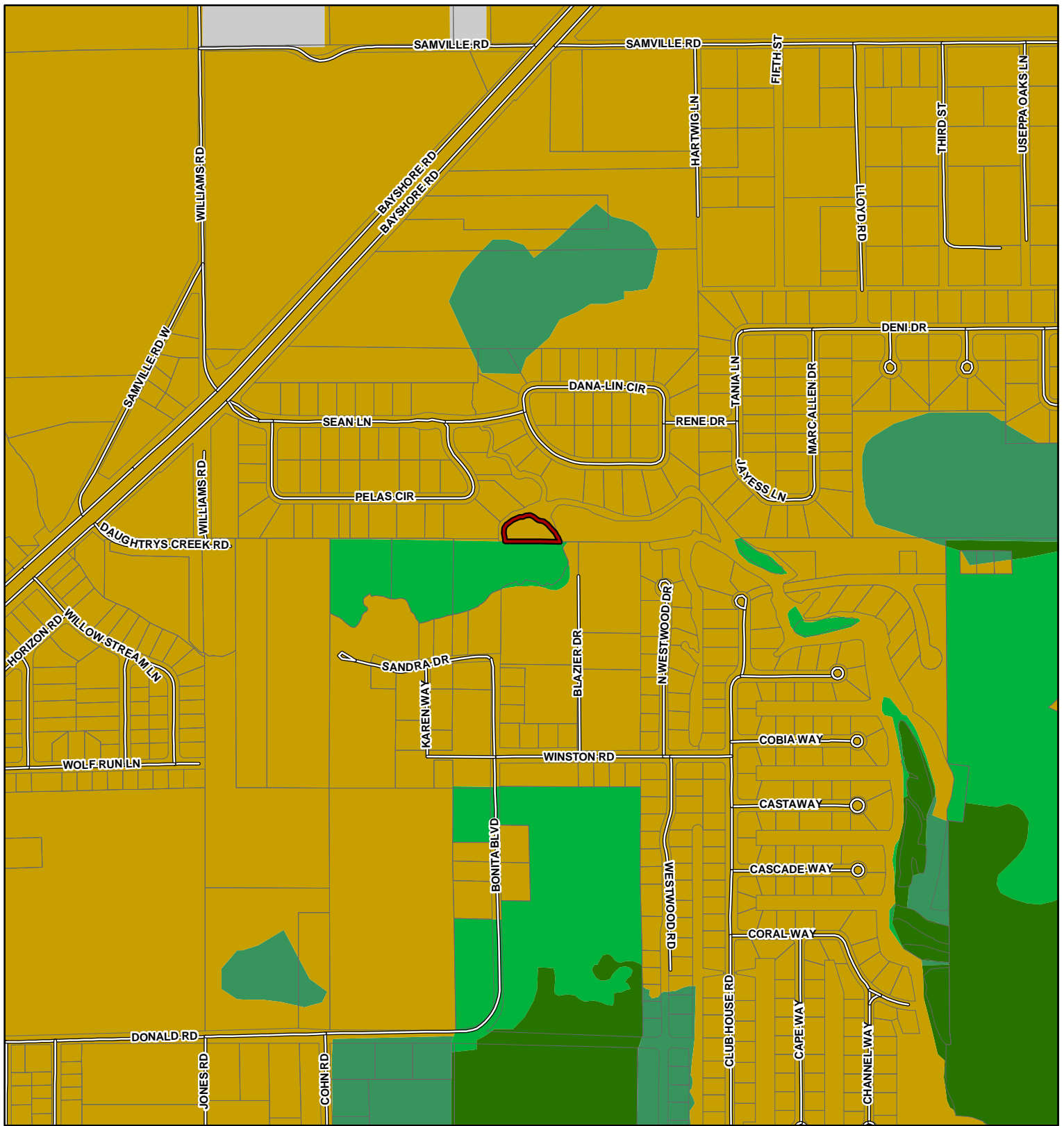


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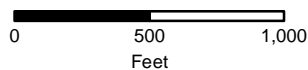
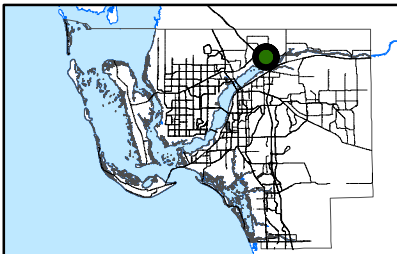
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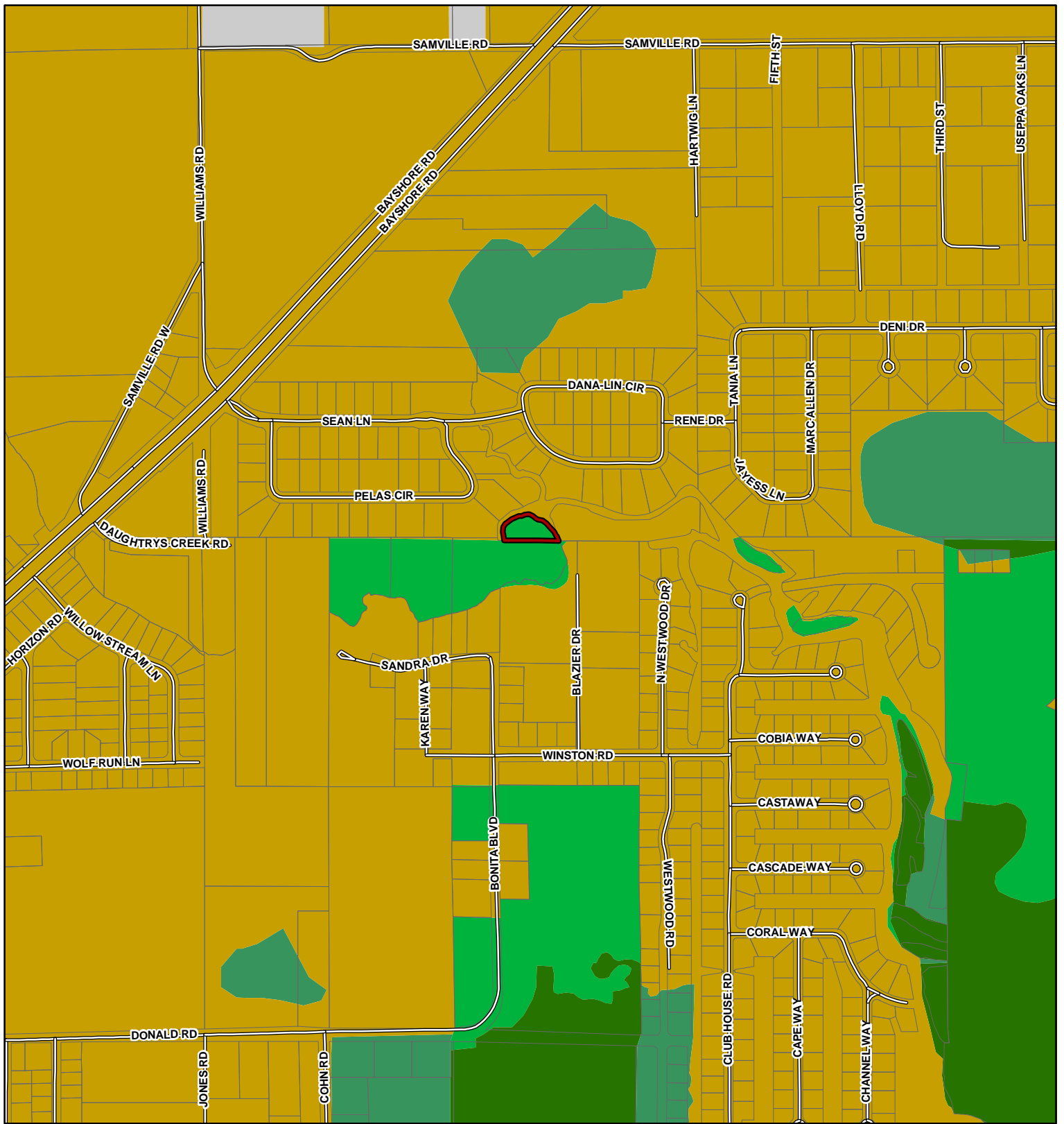
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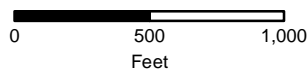
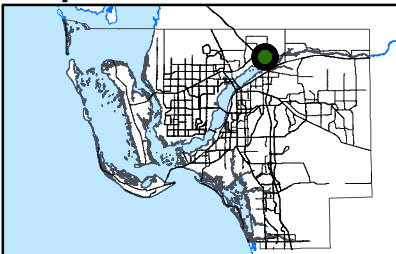
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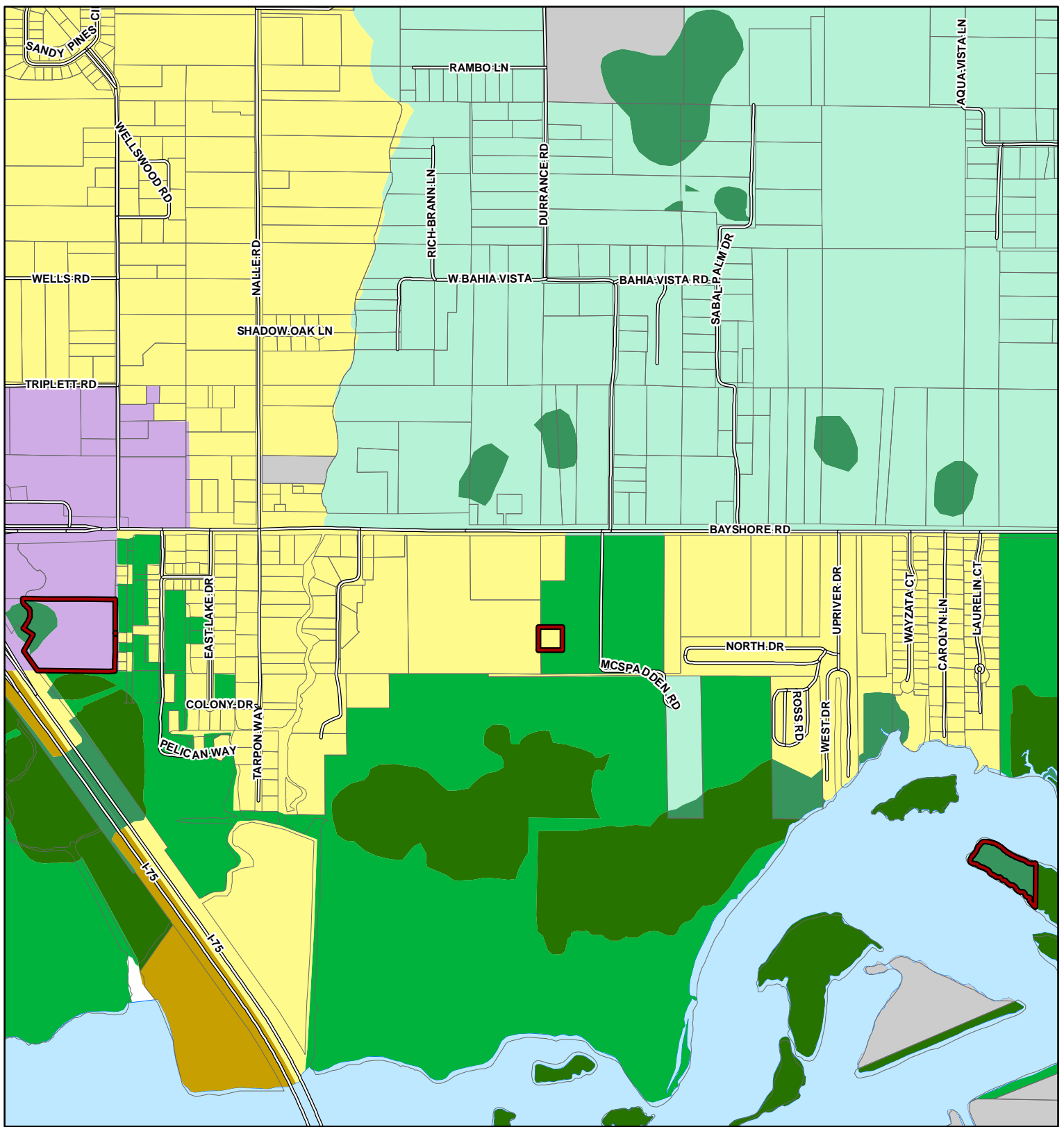
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- Conservation Lands - Wetland



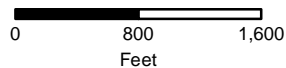
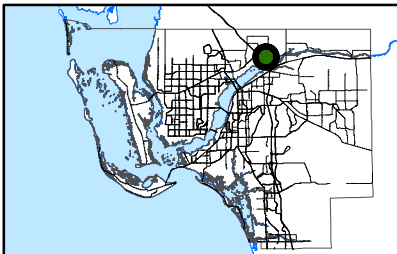
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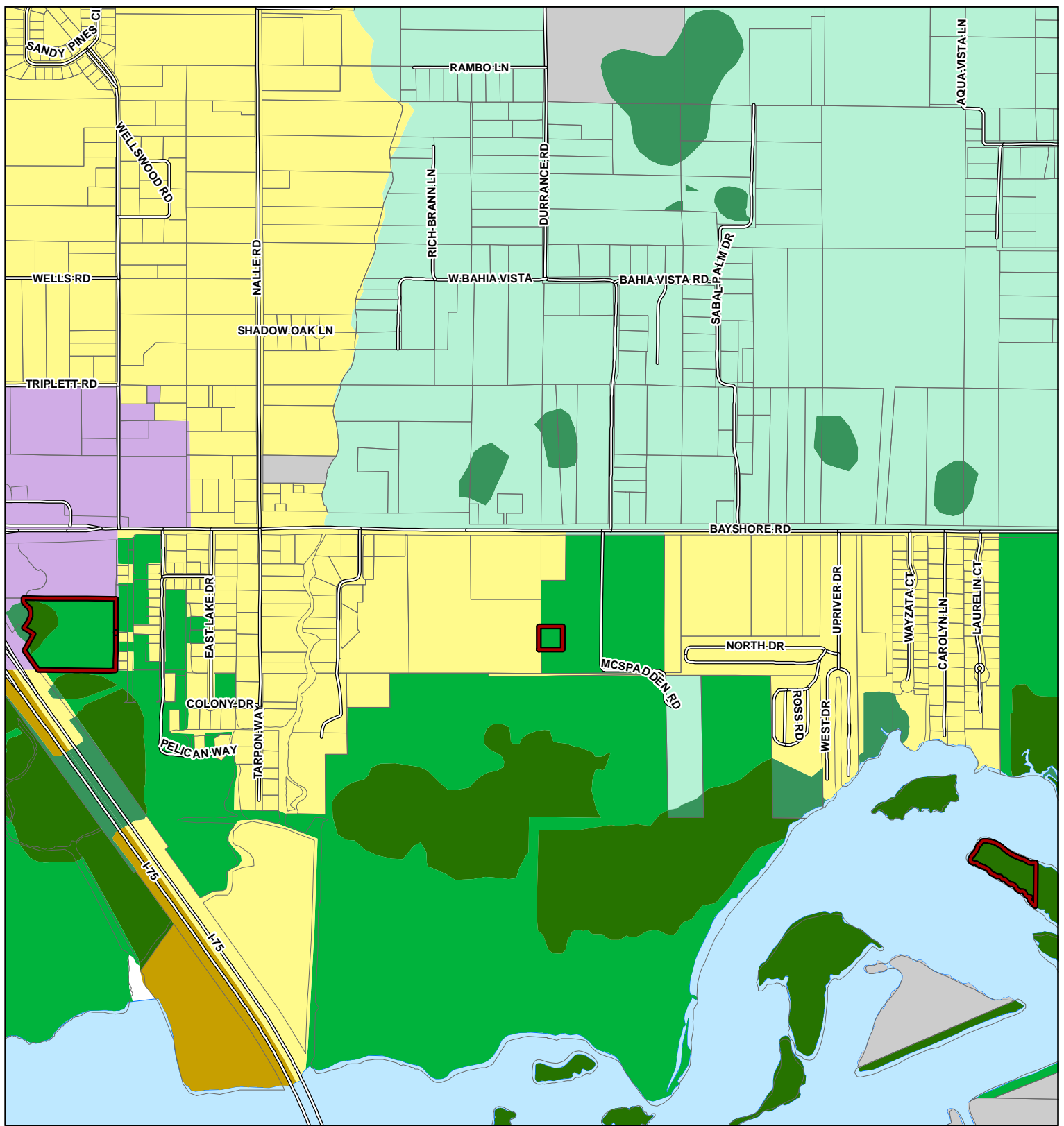
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- Conservation Lands - Wetland



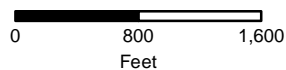
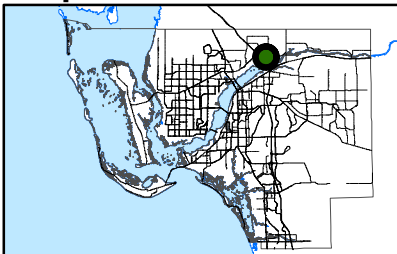
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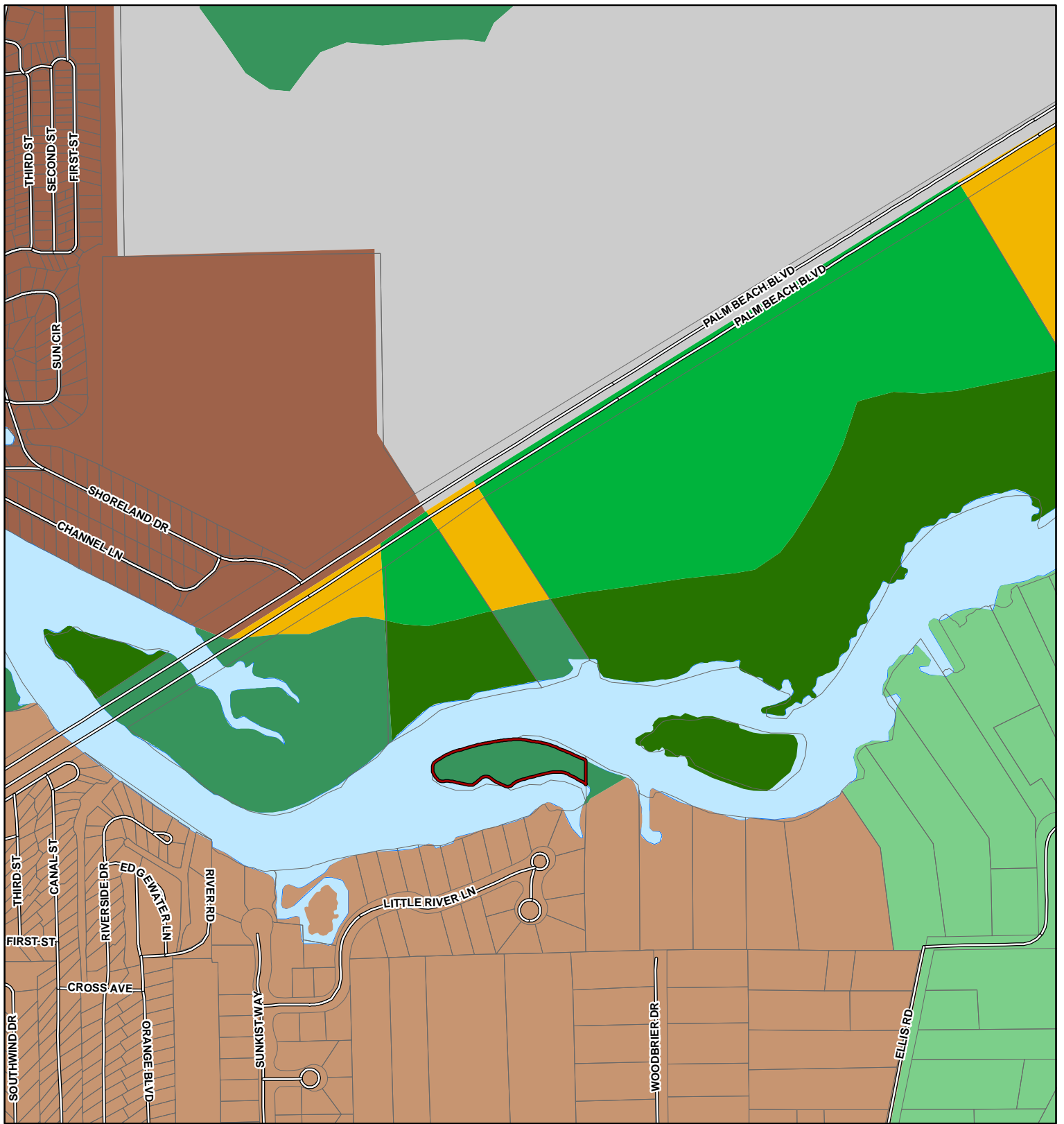
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- Public Facilities
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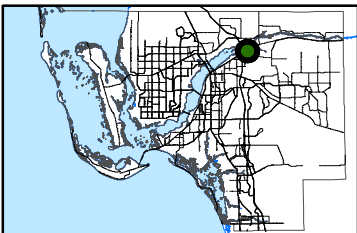
CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



- Subject Property
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CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

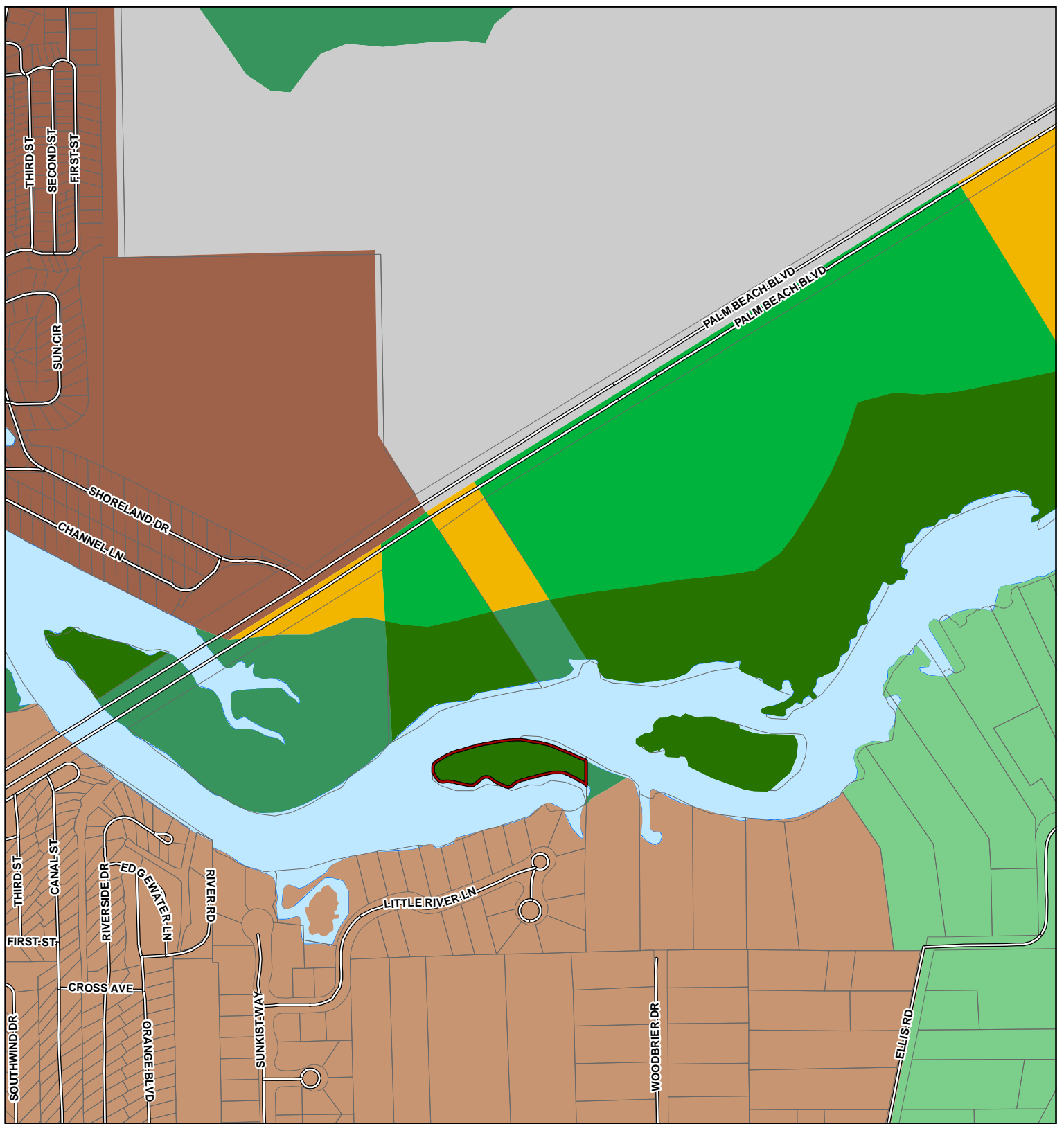


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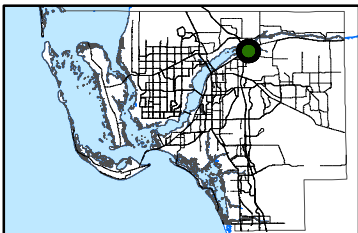
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|------------------|------------------------------|
| Subject Property | Central Urban |
| Parcel Boundary | Urban Community |
| | Suburban |
| | Public Facilities |
| | Rural Community Preserve |
| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

Page 5a of 8



CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

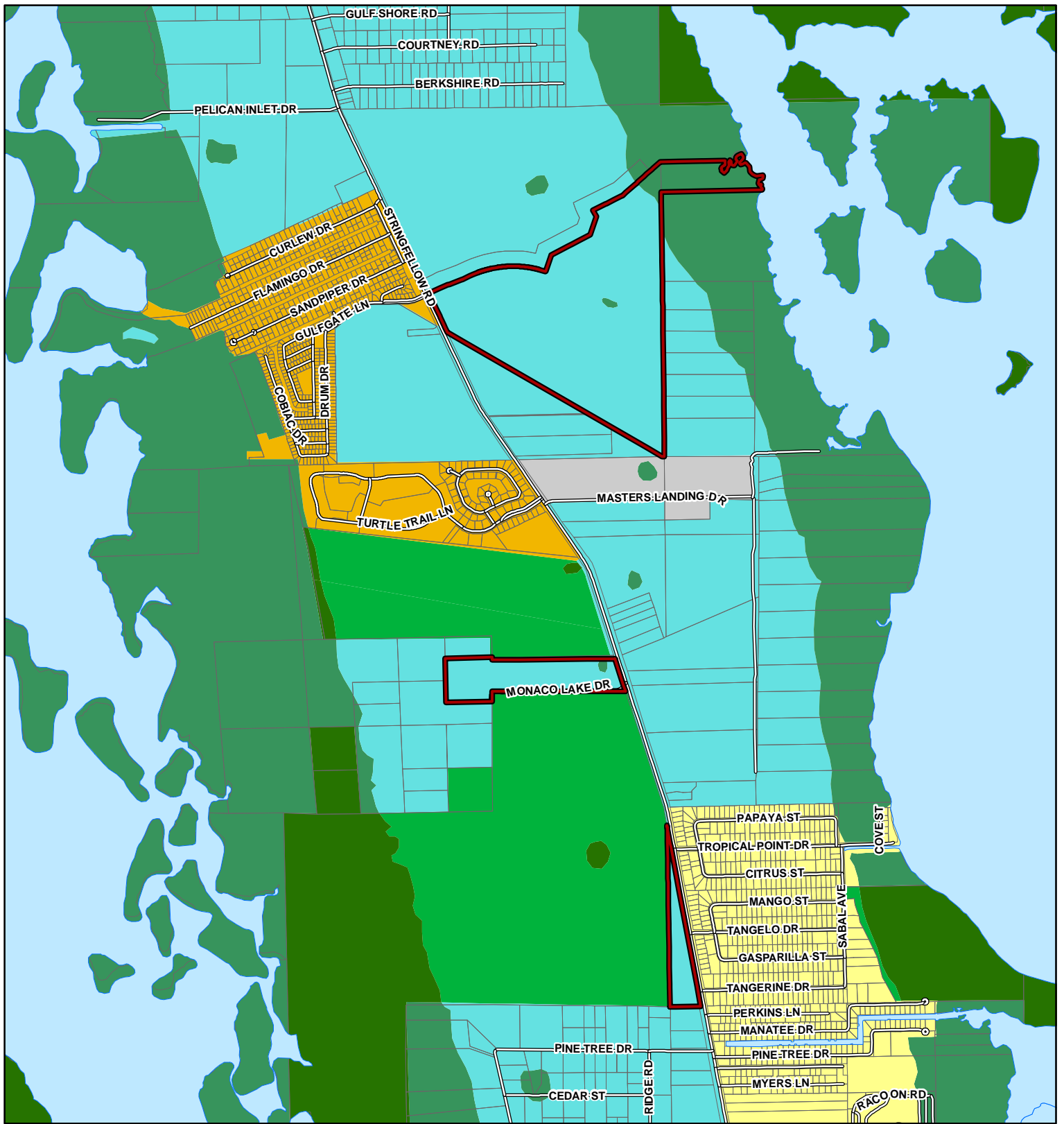


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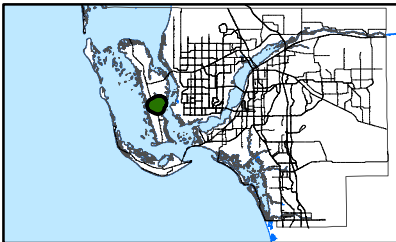
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| Parcel Boundary | Urban Community |
| | Suburban |
| | Public Facilities |
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| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

Page 5b of 8

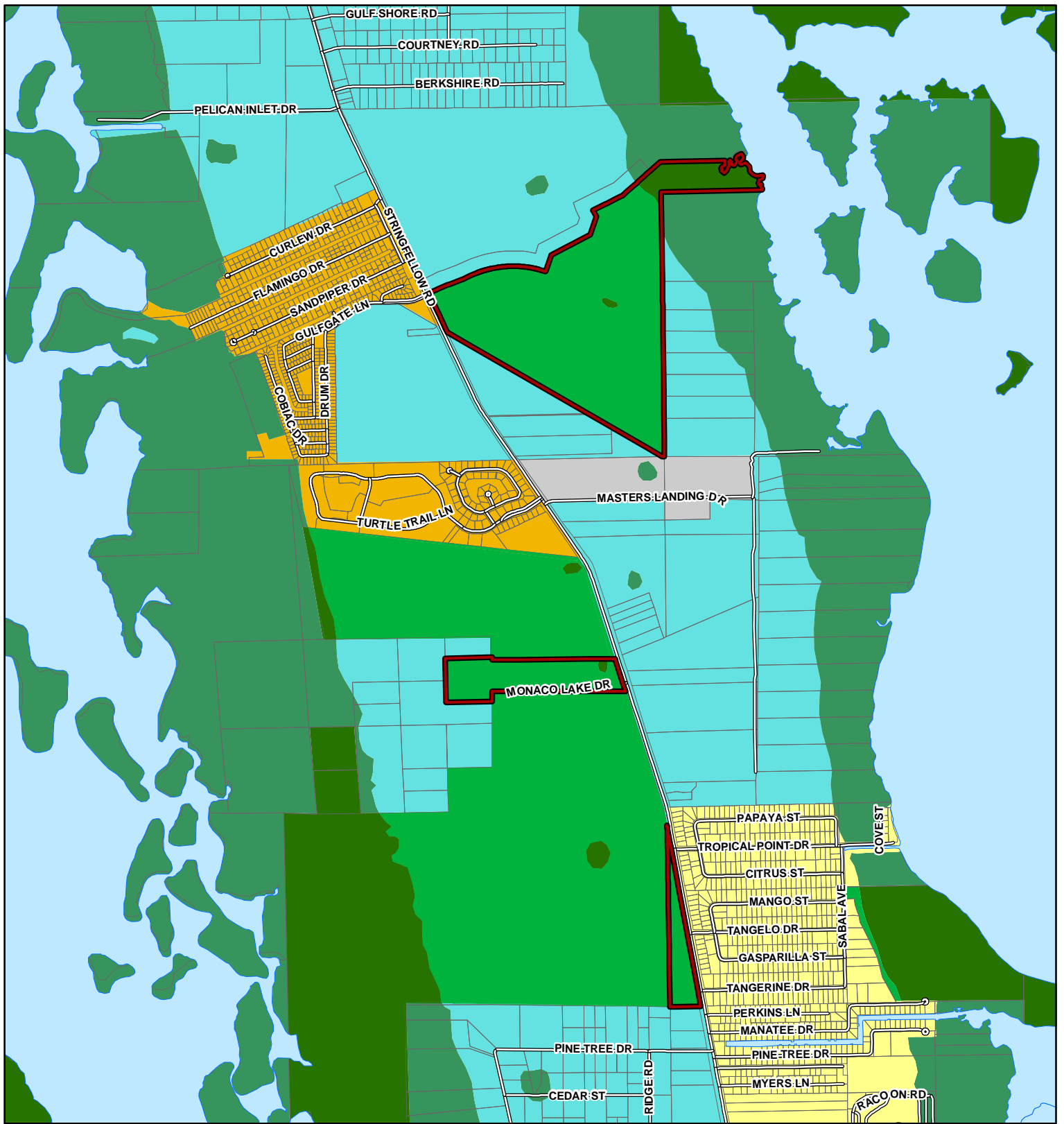


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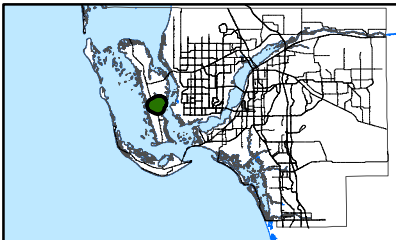


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- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

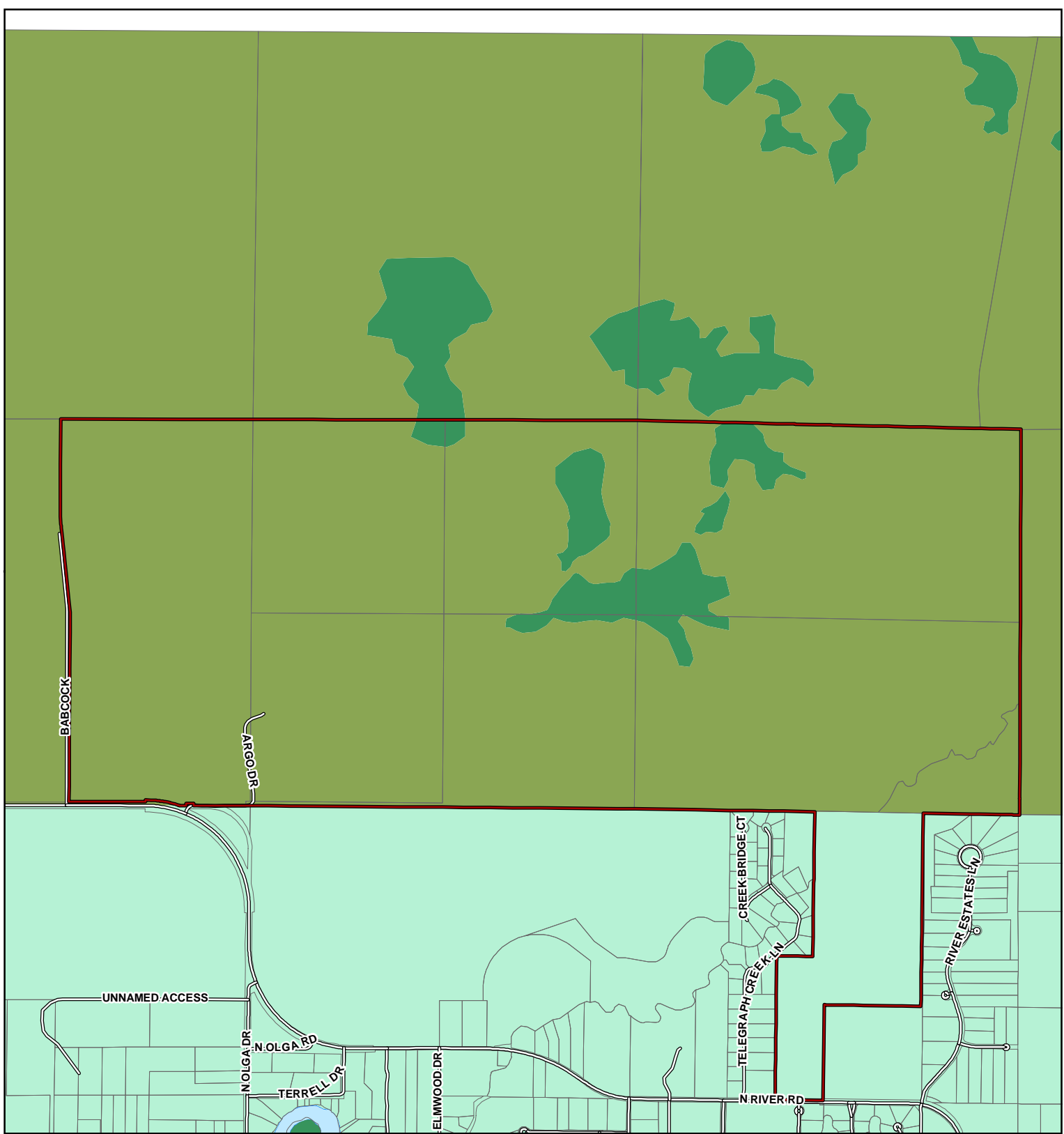


CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

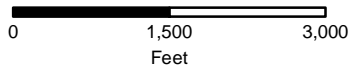
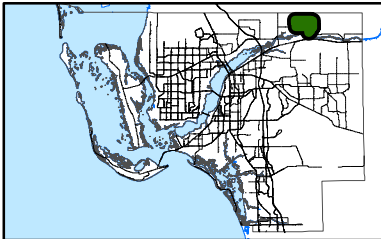


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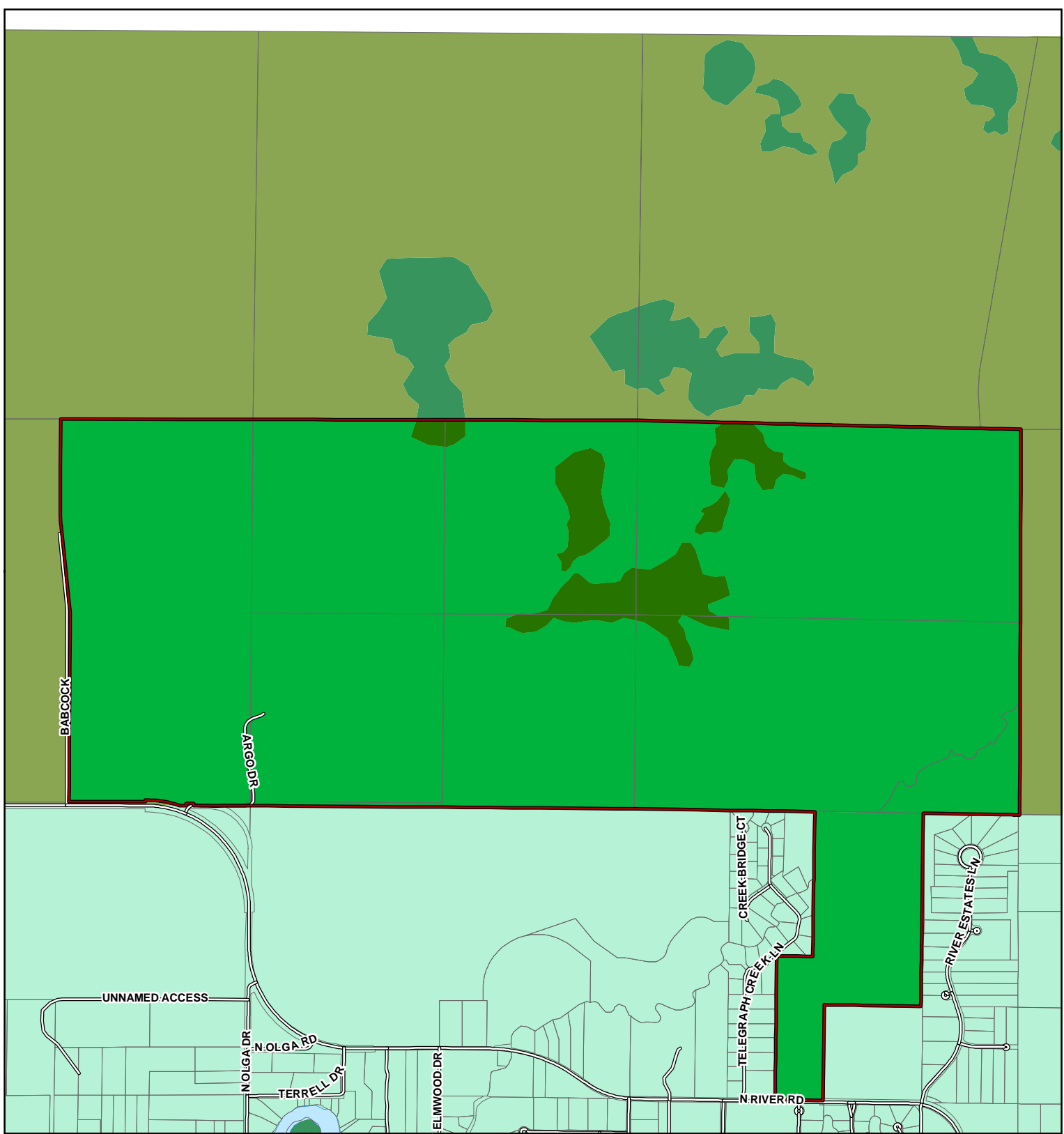
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- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



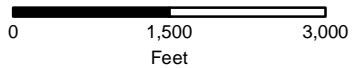
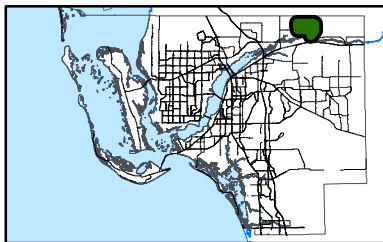
CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



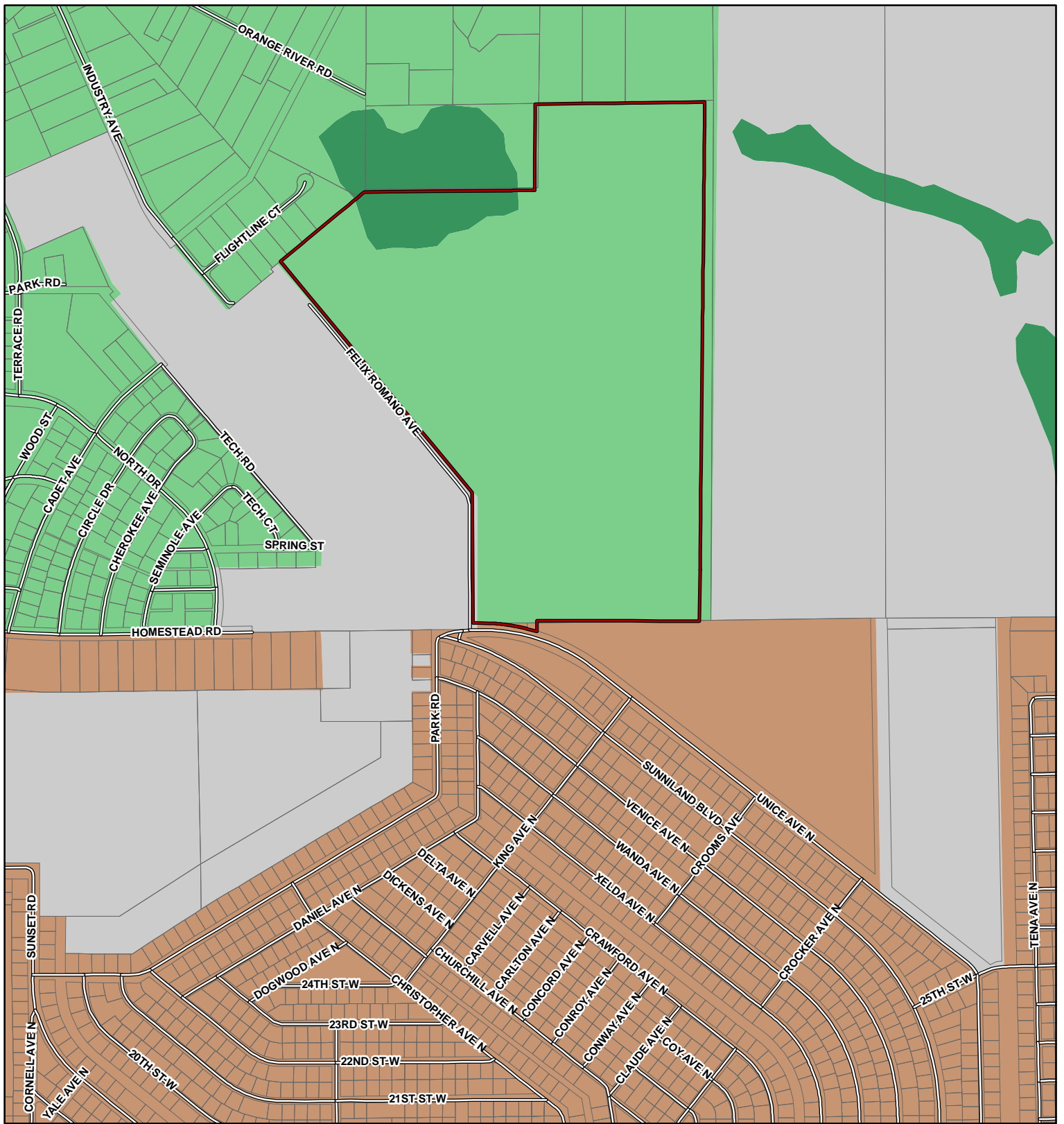
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| Subject Property | Rural |
| Parcel Boundary | Density Reduction/Groundwater Resource |
| | Wetlands |



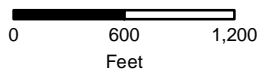
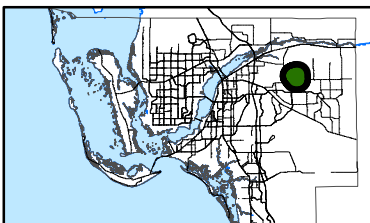
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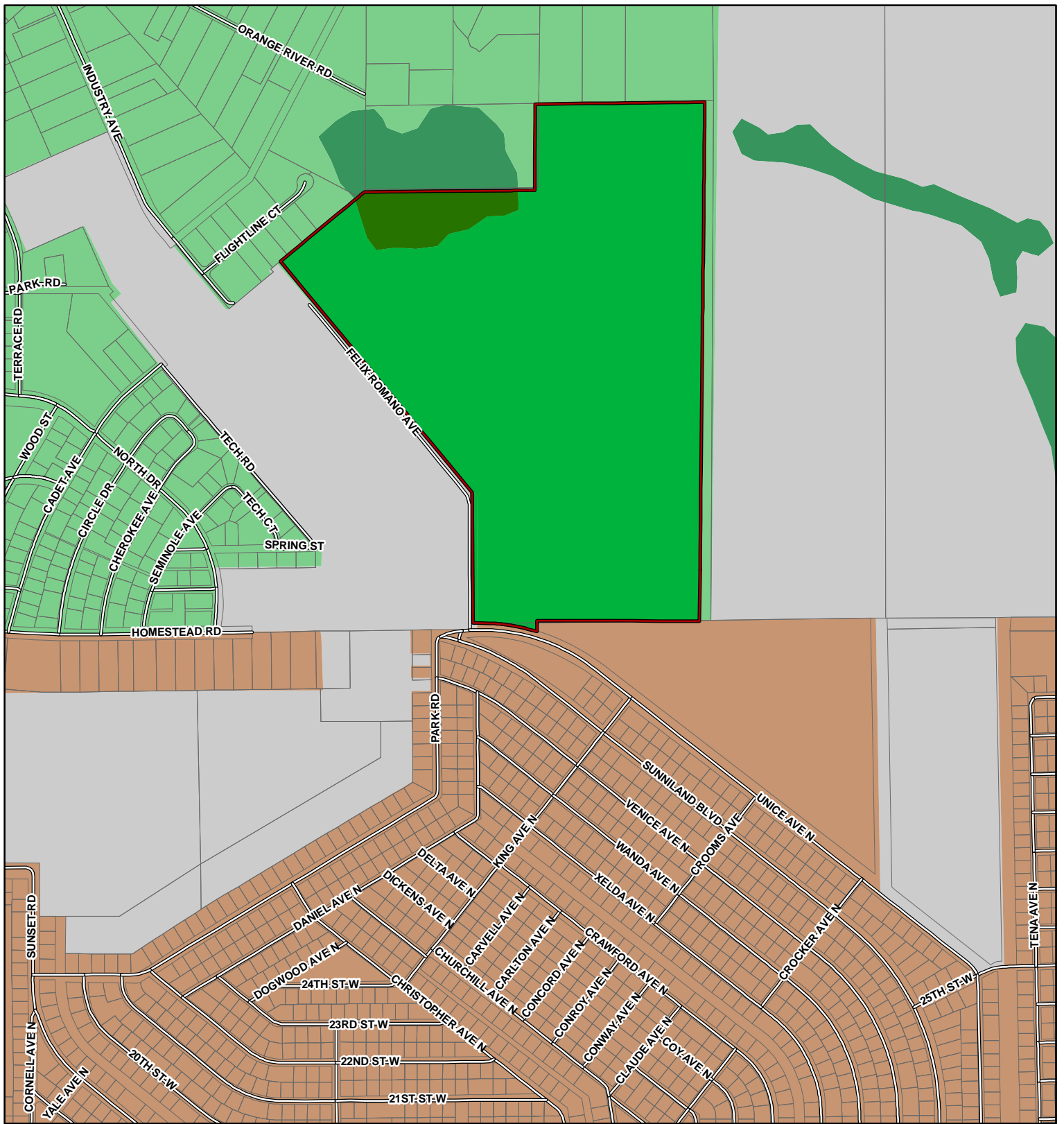
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| Parcel Boundary | Conservation Lands - Wetland |
| | Rural |
| | Density Reduction/Groundwater Resource |
| | Wetlands |



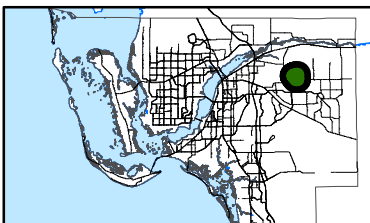
CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



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| Subject Property | Urban Community |
| Parcel Boundary | Public Facilities |
| | Rural Community Preserve |
| | Wetlands |



CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



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| Subject Property | Urban Community |
| Parcel Boundary | Public Facilities |
| | Rural Community Preserve |
| | Wetlands |
| | Conservation Lands - Upland |
| | Conservation Lands - Wetland |

AGENCY COMMENTS

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

May 16, 2018

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

Dear Chair Pendergrass:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment 18-3ESR), which was received on April 16, 2018. We have reviewed the proposed amendment in accordance with the expedited state review process set forth in Sections 163.3184(2) and (3), Florida Statutes (F.S.), for compliance and identified no comments related to important state resources and facilities within the Department of Economic Opportunity'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 of Economic Opportunity 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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

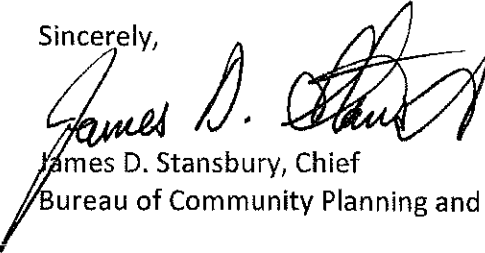
The Honorable Cecil Pendergrass

May 16, 2018

Page 2 of 2

We appreciate the opportunity to work with Lee County's staff in the review of the amendment. If you have any questions related to this review, please contact Beau Scott, at (850) 717-8515, or by email at Beau.Scott@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a large, stylized initial "J".

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/bs

Enclosure(s): Procedures for Adoption

cc: Mr. David Loveland, Director, Lee County Department of Community Development
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 State Land Planning Agency 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:

_____ State Land Planning Agency 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 state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the state land planning agency 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 state land planning agency.

_____ List of additional changes made in the adopted amendment that the State Land Planning Agency 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 State Land Planning Agency in response to the comment letter from the State Land Planning Agency.

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

April 16, 2018

RECEIVED
APR 19 2018

COMMUNITY DEVELOPMENT

Ms. Mikki Rozdolski, Planning Manager
Lee County Department of Community Development
Planning Section
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Ms. Rozdolski:

Thank you for submitting Lee County's proposed comprehensive plan amendments submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **Lee County 18-3ESR**.

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 **May 16, 2018**.

If you have any questions please contact Anita Franklin, Plan Processor at (850) 717-8486 or Brenda Winningham, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850) 717-8516.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

MEMORANDUM

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

DATE: April 16, 2018

SUBJECT: EXPEDITED STATE REVIEW PROCESS

COMMENTS FOR PROPOSED COMPREHENSIVE PLAN AMENDMENT

LOCAL GOVERNMENT / STATE LAND PLANNING AGENCY AMENDMENT #:

Lee County 18-3ESR

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 Department of Economic Opportunity 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.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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April 11, 2018

RECEIVED
Bov. of Community Planning and Economic Development

APR 16 2018

Div. of Community Dev.
Dept. Economic Development

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 to the Lee Plan
Transmittal Submission Package
CPA2018-01

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2018-00001 (Conservation Lands Update). The proposed amendment is being submitted through the **expedited state review** process as described in Chapter 163.3184. The amendment is as follows:

CPA2018-00001 (Conservation Lands Update): Amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Uplands and Wetlands) land use category. The properties are located in the following Lee County Preserves: Alva Scrub Preserve, Buckingham Trails Preserve, Buttonwood Preserve, Caloosahatchee Creeks Preserve, Orange River Preserve, Pine Island Flatwoods Preserve, Telegraph Creek Preserve, and West Marsh Preserve.

The Local Planning Agency held a public hearing for this plan amendment on February 26, 2018. The Board of County Commissioners voted to transmit the amendment on April 4, 2018. The proposed amendment is not applicable to an area of critical state concern. The Board of County Commissioners stated their intent to hold an adoption hearing following the receipt of the review agencies' comments.

The name, title, address, telephone 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
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

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

Sincerely,



Mikki Rozdolski, Planning Manager
Department of Community Development
Planning Section

All documents and reports attendant to this transmittal are also being sent, by copy of this cover in an electronic format, 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

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]
Sent: Thursday, April 26, 2018 12:22 PM
To: DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon
Cc: Keltner, James; Wallace, Traci
Subject: Lee County 18-3ESR (CPA2018-00001, Conservation Lands Update)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer on this amendment.

We appreciate the opportunity to review the proposed project and look forward to working with the applicant throughout the permitting process. If you need any further assistance, please do not hesitate to contact our office by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, please contact Jim Keltner at (239) 332-6972 x9209 or by email at James.Keltner@MyFWC.com.

Thank you,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

[Lee County 18-3ESR_36091](#)

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.

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



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

May 8, 2018

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

RECEIVED
MAY 15 2018
COMMUNITY DEVELOPMENT

Re: Lee County CPA2018-00001 / DEO 18-3ESR

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 18-3ESR) 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 June 21, 2018 meeting. Council staff is recommending that the request be found not regionally significant. Council staff is also recommending 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 18-3ESR). 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:

Factors of Regional Significance				
<u>Proposed</u> <u>Amendment</u>	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
DEO 18-3ESR	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

05/2018

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 18-3ESR)

Summary of Proposed Amendment

Lee County DEO 18-3ESR request to amend the Future Land Use Map series, Map 1, by adding County-owned property to the Conservation Lands (Upland and Wetland) land use category. The amendment would change the future land use categories for approximately 3,240.33 acres in eight different Conservation 20/20 preserves to the Conservation Lands (Upland and Wetland) future land use category (FLUC). Conservation and restoration activities will have positive impacts on water quality, wildlife, habitat improvements, downstream flooding, and groundwater resources.

The proposed reclassification of 3,240.33 acres from various future land use categories to Conservation Lands (Upland and Wetland) supports the goals of the Lee Plan as summarized below:

- Providing for environmental protection and an area or basin wide surface water management system;
- Connecting to publicly-owned conservation lands that serve as the backbone for wildlife movement within Lee County and the region as a whole;
- Preserving and enhancing existing natural flow-ways to achieve improved water quality and water storage;
- Designing the surface water management system in a manner that enhances the potential groundwater recharge in the area;
- Restoring natural habitats and wetlands;
- Maximizing long range conservation efforts; and,
- Preventing development on properties purchased is to function as an environmental preserve.

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 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.

MAPS

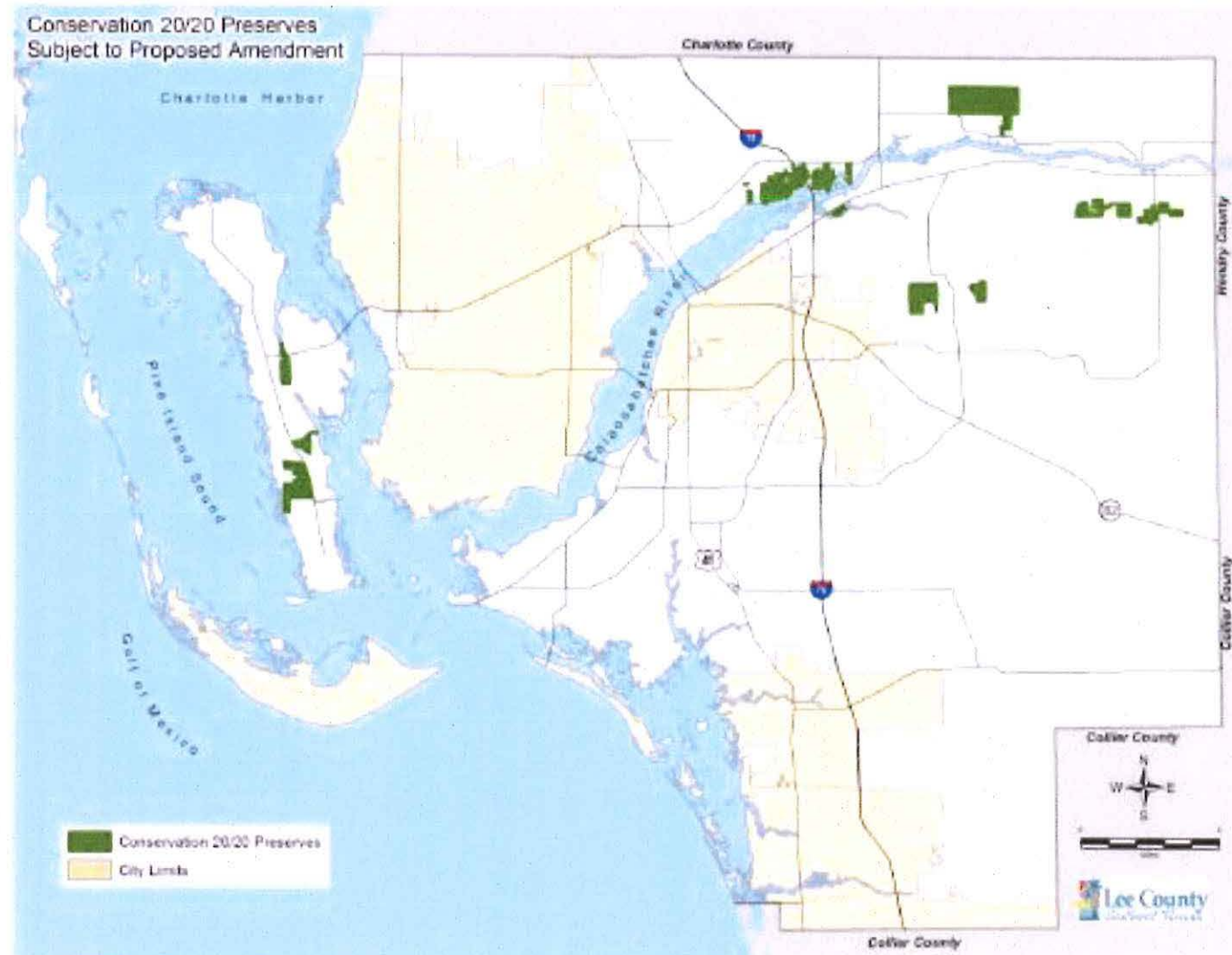
Lee County

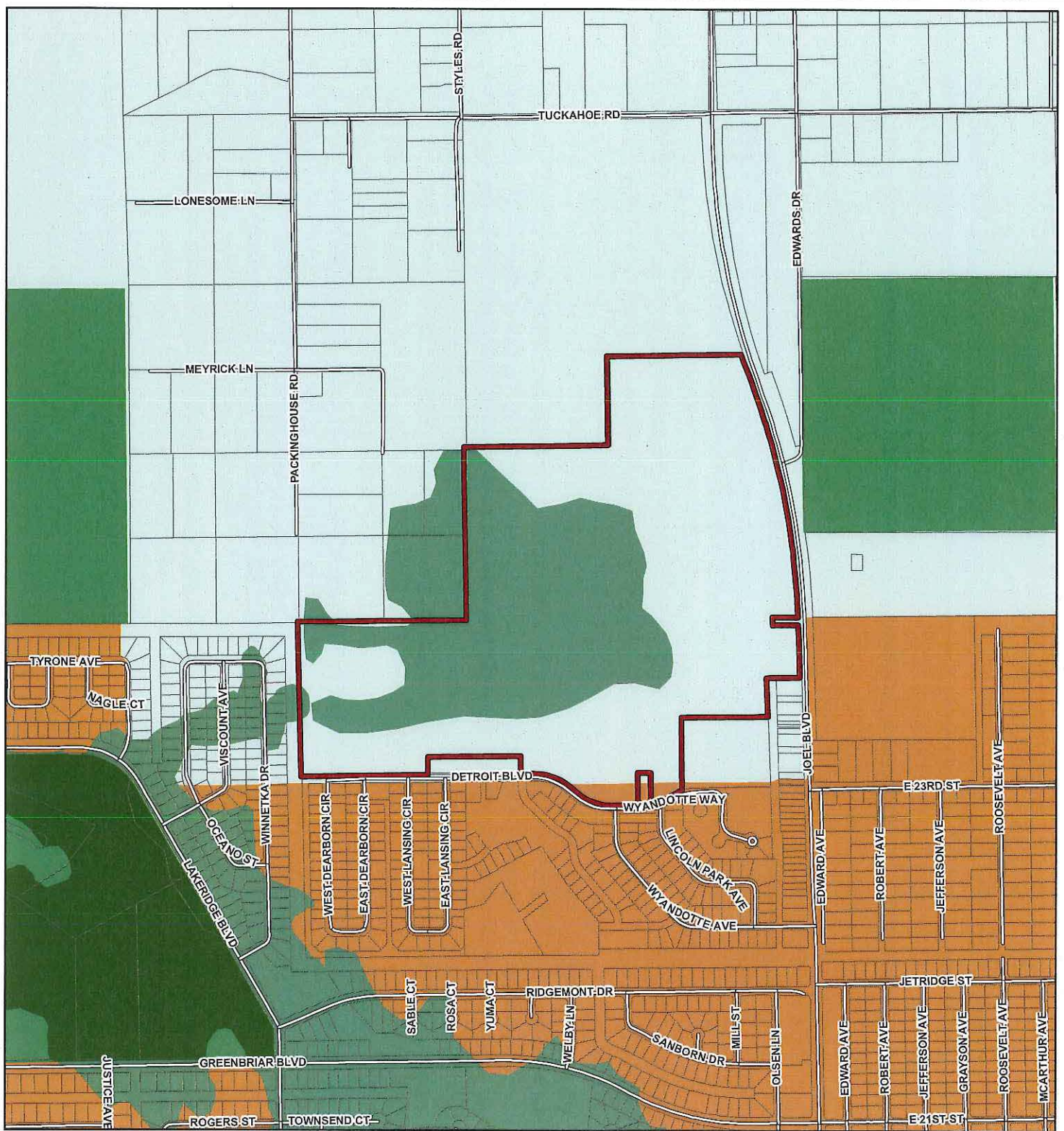
DEO 18-3ESR

Growth Management Plan

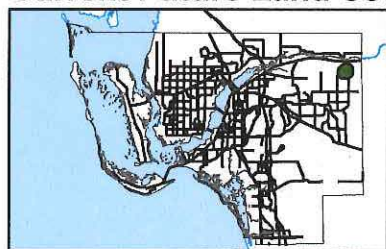
Comprehensive Plan Amendment

PROPERTY LOCATION





CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

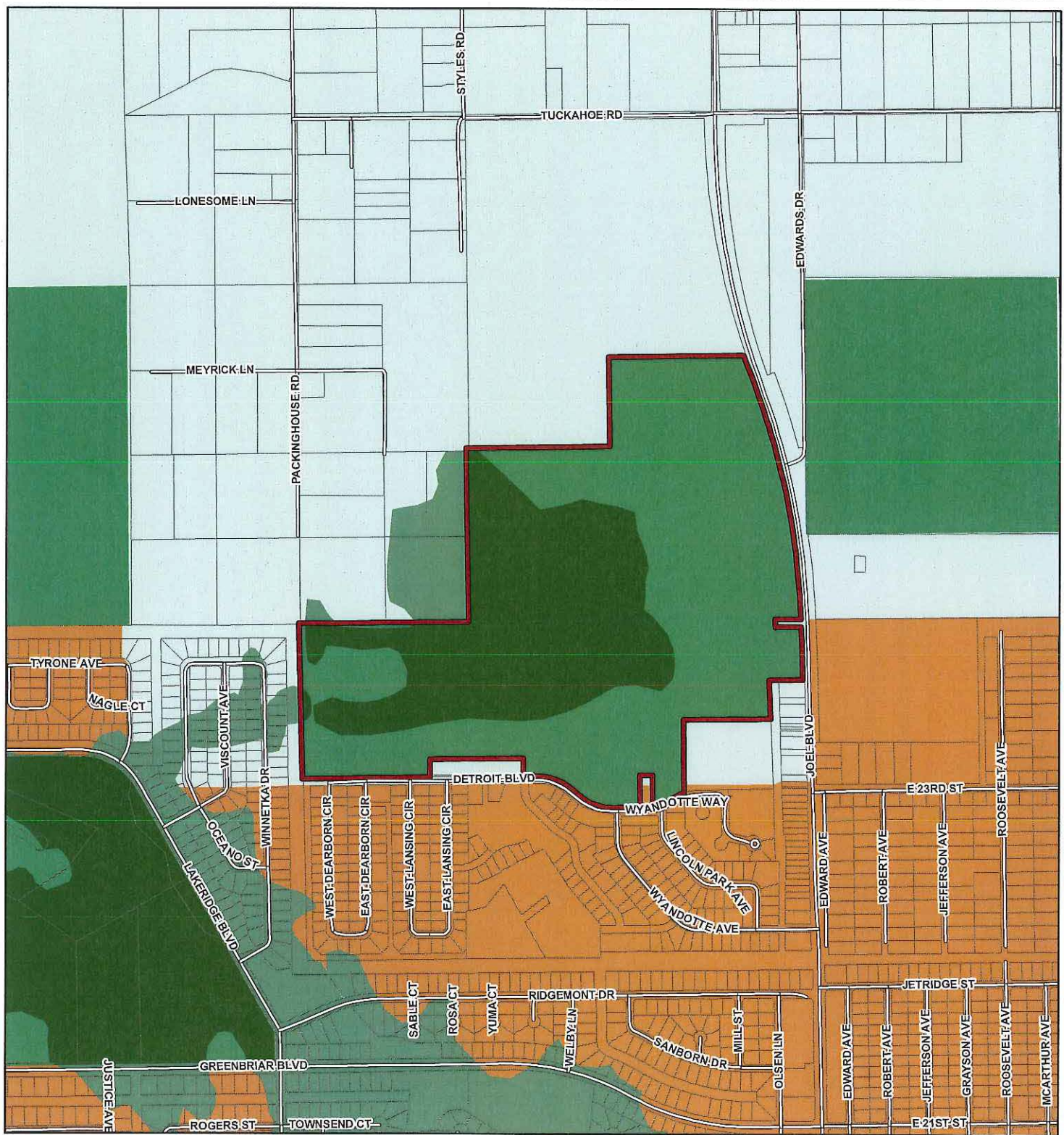


0 650 1,300
Feet

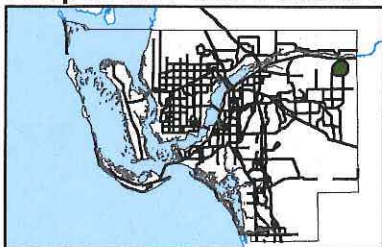
- Subject Property
- Parcel Boundary
- Urban Community
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



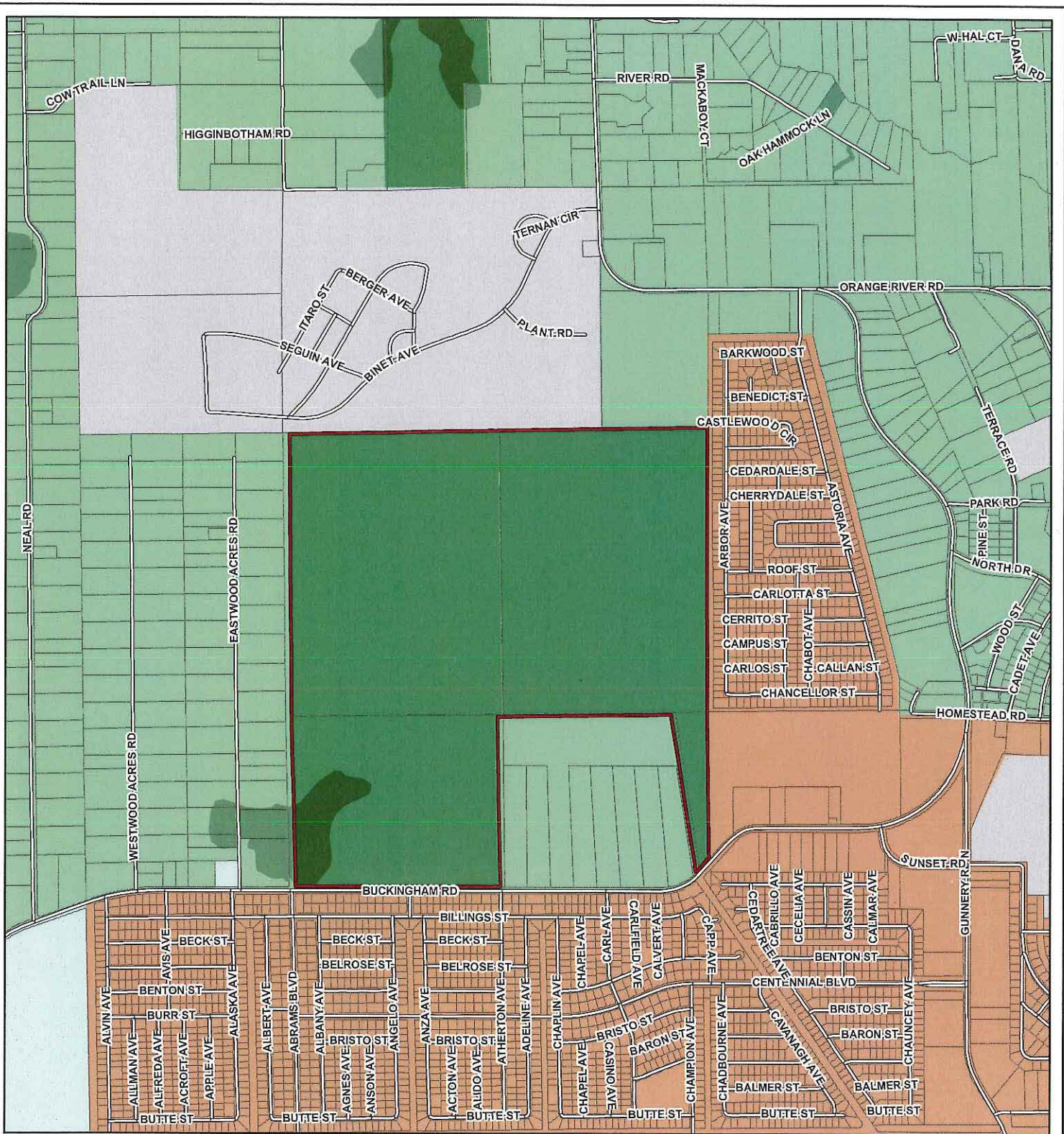
0 650 1,300
Feet

- Subject Property
- Parcel Boundary
- Urban Community
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map generated: Feb. 2018

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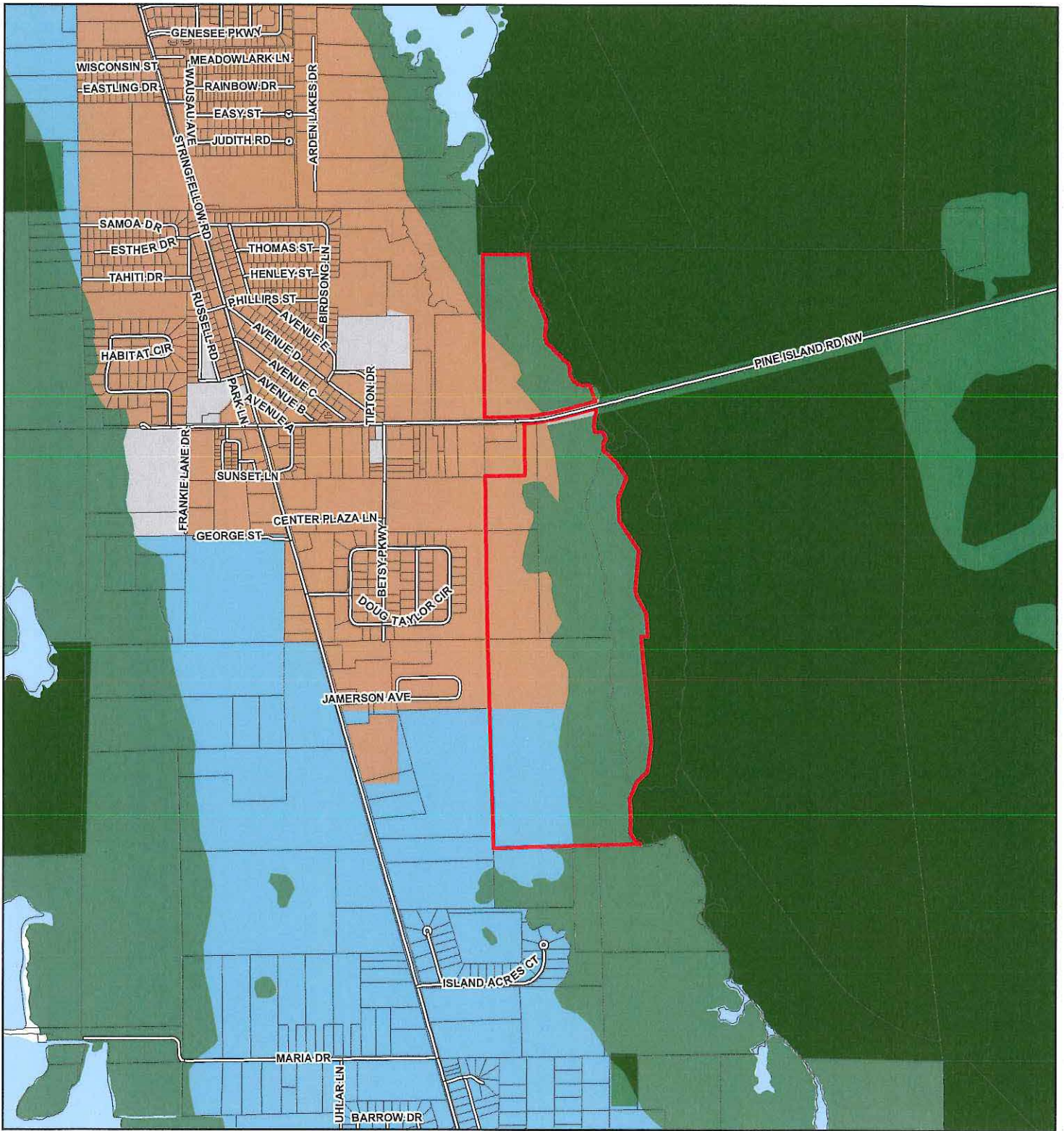


CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



0 1,200 2,400
Feet

- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

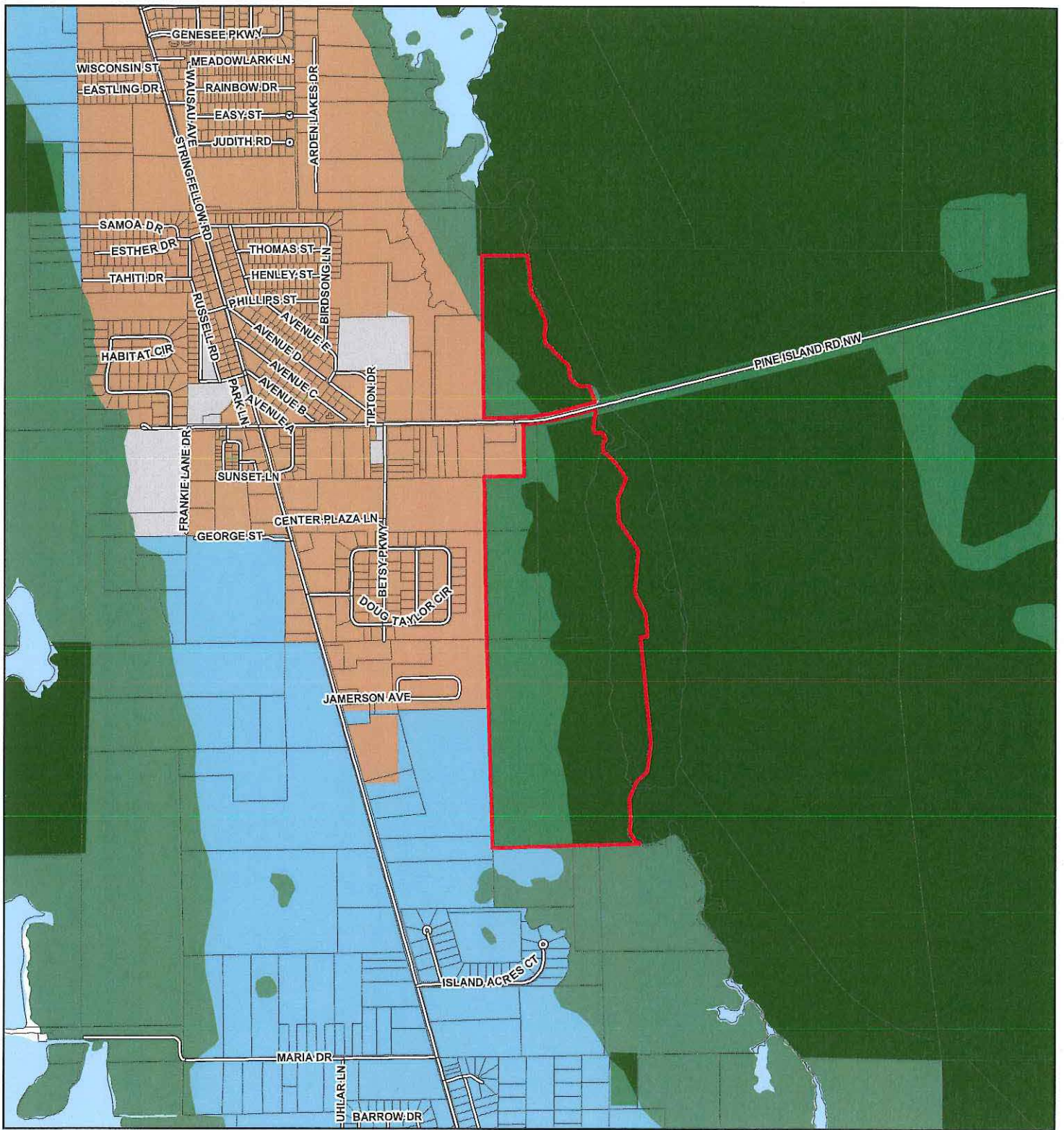


0 1,250 2,500
Feet

- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

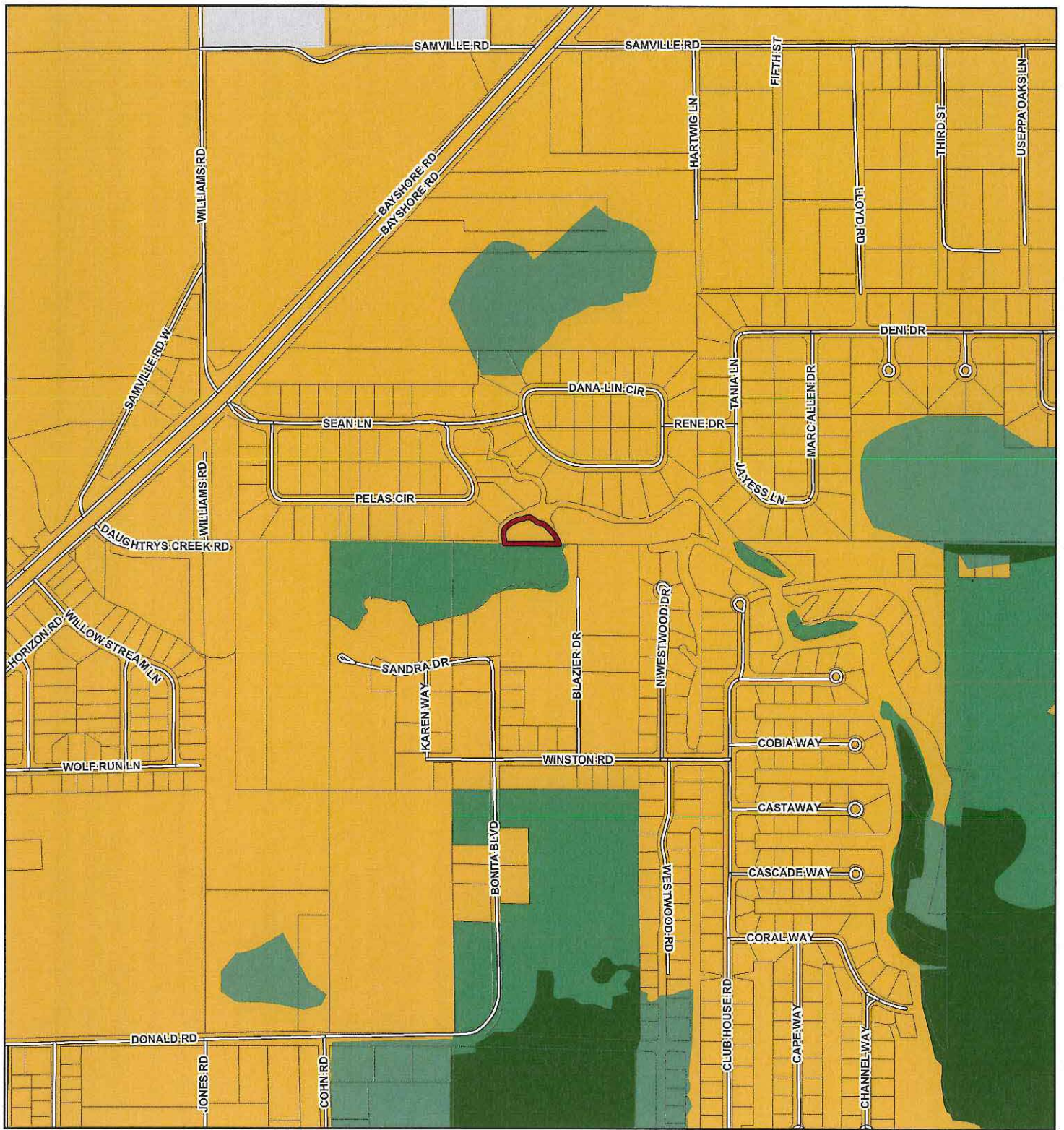


0 1,250 2,500
Feet

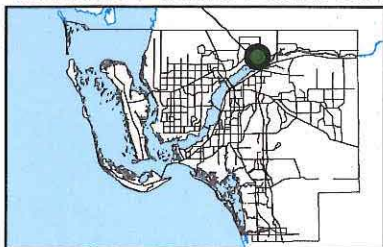
- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map Generated: Feb. 2018

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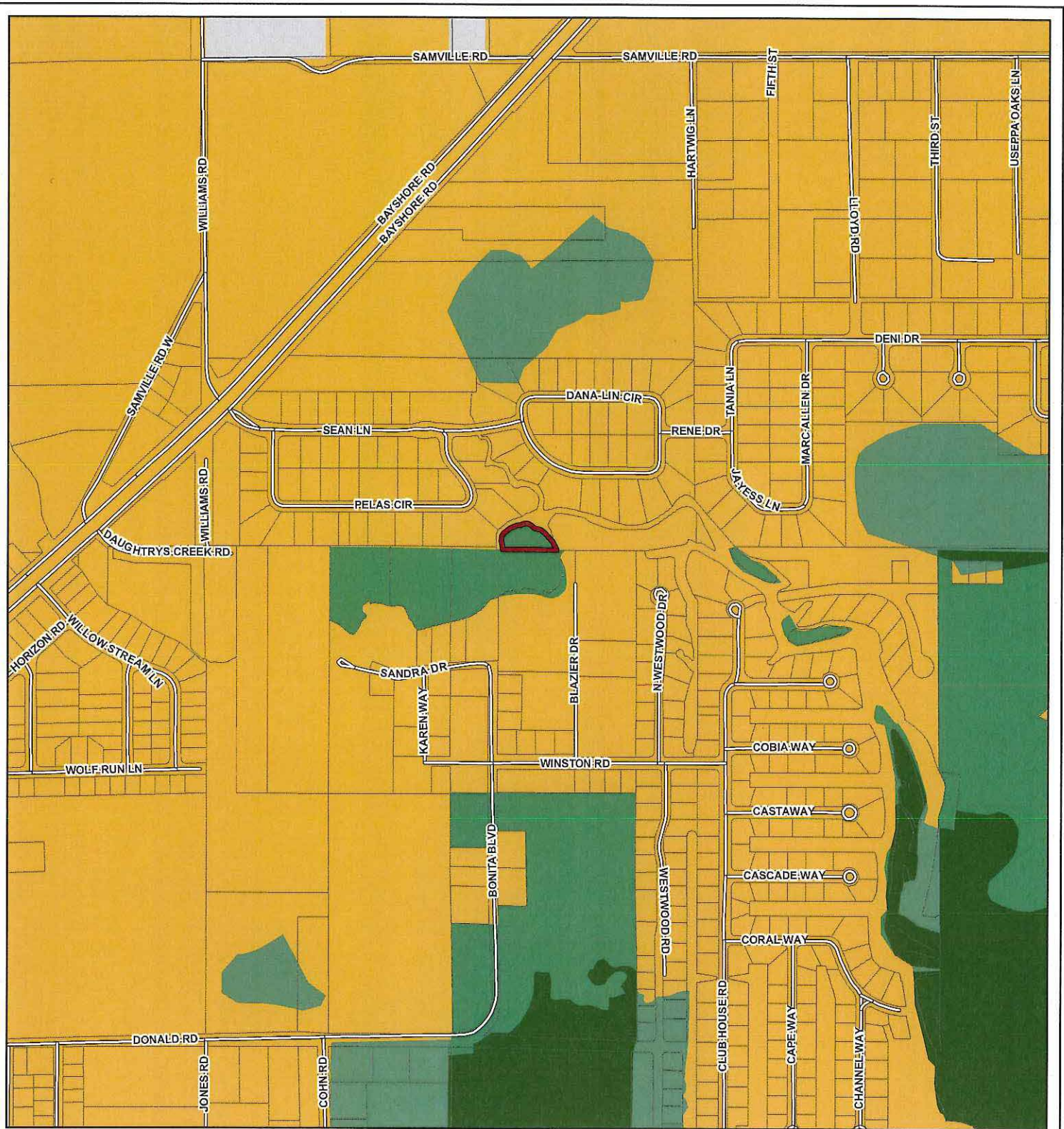


CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

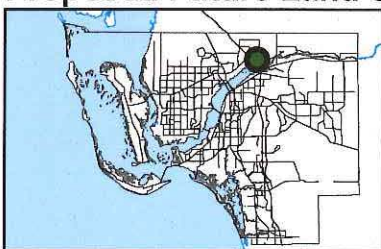


0 500 1,000
Feet

- Subject Property
- Parcel Boundary
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

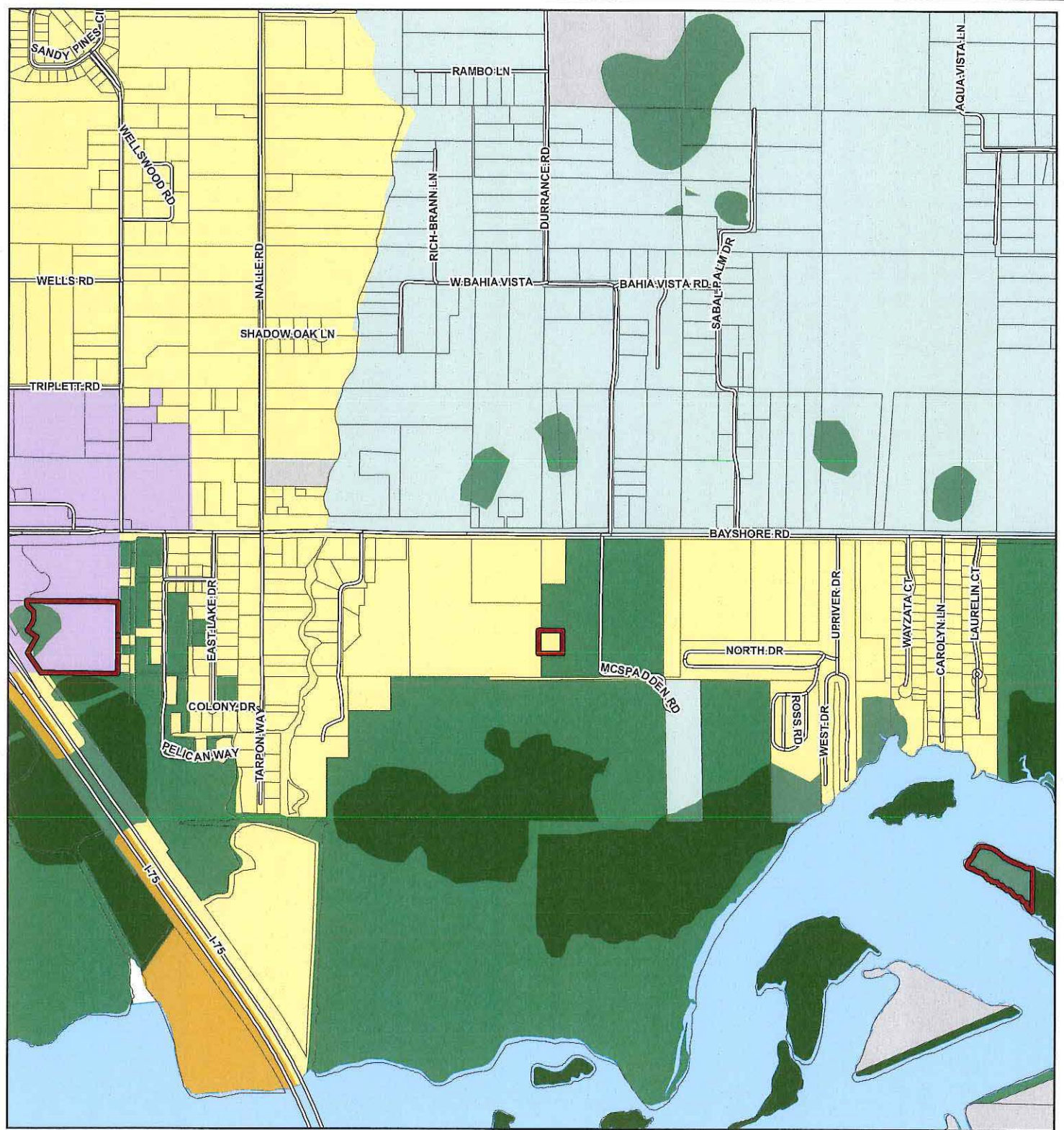


0 500 1,000
Feet

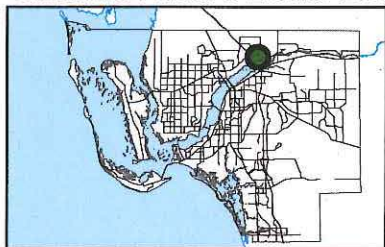
- Subject Property
- Parcel Boundary
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

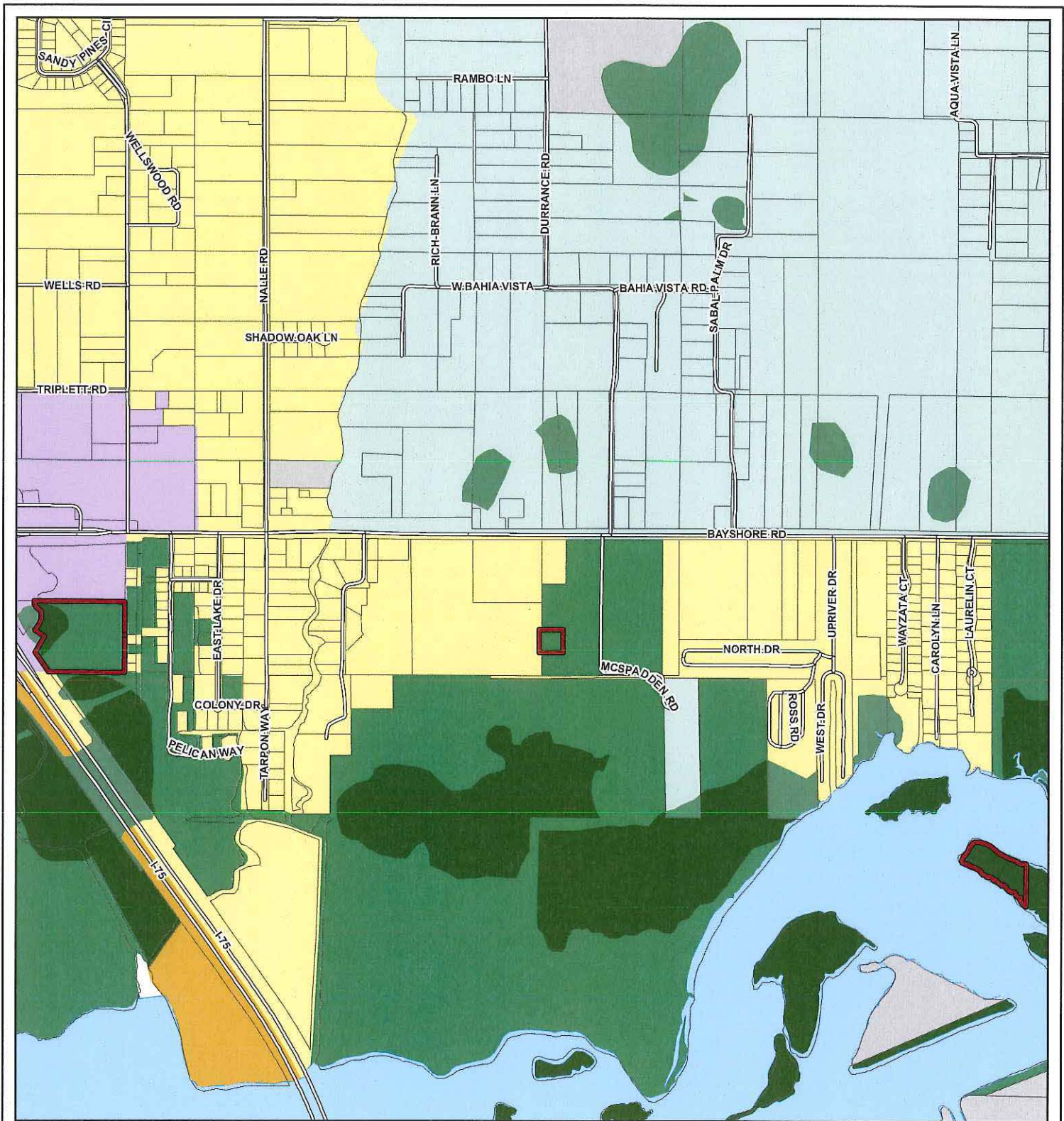


0 800 1,600
Feet

- Subject Property
- Parcel Boundary
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

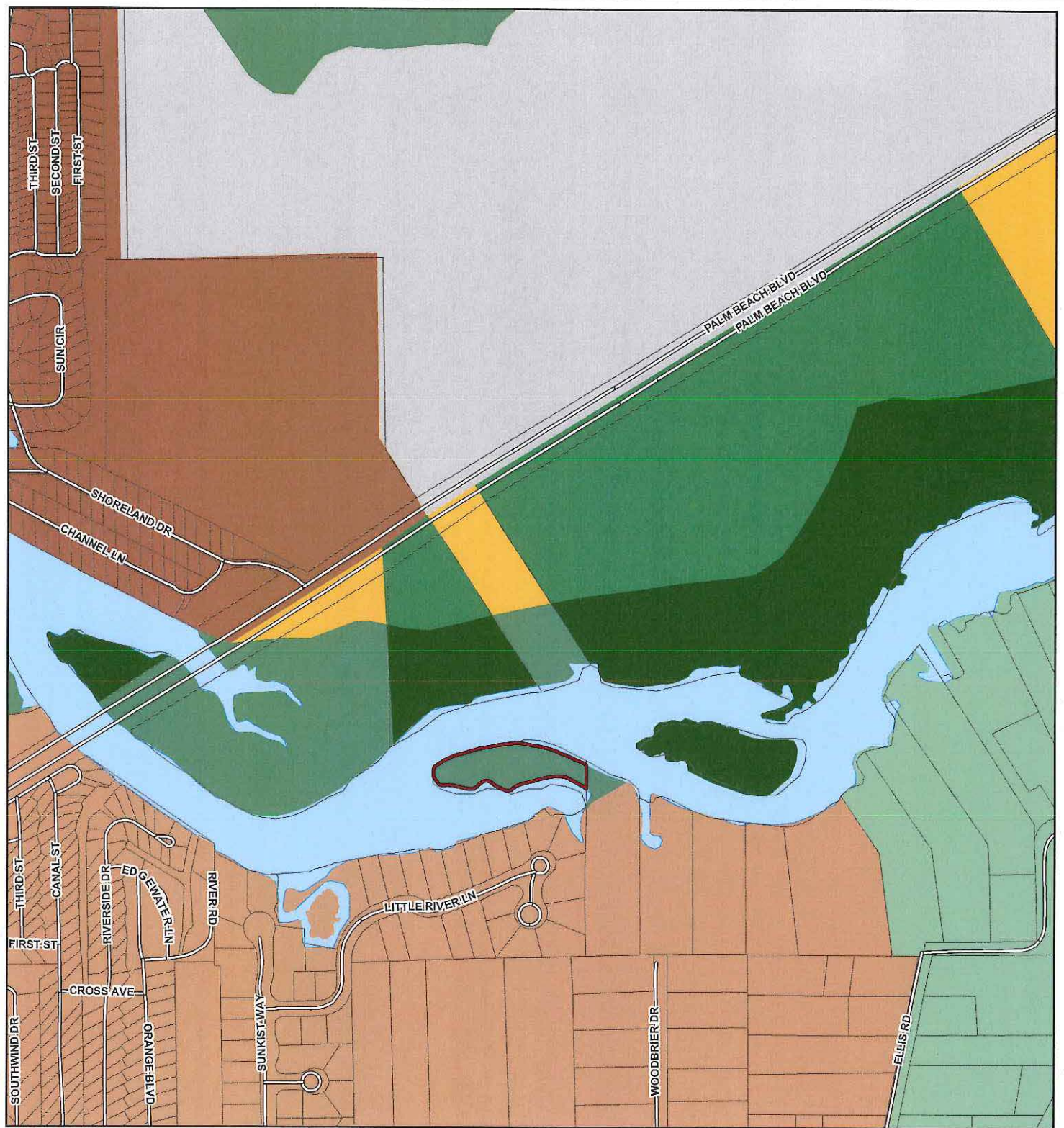


0 800 1,600
Feet

- Subject Property
- Parcel Boundary
- Suburban
- Sub-Outlying Suburban
- Public Facilities
- General Interchange
- Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

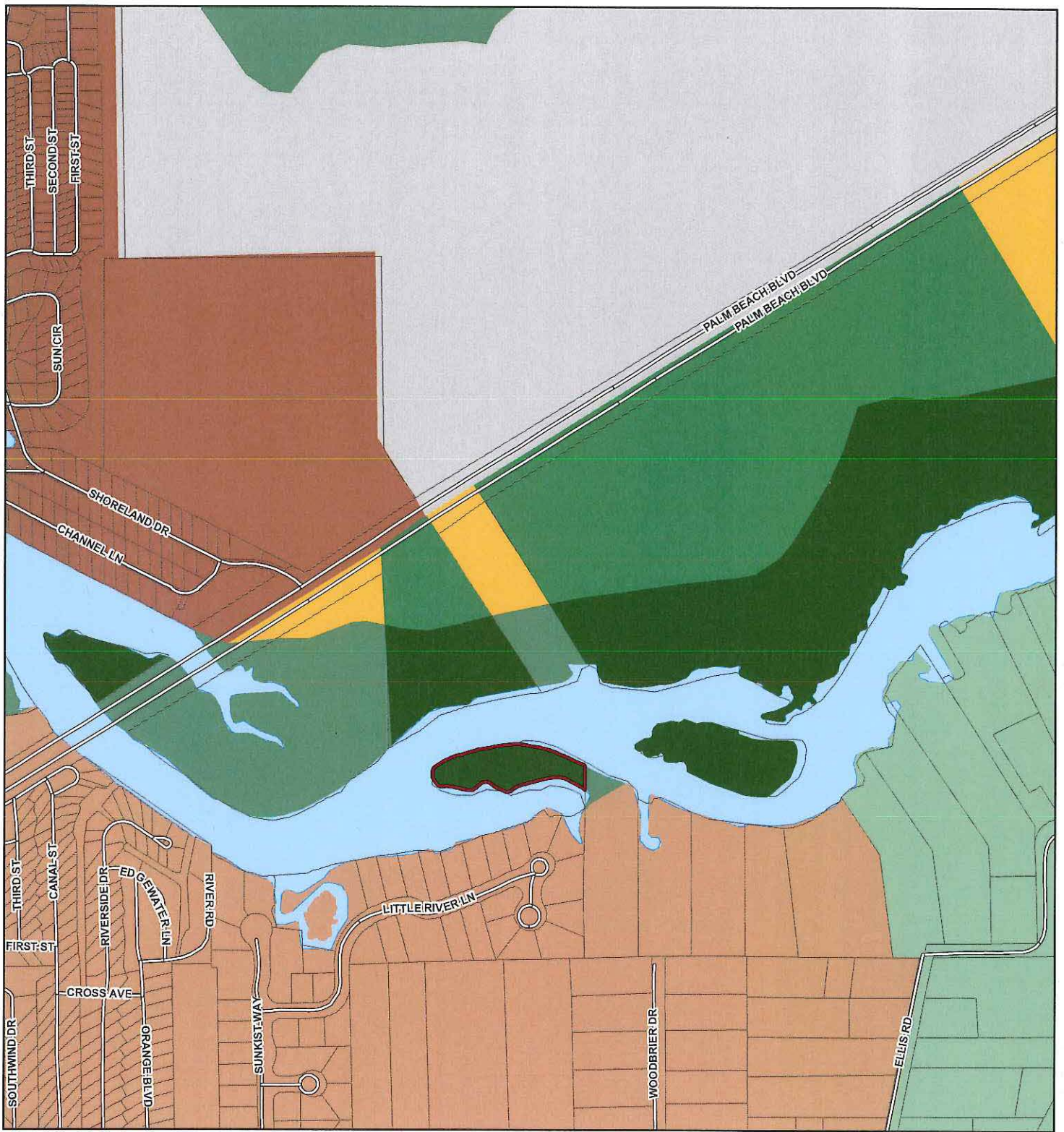


0 400 800
Feet

- Subject Property
- Parcel Boundary
- Central Urban
- Urban Community
- Suburban
- Public Facilities
- Rural Community Preserve
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications

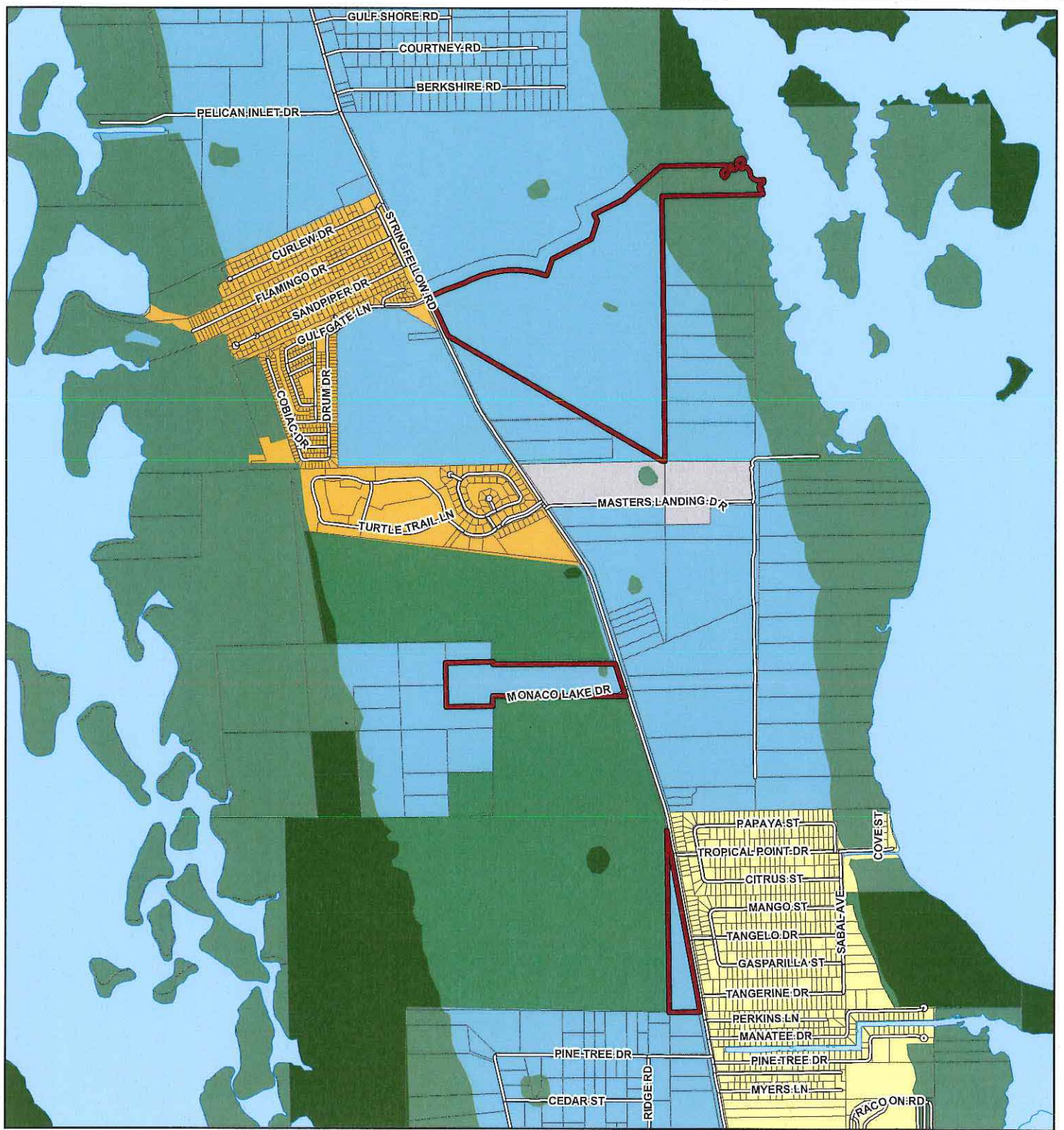


0 400 800
Feet

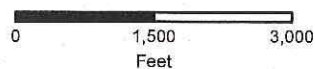
- | | |
|------------------|------------------------------|
| Subject Property | Central Urban |
| Parcel Boundary | Urban Community |
| | Suburban |
| | Public Facilities |
| | Rural Community Preserve |
| | Conservation Lands - Upland |
| | Wetlands |
| | Conservation Lands - Wetland |

Map Generated: Feb. 2018

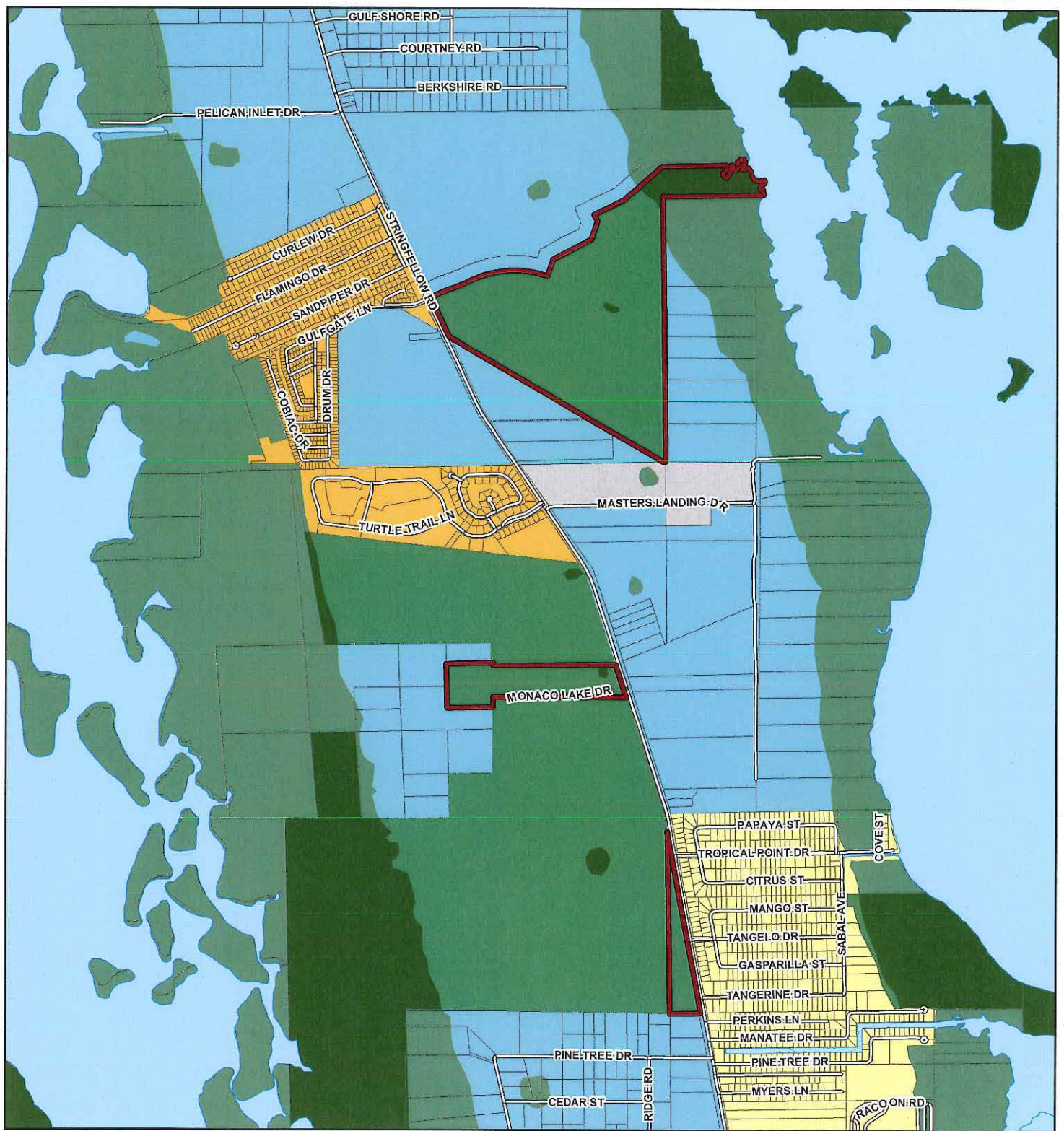
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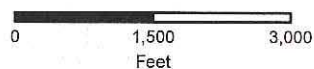
CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



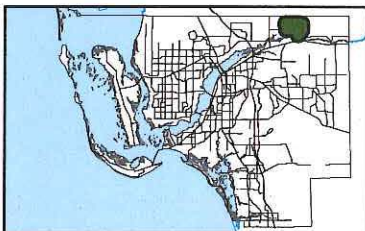
CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



- Subject Property
- Parcel Boundary
- Suburban
- Outlying Suburban
- Public Facilities
- Coastal Rural
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



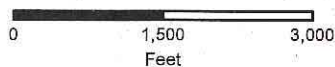
CPA2018-01 Conservation Lands Update Current Future Land Use Classifications



- Subject Property
- Parcel Boundary
- Rural
- Density Reduction/Groundwater Resource
- Wetlands



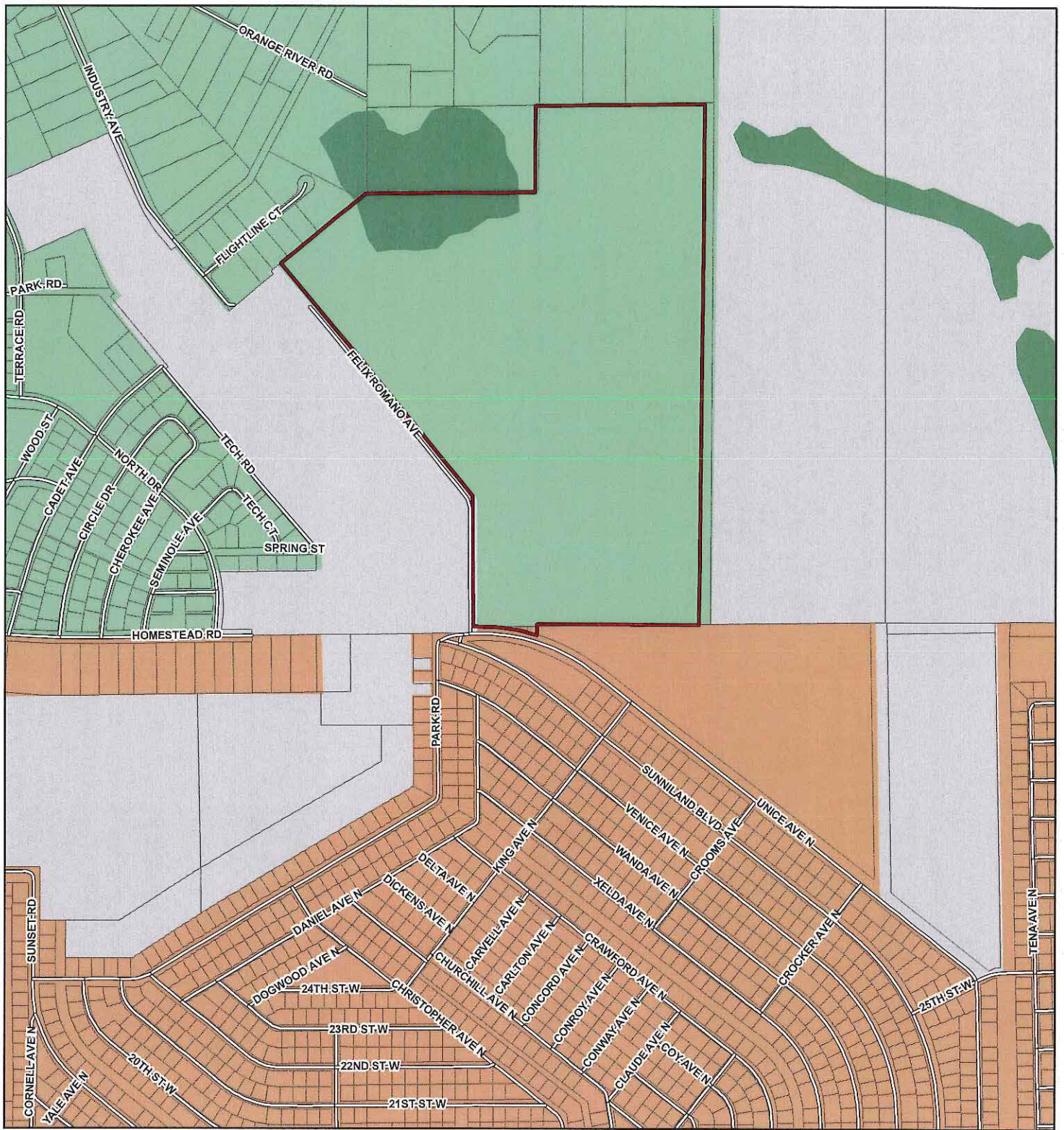
CPA2018-01 Conservation Lands Update Proposed Future Land Use Classifications



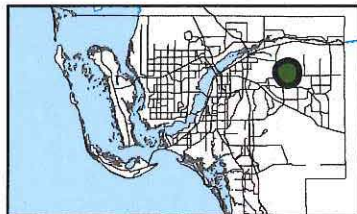
- | | |
|------------------|--|
| Subject Property | Conservation Lands - Upland |
| Parcel Boundary | Conservation Lands - Wetland |
| | Rural |
| | Density Reduction/Groundwater Resource |
| | Wetlands |

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update Current Future Land Use Classifications

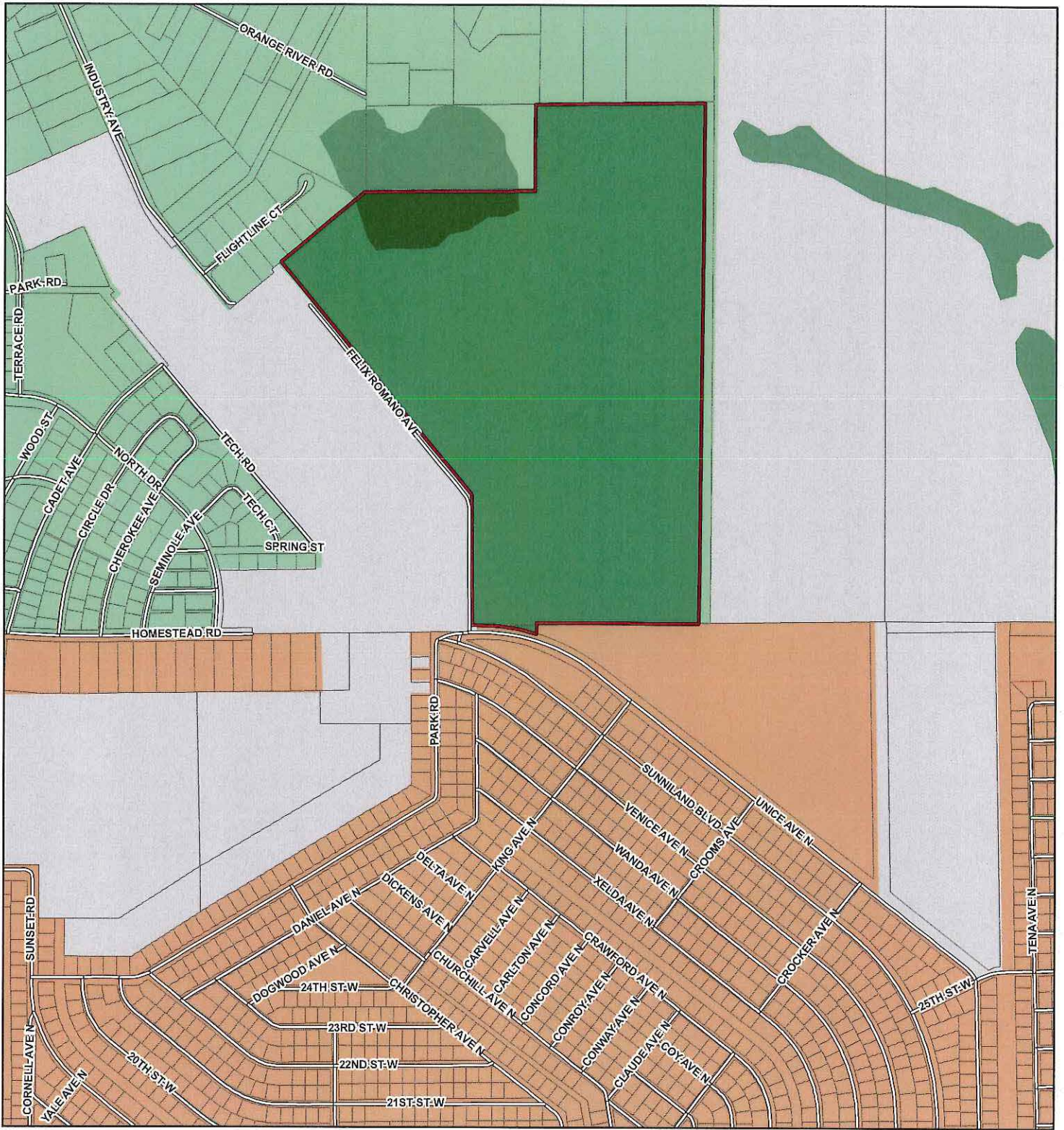


0 600 1,200
Feet

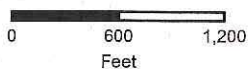
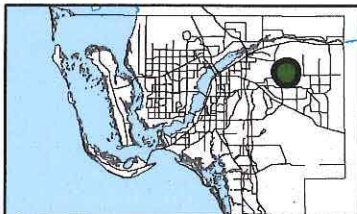
- Subject Property
- Parcel Boundary
- Urban Community
- Public Facilities
- Rural Community Preserve
- Wetlands

Map Generated: Feb. 2018

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CPA2018-01 Conservation Lands Update **Proposed Future Land Use Classifications**



- | | |
|--|---|
| Subject Property | Urban Community |
| Parcel Boundary | Public Facilities |
| | Rural Community Preserve |
| | Wetlands |
| | Conservation Lands - Upland |
| | Conservation Lands - Wetland |

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

May 10, 2018

VIA EMAIL (bdunn@leegov.com)

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

Re: DACS Docket # -- 20180411-1098
Lee County CPA2018-01
Submission dated April 11, 2018

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on April 11, 2018 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 850-410-2280.

Sincerely,

A handwritten signature in blue ink, appearing to read "Derek Buchanan".

Derek Buchanan
Budget Director
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 18-3 ESR)