



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

November 13, 2018

**Via E-Mail**

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

**Re: Amendment 18-7ESR  
Adoption Submission Package**

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2018-07. This amendment packet includes the final action and adopting Ordinance #18-25 for the following amendment:

***CPA2018-00007: Amend the Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).***

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on November 7, 2018. As required by F.S. 163.3184, the final action on this amendment was completed within 180 days of the receipt of the State Land Planning Agency's review letter.

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

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, and E-Mail 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 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. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review  
Department of Agriculture and Consumer Services

Tracy D. Suber  
Department of Education

Plan Review  
Department of Environmental Protection

Deena Woodward  
Florida Department of State

Scott Sanders  
Florida Fish and Wildlife Conservation Commission

Sarah Catala  
FDOT District One

Margaret Wuerstle  
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section  
South Florida Water Management District

Sincerely,  
**Lee County Department of Community Development  
Planning Section**



Mikki Rozdolski  
Manager, Community Development Operations

# The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

LCBC-DEPT OF COMM DEVELOPMENT-  
1500 MONROE ST  
FORT MYERS, FL 33902

## STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Cheryl Eller, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of


## Notice Public Hearing

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

08/24/18

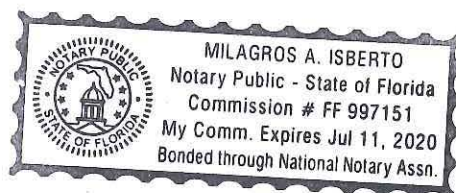
Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 24th of August 2018, by Cheryl Eller who is personally known to me.



Milagros A. Isberto

Notary Public for the State of Florida  
My Commission expires July 11, 2020



## NOTICE OF PROPOSED AMENDMENT TO THE LEE COUNTY COMPREHENSIVE LAND USE PLAN (TRANSMITTAL HEARING)

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, September 5, 2018. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity.

CPA2017-00006 Conservation and Coastal Management: Amend Lee Plan goals, objectives, and policies currently within Goals 101-115, 117, 118, 121, 122, 124, 125, and 127 to align provisions within Lee Plan with the Board of County Commissioners strategic policy priority of preservation, water quality, and flood management. The amendments will also reduce redundancies; align with state statutes; and, provide better organization of the Lee Plan.

CPA2017-00007 Water Dependent Overlay: Amend policies and objectives in Goal 8, 128, and 158 of the Lee Plan to clarify the definitions of Water-Dependent Overlay, water-dependent uses, and marine-dependent uses, and to allow for greater flexibility of uses in the Water-Dependent Overlay. In addition, data will be moved from Map 1, Page 2: Special Treatment Areas and Map 2: San Carlos Island Map 12: Water-Dependent Overlay Zones to locate the Water-Dependent Overlay designation zones onto a single map series.

CPA2018-00007 Public Facilities/Conservation Lands: Amend the Lee Plan Future Land Use Map to designate 31 +/- acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and to designate 44.5 +/- acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

Documentation for the Proposed Comprehensive Plan Amendment is available at <https://www.leegov.com/dcd/planning/cpa>. 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 Comprehensive Plan Amendment 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 ADRequests@lee.gov.com, at least five business days in advance.  
AD#3117

**RECEIVED**  
AUG 27 2018  
COMMUNITY DEVELOPMENT



# The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

**LCBC-DEPT OF COMM DEVELOPMENT-  
1500 MONROE ST  
FORT MYERS, FL 33902**

## STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Cheryl Eller, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of

### Notice Public Hearing

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

10/26/18

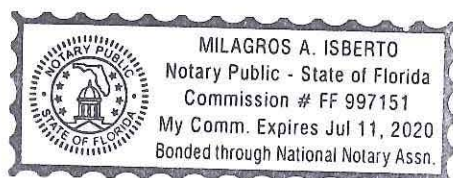
Affiant further says that the said News-Press is a paper of general circulation daily in Lee County and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and Subscribed before me this 26th of October 2018, by Cheryl Eller who is personally known to me.

*Milagros A. Isberto*

Milagros A. Isberto

Notary Public for the State of Florida  
My Commission expires July 11, 2020



### 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, November 7, 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:

CPA2018-00007 Public Facilities/Conservation Lands: Amend the Lee Plan Future Land Use Map to designate 31 +/- acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and to designate 44.5 +/- acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

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 ADArequests@leegov.com, at least five business days in advance.  
AD# 3219509 Oct. 26, 2018

**RECEIVED**  
OCT 26 2018

COMMUNITY DEVELOPMENT



**LEE COUNTY ORDINANCE NO. 18-25**  
Public Facilities and Conservation Lands  
(CPA2018-00007)

**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 PUBLIC FACILITIES AND CONSERVATION LANDS (CPA2018-00007) 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") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on July 23, 2018; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on September 5, 2018. At that hearing, the Board approved a motion to send; and did later send, proposed amendment pertaining to Public Facilities and Conservation Lands (CPA2018-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the September 5, 2018 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on November 7, 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 and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Public Facilities and Conservation Lands Ordinance (CPA2018-00007)."**

## 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 Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands), known as Public Facilities and Conservation Lands (CPA2018-00007).

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 Mann, who moved its adoption. The motion was seconded by Commissioner Manning. The vote was as follows:

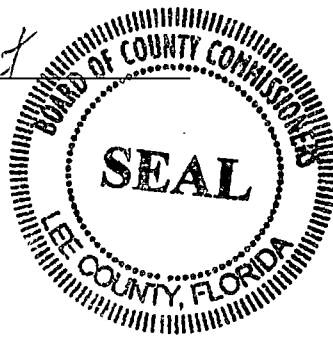
John Manning	Aye
Cecil Pendergrass	Aye
Larry Kiker	Absent
Brian Hamman	Aye
Frank Mann	Aye

DONE AND ADOPTED this 7th day of November 2018.

ATTEST:  
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF  
COUNTY COMMISSIONERS

BY: Missy Flint  
Deputy Clerk



BY: [Signature]  
Cecil Pendergrass, Chair

DATE: 11/09/2018

APPROVED AS TO FORM FOR THE  
RELIANCE OF LEE COUNTY ONLY

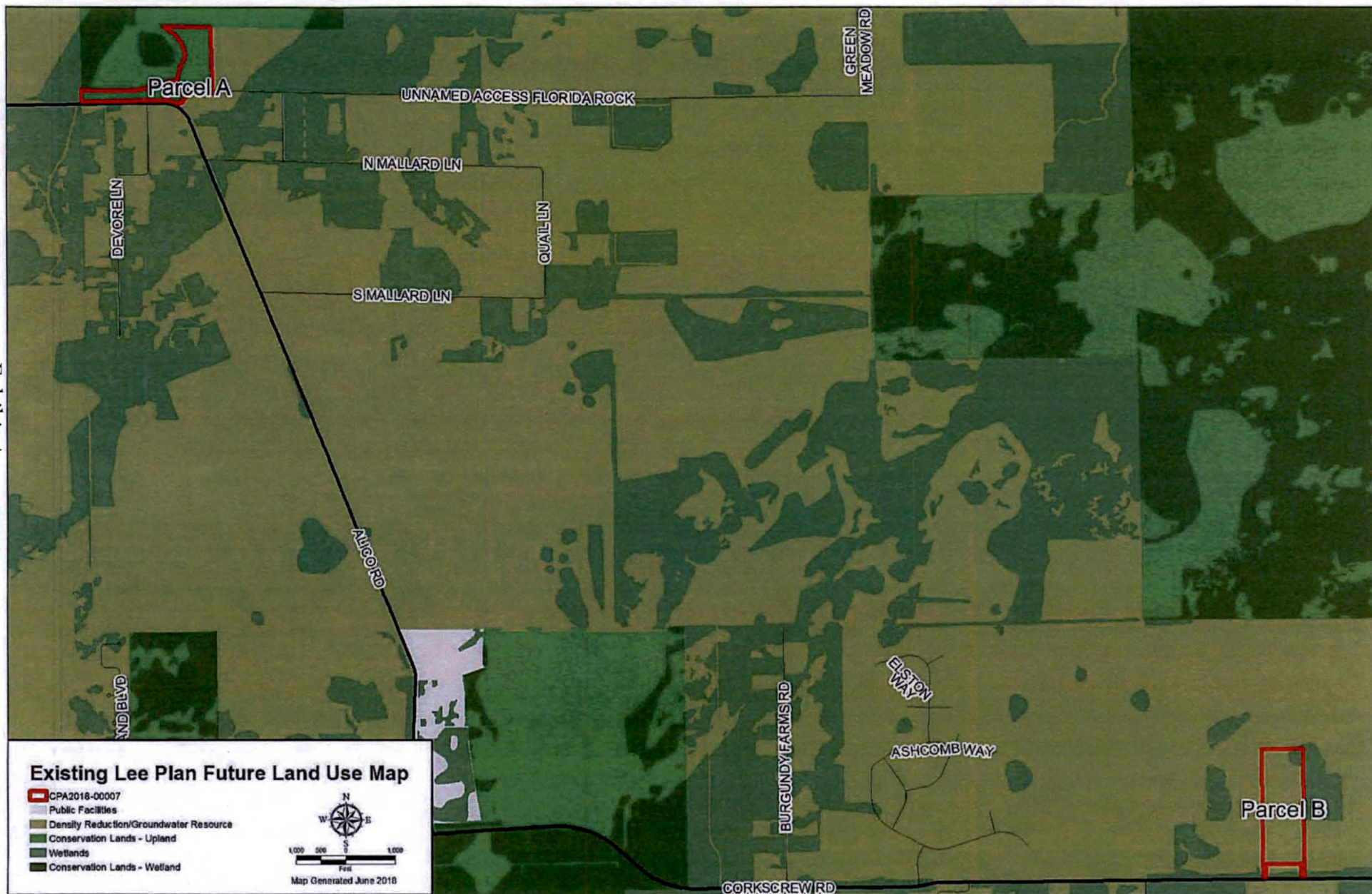
[Signature]  
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map (Adopted by BOCC November 7, 2018)

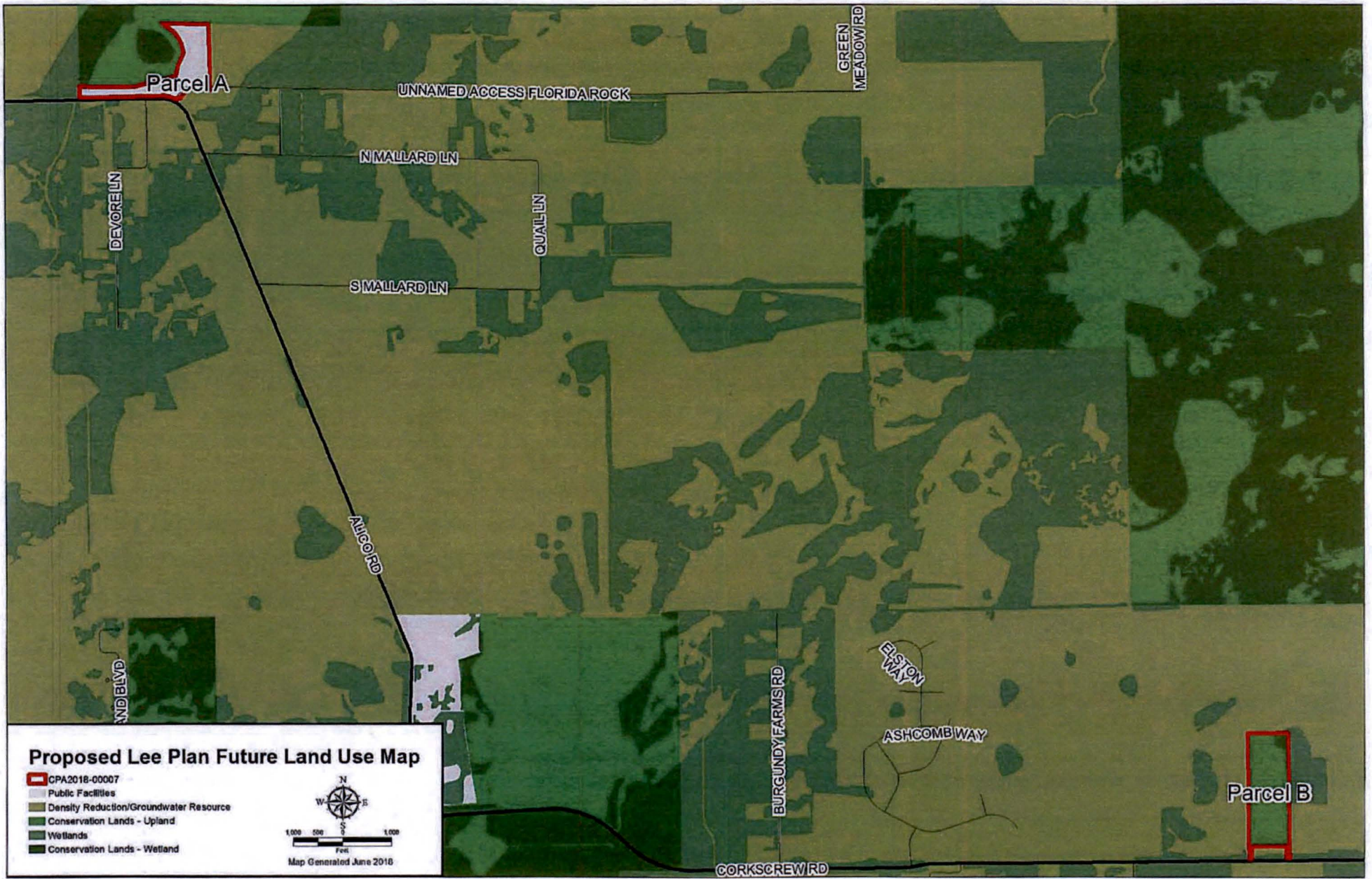
Existing Future Land Use Map  
Proposed Future Land Use Map



## EXHIBIT A







FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM  
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 18-25  
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Public Facs Conserv Lands  
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: \_\_\_\_\_

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: \_\_\_\_\_ ; REPEAL #3: \_\_\_\_\_

REPEAL #2: \_\_\_\_\_ ; REPEAL #4: \_\_\_\_\_

(Others Repealed: List All That Apply): \_\_\_\_\_

(FOR OFFICE USE ONLY):

COUNTY CODE NUMBER: \_\_\_\_\_

KEYFIELD 1 CODE: \_\_\_\_\_

KEYFIELD 2 CODE: \_\_\_\_\_

KEYFIELD 3 CODE: \_\_\_\_\_





## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

November 9, 2018

Honorable Linda Doggett  
Clerk of the Circuit Courts  
Lee County  
Post Office Box 2469  
Fort Myers, Florida 33902-2469

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 18-25, which was filed in this office on November 9, 2018.

Sincerely,

Ernest L. Reddick  
Program Administrator

ELR/lb

## STAFF REPORT FOR

### CPA2018-07: Public Facilities and Conservation Lands

County Initiated Map Amendments to the Lee Plan



#### Representative:

DCD Planning  
Section

#### Size:

31± acres  
44.5 ± acres

#### Location:

Southeast Lee  
County

#### Commissioner

District: #2

#### Attachments:

FLUM Existing  
FLUM Proposed

#### Hearing Dates:

LPA: 07/23/2018  
BoCC: 09/05/2018  
BoCC: 11/07/2018

#### REQUEST

Amend the Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

#### PROJECT LOCATIONS

Lee County Utilities' property is located at 14201 Alico Road. Conservation 20/20's property is located on 18501 Corkscrew Road. Both properties are within the Southeast Lee County Planning Community.

FIGURE A: AERIAL LOCATION MAP



#### RECOMMENDATION

Staff recommends that the Board of County Commissioners **adopt** the proposed amendments based on the analysis and findings in this staff report.

**Background:**

On October 17, 2017, the BoCC authorized an Inter-County land swap between Lee County Utilities (LCU) and Conservation 20/20. To properly represent the parcels on the future land use map, on June 5, 2018 the BoCC authorized staff to prepare Lee Plan amendments to change the future land use designations of the LCU and Conservation 20/20 properties to Public Facilities and Wetlands and to Conservation Lands (Uplands and Wetlands). Please refer the Figure A Aerial Location Map and to Attachment 1.

## **PART 1 PROPERTY INFORMATION**

Parcel A: The LCU property is located near Alico Road's curve to Corkscrew Road. The Future Land Use designation of this property would change 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands future land use categories to accommodate future public facilities. This property is a highly disturbed agricultural land that is more suitable for active use than for conservation purposes. The Property Appraiser identifies the parcels as STRAP numbers 04-46-26-00-00001.0010 and 09-46-26-00-00001.0170 and the property address is 14201 Alico Road.

Parcel B: The Conservation 20/20 property is within the Density Reduction Groundwater Resource (DR/GR) future land use category and is located along the north side Corkscrew Road. The property is surrounded by "The Place" conservation area. If approved, the proposed plan amendments would redesignate 44.5± acres from DR/GR to Conservation Lands (Uplands and Wetlands) on the Future Land Use Map which is consistent with Conservation 20/20's goals and future use of the property. The Property Appraiser identifies the parcel as STRAP number 19-46-27-00-00001.0030 and the property address is 18501 Corkscrew Road.

Parcels A and B are located in the Southeast Lee County planning district which is intended to remain low density residential, agricultural, and mining areas.

Upon approval, the proposed future land use map designation for Parcel A would be Public Facilities and Wetlands on the future land use map to accommodate future public utilities. Policy 1.1.8 regulates the land uses allowed in the Public Facilities category and provides the local government to determine the appropriate uses on the land.

**POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, public transportation, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction. (Ordinance No. 10-10)

The future land use map designation for Parcel B will be amended from Density Reduction/Groundwater Resource (DR/GR) to Conservation Lands. DR/GR lands provide recharge to aquifers as provided in Policy 1.4.5. Conservation lands are set aside for preserves as provided in Policy 1.4.6.

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) land use category includes upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.

**POLICY 1.4.6:** The Conservation Lands include uplands and wetlands that are owned and used for long range conservation purposes. Upland and wetland conservation lands will be shown as separate categories on the FLUM. Upland conservation lands will be subject to the provisions of this policy. Wetland conservation lands will be subject to the provisions of both the Wetlands category described in Objective 1.5 and the Conservation Lands category described in this policy. The most stringent provisions of either category will apply to wetland conservation lands. Conservation lands will include all public lands required to be used for conservation purposes by some type of legal mechanism such as statutory requirements, funding and/or grant conditions, and mitigation preserve areas required for land development approvals. Conservation Lands may include such uses as wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields. Conservation 20/20 lands designated as conservation are also subject to more stringent use provisions of the 20/20 Program or 20/20 ordinances. (Ordinance No. 98-09, 02-02)

Both Parcels A and B contain Wetlands which will remain designated in the Wetlands future land use category. Development in Wetlands future land use category is limited to low density residential, limited recreation, open space and conservation.

**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Ordinance No. 94-30)

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Ordinance No. 94-30)

#### Existing Land Use:

Parcel A and B are undeveloped and are zoned Agricultural AG-2.

#### Surrounding Properties:

As provided in Table 1, areas surrounding Parcel A are located within the Conservation, Wetlands and DR/GR future land use categories and are zoned Agricultural AG-2 and Mixed Use Planned Development (MPD).

**TABLE 1**  
**Parcel A SURROUNDING PROPERTIES INFORMATION**

	Future Land Use	Zoning	Existing Use
<b>North</b>	Conservation, DR/GR & Wetlands	AG-2	Undeveloped
<b>South</b>	DR/GR & Wetlands	AG-2	Undeveloped; Large lot single family residences
<b>East</b>	DR/GR & Wetlands	AG-2	Undeveloped
<b>West</b>	Conservation, Wetlands & DR/GR	AG-2	Undeveloped
<b>Southwest</b>	DR/GR & Wetlands	MPD	Undeveloped; indigenous vegetative preserve/conservation area associated with the WildBlue MPD approved for 1,096 units and 40,000 SF commercial on 2,960 acres



As provided in Table 2, areas surrounding Parcel B are located within the DR/GR & Wetlands future land use categories and are zoned Residential Planned Development (RPD).

**TABLE 2**  
**Parcel B SURROUNDING PROPERTIES INFORMATION**

	<b>Future Land Use/ Maximum Density</b>	<b>Zoning</b>	<b>Existing Use</b>
<b>North</b>	DR/GR	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres
<b>South</b>	DR/GR	RPD	Undeveloped; Pepperland Ranch RPD approved for 700 residential units & 50,000 SF residential amenities on 637.5 acres
<b>East</b>	DR/GR & Wetlands	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres
<b>West</b>	DR/GR & Wetlands	RPD	Undeveloped; Preserve areas associated with The Place (fka Corkscrew Farms RPD) approved 1,325 units and 50,000 SF residential amenities on 1,361 acres

## PART 2

### STAFF DISCUSSION AND ANALYSIS OF PROPOSED AMENDMENTS

The amendments would accommodate a county land swap between LCU and Conservation 20/20 lands. The LCU property, Parcel A, would be designated to Public Facilities and Wetlands and the Parcel B Conservation 20/20 property would be designated Conservation lands Uplands and Wetlands.

Parcel A's site conditions and proximity to developing areas make it suitable for future public facilities. Parcel B would remain undeveloped and preserved which is consistent with the adjacent lands to the north, east, and west which are preserve areas associated with The Place RPD. The amendment will result in a continuous uninterrupted preserve corridor for approximately four miles.

#### **Southeast Lee County**

Parcel A and B are within the Southeast Lee County planning community and subject to Lee Plan Goal 33. The Public Facilities, Wetlands and Conservation Lands Upland and Wetlands future land use categories are consistent with overall vision for Southeast Lee which seeks to protect natural resources (Objective 33.2). Although these parcels are not within the restoration area provided on Map 1, Page 4 of 8, Special Treatment Areas, placing Parcel B into the Conservation Lands future land use category promotes connectivity to adjacent preserve areas and is consistent with Policy 33.2.1.

**POLICY 33.2.1:** Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land is of even higher value when it connects existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture. Lee County Natural Resources, Conservation 20/20, and

Environmental Sciences staff will work with landowners who are interested in voluntarily restoring native habitats and landowners who are required to conduct restoration based upon land use changes. The parameters for the required restoration will be established in the Land Development Code by 2012 or within planned development zoning approvals as established in Objective 33.3.

Designating the significantly disturbed Parcel A to the Public Facilities future land use category is also consistent since the public facilities use on the land will provide protection to the natural environment from the proliferation of individual wells and septic systems on developing lands in the area.

If approved, the amendment to Parcel A would not increase the current allowable density on the subject property since residential units are not permitted in the Conservation or the Public Facilities future land use categories. However, the intensity will change to allow public utilities on the land that is not currently permitted under the Conservation Lands future land use category.

Conservation Lands (Policy 1.4.6) allows for wildlife preserves; wetland and upland mitigation areas and banks; natural resource based parks; ancillary uses for environmental research and education, historic and cultural preservation, and natural resource based parks (such as signage, parking facilities, caretaker quarters, interpretive kiosks, research centers, and quarters and other associated support services); and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and well fields.

The Public Facilities future land use category (Policy 1.1.8) is for publicly owned lands within the county. The allowable uses within these areas are determined by the entity owning each parcel and the local government having zoning and permitting jurisdiction. In this instance, Lee County Utilities owns the property and a public utility facility will be placed on the land.

The Parcel A amendment to the Public Facilities future land use category is consistent with Goals 55 and 56 to provide potable water and wastewater treatment throughout the county. The amendment is also consistent with Objective 4.1, Standards 4.1.1 Water and 4.1.2 Sewer by providing public facilities to assist new developments in meeting the Lee Plan Standards. Developing a public utility facility on Parcel A will provide utilities to the surrounding area and can ensure that water is properly treated before release. A wastewater treatment plant could also produce reuse water for irrigation for use elsewhere. No residential or commercial uses are proposed for the site; therefore approval of this amendment will not result in urban sprawl.

Parcel B Conservation 20/20 property is currently within the DR/GR future land use category and is proposed to be redesignated as Conservation lands Uplands and Wetlands. Policy 2.4.1 requires that all reclassifications of DR/GR undergo a special review to determine the short-term and long-term availability of irrigation, domestic water resources and if the proposed land uses would significantly impact present or future water resources.

**POLICY 2.4.1:** All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Lehigh Acres as described in Policy 54.1.9 and all land in the Density Reduction/Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Ordinance No. 92-47, 94-30, 00-22, 02-02, 14-10, 18-05)

Changing Parcel B's future land use classification to Conservation Lands (Uplands and Wetlands) reduces the intensity of the uses allowed on the property under the DR/GR category.

**POLICY 2.4.2:** Future Land Use Map amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must: 1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and, 2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and, 3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and, 4. supply data and analysis specifically addressing urban sprawl. During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Ordinance No. 97-05, 16-01, 18-05)

If approved, the amendment would not increase the current allowable density or intensity of lands uses allowed on the property. Public facilities are allowed in the DR/GR future land use category, but are not allowed in the Conservation Lands future land use category.

Land uses allowed in the DR/GR category (Policy 1.4.5) include agriculture, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). As previously provided, Conservation Lands (Policy 1.4.6) allows for preserves and similar uses.

The Parcel B amendment to the Conservation Lands future land use category is consistent with Policy 2.4.2. The site is not within the Lee County Utilities water or wastewater service area and is not irrigated. The proposed Conservation Lands area is immediately adjacent to The Place RPD preserve areas. No residential or commercial uses are proposed for the site and approval of this amendment will not result in urban sprawl.

### **Transportation**

Parcel A is located on Alico Road. Parcel B is located on Corkscrew Road. Alico and Corkscrew Roads are county-maintained paved two-lane arterial roadways. Alico Road between Airport Haul Road and Green Meadow Drive is operating at a Level of Service (LOS) C. Corkscrew Road between Alico Road and 6L's Farms Road is operating at a LOS D (2016) and projected to operate at LOS E in 2021. Public utilities on Parcel A and conservation on Parcel B will not negatively impact the level of service standards on Alico or Corkscrew Roads.

### **Service Availability**

The land uses associated with public facilities and conservation areas will not increase the demand for potable water, sanitary sewers, solid waste, police, fire/EMS, schools or mass transit services.

### **PART 3 CONCLUSIONS**

The Public Facilities and Wetlands future land use categories on Parcel A and Conservation Lands Upland and Wetlands on Parcel B are consistent with the vision for Southeast Lee County and will allow public facilities to be developed on the disturbed lands (Parcel A) while increasing the preservation connectivity associated with Parcel B. The land uses in the surrounding area and infrastructure level of service will not be negatively impacted.

For the reasons discussed in this staff report, Staff recommends that the Board of County Commissioners ***transmit*** the map amendments to designate the subject property to Public Facilities and Wetlands and Conservation Lands Upland and Wetlands

### **PART 4 ATTACHMENTS**

#### **Attachment 1:**

- Existing Future Land Use Map
- Proposed Future Land Use Map

**Electronic File:** <https://www.leegov.com/dcd/planning/cpa/compplansearch?case=CPA2018-00007>



**PART 5  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: July 23, 2018

**A. LOCAL PLANNING AGENCY REVIEW:**

Staff provided a brief presentation for the proposed amendment that covered consistency with the Lee Plan, Board direction, and staff recommendation. Following staff's presentation, members of the LPA asked about the potential use on the Lee County Utilities property, its disturbed condition and the appropriateness of amending the designation to Public Facilities.

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** CPA2018-00007 as recommended by staff. The motion passed 6 to 0.

**VOTE:**

<b>DENNIS CHURCH</b>	<b>AYE</b>
<b>FRANK FEENEY</b>	<b>AYE</b>
<b>JAMES INK</b>	<b>AYE</b>
<b>KRISTINE SMALE</b>	<b>AYE</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>JUSTIN THIBAUT</b>	<b>AYE</b>
<b>HENRY ZUBA</b>	<b>ABSENT</b>

**PART 6**  
**BOARD OF COUNTY COMMISSIONERS**  
**TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: September 5, 2018

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which covered BoCC direction, consistency with the Lee Plan and the LPA and staff recommendations. No members of the public spoke in favor of or against the proposed amendments.

**B. BOARD ACTION:**

A motion was made to transmit CPA2018-00007 as recommended by staff. The motion was passed 3 to 0.

**VOTE:**

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

**PART 7**  
**STATE REVIEWING AGENCIES'**  
**OBJECTIONS, RECOMMENDATIONS, AND COMMENTS**

Comments from the State Reviewing Agencies were due to Lee County by October 10, 2018.

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

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

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Transportation (FDOT)
- South Florida Water Management District (SFWMD)
- Florida Department of Environmental Protection (DEP)

There were no objections concerning the proposed amendments.

The Florida Fish and Wildlife Conservation Commission provided advisory information regarding the potential for the Florida black bear in the area on September 24, 2018. This e-mail is attached to the comments provided to Lee County as part of the Expedited Review Process. The comments from September 24, 2018 were specific to the subject site and addressed protected species that have been found offsite but within the area. Lee County staff appreciates the recommendations provided by the Florida Fish and Wildlife Conservation Commission and will consider their recommendations through zoning conditions.

The South Florida Water Management District provided technical guidance regarding the Lee County Water Supply Facilities Work Plan. Lee County is working diligently to update the Work Plan as required and is anticipated to be adopted prior to June 14, 2019.

**B. STAFF RECOMMENDATION**

Staff recommends that the Board of County Commissioners ***adopt*** the amendment to the Lee Plan as transmitted to the State Reviewing Agencies as provided in Attachment 1.

**PART 8**  
**BOARD OF COUNTY COMMISSIONERS**  
**ADOPTION HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: November 7, 2018

**A. BOARD REVIEW:**

Staff provided a brief presentation for the proposed amendment which covered consistency with the Lee Plan, state agency review and the staff recommendation. No members of the public spoke in favor of or against the proposed amendments.

**B. BOARD ACTION:**

A motion was made to adopt CPA2018-00007 as recommended by staff. The motion passed 4 to 0.

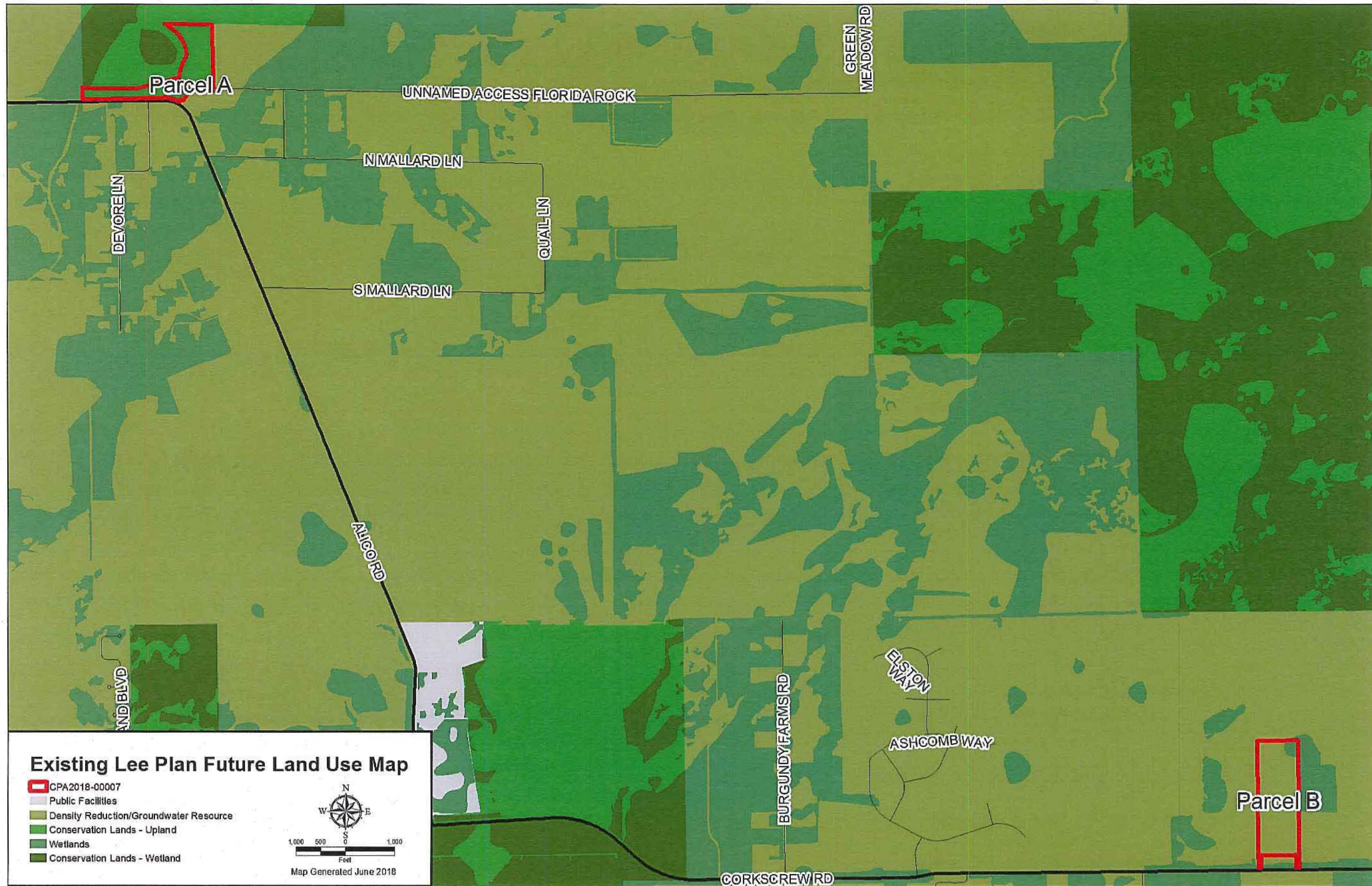
**VOTE:**

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

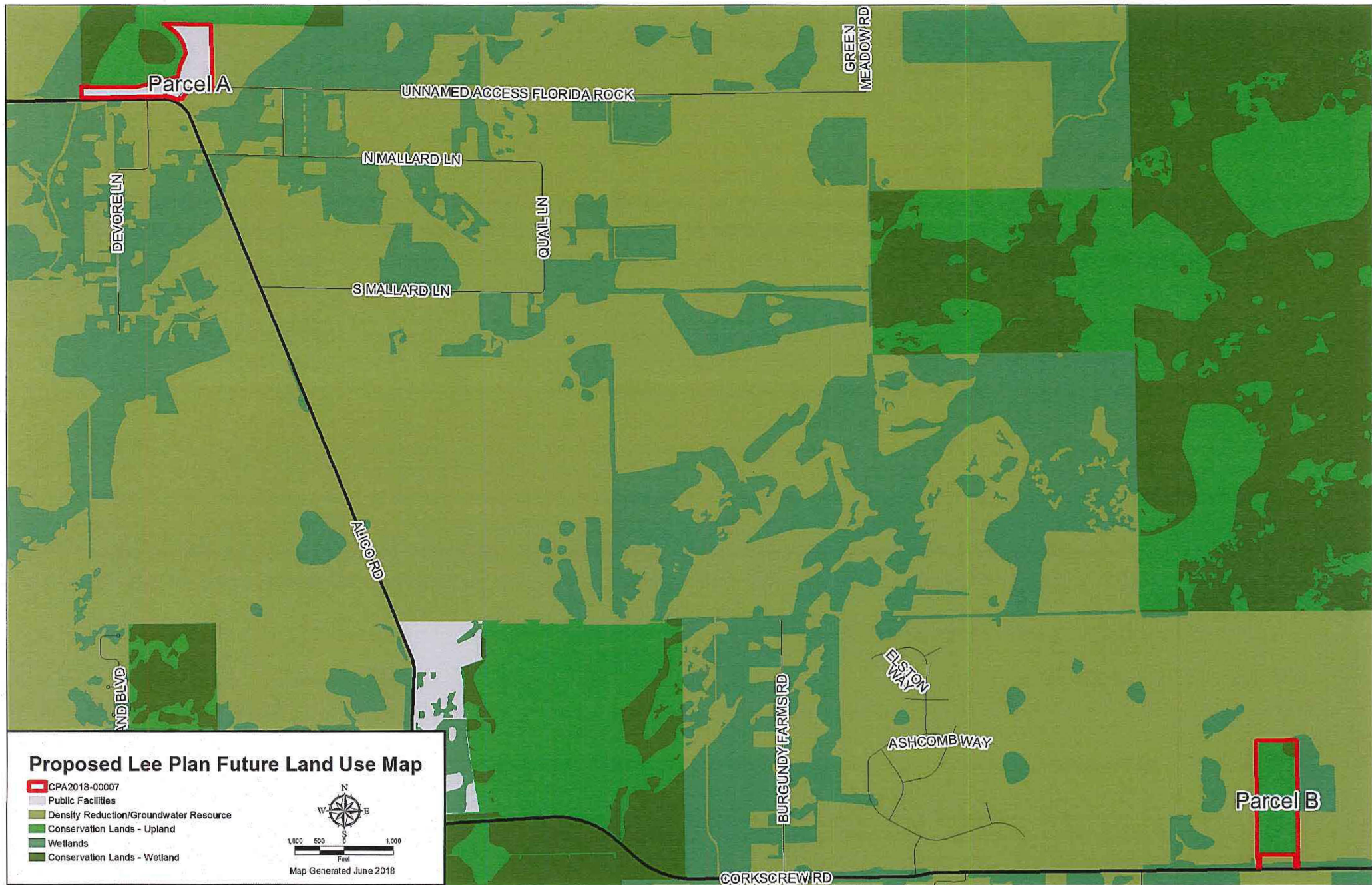


**ATTACHMENT 1:**

**Existing Future Land Use Map  
Proposed Future Land Use Map**







# AGENCY COMMENTS



**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

October 10, 2018

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

Dear Chairman Pendergrass:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 18-07ESR) received on September 10, 2018. The review was completed under the expedited state review process. We have no comment on the proposed amendment.

The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment. In addition, the County is reminded that:

- Section 163.3184(3)(b), Florida Statutes (F.S.), authorizes other reviewing agencies to provide comments directly to the County. **If the County receives reviewing agency comments and they are not resolved, these comments could form the basis for a challenge to the amendment after adoption.**
- **The second public hearing**, which shall be a hearing on whether to adopt one or more comprehensive plan amendments, **must be held within 180 days** of your receipt of agency comments or the amendment shall be **deemed withdrawn** unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment pursuant to Section 163.3184(3)(c)1., F.S.
- **The adopted amendment must be rendered to the Department.** Under Section 163.3184(3)(c)2. and 4., F.S., the **amendment effective date** is 31 days after the Department notifies the County that the amendment package is complete or, if challenged, until it is found to be in compliance by the Department or the Administration Commission.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399  
850.245.7105 | [www.floridajobs.org](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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If you have any questions concerning this review, please contact Beau Scott, Planning Analyst, by telephone at (850) 717-8515 or by email at [beau.scott@deo.myflorida.com](mailto: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 the first name "James" being the most prominent.

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 the amendment is 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."

\_\_\_\_\_ 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

**RECEIVED**  
SEP 13 2018

COMMUNITY DEVELOPMENT

September 10, 2018

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 18-7ESR**.

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 **October 10, 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](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://www.twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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**Rick Scott**  
GOVERNOR



**Cissy Proctor**  
EXECUTIVE DIRECTOR

**MEMORANDUM**

**TO:** Florida Department of Environmental Protection  
Florida Department of Education  
Florida Department of State  
Florida Department of Transportation District 1  
Southwest Florida Regional Planning Council  
South Florida Water Management  
Florida Fish and Wildlife Conservation Commission  
Florida Department of Agriculture and Consumer Services

**DATE:** September 10, 2018

**SUBJECT: COMMENTS FOR PROPOSED EXPEDITED STATE REVIEW PLAN AMENDMENT**

**LOCAL GOVERNMENT/ STATE LAND PLANNING AGENCY AMENDMENT #: LEE CO 18-07ESR**

**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 to the State Land Planning Agency to the attention of Ray Eubanks, Administrator, Plan Review and Processing at the Department E-mail address: [DCPexternalagencycomments@deo.myflorida.com](mailto: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](http://www.floridajobs.org)  
[www.twitter.com/FLDEO](https://twitter.com/FLDEO) | [www.facebook.com/FLDEO](https://www.facebook.com/FLDEO)

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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

September 5, 2018

Via E-Mail

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  
September 5, 2018 Transmittal Hearing**

RECEIVED  
Lee County Planning and Growth

SEP 10 2018

Lee County Development  
Planning and Growth

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, please find attached the proposed Comprehensive Plan Amendment, known locally as CPA2018-00007 (Public Facilities and Conservation Lands). The proposed amendments are being submitted through the expedited state review process as described in Chapter 163.3184. The amendment is as follows:

**CPA2018-00007:** Amend the Lee Plan Future Land Use Map to designate 31 ± acres from Conservation Lands (Uplands and Wetlands) to Public Facilities and Wetlands and to designate 44.5 ± acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation Lands (Uplands and Wetlands).

The Local Planning Agency held a public hearing for these plan amendments on July 23, 2018. The Board of County Commissioners voted to transmit the amendments on September 5, 2018. The proposed amendments are 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 this amendment and supporting data and analysis have been sent on this date to the agencies listed below.

Sincerely,

**Lee County Department of Community Development  
Planning Section**



Mikki Rozdolski  
Manager, Community Development Operations

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

## Jenkins-Owen, Sharon

---

**From:** Dunn, Brandon  
**Sent:** Tuesday, September 25, 2018 7:56 AM  
**To:** Miller, Janet; Jenkins-Owen, Sharon  
**Cc:** Rozdolski, Mikki; Sweigert, Rebecca  
**Subject:** FW: FWC's Comments on Lee County 18-7ESR (Public Facilities and Conservation Lands)  
**Attachments:** FWC\_Florida Black Bear Technical Assistance\_060418.pdf

Please see correspondence below.

*Brandon D. Dunn*, Principal Planner

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

---

**From:** Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]  
**Sent:** Monday, September 24, 2018 3:45 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Wallace, Traci; Keltner, James  
**Subject:** [EXTERNAL] FWC's Comments on Lee County 18-7ESR (Public Facilities and Conservation Lands)

Dear Mr. Dunn,

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the Lee County 18-7ESR request in accordance with our authorities under Chapter 163.3184(3), Florida Statutes. At this time, our comments are limited to advisory information and recommendations for reducing potential conflicts with Florida black bear (*Ursus americanus floridanus*) on the proposed land use change from Conservation Lands to Public Utilities Facilities & Wetlands for Parcel A located at 14201 Alico Road. We have no comments related to Parcel B.

FWC has received 222 reports of human-bear conflicts within roughly a five-mile radius of Parcel A since 2007. Florida black bears are abundant in this area which is within the South Bear Management Unit identified in the 2012 Bear Management Plan. Please review the attached document for important information related to potential measures that can be taken to avoid or minimize negative wildlife interactions during the planning, construction, and operation phases of this project.

If you need any further assistance, please do not hesitate to contact our office by email at [FWCConservationPlanningServices@MyFWC.com](mailto: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](mailto:James.Keltner@MyFWC.com).

Sincerely,

Jason Hight  
Biological Administrator II  
Office of Conservation Planning Services  
Division of Habitat and Species Conservation  
620 South Meridian Street, MS 5B5





## Florida Fish and Wildlife Conservation Commission

### Commissioners

**Bo Rivard**  
Chairman  
Panama City

**Robert A. Spottswood**  
Vice Chairman  
Key West

**Joshua Kellam**  
Palm Beach Gardens

**Gary Lester**  
Oxford

**Gary Nicklaus**  
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St. Augustine

**Michael W. Sole**  
Tequesta

Office of the  
Executive Director  
**Eric Sutton**  
Executive Director

**Thomas H. Eason, Ph.D.**  
Assistant Executive Director

**Jennifer Fitzwater**  
Chief of Staff

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32399-1600  
Voice: 850-488-4676

Hearing/speech-impaired:  
800-955-8771 (T)  
800 955-8770 (V)

MyFWC.com

## Technical Assistance Regarding the Florida Black Bear

Dear Applicant, Property Owner, or Interested Party:

According to Florida Fish and Wildlife Conservation Commission (FWC) data, there is the potential for Florida black bears (*Ursus americanus floridanus*) to occur in the project area. The FWC has received a sufficient number of reports of human-bear conflicts and/or reports of bear killed by vehicles surrounding the project area to suggest recommendations that may reduce the likelihood of negative human-wildlife interactions onsite. While black bears tend to shy away from people, they are adaptable and will take advantage of human-provided food sources that are available near this site or may be available after construction, which can include unsecured garbage, pet food, and bird seed. Once bears become accustomed to finding food around people, their natural wariness is reduced to the point that there can be an increased risk to private property and public safety.

There are measures that can be taken during the project life cycle to prevent or reduce conflicts with bears. During the construction phase, construction sites should be kept clean with bear-resistant containers for any refuse that would attract bears, which includes all food-related materials. If a homeowners' association or community covenants are planned, we recommend bylaws that would require residents to take measures to prevent attracting bears into the neighborhood. Sample bylaw language that has been used by other Florida communities is available at the bear management website (<http://myfwc.com/wildlifehabitats/managed/bear/living/community-group/bylaw/>).

Once the development is completed, residents should be provided with bear-resistant garbage cans as part of their regular waste service and any larger waste storage containers should also be bear-resistant. We encourage the property owner to provide residents with information on how to avoid human-bear conflicts. This information can include:

- Options for keeping garbage secure which can include using bear-resistant garbage containers, modifying regular cans to be bear-resistant, or keeping cans secure in a garage or sturdy shed and then placing garbage on the curb the morning of pick-up rather than the night before (<http://myfwc.com/wildlifehabitats/managed/bear/living/attractants/>);
- Removing bird and wildlife feeders, or modifying them to exclude bears (<http://myfwc.com/wildlifehabitats/managed/bear/wildlife-feeders/>);
- Using electric fencing to secure outdoor attractants like fruiting trees/shrubs, gardens, compost, and small livestock (<http://myfwc.com/media/1333878/ElectricFence.pdf>);
- Proper methods to compost in bear range;
- Securing pet food; and
- Cleaning and securing barbeque grills.

Information should also include guidelines for how residents should respond to bears in the area, such as:

- What to do if they encounter a bear, whether from a distance or at close range,
- How to keep pets and livestock safe in bear range, and
- When and how to contact the FWC regarding a bear issue.

FWC staff is always available to assist with residential planning to incorporate the above recommendations and reduce the potential for unwanted interactions between bears and humans. Please feel free to contact our office at [FWCconservationplanningservices@myfwc.com](mailto:FWCconservationplanningservices@myfwc.com) for technical assistance. Further information can also be found on the FWC website at <http://www.myfwc.com/wildlifehabitats/managed/bear>.

Sincerely,

Fritz Wettstein  
Land Use Planning Program Administrator  
Office of Conservation Planning Services

TA Florida Black Bear\_060418



## Jenkins-Owen, Sharon

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**From:** Dunn, Brandon  
**Sent:** Friday, September 28, 2018 2:08 PM  
**To:** Jenkins-Owen, Sharon; Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** FW: Lee County Proposed Comprehensive Plan Amendment #18-7ESR

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**From:** Manning, Terese [<mailto:tmanning@sfwmd.gov>]  
**Sent:** Friday, September 28, 2018 1:43 PM  
**To:** Rozdolski, Mikki  
**Cc:** Ray Eubanks ([DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)); Brenda Winningham ([brenda.winningham@deo.myflorida.com](mailto:brenda.winningham@deo.myflorida.com)); ext-Wuerstle, Margaret ([swfrpc.org](mailto:swfrpc.org)); Dunn, Brandon  
**Subject:** [EXTERNAL] FW: Lee County Proposed Comprehensive Plan Amendment #18-7ESR

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package includes updates to the Conservation and Coastal Management Element. There appear to be no regionally significant water resource issues; however, the District offers the following technical guidance regarding Regional Water Supply Planning:

- The County is required to revise its Water Supply Facilities Work Plan (Work Plan) within 18 months after approval of the Lower West Coast (LWC) Water Supply Plan Update by the District's Governing Board. The District's Governing Board approved the LWC Water Supply Plan Update on December 11, 2017. Therefore, the County's Work Plan should be updated and adopted by June 14, 2019. The Work Plan must cover at least a 10-year planning period, include updated water demand projections, identify alternative and traditional water supply projects, and describe conservation and reuse activities needed to meet the projected future demands. Planning tools are available on the District's website for your use and District Staff are available to provide technical assistance to update the Work Plan, including reviewing draft Work Plans prior to formal plan amendment submittal. The planning tools are located at this link: <https://www.sfwmd.gov/our-work/water-supply/work-plans>.

The District offers its technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact Deb Oblaczynski at (561) 682-2544 or [doblaczy@sfwmd.gov](mailto:doblaczy@sfwmd.gov) if you need assistance or additional information.

Sincerely,

Terry Manning, Policy and Planning Analyst  
South Florida Water Management District  
Water Supply Implementation Unit  
3301 Gun Club Road  
West Palm Beach, FL 33406  
Phone: 561-682-6779  
Fax: 561-681-6264  
E-Mail: [tmanning@sfwmd.gov](mailto:tmanning@sfwmd.gov)

## Jenkins-Owen, Sharon

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**From:** Dunn, Brandon  
**Sent:** Wednesday, October 03, 2018 8:19 AM  
**To:** Jenkins-Owen, Sharon; Miller, Janet  
**Cc:** Rozdolski, Mikki  
**Subject:** Fw: Lee County 18-7ESR Proposed

Please see correspondence from Florida DEO for CPA2018-07.

Brandon Dunn

Principal Planner, Planning Section

Lee County Department of Community Development

239.533.8585

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**From:** Plan\_Review <[Plan.Review@dep.state.fl.us](mailto:Plan.Review@dep.state.fl.us)>  
**Sent:** Tuesday, October 2, 2018 4:32 PM  
**To:** Dunn, Brandon; [DCPexternalagencycomments@deo.myflorida.com](mailto:DCPexternalagencycomments@deo.myflorida.com)  
**Cc:** Plan\_Review  
**Subject:** [EXTERNAL] Lee County 18-7ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 18-7ESR – Expedited State Review of Proposed Comprehensive Plan Amendment

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

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

Please submit all future amendments by email to [plan.review@floridadep.gov](mailto:plan.review@floridadep.gov). If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.

