



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

COMPREHENSIVE PLAN AMENDMENT
and
ZONING HEARING
AGENDA

Wednesday, May 6, 2020

9:30AM

CPA2019-00006

CONSERVATION LANDS UPDATE - ADOPTION

CPA2018-10012 &
CPA2018-10013

VINTAGE COMMERCE CENTER - ADOPTION

DCI2018-10022
Z-19-035

VINTAGE COMMERCE CENTER CPD

CPA2019-00008

EPCO TEXT AMENDMENT - ADOPTION

DCI2019-00018
Z-20-006

VERDANA VILLAGE MPD

CPA2019-00006

**CONSERVATION
LANDS UPDATE**

Summary Sheet

Conservation Lands Update, CPA2019-06

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: Bob Janes Preserve, Estero Marsh Preserve, and Olga Shores Preserve.

Public Comments:

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

Transmittal Hearing:

A motion was made to transmit CPA2019-00006 as recommended by staff and the LPA. The motion was passed 5 to 0.

State Reviewing Agency Objections, Recommendations, and Comments:

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

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

There were no objections concerning the proposed amendments. Letters from the State Reviewing Agencies are attached to the staff report.

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. _____
Conservation Lands Update
(CPA2019-00006)

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 (CPA2019-00006) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF “THE LEE PLAN”; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (“Lee Plan”) 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 December 9, 2019; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on January 22, 2020. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Conservation Lands Update (CPA2019-00006) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the January 22, 2020 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on May 6, 2020, 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 "Conservation Lands Update Ordinance (CPA2019-00006)."**

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 (upland and wetlands) land use category, known as Conservation Lands Update (CPA2019-00006).

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	_____
Raymond Sandelli	_____
Brian Hamman	_____
Frank Mann	_____

DONE AND ADOPTED this 6th day of May 2020.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Brian Hamman, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

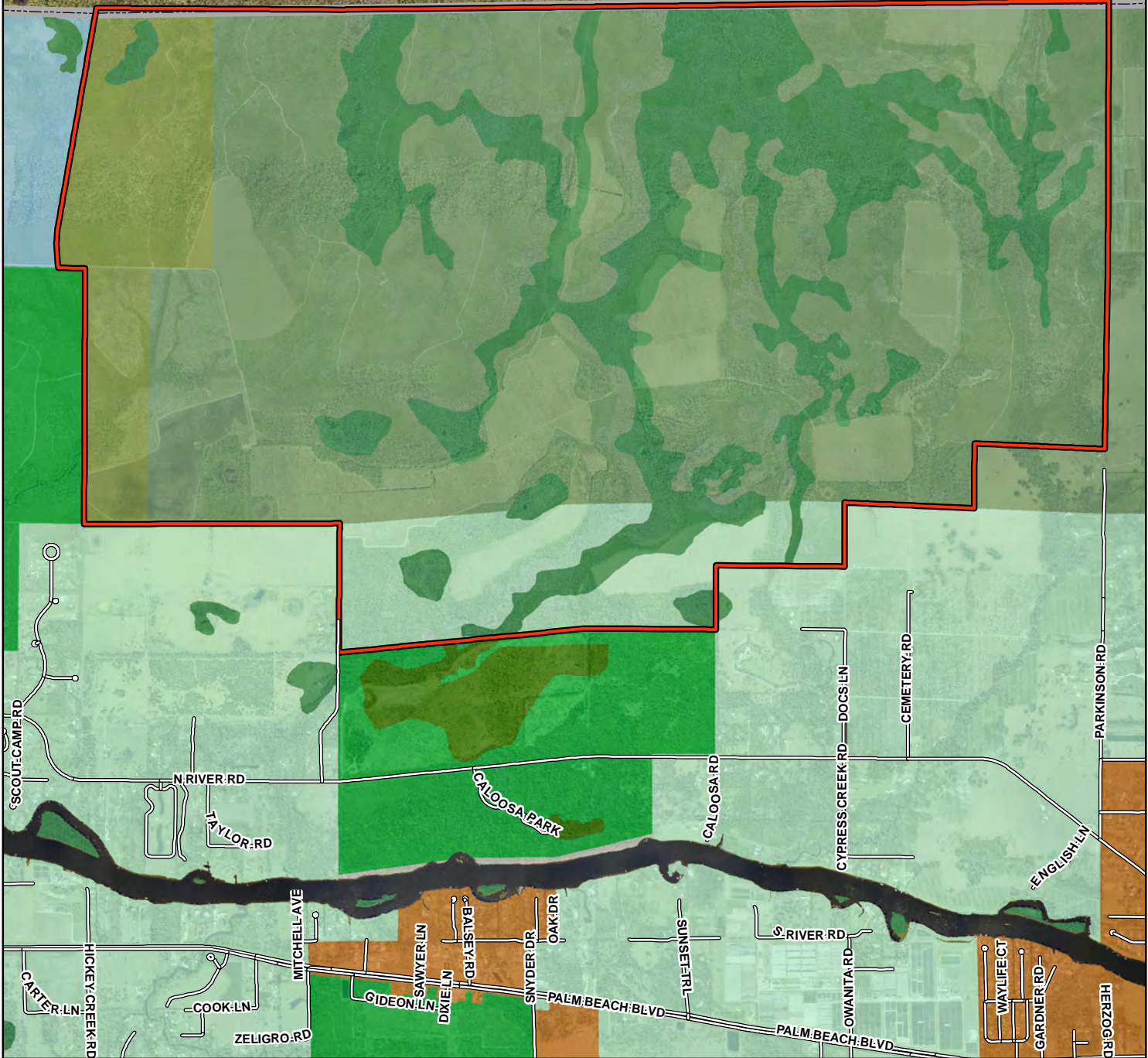
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map 1 (Adopted by BOCC 5/6/2020)

EXHIBIT A

**Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.**

CHARLOTTE COUNTY



CPA2019-00006
Bob Janes Preserve
Current Future Land Use
Classifications

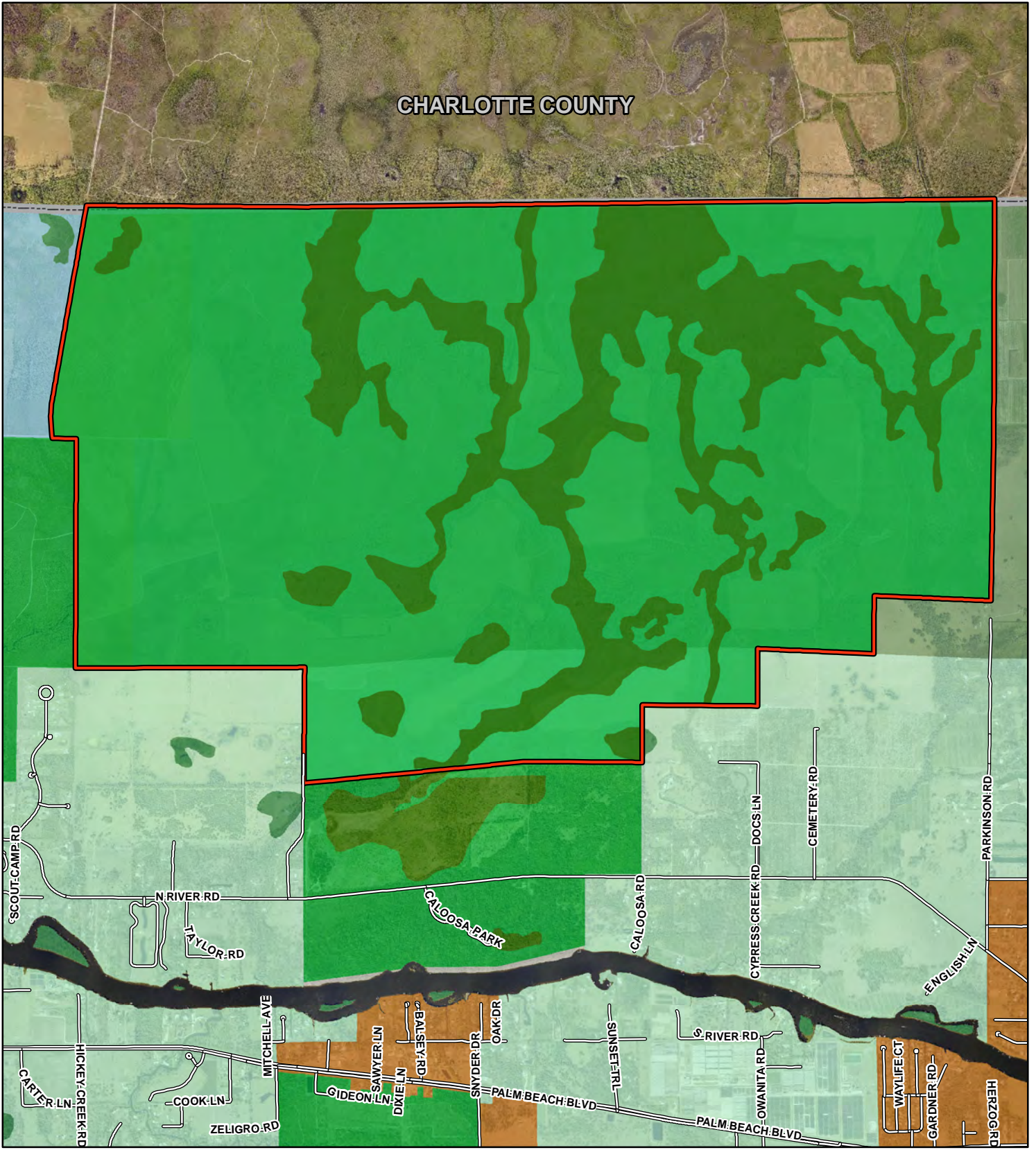


- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



Map Generated: Oct. 2019

CHARLOTTE COUNTY



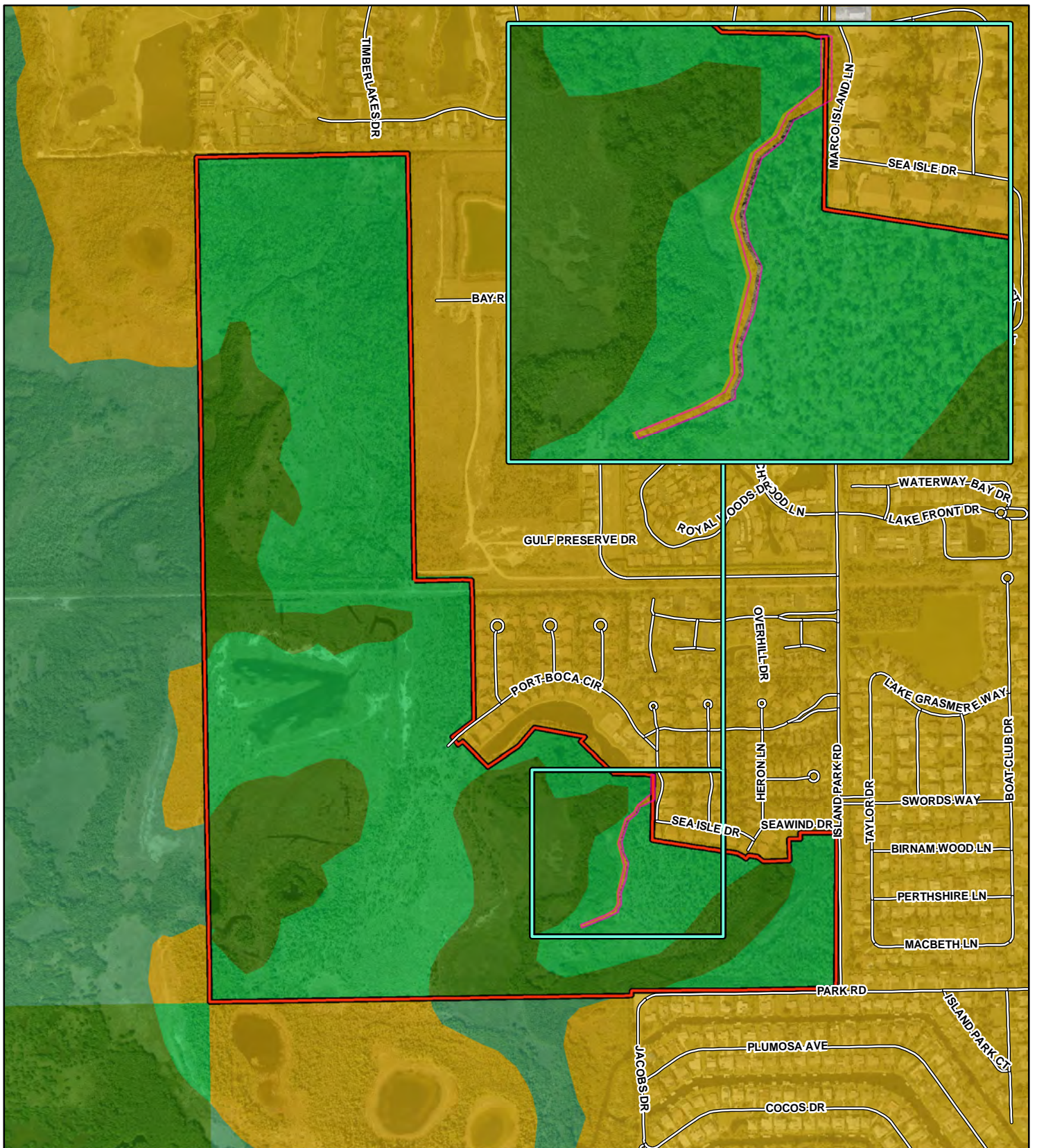
CPA2019-00006
Bob Janes Preserve
Proposed Future Land Use
Classifications



- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
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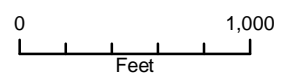


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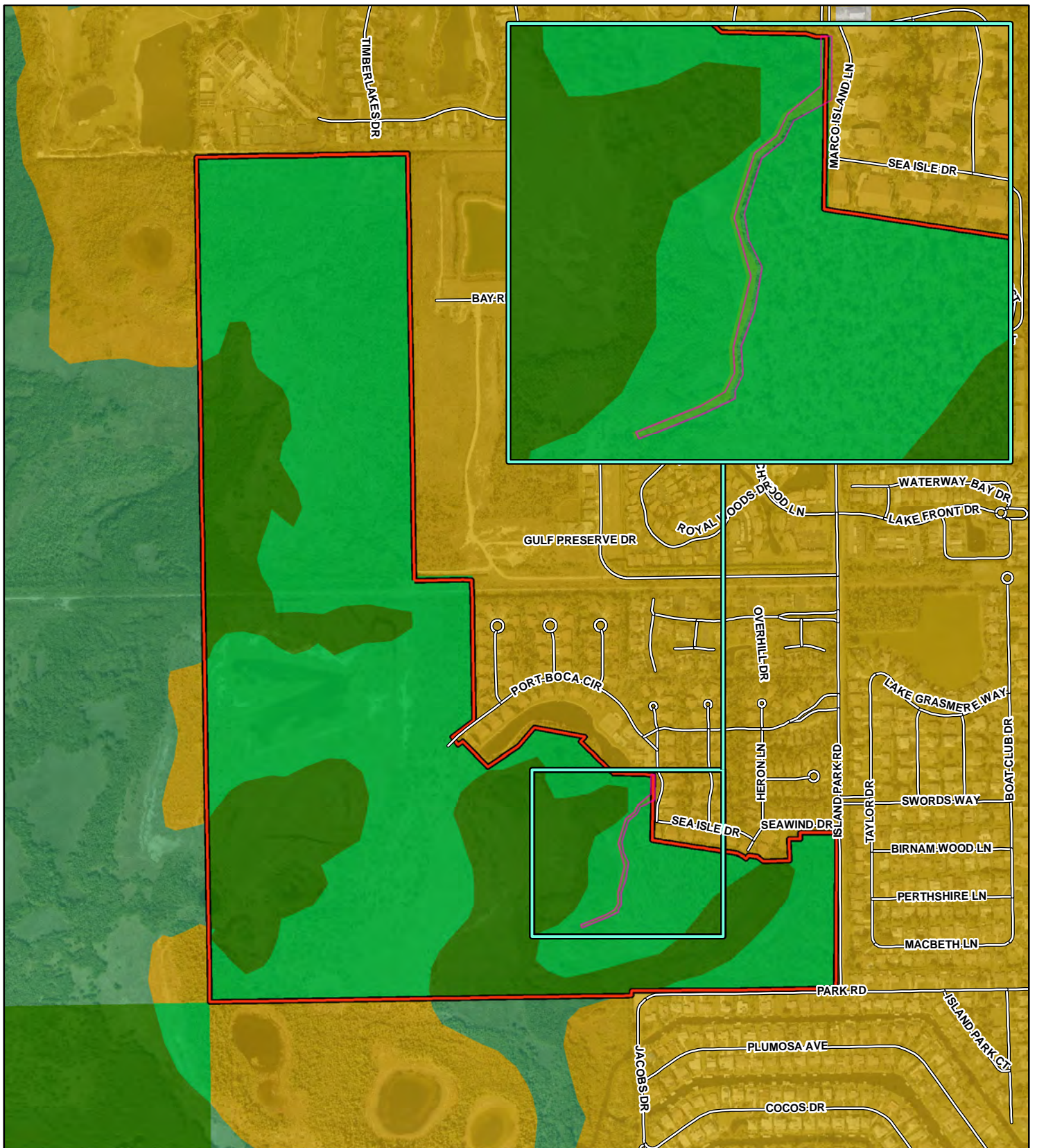


CPA2019-00006
Estero Marsh Preserve
Current Future Land Use
Classifications

- Subject Property
- Estero Marsh Preserve
- Suburban
- Public Facilities
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland










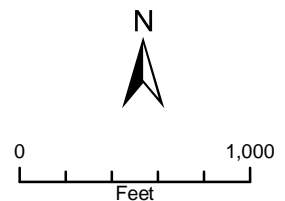
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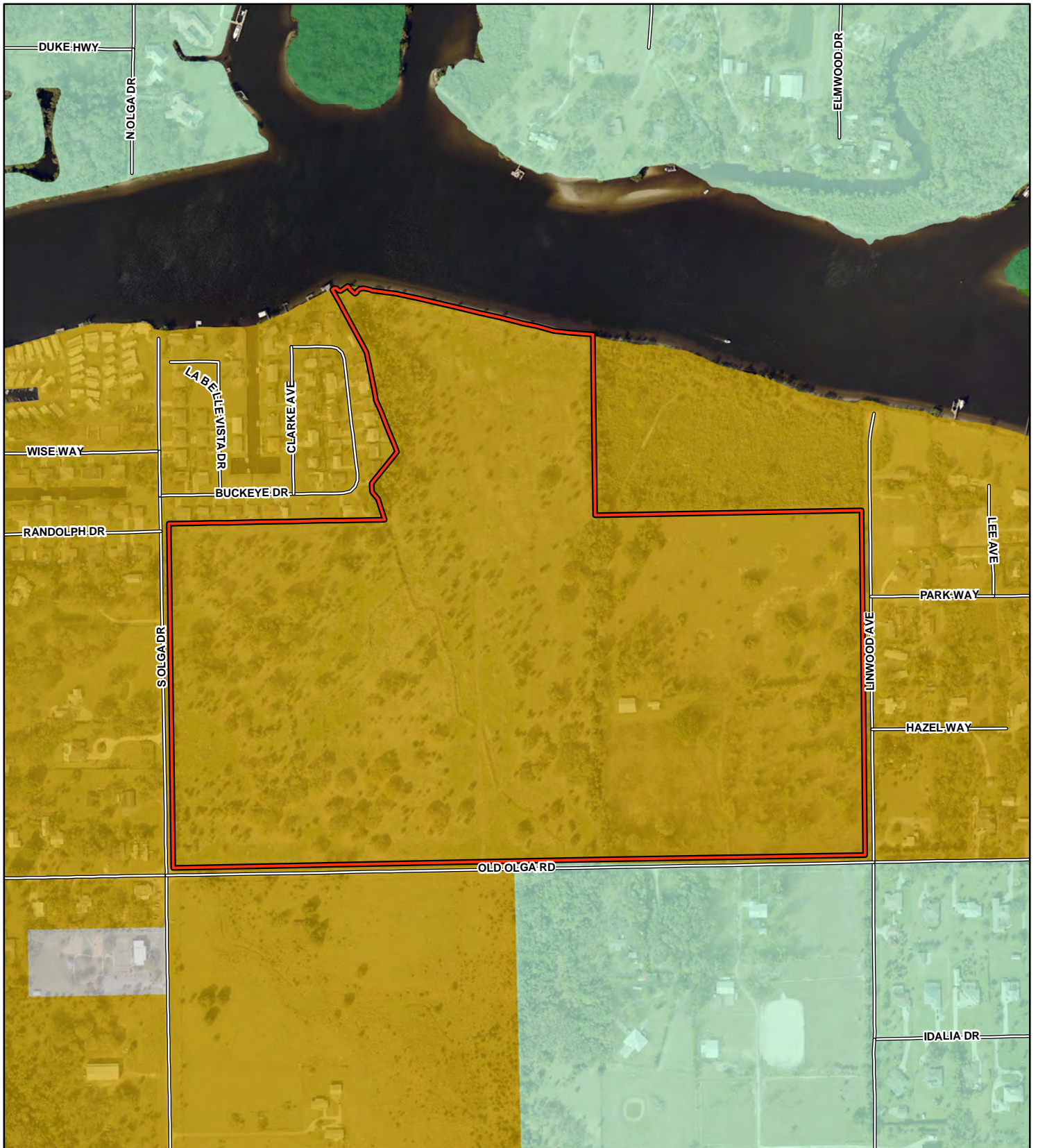
CPA2019-00006
Estero Marsh Preserve
Proposed Future Land Use
Classifications



- | | | | |
|---|-----------------------|---|------------------------------|
|  | Subject Property |  | Conservation Lands - Upland |
|  | Estero Marsh Preserve |  | Wetlands |
|  | Suburban |  | Conservation Lands - Wetland |
|  | Public Facilities | | |



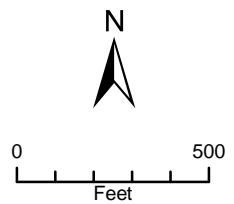
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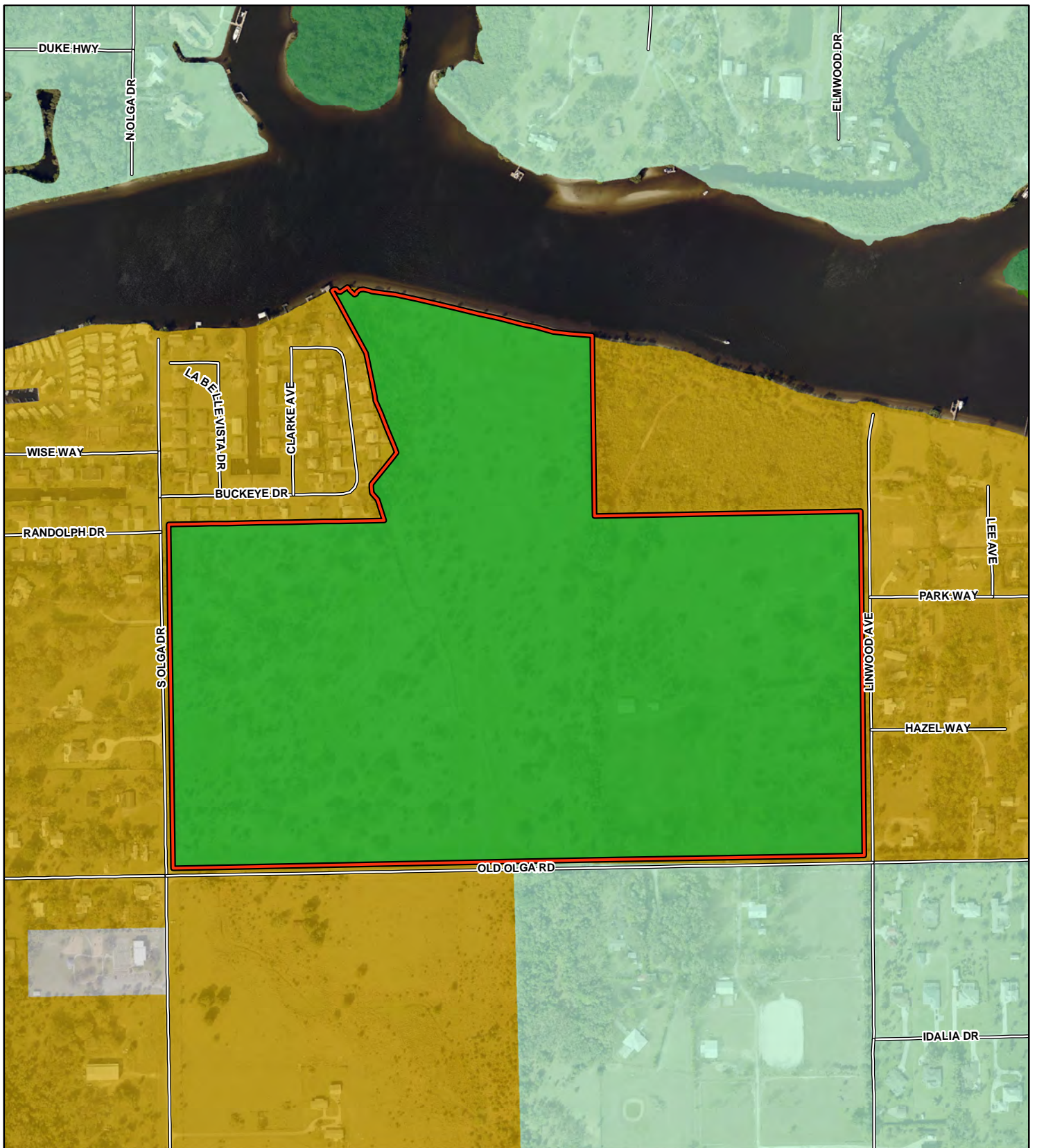
CPA2019-00006
Olga Shores Preserve
Current Future Land Use
Classifications



- Subject Property
- Suburban
- Rural
- Wetlands
- Conservation Lands - Wetland










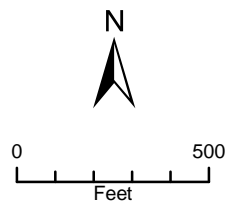
Map Generated: Oct. 2019



CPA2019-00006
Olga Shores Preserve
Proposed Future Land Use
Classifications



- | | |
|---|--|
|  Subject Property |  Wetlands |
|  Suburban |  Conservation Lands - Wetland |
|  Public Facilities |  Conservation Lands - Upland |
|  Rural | |



Map Generated: Oct. 2019

STAFF REPORT FOR
CPA2019-06: Conservation Lands Update

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



Property Size:
5,726± Acres

Conservation 20/20 Preserves:
Bob Janes
Estero Marsh
Olga Shores

Current FLUCs:
DR/GR
Open Lands
Rural
Suburban
Wetlands

Proposed FLUC:
Conservation Lands

Hearing Dates:
LPA: 12/9/2019
BOCC Transmittal:
1/22/2020
BOCC Adoption:
5/6/2020

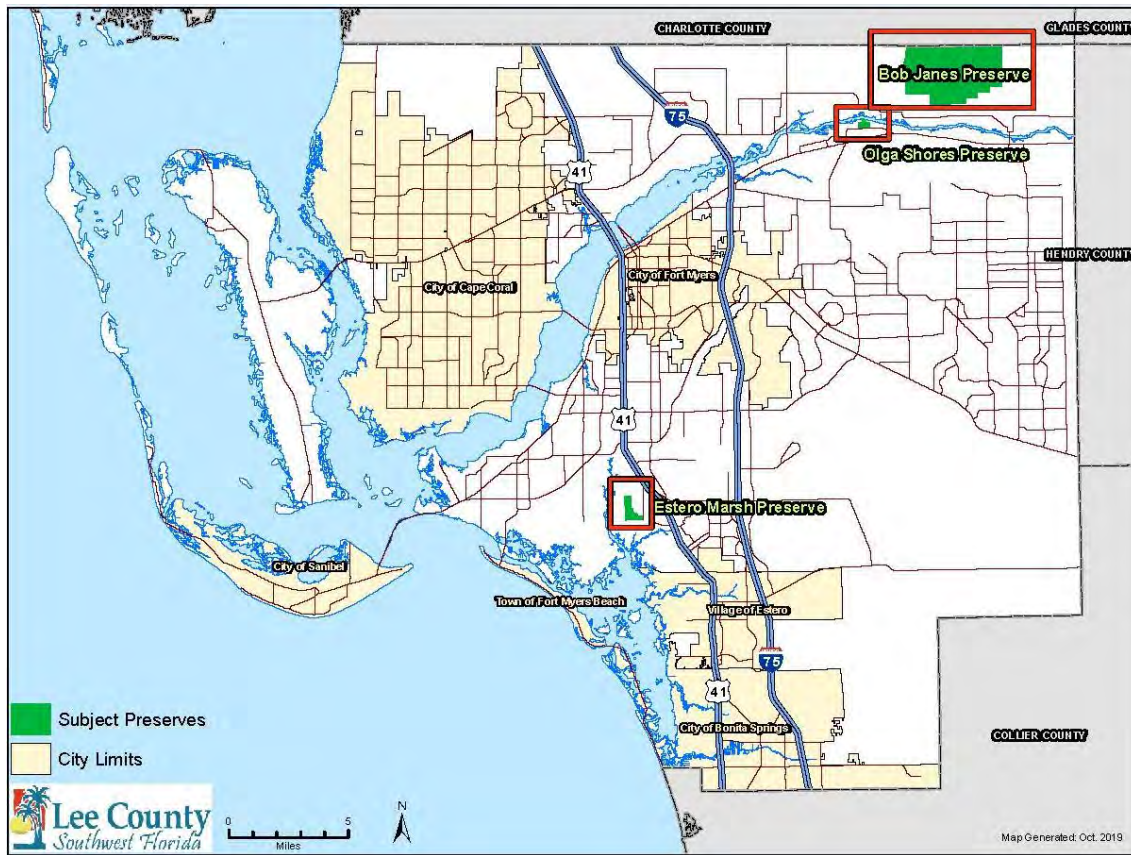
REQUEST

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 5,726 acres in three 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) **adopt** 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

CPA2019-00006 seeks to update the FLUM for approximately 5,726 acres of land in three 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 Bob Janes Preserve, Estero Marsh Preserve, and Olga Shores Preserve. Within this report, the various Conservation 20/20 nominations are located within three different preserves and will be referenced as the 'subject properties'. 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' respective Land Stewardship Plan (LSP).

Current future land use categories of the subject properties include DR/GR, Open Lands, Rural, Suburban and Wetlands.

Subject Properties				
Preserve	Current FLUC	Proposed FLUC	Acres	Dwelling Units Removed from FLUM
Bob Janes	DR/GR	Conservation Lands - Upland	504.76	50
	Open Lands	Conservation Lands - Upland	3442.36	344
	Rural	Conservation Lands - Upland	419.35	419
	Wetlands	Conservation Lands - Wetland	1251.81	63
Estero Marsh	Suburban	Conservation - Upland	16.43	99
Olga Shores	Suburban	Conservation Lands - Upland	91.73	550
Total			5,726.44	1,525

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. 98.11% of the subject property is currently designated as Future Non-Urban Areas and 1.89% 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 properties to Conservation Lands (Upland and Wetland) will ensure the subject properties will function as environmental preserves and consistent with the individual goals provided for in their respective LSP. The removal of density/intensity will help guide development to more suitable areas and provide 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 are not anticipating urban development. Changing the FLUC of the subject property to Conservations Lands (Upland and Wetland) will assure future development inconsistent with the adopted LSP's will not occur on these properties. The subject properties are managed by three different LSP's, which represents three individual and unique preserves. Because the subject properties receive funding, are publically owned, and are regulated by LSPs; the properties 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
Open Lands	3442.36
Wetlands	1251.81
DR/GR	504.76
Rural	419.35
Non-Urban Subtotal	5618.28
Suburban	108.16
Suburban Subtotal	108.16
Total	5726.44

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

The subject properties and associated 20/20 Preserves are described in greater detail below:

A. BOB JANES PRESERVE

Proposed Amendment Acreage: 5,618.28 acres

Total Acreage: 5,618.28 acres

Location: Alva, in Northeast Lee County along the Lee/Charlotte county boundary, within Sections 01 and 12 of Township 43 South, Range 26 East; all of Sections 04-08, Township 43 South, Range 27 East; all but the southeastern corner of Section 09, Township 43 South, Range 27 East; the north half of Section 18, Township 43 South, Range 27 East and the north half of the northeast quarter of the entire northwest quarter of Section 17, Township 43 South, Range 27 East.

Existing Uses: Bird watching, Hiking (marked trails or fire lanes), Nature Study/Photography

Current Zoning Classifications: Agricultural

Current Future Land Use Category: DR/GR, Open Lands, Rural, Wetlands

Proposed Future Land Use Category: Conservation Lands

STRAPS: 01-43-26-00-00001.0000, 12-43-26-00-00001.0000, 04-43-27-00-00001.0000, 05-43-27-00-00001.0000, 06-43-27-00-00001.0000, 07-43-27-00-00001.0000, 08-43-27-00-00001.0000, 09-43-27-00-00001.0000, 17-43-27-00-00001.0000 and 18-43-27-00-00001.0000

Conservation 20/20 Parcel: 324

B. ESTERO MARSH PRESERVE

Proposed Amendment Acreage: 16.43 acres

Total Acreage: 243.97 acres

Location: Estero Bay Watershed of southwestern Lee County

Existing Uses: Bird watching, Hiking (Unmarked or Fire Lanes), Nature Study/Photography

Current Zoning Classifications: Multi-family

Current Future Land Use Category: Suburban

Proposed Future Land Use Category: Conservation Land – Upland

STRAPS: 12-46-24-00-00005.4000

Existing Preserve Nomination(s) in the Conservation Land FLUC: 66 and 128

Nomination(s) Subject to FLUC Amendment: 506

Note: The Estero Marsh Preserve proposed amendment acreage, consisting of a small tract just under 17 acres, allows for the whole preserve to be classified as conservation lands.

C. OLGA SHORES PRESERVE

Proposed Amendment Acreage: 91.73 acres

Total Acreage: 91.73

Location: Olga, on the southern bank of the Caloosahatchee River

Existing Uses: Bird Watching, Hiking (Unmarked or Fire Lines), Nature Study/Photography

Current Zoning Classifications: Agricultural and Residential Planned Development

Current Future Land Use Category: Suburban

Proposed Future Land Use Category: Conservation Lands - Upland

STRAPS: 22-43-26-00-00008.0000

Conservation 20/20 Parcel: 550

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 approximately 5,726 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 to function as an environmental preserve.

STAFF RECOMMENDATION

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: December 9, 2019

A. LOCAL PLANNING AGENCY REVIEW:

Staff provided a brief presentation for the proposed amendment which included a summary of the Board Action, consistency with the Lee Plan, and staff recommendation. Following staff's presentation, members of the LPA asked for clarification about Bob Janes Preserve, and staff answered their questions.

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

B. LOCAL PLANNING AGENCY RECOMMENDATION:

A motion was made to recommend that the Board of County Commissioners transmit CPA2019-00006 as recommended by staff. The motion passed 6 to 0.

VOTE:

RAYMOND BLACKSMITH	<u>AYE</u>
RHONDA BREWER	<u>AYE</u>
JAMES M. INK	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
KRISTINE SMALE	<u>ABSENT</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>AYE</u>

**PART 5
BOARD OF COUNTY COMMISSIONERS
TRANSMITTAL HEARING FOR PROPOSED AMENDMENT**

DATE OF PUBLIC HEARING: January 22, 2019

A. BOARD REVIEW:

Staff provided a brief presentation for the proposed amendment which included an overview of the proposed amendments, consistency with the Lee Plan, and staff recommendation.

There was no public comment concerning the proposed amendment.

B. Transmittal Hearing:

A motion was made to transmit CPA2019-00006 as recommended by staff and the LPA. The motion passed 5 to 0.

VOTE:

BRIAN HAMMAN	<u>AYE</u>
FRANK MANN	<u>AYE</u>
JOHN MANNING	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
RAY SANDELLI	<u>AYE</u>

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

Comments from the State Reviewing Agencies were due to Lee County by March 1, 2020.

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 Department of Environmental Protection (DEP)
- Florida Fish and Wildlife Conservation Commission (FWC), and
- South Florida Water Management District (SFWMD)

There were no objections concerning the proposed amendments. Letters from the agencies are provided in Attachment 2.

B. STAFF RECOMMENDATION

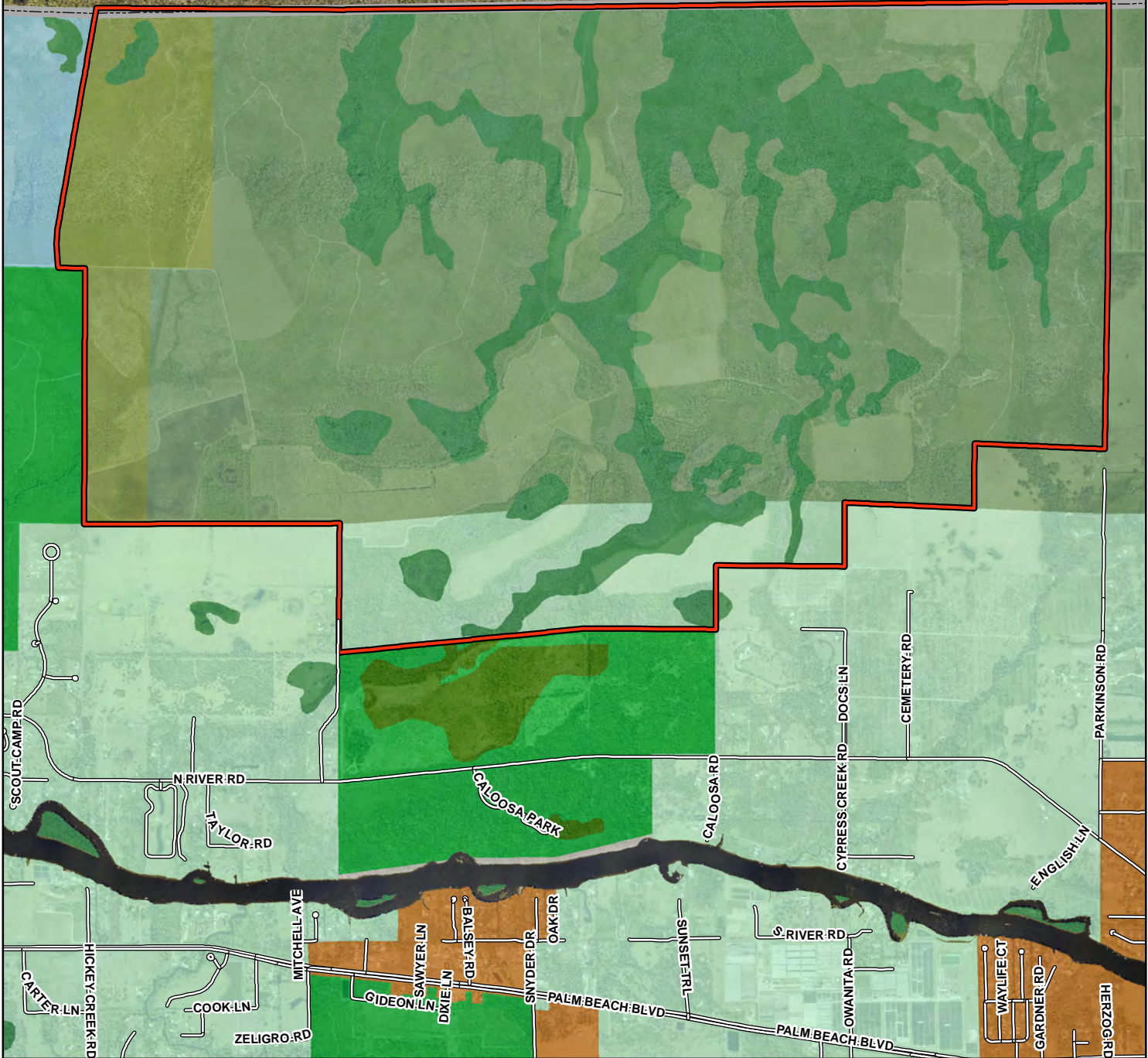
Staff recommends that the Board of County Commissioners **adopt** the amendments to the Lee Plan as transmitted and as provided in Attachment 1.

PART 7
ATTACHMENTS

- Map1a: Bob Janes Preserve Current Future Land Use Classifications
- Map 1b: Bob Janes Preserve Proposed Future Land Use Classifications
- Map 2a: Estero Marsh Preserve Current Future Land Use Classifications
- Map 2b: Estero Marsh Preserve Proposed Future Land Use Classifications
- Map 3a: Olga Shores Preserve Current Future Land Use Classifications
- Map 3b: Olga Shores Preserve Proposed Future Land Use Classifications

ATTACHMENT 1

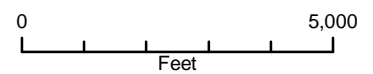
CHARLOTTE COUNTY



CPA2019-00006
Bob Janes Preserve
Current Future Land Use
Classifications

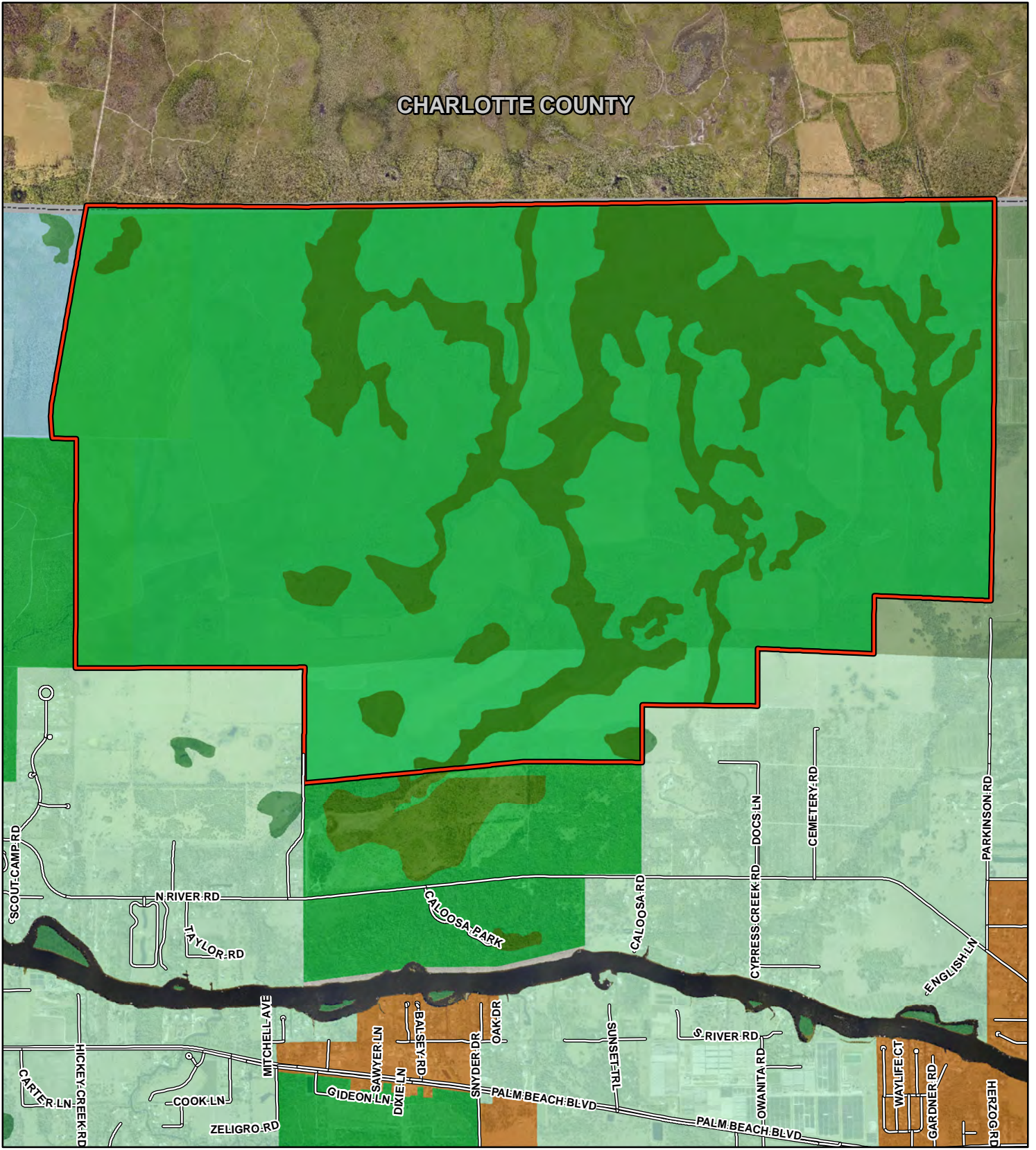


- Subject Property
- Urban Community
- Public Facilities
- New Community
- Rural
- Open Lands
- Density Reduction / Groundwater Resource
- Conservation Lands - Upland
- Wetlands
- Conservation Lands - Wetland



Map Generated: Oct. 2019

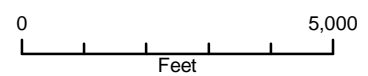
CHARLOTTE COUNTY



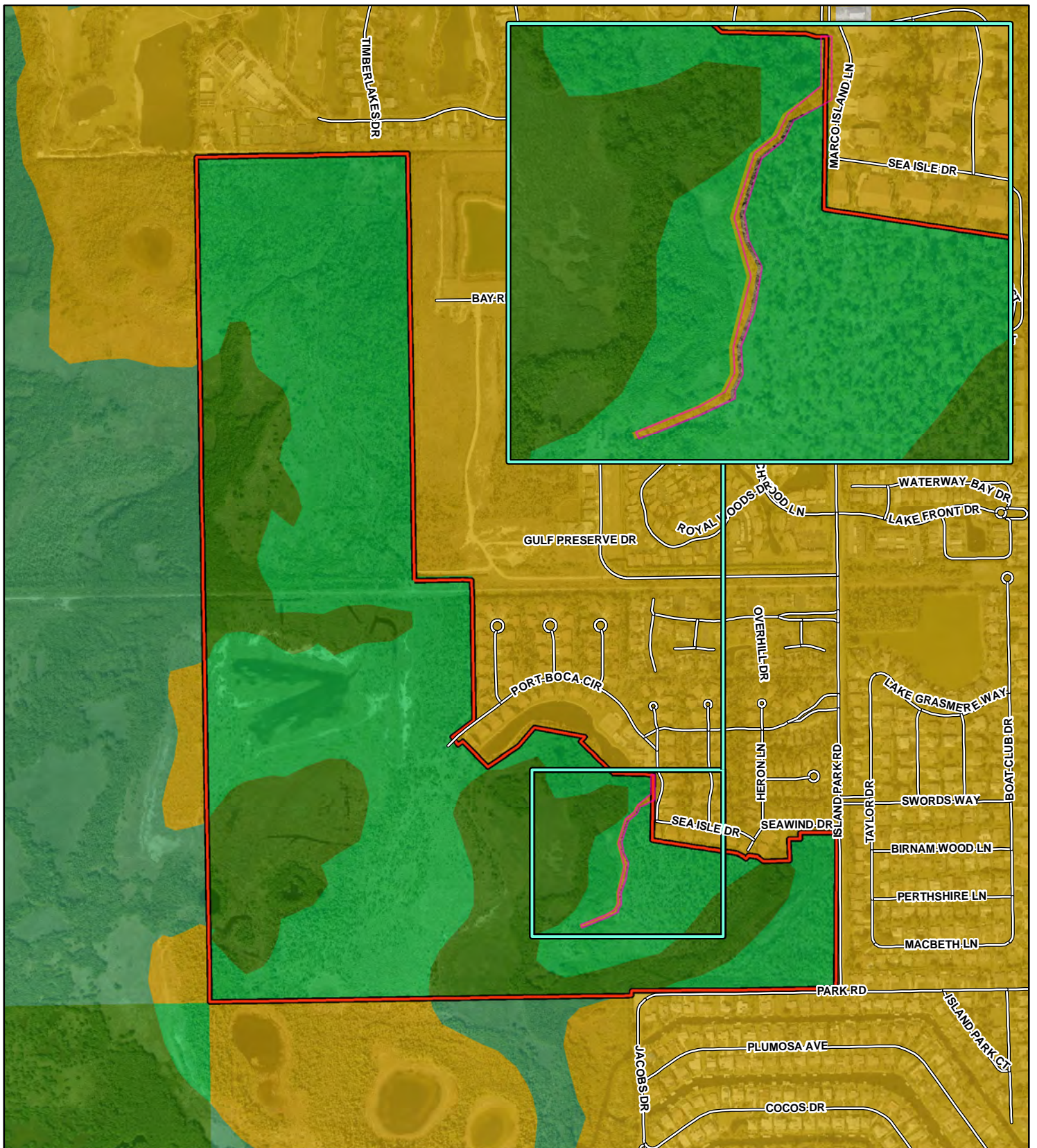
CPA2019-00006
Bob Janes Preserve
Proposed Future Land Use
Classifications










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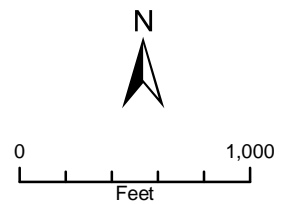


Map Generated: Oct. 2019

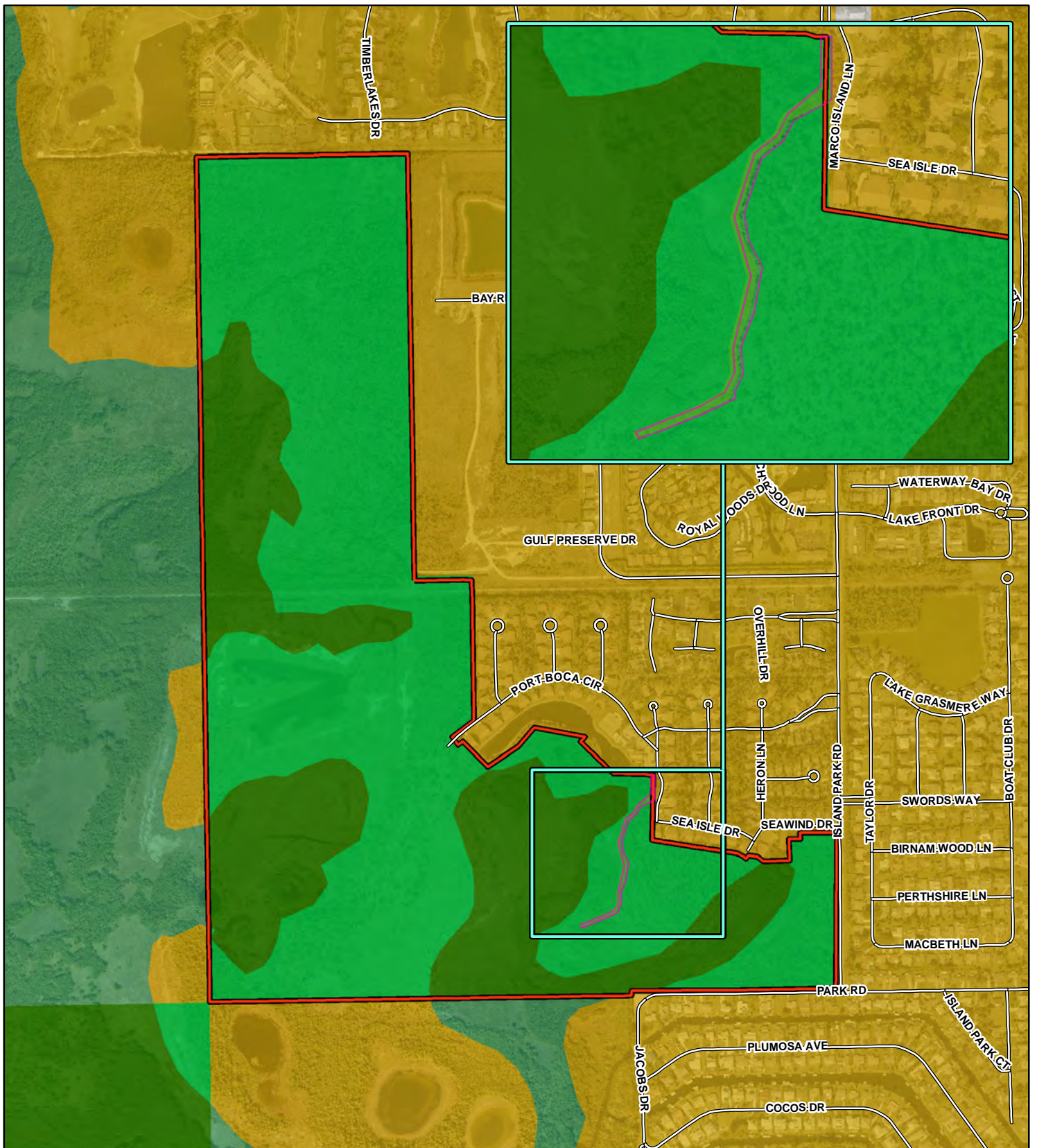


CPA2019-00006
Estero Marsh Preserve
Current Future Land Use
Classifications

- | | | | |
|---|-----------------------|---|------------------------------|
|  | Subject Property |  | Conservation Lands - Upland |
|  | Estero Marsh Preserve |  | Wetlands |
|  | Suburban |  | Conservation Lands - Wetland |
|  | Public Facilities | | |










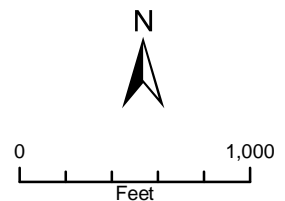
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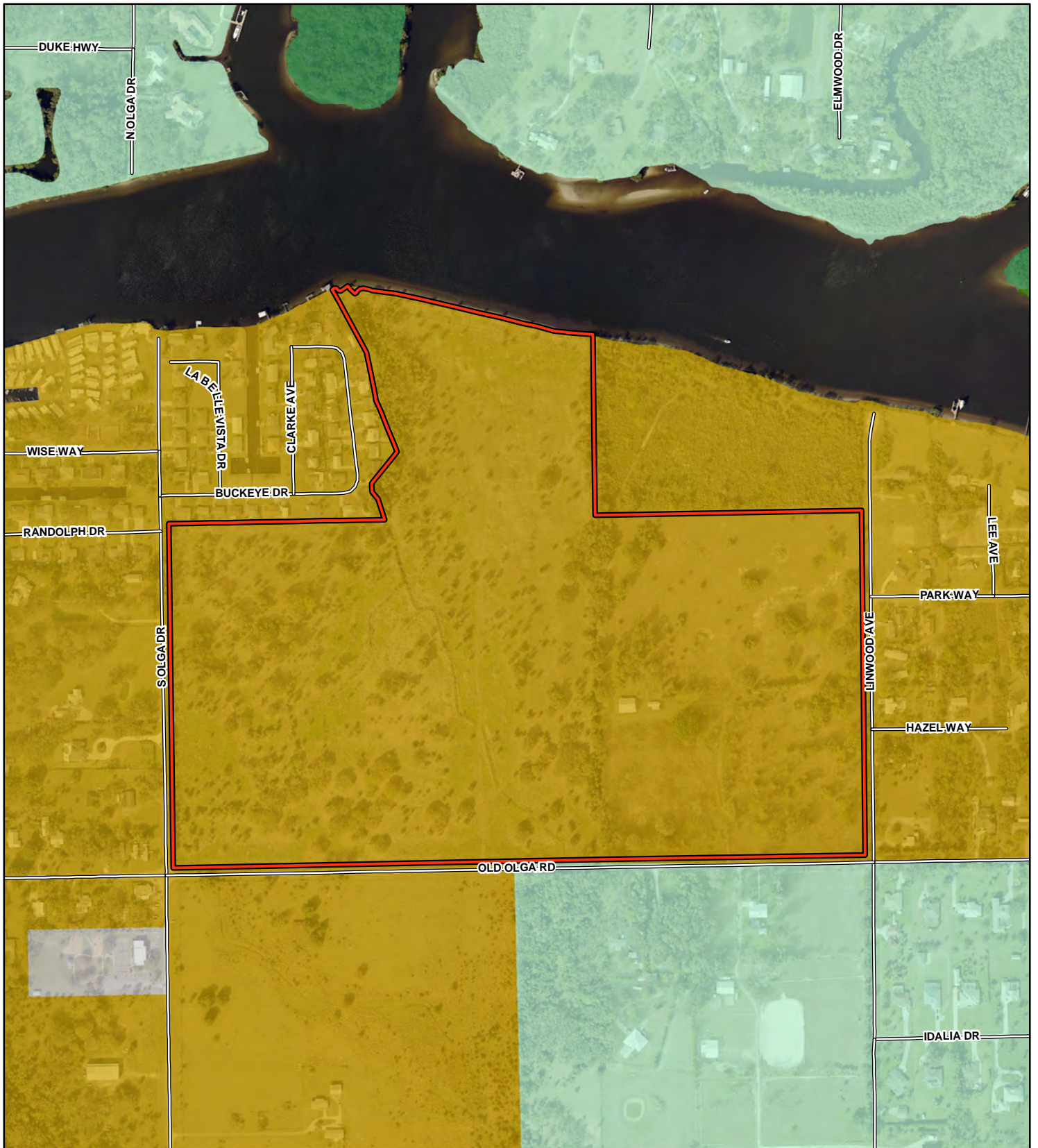
CPA2019-00006
Estero Marsh Preserve
Proposed Future Land Use
Classifications



- | | | | |
|---|-----------------------|---|------------------------------|
|  | Subject Property |  | Conservation Lands - Upland |
|  | Estero Marsh Preserve |  | Wetlands |
|  | Suburban |  | Conservation Lands - Wetland |
|  | Public Facilities | | |



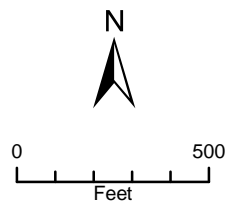
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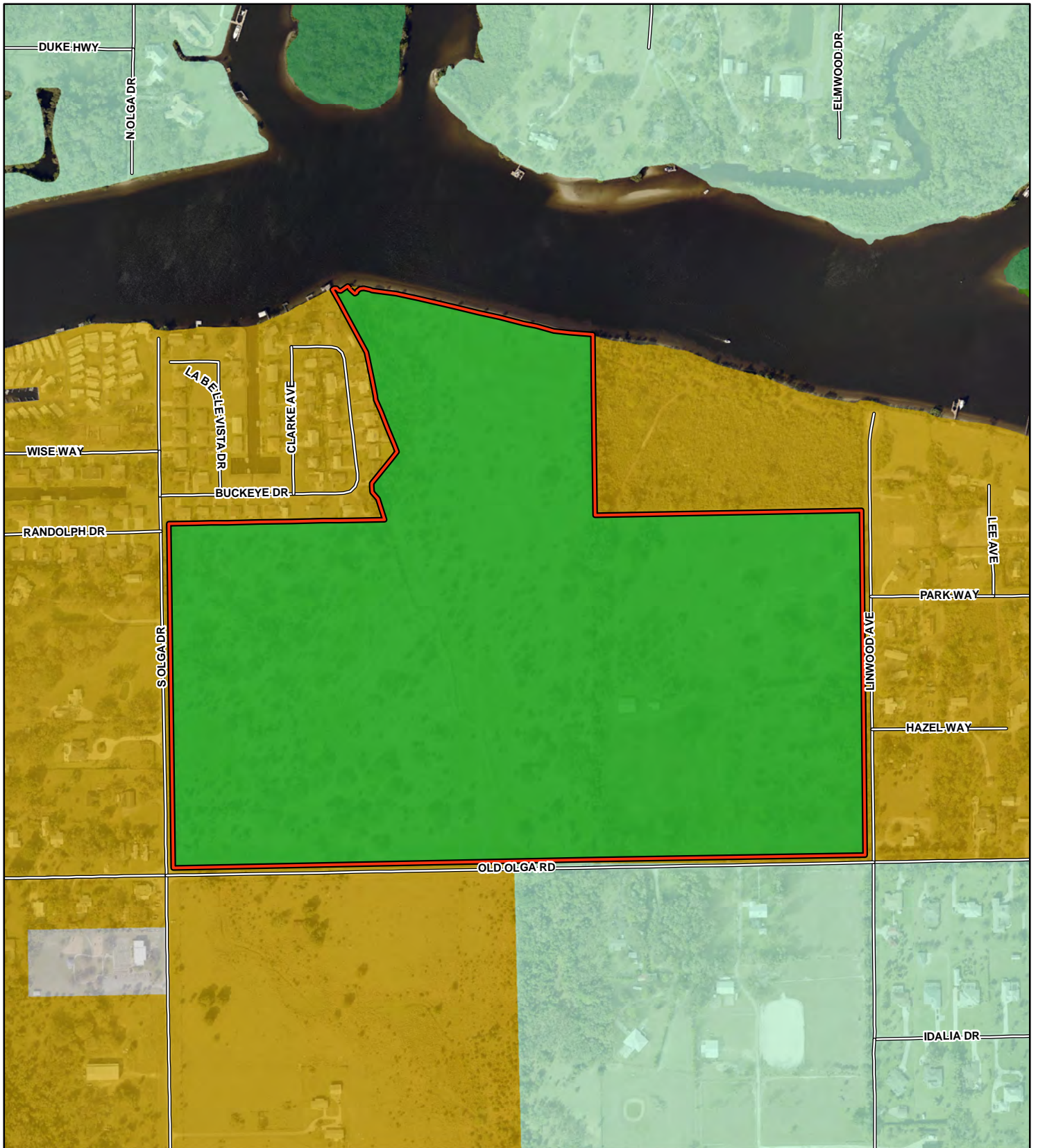
CPA2019-00006
Olga Shores Preserve
Current Future Land Use
Classifications



- Subject Property
- Suburban
- Rural
- Wetlands
- Conservation Lands - Wetland



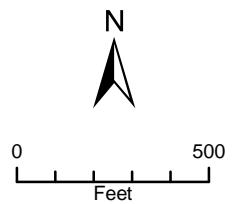
Map Generated: Oct. 2019



CPA2019-00006
Olga Shores Preserve
Proposed Future Land Use
Classifications



- Subject Property
- Suburban
- Public Facilities
- Rural
- Wetlands
- Conservation Lands - Wetland
- Conservation Lands - Upland



Map Generated: Oct. 2019

ATTACHMENT 2

AGENCY COMMENTS

Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

January 31, 2020

RECEIVED
FEB 06 2020
COMMUNITY DEVELOPMENT

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

Dear Mr. Dunn:

Thank you for submitting **Lee County's** proposed comprehensive plan amendment submitted for our review pursuant to the Expedited State Review process. The reference number for this amendment package is **20-02ESR**.

The proposed submission package will be reviewed pursuant to Section 163.3184(3), Florida Statutes. Once the review is underway, you may be asked to provide additional supporting documentation by the review team to ensure a thorough review. You will receive the Department's Comment Letter no later than March 1, 2020.

If you have any questions please contact Terri Stoutamire, Plan Processor at (850)717-8513 or Barbara Powell, Regional Planning Administrator, whom will be overseeing the review of the amendments, at (850)717-8504.

Sincerely,

D. Ray Eubanks, Administrator
Plan Review and Processing

DRE/ts

cc: Mikki Rozdolski, Planning Manager, Lee County

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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Ron DeSantis
GOVERNOR



Ken Lawson
EXECUTIVE DIRECTOR

February 26, 2020

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

Dear Chairman Brian Hamman:

The Department of Economic Opportunity ("Department") has reviewed the proposed comprehensive plan amendment for Lee County (Amendment No. 20-02ESR) received on January 31, 2020. 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), 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
www.twitter.com/FLDEO | www.facebook.com/FLDEO

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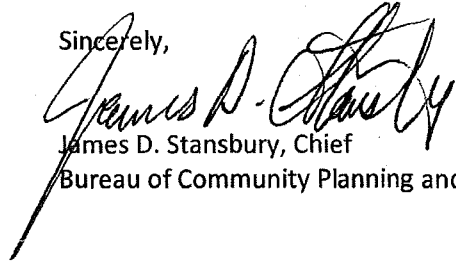
The Honorable Brian Hamman, Chairman

February 26, 2020

Page 2 of 2

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, by telephone at (850) 717-8510 or by email at scott.rogers@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is written in a cursive style with a long, sweeping underline that extends to the left.

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

JDS/sr

Enclosure(s): Procedures for Adoption

cc: David Loveland, Director, Lee County Department of Community Development
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the 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.

Miller, Janet

From: Dunn, Brandon
Sent: Thursday, February 06, 2020 3:24 PM
To: Miller, Janet; Griffin, Tyler
Cc: Rozdolski, Mikki
Subject: FW: Lee County 20-02ESR (CPA2019-00006, Conservation Lands Map Amendments)

FYI...

From: Hoehn, Ted [<mailto:ted.hoehn@MyFWC.com>]
Sent: Thursday, February 06, 2020 3:21 PM
To: Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com; Ganey, Jessica; Keltner, James
Subject: [EXTERNAL] Lee County 20-02ESR (CPA2019-00006, Conservation Lands Map Amendments)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff 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. 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.

Sincerely,

Ted Hoehn
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) 488-8792

Lee County 20-2ESR_41090_02062020

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

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

Miller, Janet

From: Dunn, Brandon
Sent: Friday, February 14, 2020 7:54 AM
To: Miller, Janet
Cc: Rozdolski, Mikki; Griffin, Tyler; Beals, Nathan
Subject: FW: Lee County, DEO #20-2ESR Comments on Proposed Comprehensive Plan Amendment Package

FYI...

From: Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]
Sent: Friday, February 14, 2020 7:29 AM
To: Rozdolski, Mikki
Cc: Dunn, Brandon; Eubanks, Ray; Barbara Powell (barbara.powell@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org)
Subject: Lee County, DEO #20-2ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment adds three county owned properties, totaling approximately 5,726.44 acres, to the Conservation Lands Future Land Use category as part of the Conservation 20/20 program. The proposed changes do not appear to adversely impact the water resources within the District; however, the District has the following comment on Regional Water Supply Planning:

- The County is located within the boundaries of the Lower West Coast (LWC) Planning Area. On December 11, 2017, the Governing Board of the South Florida Water Management District (District) approved the 2017 Lower West Coast Water Supply Plan Update (LWC Plan). Pursuant to Section 163.3177(6)(c)3, Florida Statutes the County was required to update their Water Supply Facilities Work Plan (Work Plan) by **June 14, 2019** (within 18 months after approval of the updated supply plan). The County was reminded by the District of this requirement to update the Work Plan on **September 6, 2018, September 27, 2018, and March 4, 2019**. The District also provided informal review comments on a draft Work Plan on June 11, 2019. The District has not yet received the proposed Work Plan amendment for review.

The County's update of the Work Plan will need to include updated water demand projections for the identified planning period. The Work Plan must cover at least a 10-year planning period and identify alternative and traditional water supply projects, and 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/doing-business-with-us/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 me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit

South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or email: doblaczy@sfwmd.gov

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Miller, Janet

From: Dunn, Brandon
Sent: Monday, February 24, 2020 7:37 AM
To: Miller, Janet; Rozdolski, Mikki; Griffin, Tyler
Subject: FW: Lee County 20-02ESR Proposed

FYI...(Conservation Lands Update)

From: Plan_Review [<mailto:Plan.Review@dep.state.fl.us>]
Sent: Friday, February 21, 2020 4:58 PM
To: Dunn, Brandon; DCPexternalagencycomments@deo.myflorida.com
Cc: Plan_Review
Subject: Lee County 20-02ESR Proposed

To: Mr. Brandon Dunn, Principal Planner

Re: Lee County 20-02ESR – 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. If your submittal is too large to send via email or if you need other assistance, contact Lindsay Weaver at (850) 717-9037.



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.

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