

## AGENDA ITEM REPORT

**DATE:** August 17, 2021  
**DEPARTMENT:** Community Development  
**REQUESTER:** David Loveland  
**TITLE:** Authorize Amendment to Lee Plan for Consistency with Florida Statutes

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### I. MOTION REQUESTED

Direct staff to prepare amendments to the Lee Plan to maintain consistency with Florida Statutes and route them for appropriate reviews and hearings. Two amendments are required: 1) add a property rights element into the Lee Plan in accordance with Fla. Stat. § 163.3177(6)(i); and 2) update Map 8, Wellfield Protection Zones, based on updated iso-travel time contours for existing and planned production wells to maintain consistency with Fla. Stat. § 163.3177(6)(a)10.c.(l).

### II. ITEM SUMMARY

Directs staff to prepare amendments to the Lee Plan required by Florida Law. A property rights element and an update to the Wellfield Protection Zones will be routed for appropriate committee reviews before ultimate consideration by the Board.

### III. BACKGROUND AND IMPLICATIONS OF ACTION

A) Board Action and Other History

B) Policy Issues

C) BoCC Goals

D) Analysis

**Property Rights Element:** The property rights element is a new requirement of SB 59 (Fla. Stat. § 163.3177(6)(i)), passed during the 2021 Florida Legislative Session, signed into law by the Governor, and incorporated into Florida's Community Planning Act. Now, every county in Florida is required to include in its comprehensive plan a property rights element. The purpose of the element is to ensure that private property rights are considered in local decision making. The County may adopt the statement of rights provided in the statute as its property rights element. This new element must be adopted prior to adopting any other plan amendment initiated after July 1, 2021.

**Wellfield Protection Zones:** Map 8 of the Lee Plan identifies well locations and the wellfield iso-travel time contours that are used to implement Lee County's Wellfield Protection Ordinance. Since the last update, Lee County Utilities has installed and reconfigured several wells and updated the wellfield iso-travel time contours. The purpose of this amendment is to update Map 8 to reflect these changes consistent with Florida Statute 163.3177(6)(a)10.c.(l), which requires that existing and planned public potable wellfields, cones of influence, and wellfield protection areas be shown on the future land use map or map series. The amendment will include updated wellfield iso-travel time contours reflecting the reconfiguration and addition of new wells.

The Wellfield Protection Ordinance consists of four wellfield protection zones and the limits of these zones are determined by the wellfield iso-travel time contours. In order to protect the County's potable water supply wellfields, parcels within these protection zones must adhere to the prohibitions and regulations outlined in LDC 14-214 and obtain an operating permit when applicable.

E) Options

If directed by the BoCC, staff will prepare the proposed Lee Plan amendments and route them through the Local Planning Agency for review and recommendation before bringing them back to the BoCC for a

transmittal bearing.

**IV. FINANCIAL INFORMATION**

A)	Current year dollar amount of item:	No funding required.
B)	Is this item approved in the current budget?	N/A
C)	Is this a revenue or expense item?	N/A
D)	Is this Discretionary or Mandatory?	Mandatory - see Comment H below
E)	Will this item impact future budgets? If yes, please include reasons in III(D) above.	No
F)	Fund: Program: Project: Account Strings:	
G)	Fund Type?	N/A
H)	Comments: Required by Florida Statutes 163.3177(6)(i) & 163.3177(6)(a)10.c.(l), Lee Plan Policy 63.1.1, & Land Development Code Section 14-212(c).	

**V. RECOMMENDATION**

Approve

**VI. TIMING/IMPLEMENTATION**

**VII. FOLLOW UP**