

BOARD OF COUNTY COMMISSIONERS

Writer's Direct Dial Number: (941) 479-8585

Bob Janes
District One September 19, 2002

Douglas R. St. Cerny
District Two

Ray Judah
District Three

Andrew W. Coy
District Four

John E. Albion
District Five

Donald D. Stilwell
County Manager

James G. Yaeger
County Attorney

Diana M. Parker
County Hearing Examiner

Ray Eubank, Administrator
Florida Department of Community Affairs
Division of Community Planning
Bureau of Local Planning
2555 Shumard Oak Boulevard
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan
Transmittal Submission Package for the 2001/2002 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2001/2002 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: March 25, 2002; April 22, 2002; July 22, 2002; August 26, 2002. The Board of County Commissioners transmittal hearing for the plan amendments was held on September 4, 2002 and September 5, 2002. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP
Lee County Planning Division Director
P.O. Box 398
Fort Myers, Florida 33902-0398
(941)479-8585
Fax (941)479-8319
Email: occonnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Division of Planning



Paul O'Connor, AICP
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr
Interim Director
Southwest Florida Regional Planning Council

Mike Rippe, District Director
FDOT District One

Executive Director
South Florida Water Management District

Plan Review Section
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

2001/2002 LEE PLAN AMENDMENT CYCLE

SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT

- CPA 2001-09** Amends the Future Land Use text by adding a new Vision Statement, Goal, Objectives and Policies specific to the Bayshore Community. The Policies generally address Land Use, Transportation, Sewer and Water, and Parks and Recreation. The intent of the amendment is, in part, to provide for slow and steady growth in the Bayshore Community and to prevent incompatible uses such as mining and intense commercial uses from developing in the community.
- CPA 2001-10** Amends the Future Land Use text by adding a new Goal, Objective and ten Policies specific to the Captiva Island Community. The policies address such things as establishing a landscaping code for Captiva, creating a document clearing house to aid residents in monitoring development requests, a requirement for owners or agents for any rezoning, variance, or special exception to hold a public informational session on Captiva and a policy for Lee County to encourage and support efforts by Captivans to develop and submit ordinances that help maintain the historical character of the land. This is a privately initiated amendment sponsored, in part, by Lee County Government.
- CPA2001-11** Amends the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses. Providing for Commercial Retail uses in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Flexibility in the planning requirements for future business and industrial lands in the Airport Commerce category is of paramount importance. Commercial functions located within business and industrial parks provide beneficial services to employees. In addition Policy 1.2.2 is being amended by removing "and other hospitality services" due to the fact that it is not a defined term. The LDC does not have this as a use group or a defined use. Also, the Lee County Land Development Code (LDC) provides that caretakers residences can be approved in association with an industrial development, therefore Policy 1.2.2 is being amended to allow caretakers residences.
- CPA2001-12** The amendment adds to Policy 1.3.8 a specific access management plan for Alico Road in the vicinity of the I-75 interchange, and adds maps of the specific access management plans to the Future Land Use Map series. The addition of specific access management plans for the four County-maintained roads that connect to the interstate allows for a recognition of already-existing conditions and previous development approvals, rather than relying on the generalized spacing standards included in Policy 1.3.8. This action is a follow-

up to PAT 99-27, which added the specific access management plan for Corkscrew Road. Future amendments are anticipated to add the specific access management plans for Luckett Road and Bonita Beach Road.

- CPA2001-15** Amends the Future Land Use Map (FLUM) series to include in the Conservation Lands category those lands acquired by Lee County, the State of Florida (TIITF), and the private conservation foundation, the Calusa Land Trust, and reclassify an FDOT maintenance yard from the Conservation Lands FLUM category to the Public Facilities FLUM category.
- CPA2001-18** Amends the Future Land Use text by replacing the existing Vision Statement with new language, and by adding new policies and amending existing policies specific to the Pine Island Community. Amends the Future Land Use Map by creating a new Coastal Rural Land Use Category. Highlights of the Plan are the creation of the Coastal Rural Land Use Category which will replace the Rural designation on Pine Island and replace an additional 157 acres of land currently in the Outlying Suburban designation. Another policy changes the way development orders will be allocated once the 910 vehicle trip calculation has been reached. Other policies address changes to the sign regulations, architectural and site design standards, riparian areas, septic drainfields and historic building designation on Pine Island.
- CPA2001-22** Amends Map 12 of the Future Land Use Map Series, the Water Dependent Overlay (WDO) zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives and Policies that pertain to the WDO zones. This amendment addresses 40 WDO zones, of which 6 are proposed for amendment. The remaining zones do not present compelling reasons for amendment. As currently codified, the Lee Plan Goals, Objectives, and Policies sufficiently address WDO concerns.
- CPA2001-23** Amends the Future Land Use Map series, Map 20, The “Contiguous Agricultural Parcels Over 100 Acres” map by updating the overlay to reflect current conditions. Changes to the map include mapping lands that are currently in agricultural use and meet the other criteria outlined in Objective 9.1 (as proposed in this amendment). Objective 9.1 is being amended to clarify the criteria for selecting properties to be included on the overlay map. The existing Lee Plan language does not match the parcels that are shown on the current overlay. The adopted 1994 Overlay included parcels that were smaller than 100 acres; however, Objective 9.1 states “Place all existing active and passive agricultural uses on all parcels in excess of 100 acres...” The revised language clarifies that Ag parcels less than 100 acres in size will only be included on the overlay if they are contiguous to other Ag uses resulting in an “Ag Area” larger than 100 acres. The new language clarifies that properties must be outside of Future Land Use Categories that are anticipated to develop with urban uses during the life of the plan. Finally, language is added to require this overlay to be reviewed every 2 years.

CPA2001-24

This amendment simply updates Table 2(b), Recommended Operational Improvements on Constrained Roads, to reflect the latest thinking on operational improvements for the constrained roads. The table is also being expanded to include all of the constrained roads, whether an operational improvement is identified at this time or not, to avoid any confusion when comparing to Table 2(a) (the list of constrained roads). A note is also being added to make clear that, even if no specific operational improvement is identified in the table at this time, operational improvements may be determined to be necessary in relation to specific development requests.

CPA2001-27

Amends the Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis by adding a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and providing definitions for green infrastructure and flow-way in the Glossary. Incorporating green infrastructure and flow-ways into surface water management design will help protect the groundwater and surface water in Lee County. Also, green infrastructure furthers Lee County's efforts in achieving EPA's non-degradation water quality criteria for stormwater discharges to designated Outstanding Florida Waterways and compliance with future total maximum daily loads established for impaired water-bodies.

CPA2001-28

Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.

CPA2001-31

Amends Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising the target date when development regulations will require implementation of this policy. At this time the Lee County Land Development Code addresses these issues through Sections 6-405 and 6-472. The amendment also changes modifications to buildings from 20% to 25% of its replacement value which is consistent with the Federal Emergency Management Agency's current threshold. Additionally the amendment changes the policy language from 'one or more losses of \$1,000.00 or more' to a repetitive loss as defined by the Federal Emergency Management Agency. The intent of the policy has been recorded into the county regulations.

CPA2001-32

Amends the Intergovernmental Coordination Element and the Community Facilities Element to bring the element into compliance with the provisions of F.S. Chapter 163.3177. In order to comply with the provisions of F.S. Chapter 163.3177 the Lee Plan should be amended to include a new policy in the Intergovernmental Coordination Element, under Goal 109, that refers to Goal 46: Education as the source for coordinating the comprehensive plan with the plans of the school board. Staff also recommends that a new policy, under Goal 46: Education, be adopted to address the coordination of population projection planning.

CPA2001-33

Amends the Build Back Policy of the Procedures and Administration Element by replacing references to the term "cost" with the term "value." The proposed amendment will clear up language differences between the Lee Plan and what is contained in the Lee County Post Disaster Ordinance No. 95-14. Both of the terms "replacement cost" and "replacement value" are found in the Post Disaster Ordinance. By replacing the current term "replacement cost" with the term "replacement value," structure damage will be defined to account for variability in the market, such as labor and materials.

CPA2001-35

Amends all elements of the Lee Plan, where applicable, by replacing references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority. The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues. The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001. Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

**CPA 2001-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

DCA Transmittal Document

*Lee County Planning Division
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P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

September 4, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2001-23**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 20, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

2. REQUEST:

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed

map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place ~~all~~ existing active and passive agricultural uses ~~on all~~ parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

These changes reflect staff's ability to identify all recognized agricultural uses within "Non-Urban" areas and allow future agricultural conversions to be monitored more closely.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Map 20 the "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" map was adopted into the Lee Plan in 1994 and does not reflect changes in the agriculturally used land in these areas that have occurred in the past 8 years.
- Since 1994, approximately 4,200 acres have been re-designated from a "Non-Urban" future land use category and amendments made during the EAR process reclassified approximately 1,200 acres from an urban category to a "Non-Urban" Classification. In addition, approximately 6,000 acres of land have been classified to the Conservation Land Uplands category from one of the other "Non Urban" categories (Rural, Density Reduction/Groundwater Resources, Rural Community Preserve, Open Lands, or Outer Islands). Portions of these areas are currently shown on Map 20.
- The existing Objective 9.1 is confusing on the topic of selecting parcels to be included on the overlay, specifically with regards to parcel sizes.
- The name of the map does not reflect the intent of the overlay.

C. BACKGROUND INFORMATION

The Board of County Commissioners (BoCC) initiated this amendment on September 25, 2001. The Agricultural overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This initial map located agricultural uses in the "non-urban" areas of Lee County that were singularly or collectively large areas of agricultural uses. No amendments to this overlay have been proposed/adopted since its creation. Since this map was originally created, agricultural uses have been converted to other uses and other areas in the "Non-Urban" areas of the county have been converted to agricultural uses. Additionally, areas previously designated "Non-Urban" on the Future Land Use Map have been re-designated to categories that are not expected to remain "non-urban". These changes in conditions have made the existing overlay map out of date. This amendment includes text revisions to ensure a periodic review of agricultural uses will be

performed to maintain an accurate agricultural overlay in the Lee Plan Future Land Use Map series. The proposed language changes also strive to clarify the selection criteria used for areas included on the overlay.

Based on research of the original overlay, it is clear that parcels were included on the original map were often smaller than 100 acres in size. However, when analyzed in conjunction with neighboring agricultural parcels the combined area met or exceeded the 100 acres threshold. There are also agricultural uses that existed in 1994 (and continue today) that are outside of the "Future Urban Area" as depicted on the Future Land Use Map but are not in the one of the "Non-Urban Areas" shown on the Future Land Use Map. These uses are primarily in the Airport Commerce category that is under the heading " Southwest International Airport Area" in the Lee Plan. These areas however, are not anticipated to remain "non-urban" over the life of the plan. These properties were not included on Map 20. As implied by the omission of these properties from the overlay and the title of the map, the intent was to only include properties that are designated with one of the "Non-Urban" future land use categories. The one exception would be lands in the "Wetlands" category. The proposed text changes to Objective 9.1 are intended to clarify these points.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Origin of Map 20 "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories"

The overlay map was created during the 1994 Lee Plan Evaluation and Appraisal Report (EAR) to show the location, extent and distribution of large scale agricultural operations which was an element lacking from the 1989 Lee Plan Future Land Use Map series. This overlay is intended for use conjunctively with Goal 9 and its subsequent objectives and policies. The following criteria were identified in the EAR for selecting lands to be included in this overlay (Lee Plan Evaluation & Appraisal Report Volume 1 of 2, July 7, 1994, Page III-29):

1. *"The existing operations in the Future Urban Areas are clearly transitional uses and are not, therefore, shown on the map as agricultural uses."*

Since this overlay was created two large areas that were previously designated as Density Reduction/Groundwater Resource on the Future Land Use Map have been re-classified to "Airport" and "Airport Commerce". While these designations are under the heading "Southwest Florida International Airport Area" and not under the "Future Urban Areas" heading in the Lee Plan, they are clearly expected to contain urban uses in the future. This is also the case for property designated in categories included in the "Interstate Highway Interchange Areas" and "New Community" headings in the Lee Plan. When the original overlay was created, properties in these areas existed that met the remaining criteria as outlined by the EAR. These properties were not included in the overlay even though they were not in the "Future Urban Area" on the Lee Plan Future Land Use Map. While not specifically listed in the criteria, it is evident that properties designated with categories in the "Southwest Florida International Airport Area", "Interstate Highway Interchange Areas",

and “New Community”, were not intended to be included in the overlay regardless of use, zoning, or size.

Attachment 2 depicts areas that have been re-designated from a future land use category listed as “Non-Urban” to one of the categories that are planned to develop with urban uses. Agricultural uses within these areas are proposed to be removed from the overlay. No areas have been re-designated to a designation listed under the “Non-Urban” heading that meet the remaining criteria for inclusion on this overlay. There are, however, properties that were not shown on the original overlay that are designated with a “non-urban” category that do meet the criteria. These properties were either converted to an agricultural use since the original overlay was created or were simply overlooked at the time the overlay was created. The proposed Map 20, Agricultural Overlay, includes these properties (see attachment 3).

2. *“The minimum threshold has been set at 100 acres.”*

This criterion is relatively vague and is carried over in the adopted objective and map title. The 1994 map did include parcels that were smaller than 100 acres. However, when property ownership is dismissed as the criteria the size is based on contiguous agricultural uses in excess of 100 acres the currently adopted overlay fits the definition. The proposed language clarifies that the overlay is intended to map agricultural uses not ownership.

One example of this situation occurs in Section/Township/Range 01-43-27. This 640 ± acres section was divided into smaller (less than 10 acres) parcels prior to the creation of the overlay. However, the parcels in this section has always been included as part of the overlay. The collective agricultural uses do exceed the 100 acres minimum as set forth in the EAR. The proposed overlay map included with this amendment evaluates the existing agricultural uses collectively and places abutting parcels that collectively exceed the 100 acre threshold on the overlay map.

3. *“The map will show passive as well as active uses.”*

To clarify this point the revised language specifies that the property must be designated, by the Lee County Property Appraiser’s office, as a “bona-fide” agricultural use qualifying the owner for a tax exemption based on this use.

Since the creation of the overlay, many parcels have been converted from agricultural uses to urban uses. While this conversion is expected to occur in the urban future land use categories, properties located in categories listed as “Non-Urban” on the Future Land Use Map have also been converted between agricultural and non-agricultural uses. One example of this conversion is the Brooks development, a mixed-use project approved through the Planned Development District Option, in sections 01, 02, 11, and 12 in Township 47 Range 25.

Other conversions from agricultural uses have occurred on properties that have been purchased for conservation purposes. Examples of this scenario are the Yucca Pen property located north of Cape Coral between US 41 and Burnt Store Road and areas of the Flint Pen

Strand located in the Southeast portion of Lee County. Most of these lands have been re-designated to the "Conservation Lands" Future Land Use category that is also listed as a "Non-Urban" area by the Lee Plan. The proposed overlay map removes properties designated "Conservation Lands" from Map 20.

There are also areas in the "Non-Urban" areas of the county that meet the size, use, and zoning criteria today that are not depicted on the overlay. These areas were essentially "holes" in the 1994 overlay map. As stated previously, these properties have been converted to a bona-fide agricultural use since the creation of the overlay or had been overlooked at that time.

- 4. The overlay description and Goal 9 enhance agricultural operations by protecting them from the impacts of new developments by putting prospective residents near these operations on notice that they will be permitted to continue regardless of any future public opposition.*

This is more for informational purposes rather than property selection.

Map Changes

Attachment 3 depicts changes proposed to Map 20. The map is commonly referred to as the "Agricultural Overlay". This is also the terminology used in Policy 1.7.8. Staff proposes to rename Map 20 to reflect this common title. The adopted Map 20 includes 120,000± acres depicted in the overlay and the proposed Overlay depicts 88,000± acres. The net affect of the proposed changes will be a reduction in the size of the overlay of 32,000± acres. The proposed overlay will add 7,000± acres of newly identified agricultural uses and remove 39,000± acres of land not meeting the outlined criteria from the overlay. The "Conservation Lands" future land use category is listed as a "Non-Urban" designation in the Lee Plan; however, agricultural uses are not anticipated as long term uses in this "Non-Urban" category and should not be included on the overlay.

Text Changes

Changes to the existing wording of Objective 9.1 will clarify the language to reflect the original intent as explained in the EAR backup documentation and the action taken by Lee County when it adopted the original overlay map. The proposed revisions to the objective will identify that properties included in overlay are located in a future land use category that is not intended for urban uses in the future and individual parcels of land smaller than 100 acres in size may be included on the overlay as long as they are located in an area of agricultural uses that collectively exceeds 100 acres. The revised language also clarifies that properties on the overlay must be identified by the Lee County Property Appraiser's office as a "bona-fide" passive or active agricultural use.

B. CONCLUSIONS

The existing Map 20, "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories", requires an update to reflect agricultural conversions since the overlay was created during the EAR process. The revised overlay also reflects changes in "Non-Urban" designations on the

Future Land Use Map. Language clarifications have also been proposed as well as a map title change to more accurately reflect the original intent of the overlay.

C. STAFF RECOMMENDATION

Planning staff recommends the Board of County Commissioners transmit the proposed amendment to Goal 9 and its subsequent objectives and policies and Map 20. Staff recommends that Map 20, titled "Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories" be amended to reflect re-designations of properties from the "Non-Urban Areas" of Lee County as depicted on the Lee Plan Future Land Use Map and the conversion of past agricultural uses and the establishment of new agricultural activities. A proposed map name change to "Agricultural Overlay" which is consistent to the wording in Policy 1.7.8 is also recommended. The proposed map is included as attachment 1 and staff's recommended changes to Objective 9.1 are as follows:

OBJECTIVE 9.1: Place all existing active and passive agricultural uses on all parcels in excess of 100 acres, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of Future Urban areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County.

**PART III - LOCAL PLANNING AGENCY
REVIEW AND RECOMMENDATION**

PUBLIC HEARING DATE: July 22, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff made a brief presentation on this amendment to explain the criteria used to select parcels included on the proposed overlay. One LPA member questioned why a particular parcel was being removed from the overlay when he knew it was used to provide irrigation for agricultural uses in the area. Since the LPA meeting, staff has verified that that parcel is not classified by the Lee County Property Appraiser's office as an agricultural use, which is one of the criteria used to select parcels for inclusion on map 20. Other members of the LPA asked questions regarding properties and the selection process which were addressed by the staff member presenting this amendment. Finally, the LPA asked for a brief explanation of the purpose of the Agricultural Overlay Map. Staff explained that the map was intended as a tool used to identify large areas of agricultural uses in the non-urban areas of the county.

The discussion on this amendment was then opened for public comments and questions. One member of the public asked for confirmation that the map was an informational tool and not a regulatory map. He then questioned why the properties south of Bonita Beach Road were included on this map since there are active development proposals under review by the county. Staff confirmed that the map was not regulatory and that the parcels were included on the overlay since they met all of the criteria of the selection process. Only one member of the public addressed the LPA on this amendment.

Additional discussion by the LPA regarding the selection criteria and language clarifications followed the public input.

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

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed amendment to the Florida Department of Community Affairs.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA concurred with the findings of fact as contained in the staff report.

C. VOTE:

NOEL ANDRESS	AYE
MATT BIXLER	AYE
SUSAN BROOKMAN	AYE
RONALD INGE	AYE
GORDON REIGELMAN	AYE
ROBERT SHELDON	AYE
GREG STUART	ABSENT

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: September 4, 2002

A. BOARD REVIEW: The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>ABSENT</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING:

BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

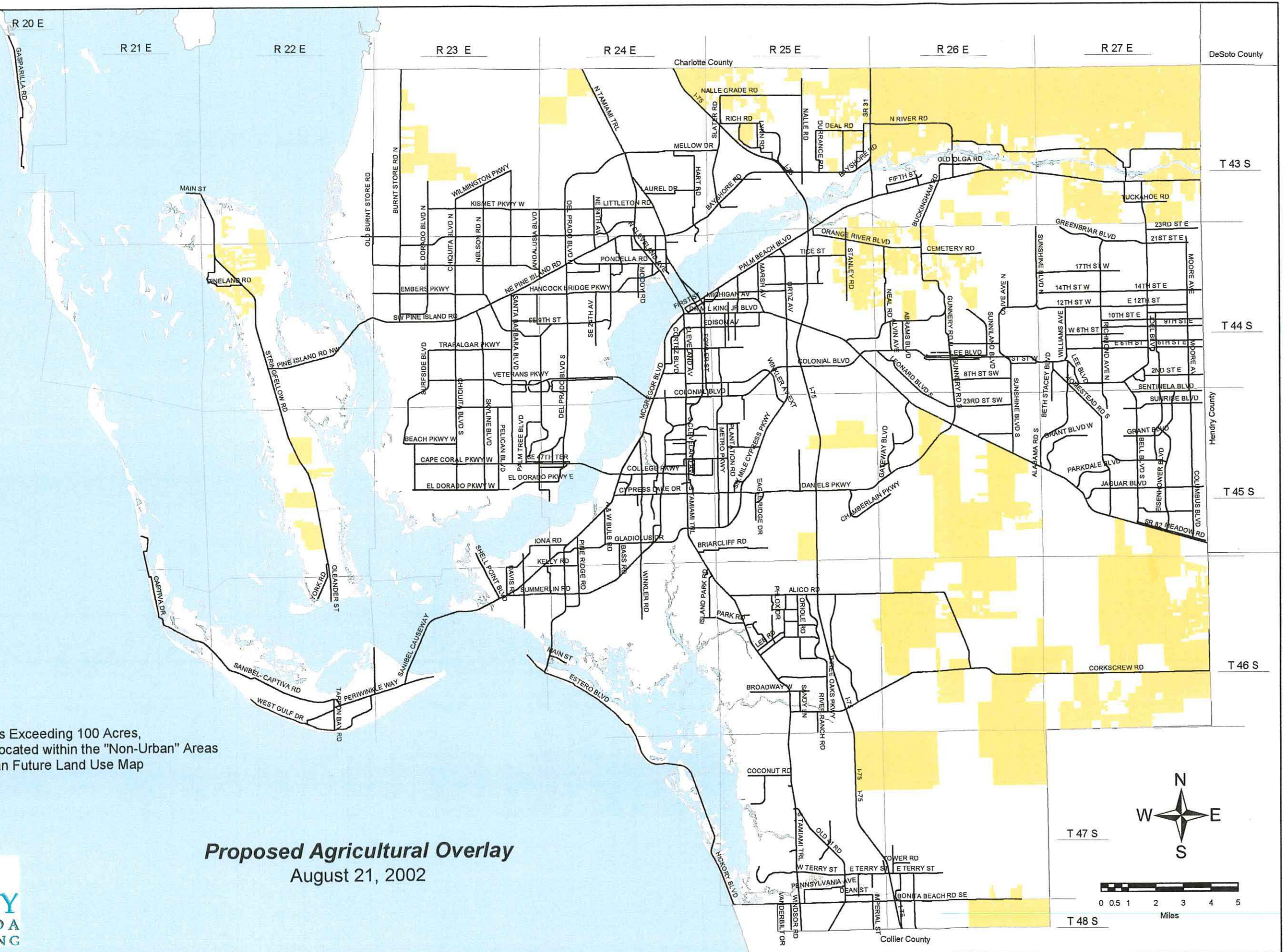
ANDREW COY

BOB JANES


RAY JUDAH

DOUG ST. CERNY

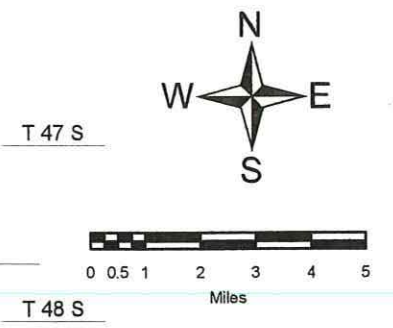
MAP 20 CPA 2001-23



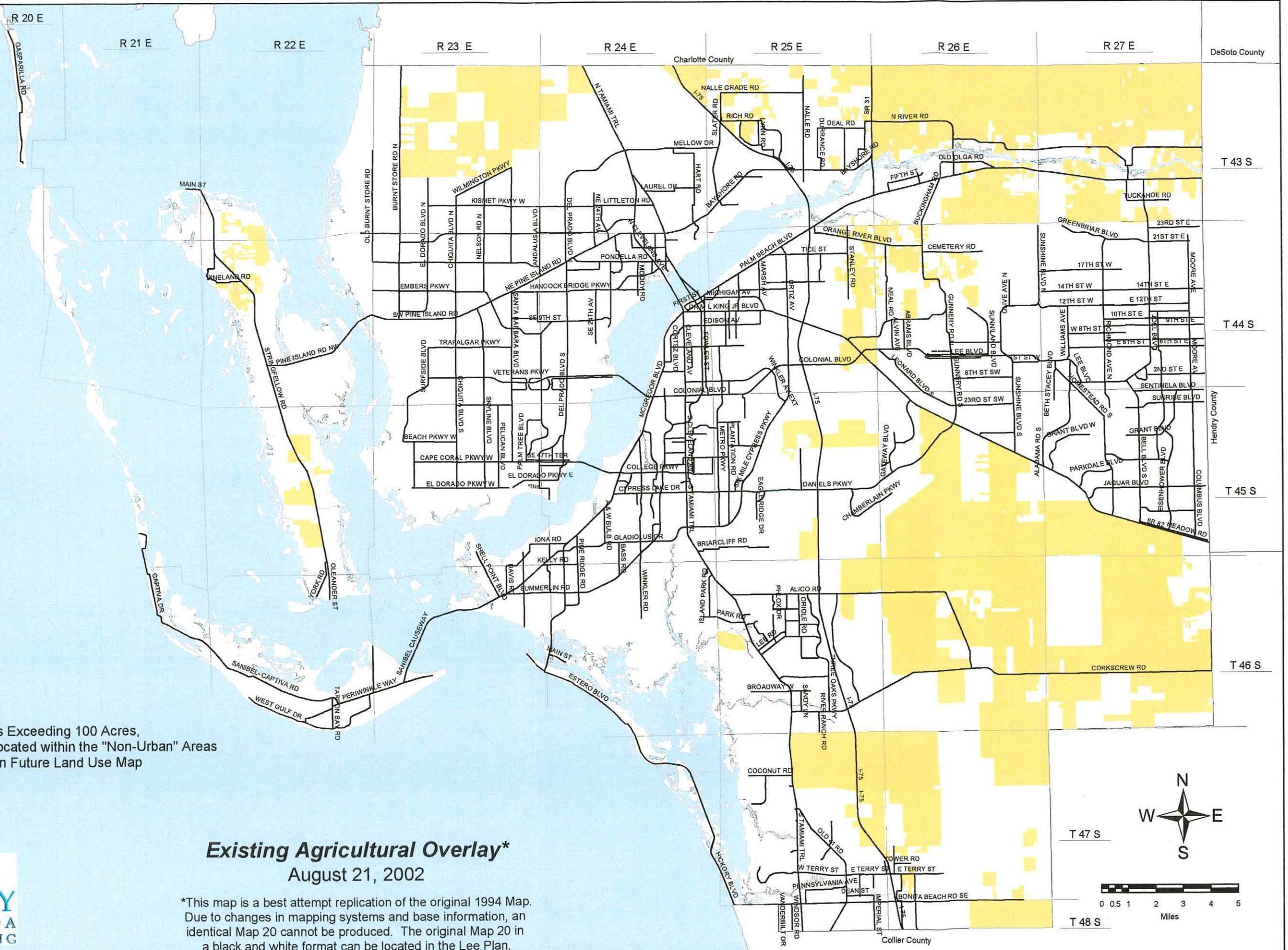
Legend

 Agrigated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map


Proposed Agricultural Overlay
August 21, 2002



MAP 20 CPA 2001-23

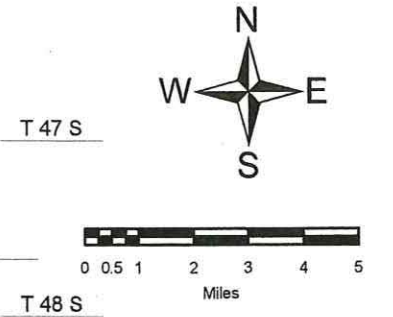


Legend

 Agrigated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map


Existing Agricultural Overlay* August 21, 2002

*This map is a best attempt replication of the original 1994 Map. Due to changes in mapping systems and base information, an identical Map 20 cannot be produced. The original Map 20 in a black and white format can be located in the Lee Plan.







MAP 20 CPA 2001-23

Proposed Map 20


-  Aggregated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map

Amendments to the Lee Plan Future Land Use Map Affecting The 1994 Agricultural Overlay (By New Map Designation)



FUTURE URBAN AREAS

-  Central Urban - 175 acres
-  Urban Community - 50 acres
-  Outlying Suburban - 20 acres
-  Public Facilities - 520 acres

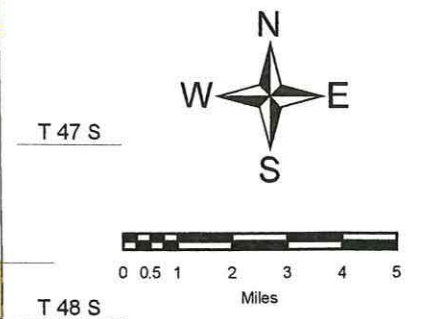
AIRPORT AREAS

-  Airport - 2,455 acres

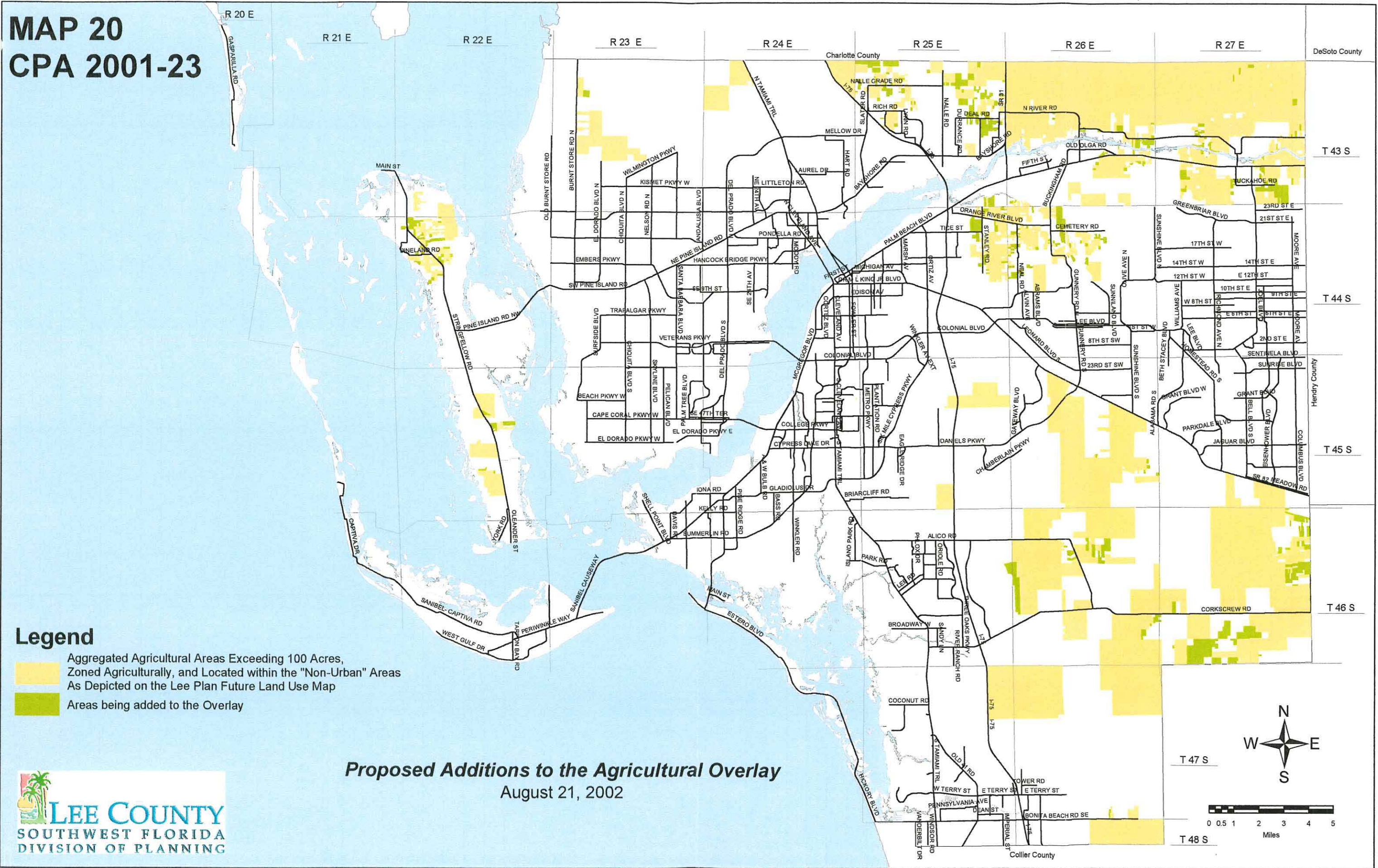
NON-URBAN AREAS

-  Conservation Lands (Uplands) - 6,085 acres
-  Conservation Lands (Uplands) - 6,885 acres (Proposed CPA 2001-15)

Proposed Agricultural Overlay
August 21, 2002



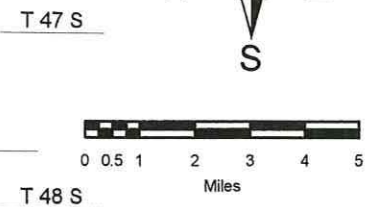
MAP 20 CPA 2001-23



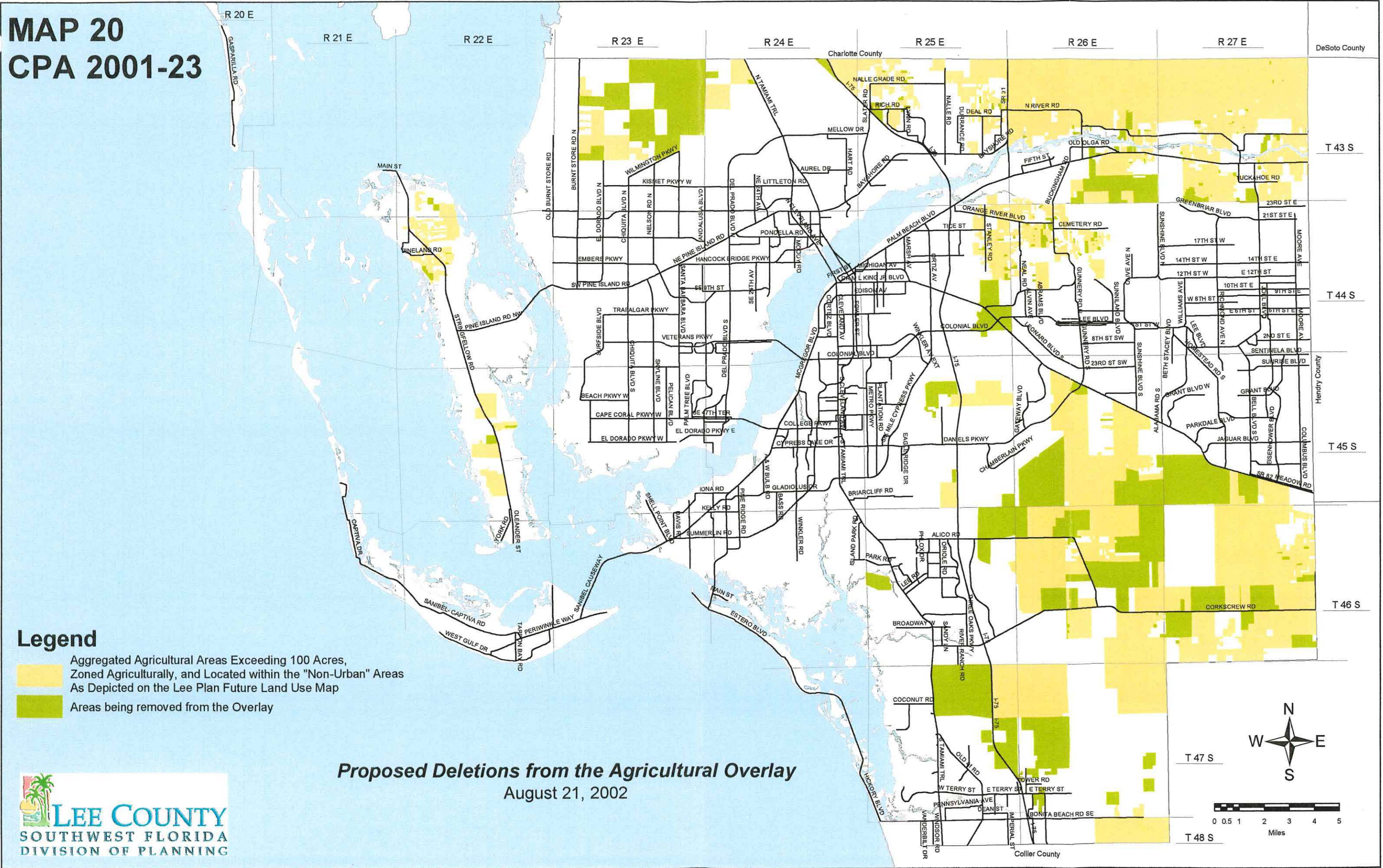
Legend

- Aggregated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map
- Areas being added to the Overlay

Proposed Additions to the Agricultural Overlay
August 21, 2002



MAP 20 CPA 2001-23



Legend

- Aggregated Agricultural Areas Exceeding 100 Acres, Zoned Agriculturally, and Located within the "Non-Urban" Areas As Depicted on the Lee Plan Future Land Use Map
- Areas being removed from the Overlay

Proposed Deletions from the Agricultural Overlay
August 21, 2002

