



LEE COUNTY BOARD OF COUNTY COMMISSIONERS

ZONING and COMPREHENSIVE PLAN AMENDMENT HEARING AGENDA

Wednesday, May 7, 2025
9:30AM

DCI2023-00053
Z-25-004

Babcock Lee Mixed Use Planned Development

DCI2024-00016
Z-25-007

Modern Services CPD

CPA2024-00007

House Bill 1379 (2023) Update - Adoption

SUMMARY SHEET
CPA2024-00007 – HOUSE BILL 1379 (2023) AMENDMENTS
ADOPTION HEARING

BOARD DIRECTION:

The Board of County Commissioners (BoCC) directed staff to amend the Lee Plan to maintain consistency with State Statutes, as amended by HB 1379, on May 7, 2024. Based on this direction, staff analyzed the entire Lee Plan to identify inconsistencies and amendments required to maintain consistency with the amended Statutes.

SUMMARY:

House Bill 1379 from Florida’s 2023 Legislative Session is related to environmental protection. It includes amendments to existing State Statutes addressing wastewater treatment, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAPs), and the wastewater grant program. The proposed amendments update the Lee Plan consistent with the legislation.

TRANSMITTAL HEARING:

Staff provided a presentation addressing Board of County Commissioners’ direction, requirements added to the Florida Statutes by House Bill 1379, proposed amendments, the LPA recommendation and Staff’s response to the LPA’s recommendation.

Six (6) members of the public addressed the Board of County Commissioners concerning the proposed amendment. One of the speakers stated the amendments were improved after working with staff on their concerns. Other members spoke in opposition to the amendments, expressing concerns due to potential of more development in Northeast Lee County, lack of need for sewer facilities in rural areas, and potential cost of sewer connections to residents.

A motion was made to transmit CPA2024-00007 as recommended. The motion passed 4 to 0.

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
DAVID MULICKA	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>ABSENT</u>

STATE REVIEW:

Lee County received responses from FloridaCommerce, Florida Fish and Wildlife Conservation Commission (FWC), and Florida Department of Environmental Protection (FDEP) addressing the proposed amendment. There were no objections concerning the amendment.

STAFF RECOMMENDATION:

Staff recommends the BoCC **adopt** the amendments as transmitted and as provided in Attachment 1 to the Staff Report.

LEE COUNTY ORDINANCE NO. 25-XX

(House Bill 1379)

(CPA2024-00007)

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 AN AMENDMENT PERTAINING TO HOUSE BILL 1379 (CPA2024-00007) 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, 2024; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on February 19, 2025. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to House Bill 1379 (CPA2024-00007) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the February 19, 2025 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies’ written comments; and,

WHEREAS, on May 7, 2025, 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 "House Bill 1379 Ordinance (CPA2024-00007)."**

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 to implement House Bill 1379. House Bill 1379 is a wide-ranging amendment to Florida Statutes related to environmental protection in the areas of wastewater management, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAP), and the wastewater grant program. Amendments to the Lee Plan are required to maintain consistency with Florida Statutes. Additional minor amendments have also been identified to update cross-references to various County ordinances and plans.

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:

Kevin Ruane	_____
Cecil L Pendergrass	_____
David Mulicka	_____
Brian Hamman	_____
Mike Greenwell	_____

DONE AND ADOPTED this 7th day of May 2025.

ATTEST:
KEVIN C. KARNES
CLERK OF CIRCUIT COURT

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY FLORIDA

BY: _____
Deputy Clerk

BY: _____
Kevin Ruane, Chair

DATE: _____

APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

County Attorney's Office

Exhibit A (Adopted by BOCC May 7, 2025):
Adopted revisions to Text
Adopted revisions to Table 6

CAO Draft 2/4/2025 10:58:16 AM

EXHIBIT A

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

Text Amendments:**II Future Land Use Element**

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~These areas are not to be programmed to receive urban type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.~~ Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

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POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

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POLICY 2.1.1: Most residential, commercial, ~~and industrial, and public~~ development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

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STANDARD 4.1.2: SEWER.

7. Prohibit the installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).

8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

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OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories except to the areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan.” Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. [03-02](#), [18-18](#))

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POLICY 20.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4-B as Future Sanitary Sewer Service Areas, areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan”, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. 10-15, 18-18)

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IV Community Facilities and Services Element

POLICY 56.1.3: All utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards. These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Florida Department of Environmental Protection (DEP), Florida Department of Health, U.S. Environmental Protection Agency (USEPA), or local ordinances that exceed those requirements with priority given to advanced waste treatment. All utilities will advise the County of system expansions or modification to ensure coordination. (Ord. No. 92-35, 94-30, 17-19, 21-09)

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POLICY 56.1.8: Sewage disposal facilities that dispose of waste into waterbodies that are currently not attaining nutrient or nutrient-related standards, as defined by State Statute, or that are subject to a nutrient or nutrient-related basin management plan will provide advanced waste treatment by January 1, 2033.

POLICY 56.1.9: Sewage disposal facilities that dispose of waste into waterbodies determined not to be attaining nutrient or nutrient-related standards, as defined by State Statute, after July 1, 2023, or subject to a nutrient or nutrient-related basin management plan, or adopted reasonable assurance plan after July 1, 2023, will provide advance water treatment within 10 years after such determination or adoption.

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POLICY 56.2.2: The County will, annually, provide to the Florida Department of Environmental Protection a status of the construction of sanitary sewers within basin management action plans (BMAP) or within the basin of a waterbody not attaining nutrient or nutrient-related standards as defined by State Statute.

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas of more than 50 residential lots, built or unbuilt, with more than one onsite septic system located at

more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

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VII Conservation and Coastal Management Element

Goal 125: Water Quality

POLICY 125.1.9: Encourage the use of the water quality improvement grant established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to fund projects that will improve the quality of waterbodies.

Table Amendments:

- **Table 6 – 10-Year Sanitary Sewer Service Feasibility (New Table)**

Table 6: 10-Year Sanitary Sewer Service Feasibility

Residential Development	# of Parcels	Development Location	Facility Name	Facility Address	Facility Capacity	Projected Facility Flow in 20 years	Feasibility	Timeline
Alden Pines/Sundiet Village	602	Stringfellow Rd/Sundiet Blvd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bayshore Estates	82	Bayshore Rd/Willow Stream Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Gardens	50	Donald Rd/Gardenia Cir	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Pines	52	Glick Dr/Donna Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bellaire/San Carlos Grove	153	Pine Rd/Bristol Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Blackhawk/Hidden Pines	86	Blackhawk Dr/Briarcliff Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Bocilla Lane	54	Bocilla Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bokeelia	108	Stringfellow Rd/Main St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Buckingham Airpark East	128	North Dr/Cherokee Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Buckingham Park	494	Astoria Ave/Cherrydale St	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Cabana City/Rivers Edge	171	River Rd/Cabana Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Calusa Woods/Northdale	86	Carolyn Ln/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Captains Harbor	76	Nautical Way/Captains Harbor	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Central Pine Island	166	Stringfellow Rd/Fairbanks Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Charleston Park	163	Palm Beach Blvd/1st St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Coastal Estates	99	Pine Ridge Rd/Bombay Ln	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Collier+Rupert/Pine Tree Estates	219	Laurel Dr/N 2nd St	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Colonial Pines	56	Leetana Rd/Boonesboro Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Cypress Lake Country Club Estates	145	Overlook Dr/Brentwood Rd	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Doughtreys Creek	199	Bayshore Rd/Sean Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Deep Lagoon	60	McGregor Blvd/Bay Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Eagle Lake Estates	50	Stringfellow Rd/Eagle Lake Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
East Lake Colony	80	Tarpon Way/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Edgewater Gardens/Belle Aire Lagoon	177	Pondella Rd/Sabal Gardens Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Flamingo Bay	363	Flamingo Dr/Mallard Ave	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Florimond Manor	361	Plantation Rd/Idlewild St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Fort Myers	206	Maravilla/US 41	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Fort Myers Gulf Acres	122	Whitecap Cir/Orange Grove Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Gramac/Tamiami Estates/Berts Bayshore Manor	379	Bayline Dr/Old Bridge Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Helen Lane Condo	64	Helen Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Hendry Creek	120	Hendry Creek Dr/Chloe Cir	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Heritage Farms 1st Addition/Heritage Pines/Lucas Landing/Stone Ridge	65	Liberty Square/Cindy Ct	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Idalia	98	Old Olga Rd/W Court Pl	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Island Park/Tidewater Island/Mullock Creek	325	Park Rd/Pioneer Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Jade Estates	63	Jade Ct/Coon Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Kings Bay Estates	49	Coastal View Dr/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Knights Bokeelia/Sandy Shoals/Eagles Nest	366	Barrancas Ave/Bowline St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Lakeville	248	Lakeville Dr/Edgewood Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lehigh Acres	110,795	East Lee County	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Littlegroves/Powell	171	Powell Dr/Ikora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lobean	75	Barrancas Ave/Quail Trl	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Luloma Acres	65	Stringfellow Rd/Luloma Ln	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
McGregor Pines/McGregor Vista/Deep Lagoon Heights	76	McGregor Blvd/Martin Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Mirror Lakes	193	Blackstone Dr/Lasalle Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Mobile Manor	370	Bayshore Rd/Lantern Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Nancy Lane Condo	75	Nancy Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Oakdale/United Fruit	56	Butler Rd/Reymoor Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Orange River Hills	69	Sunkist Way/Orange River Blvd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Page Park	162	Center Rd/1st St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Palm Creek	63	Palm Creek Dr/Pioneer Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Palmona Park	819	Pine Island Rd/Atlantic Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Paradise Shores	394	Bigelow Rd/Old Olga Rd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Peaceful Pines	50	N Tamiami Trl/Avenue A	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A

Table 6: 10-Year Sanitary Sewer Service Feasibility

Pine Island Center East	231 Phillips St/Avenue E	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Center West	161 Russell Rd/Holly Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Estates/Kreamers Avocado	490 Stringfellow Rd/Harbor Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Ridge/Serenity Cove/Charlotte Shores/Pine Island Villas	801 Marina Rd/Dolphin Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Tropical Homesites	572 Stringfellow Rd/Tangelo Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Village	70 Turtle Trail Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Acres/Kreamers Avocado	380 Kreamers Dr/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Estates/Camelot	105 Pine Villa Ln/Daniels Pkwy	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Plantation Pines/The Rookery/Highland Pines Estates	228 Plantation Rd/Plantation Pines Blvd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Pondella Acres/Travis/Pine Acres/Blue Water Shores/Hancock Estates/Aqua Cove/Marine Homes/Wards Landing	209 Moody Rd/Hancock Bridge Pkwy	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Heights	50 Westwood Dr/Pondella Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Shores	91 Pondella Rd/Betmar Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Port Carlos Cove	155 Spanish Main St/Galleon Way	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Port Edison/Northwood	296 Brooks Rd/Evalena Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
River Oaks	159 Iverson Dr/Charles St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Riverbend	217 Riverbend Blvd/Indian Creek Dr	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Saint James City	1769 Sanibel Blvd/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
San Carlos Park	6,207 San Carlos Blvd/Lee Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
September Estates/Coconut Grove/Pinehurst Acres	140 Stringfellow Rd/Helen Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Shady Grove/Verona Heights/Mariana Heights/Moss Park/Glenwood Park/Melody Park/Autumn Oaks/Autumn Acres/Maranatha Park/Evergreen Acres/	264 W Mariana Ave/Piney Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Sheltering Pines Mobile Home Village	120 Unique Cir/S Tamiami Trl	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Skyline Woods/River Manor/Overriver Shores/Tropic Shores Estates	75 Moody Rd/Skyline Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Suncoast Estates	1564 Suncoast Dr/Gish Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
The Timbers	61 Penzance Blvd/Timberline Cir	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
The Willows	94 Willow Lake Cir/Plantation Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Timberbend	78 Bayshore Rd/Tallulah Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Town and River Estates Subdivision	182 McGregor Blvd/N Town and River Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Town of Alva	98 Pearl St/Julia St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
West Bayshore Road	182 E Mariana Ave/Ixora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Yacht Club Colony	264 Winston Rd/N Westwood Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A

STAFF REPORT FOR CPA2024-00007: House Bill 1379 Amendments

County Initiated Text Amendments to the Lee Plan



Amendment Type:

County Initiated
Direction: 05/07/2024

Recommendation:

Transmit

Applicant:

Lee County Board of
County Commissioners
(Publicly Initiated)

Representative:

Lee County Department of
Community Development
and Lee County Utilities

Amended Element(s):

- Future Land Use
- Community Facilities and Services
- Conservation and Coastal Management

Hearing Dates:

LPA: 12/09/2024
BoCC #1: 02/19/2025
BoCC #2: 05/07/2025

Attachments:

1: Proposed Text
Amendments

PURPOSE

Amend the Lee Plan to implement the changes in Florida Statutes as amended by House Bill 1379 (2023). The proposed changes include the following amendments:

- Amend Objective 18.3¹
- Amend Policies 1.4.1, 1.4.3, 2.1.1, ~~18.3.1²~~ and 20.3.1¹.
- Amend Standard 4.1.2
- Add Policies 56.1.8, 56.1.9, 56.2.2, 56.2.3¹, and 125.9.
- Add Table 6, "10-Year Sanitary Sewer Service Feasibility Plan"

These amendments are discussed in detail in the "Amendments" section of this report.

SUMMARY

House Bill 1379 from Florida's 2023 Legislative Session is related to environmental protection. It includes amendments to existing State Statutes addressing wastewater treatment, septic systems, sanitary sewer services and planning, Basin Management Action Plans (BMAPs), and the wastewater grant program. The proposed amendments update the Lee Plan consistent with the legislation.

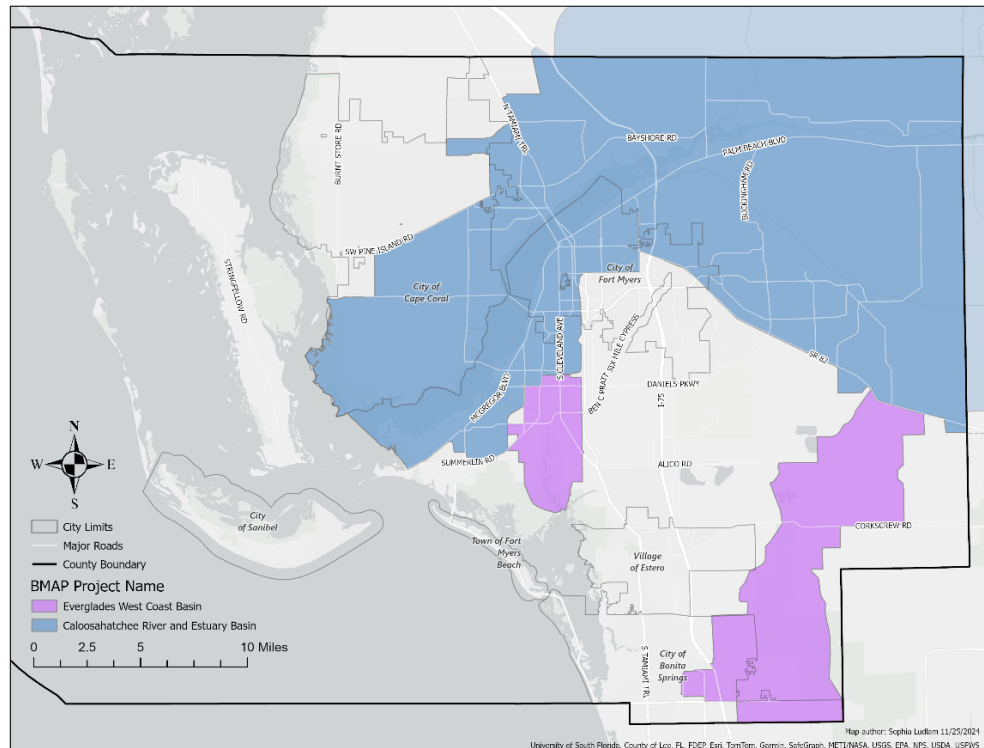


Figure 1 – BMAP boundaries in Lee County

RECOMMENDATION

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

¹ See Part 2 and Attachment 1 for revised recommendation.

² Amendments are no longer recommended to this policy.

PART 1

BACKGROUND

The Florida Legislature passed House Bill (HB) 1379 on May 3, 2023, which went into effect July 1, 2023. The Bill amended several sections of the State Statutes related to environmental protection, which include the identifying the feasibility of providing sanitary sewer services to certain areas, prioritizing upgrades to existing treatment facilities, identifying projects to meet pollution reduction milestones, specifying Florida requirements for advanced septic systems within a Basin Management Action Plan (BMAP), creating minimum nutrient removal standards, planning for advanced water treatment to meet future requirements, and annual reporting on the status of sewer services in areas subject to a BMAP.

Lee County is subject to the Caloosahatchee River and Estuary Basin Management Action Plan (BMAP) and Everglades West Coast BMAP. The boundaries of those BMAPs are shown in Figure 1 on page 1 of this report. HB 1379 directly impacts areas of the county that are within a protected BMAP by requiring advanced wastewater treatment, advanced septic systems and annual reporting of the feasibility of providing sewer services.

The requirements in HB 1379 conflict with several requirements of the Lee Plan. The Board of County Commissioners directed staff to amend the Lee Plan to maintain consistency with State Statutes, as amended by HB 1379, on May 7, 2024.

AMENDMENTS

HB 1379 resulted in eight (8) changes to State Statutes that require amendments to the Lee Plan. The amended statutes, staff analysis, and proposed Lee Plan amendments are provided below.

1. *F.S. 163.3177(3)(a)(4)(b) – The Capital Improvement Plan must be revised to include a list of projects necessary to achieve pollutant load reductions, attributable to the local government, as established, in a basin management actions plan.*

Staff coordinated with the Lee County Division of Natural Resources and reviewed Lee Plan Table 3(a) – Capital Improvement Program Detailed Report and compared that to ongoing and planned projects. The Division of Natural Resources currently has four projects planned or underway that were partially grant funded for the purpose of reducing nutrient loading in BMAP areas that, when completed, will result in pollutant load reductions as well as achieving other environmental benefits. These projects include Lakes Park Phase III, Sunniland/Nine Mile Run Drainage Improvements, Bob Janes Restoration and Palm Creek Lower Filter Marsh. Table 3(a) – Capital Improvements Detail Report FY23/24 – FY27/28 currently includes those projects. Additionally, the “Caloosahatchee Estuary BMAP 5-Year Review (2022)” shows a total reduction of 249% of the total nitrogen (TN Required Reduction (lbs/yr)) attributable to Lee County was achieved as of December 31, 2021. **No additional action to amend the Lee Plan is required.**

2. *F.S. 163.3177(3)(a)(6)(c)(2) - The element must address coordinating the extension of, increase in the capacity of, or upgrade in treatment of facilities to meet future needs; prioritizing advanced waste treatment.*

Policy 56.1.3 in the Community Services and Facilities Element encourages all utilities to construct and install sufficient treatment facilities and collections systems that meet or exceed the minimum LOS standards and FDEP requirements. As part of this amendment, staff proposes adding additional language to this policy to prioritize advanced waste treatment.

POLICY 56.1.3: All utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards. These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Florida Department of Environmental Protection (DEP), Florida Department of Health, U.S. Environmental Protection Agency (USEPA), or local ordinances that exceed those requirements with priority given to advanced waste treatment. All utilities will advise the County of system expansions or modification to ensure coordination. (Ord. No. 92-35, 94-30, 17-19, 21-09)

3. *F.S. 163.31773(a)(6)(c)(3) - Within the local government's jurisdiction, for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per 1 acre, the element must consider the feasibility of providing sanitary sewer services within a 10-year planning horizon and must identify the name and location of the wastewater facility that could receive sanitary sewer flows after connection; the capacity of the facility and any associated transmission facilities; the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to sanitary sewer; and a timeline for the construction of the sanitary sewer system. An onsite sewage treatment and disposal system is presumed to exist on a parcel if sanitary sewer services are not available at or adjacent to the parcel boundary...*

Staff is proposing amendments to existing Objective 18.3 and Policies 1.4.1, 1.4.3, 2.1.1, 18.3.1, 20.3.1 and Objective 18.3 to accommodate possible expansion of central sewer systems in accordance with the Statutes as amended by HB 1379. The current language does not prohibit public water and sewer facilities, but states that urban-type capital improvements are not anticipated or programmed in these areas. The proposed amendments strike that language to accommodate the possibility that, in the future, the County may be required to convert portions of these areas from septic to centralized sewer. The strikethrough and underline of these policies are shown below.

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural—that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.~~ Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

.....

POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban-type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural

community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

.....

POLICY 2.1.1: Most residential, commercial, ~~and industrial, and public~~ development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

.....

OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories unless required by State Statute. Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. [03-02](#), [18-18](#))

POLICY 18.3.1: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2, or if required by State Statute. (Ord. No. [03-02](#), [18-18](#))

.....

POLICY 20.3.1: ~~In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4 B as Future Sanitary Sewer Service Areas, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the~~ The availability of central sewer lines will not be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. [10-15](#), [18-18](#))

Additionally, staff recommends new Policy 56.2.3 and Table 6, which addresses the feasibility of providing sanitary sewer services within a 10-year planning horizon. Table 6 identifies the required information in the amended statute. Additional discussion on the development of Table 6 and the process utilized to identify development meeting the amended statute's criteria and service feasibility is provided in more detail on page 6 through 8 of this report and proposed Policy 56.2.3 is on page 8.

4. *F.S. 403.067(7)(a)(10) - The installation of new onsite sewage treatment and disposal systems constructed within a basin management action plan area adopted under this section, a reasonable assurance plan, or a pollution reduction plan is prohibited where connection to a publicly owned or investor-owned sewerage system is available as defined in s. 381.0065(2)(a). On lots of 1 acre or less within a basin management action plan adopted under this section, a reasonable assurance plan, or a pollution reduction plan where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.*

Proposed changes to Standard 4.1.2 will add numbers 7 and 8, to address this requirement. The standards recommended below are not new requirements by Lee County, but recognize requirements implemented and enforced by state agencies.

STANDARD 4.1.2: SEWER.

7. The installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan is prohibited where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).

8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

5. *F.S. 403.067(7)(a)(12) - Annually, local governments subject to a basin management action plan or located within the basin of a waterbody not attaining nutrient or nutrient-related standards must provide to the department an update on the status of construction of sanitary sewers to serve such areas, in a manner prescribed by the department.*

The proposed changes add Policy 56.2.2 address this requirement.

POLICY 56.2.2: The County will, annually, provide to the Florida Department of Environmental Protection a status of the construction of sanitary sewers within basin management action plans (BMAP) or within the basin of a waterbody not attaining nutrient or nutrient-related standards as defined by State Statute.

6. *F.S. 403.086(1)(c)(1)(c) - By January 1, 2033, waterbodies that are currently not attaining nutrient or nutrient-related standards or that are subject to a nutrient or nutrient-related basin management action plan adopted pursuant to s. 403.067 or adopted reasonable assurance plan.*

HB 1379 amended parts of F.S. 403.086 which addresses sewage disposal facilities by requiring the use of advanced waste treatment prior to disposal in certain waterbodies. The effected waterbodies included those that are not currently attaining nutrient or nutrient-related standards or are subject to a nutrient-related basin management plan. The proposed changes add Policy 56.1.8 addresses this requirement.

POLICY 56.1.8: Sewage disposal facilities that dispose of waste into waterbodies that are currently not attaining nutrient or nutrient-related standards, as defined by State Statute, or that are subject to a nutrient or nutrient-related basin management plan will provide advanced waste treatment by January 1, 2033.

7. *F.S. 403.086(1)(c)(2) - For any waterbody determined not to be attaining nutrient or nutrient-related standards after July 1, 2023, or subject to a nutrient or nutrient-related basin management action plan adopted pursuant to s. 403.067 or adopted reasonable assurance plan after July 1, 2023, sewage disposal facilities are prohibited from disposing any wastes into such waters without providing advanced waste treatment, as defined in subsection (4), as approved by the department within 10 years after such determination or adoption.*

The proposed changes add Policy 56.1.9 address this requirement.

POLICY 56.1.9: Sewage disposal facilities that dispose of waste into waterbodies determined not to be attaining nutrient or nutrient-related standards, as defined by State Statute, after July 1, 2023, or subject to a nutrient or nutrient-related basin management plan, or adopted reasonable assurance plan after July 1, 2023, will provide advance water treatment within 10 years after such determination or adoption.

8. *F.S. 403.0673 - Water quality improvement grant program.—A grant program is established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to surface water or groundwater.*

HB 1379 amended F.S. 403.0673 to rename the wastewater grant program as the water quality improvement program, revised the program's purpose, and provided specificity regarding the types of projects eligible for grants. Staff recommends adding Policy 125.1.9 in the Conservation and Coastal Management Element to encourage the use of the grant.

POLICY 125.1.9: Encourage the use of the water quality improvement grant established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to fund projects that will improve the quality of waterbodies.

TABLE 6

As required by F.S. 163.31773(a)(6)(c)(3), Lee County must identify any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system per one acre to determine the feasibility of providing sanitary sewer services within a 10-year planning horizon. Staff is proposing to add Table 6: 10-Year Sanitary Sewer Service Availability to the appendices of the Lee Plan.

The development of Table 6 involved the following detailed mapping and identification process to locate areas within the county subject to the Statute, identify the data required by the State, and determine the feasibility of providing sanitary sewer services to the subject areas:

1. Identify all parcels within County jurisdiction of less than 1 acre utilizing ArcGIS and parcel data.
2. Identify areas with existing or potential residential development of more than 50 lots on parcels of less than 1 acre each. All other parcels were removed.
3. Identify areas serviced by Lee County Utilities and Florida Governmental Utility Authority wastewater infrastructure. Areas currently serviced by central sewer were removed from the map.
4. Review development order and zoning files to determine if any planned or recently approved development would meet the Statute requirements. Any areas meeting Statute criteria were added to the map.
5. All FDEP permits that approved on-site domestic WWTPs were reviewed, and the areas served by these WWTPs were removed from the map.
6. Estimated septic permit and well permit locations based on State and local data were mapped to identify additional areas and used to cross-check previously identified areas.
7. All Ordinance #86-36 mobile home sites were mapped to verify that sewer service was available. Although these sites did not meet the strict criteria of the statute (i.e., parcels of less than 1 acre as most are a single parcel with multiple mobile home sites), the density of the mobile homes on these sites, if serviced by septic, would exceed one septic system per acre for more than 50 residential units. Ordinance #86-36 changed the lot of record requirements for mobile home and recreational vehicle (RV) parks that existed prior to certain dates but which failed to conform to minimum lot size

requirements established by the Land Development Code. Because of the age of these mobile homes and RV parks, the use of septic systems was a concern for staff due to a variety of factors, including, but not limited to, site location (i.e. separation from water resources) and long-term maintenance.

8. Reviewed the Countywide Wastewater Management Plan priority ranking of potential areas for septic conversion to ensure all areas meeting State criteria were captured and represented in the map.

At the conclusion of the process, eighty-four (84) areas were identified as meeting the Statute requirements and are identified in Table 6. Table 6 also includes the name and location of the wastewater facility that could receive sanitary sewer flows after connection, the capacity of the facility, the projected wastewater flow at that facility for the next 20 years, including expected future new construction and connections of onsite sewage treatment and disposal systems to a sanitary sewer, and a timeline for the construction of the sanitary sewer system, if feasible, consistent with the requirements of F.S. 163.31773(a)(6)(c)(3).

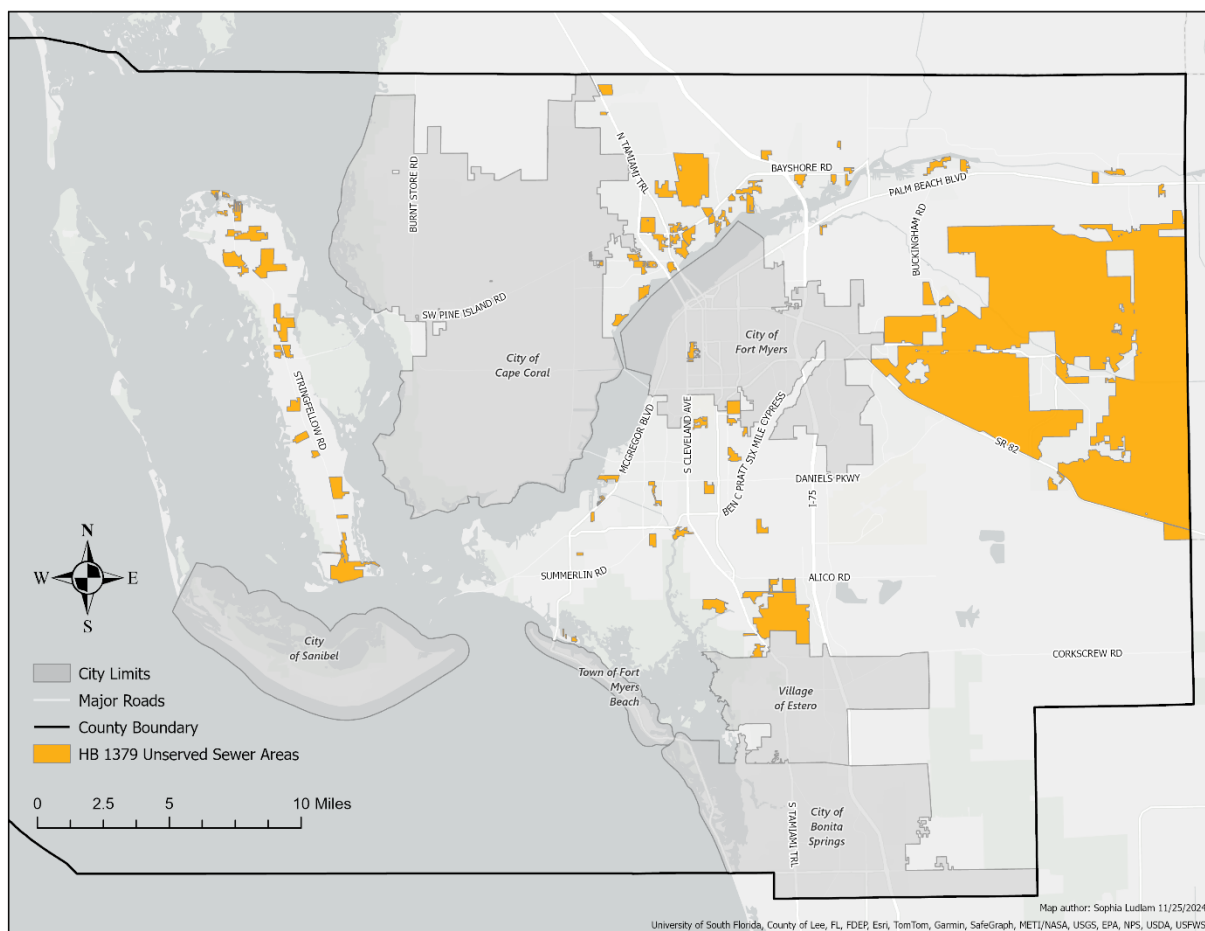


Figure 2 – Developments or potential developments of more than 50 residential lots on less than 1 acre not served by central sanitary sewer service.

Staff is also proposing Policy 56.2.3 which identifies the statutory requirement for Table 6 and the criteria for inclusion on the table.

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas on septic when more than 50 onsite sewage treatment or disposal systems are located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

CONCLUSIONS

HB 1379 amended several State Statutes and revised the required components of the local government comprehensive plan capital improvement element, general sanitary sewer, solid waste, drainage, potable water, and groundwater recharge elements. The proposed amendments:

- maintain consistency with State Statute.
- are internally consistent with other requirements of the Lee Plan.
- provide additional planning and coordination with other agencies to strengthen protections in BMAPs.
- provide planning tools for future expansion of sanitary sewer service aimed at protecting and improving water quality in Lee County.
- encourage the use of the Wastewater Grant Program for projects in Lee County.

Staff recommends that the Local Planning Agency **transmit** the proposed amendment as shown in Attachment 1.

PART 2 LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: December 9, 2024

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a presentation addressing the requirement to amend the Lee Plan, amendments to State Statute in House Bill 1379 (2023) that impact the Lee Plan, and the specific amendments and changes required to the Lee Plan to ensure consistency with State Statute.

Members of the LPA asked if the amendment is State mandated, how it might impact someone that is not connected to central sewer and does not want to connect, the financial implications of connection to central sewer service, the proposed language in Policy 56.2.3 and its relation to State Statute, and the number of lots that were impacted by Table 6.

Sixteen (16) members of the public addressed the Local Planning Agency, expressing opposition to several of the proposed amendments. Public comments addressed several main themes, including: disregard of community plans, encouragement of more development, cost of sewer connections to residents, and being overly broad (should be more focused to exclude rural areas).

B. LOCAL PLANNING AGENCY RECOMMENDATION

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2024-00007 with the exception of amendments to Objective 18.3 and Policies 1.4.1, 1.4.3, 18.3.1 and 20.3.1. The motion passed 6 to 0.

RAYMOND BLACKSMITH	<u>AYE</u>
JENNIFER SAPEN	<u>AYE</u>
DUSTIN GARDNER	<u>AYE</u>
DAWN RUSSELL	<u>AYE</u>
DON SCHROTENBOER	<u>AYE</u>
STAN STOUDE	<u>AYE</u>
HENRY ZUBA	<u>ABSENT</u>

C. STAFF RESPONSE TO LPA RECOMMENDATION AND PUBLIC COMMENT

One of the primary concerns expressed by the public during the LPA Hearing is that they would be required to connect to public sanitary sewer service if lines are extended to or in close proximity to their properties and the expense and disruption that could bring. While staff recognizes these concerns there are both technical and legal reasons this is not likely to happen – especially on properties that exceed one acre in size, which is the typical density allowed within both the Rural and Rural³ Community Preserve future land use categories.

Section 381.0065 provides the following in determining if a publicly owned sewer system is available:

(a) “Available,” as applied to a publicly owned or investor-owned sewerage system, means that the publicly owned or investor-owned sewerage system is capable of being connected to the plumbing of an establishment or residence, is not under a Department of Environmental Protection moratorium, and has adequate permitted capacity to accept the sewage to be generated by the establishment or residence; and:

1. For a residential subdivision lot, a single-family residence, or an establishment, any of which has an estimated sewage flow of 1,000 gallons per day or less, a gravity sewer line to maintain gravity flow from the property’s drain to the sewer line, or a low pressure or vacuum sewage collection line in those areas approved for low pressure or vacuum sewage collection, exists in a public easement or right-of-way that abuts the property line of the lot, residence, or establishment.

This is consistent with staff comments made during the LPA hearing, stating that if there is a gravity sewer that runs along the frontage of the property, then it is considered to be available, however the majority of the existing lots would not have gravity sewer running in front of them. There would be pressurized force mains to transmit flows from communities to the County’s treatment facilities. In that case, the State considers it to be an undue burden, and not available.

Additionally, staff interpretation of the Lee Plan is that unless specifically required to connect to sewer lines by state statute, sewer service is not available to properties unless they are identified on Lee Plan Map 4-B – even if the transmission line is adjacent to their property.

In response to the LPA’s recommendation and the public’s comments, staff reviewed the proposed amendments to the Objective and Policies not recommended for transmittal by the LPA (Objective 18.3 and Policies 1.4.1, 1.4.3, 18.3.1 and 20.3.1) and has provided additional analysis to support the

³ Policy 123.2.17 allows for higher densities in the Rural future land use category as an incentive to preserving or restoring Rare and Unique upland habitats but requires developments to be connected to public water and sewer facilities.

recommended amendments or revised the recommendations where appropriate. In addition, staff has proposed changes to the recommendation for Policy 56.2.3 based on LPA discussion and comments.

POLICY 1.4.1

Policy 1.4.1 describes areas that are within the Rural future land use category. The language staff has proposed to be deleted provides “These areas are not to be programmed to receive urban-type capital improvement, and they can anticipate a continued level of public services below that of the urban areas.” The language proposed to be deleted does not specifically address sewer connections and could be interpreted to prohibit any capital improvements such as roads, EMS, parks, and libraries. For this reason, **staff continues to recommend the amendments to Policy 1.4.1, as proposed at the LPA hearing.**

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.~~ Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

POLICY 1.4.3

Policy 1.4.3 describes areas that are within the Rural Community Preserve future land use category. The language staff has proposed to be deleted provides “These areas are not programmed to receive urban-type capital improvement.” The language proposed to be deleted does not specifically address sewer connections and could be interpreted to prohibit any capital improvements such as roads, EMS, parks, and libraries. **For this reason, staff continues to recommend the amendments to Policy 1.4.3, as proposed at the LPA hearing.**

POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban-type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

OBJECTIVE 18.3

In response to public input, staff has revised the proposed language to provide a more narrowly defined solution that only addresses properties Lee County is required to identify on the 10-Year Sanitary Sewer Service Feasibility Plan. This change will address the public’s concern that the amendments were overly broad in how they addressed provisions affecting Lee County’s Future Non-Urban Areas. All differences in the recommended language between the LPA Hearing and the BoCC Transmittal Hearing are highlighted below. Newly proposed language is shown with double-

underlining and language that was previously proposed, but is no longer recommended, is shown with both ~~single underline and strikethrough~~. **Staff recommends Objective 18.3 be revised and transmitted as shown below.**

OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories except to the areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan” unless required by State Statute. Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. 03-02, 18-18)

POLICY 18.3.1

In response to public input, staff has reviewed the proposed amendments to Policy 18.3.1 and determined these amendments are not necessary based on the revisions proposed to Objective 18.3. All differences in the recommended language between the LPA Hearing and the BoCC Transmittal Hearing are highlighted below. Language that was previously proposed, but is no longer recommended, is shown with both ~~single underline and strikethrough~~. **Staff is no longer recommending the amendments originally proposed to Objective 18.3 be transmitted.**

POLICY 18.3.1: No landowner will be required to connect to central sewer or water utilities or be assessed for same unless a threat to public health can be documented, or if a new development proposes an intensity that exceeds the thresholds in Standards 4.1.1 and 4.1.2, or if required by State Statute. (Ord. No. 03-02, 18-18)

POLICY 20.3.1

In response to public input and LPA recommendation, staff recommends retaining the previous language recommended for deletion and propose an exception to allow central sewer lines to be extended into the Buckingham Community Plan Area to areas identified by Lee Plan Table 6. This newly proposed language keeps previous Community Plan Area language in place and only provides an additional exception for areas identified in Lee Plan, Table 6, addressing the public’s concerns at the LPA hearing. All differences in the recommended language between the LPA Hearing and the BoCC Transmittal Hearing are highlighted below. Newly proposed language is shown with double-underlining and language that was previously proposed, but is no longer recommended, is shown with both ~~single underline and strikethrough~~. Language that had been proposed to be deleted that staff no longer recommends be deleted is highlighted, but not shown with any strikethrough or underline formatting. **Staff recommends Policy 20.3.1 be revised and transmitted as shown below.**

POLICY 20.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4-B as Future Sanitary Sewer Service Areas, areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan”, the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the availability of central sewer lines will not be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. 10-15, 18-18)

POLICY 56.2.3

Staff recommended adding Policy 56.2.3 to add a policy reference to proposed Table 6, 10-Year Sanitary Sewer Service Feasibility to ensure consistency with Section 163.31773(a)(6)(c)(3) of the Florida Statutes. **Following comments and discussion between members of the LPA and staff, staff rewrote the policy to closely align with the language in the Florida Statutes, as shown below.**

~~**POLICY 56.2.3:** The County will assess the feasibility of providing central sewer service to areas on septic when more than 50 onsite sewage treatment or disposal systems are located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.~~

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas of more than 50 residential lots, built or unbuilt, with more than one onsite septic system located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

D. STAFF RECOMMENDATION

Staff recommends that the BoCC transmit the proposed amendment as provided in Attachment 1, which represents a complete and up-to-date recommendation, including the Objective and Policies as discussed above.

PART 3 BOARD OF COUNTY COMMISSIONERS TRANSMITTAL HEARING

DATE OF PUBLIC HEARING: February 19, 2025

A. BOARD REVIEW:

Staff provided a presentation addressing Board of County Commissioners' direction, requirements added to the Florida Statutes by House Bill 1379, proposed amendments, the LPA recommendation and Staff's response to the LPA's recommendation.

Six (6) members of the public addressed the Board of County Commissioners concerning the proposed amendment. One of the speakers stated the amendments were improved after working with staff on their concerns. Other members spoke in opposition to the amendments, expressing concerns due to potential of more development in Northeast Lee County, lack of need for sewer facilities in rural areas, and potential cost of sewer connections to residents.

B. BOARD ACTION:

A motion was made to **transmit** CPA2024-00007 as recommended by staff. The motion passed 4 to 0.

MIKE GREENWELL	<u>AYE</u>
BRIAN HAMMAN	<u>AYE</u>
DAVID MULICKA	<u>AYE</u>
CECIL L. PENDERGRASS	<u>AYE</u>
KEVIN RUANE	<u>ABSENT</u>

PART 4
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State reviewing Agencies were due to Lee County by March 23, 2025

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

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

- FloridaCommerce,
- Florida Fish and Wildlife Conservation Commission (FWC), and
- Florida Department of Environmental Protection (FDEP)

There were **no objections** concerning the amendment.

B. STAFF RECOMMENDATION

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

Text Amendments:**II Future Land Use Element**

POLICY 1.4.1: The Rural future land use category are areas that are to remain predominantly rural – that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. ~~These areas are not to be programmed to receive urban type capital improvements, and they can anticipate a continued level of public services below that of the urban areas.~~ Maximum density in the Rural future land use category is one dwelling unit per acre (1 du/acre). See Policy 123.2.17 for a potential density incentive resulting from preservation and/or restoration of Rare and Unique Upland Habitat. (Ord. No. [97-17](#), [98-09](#), [00-22](#), [07-12](#), [10-20](#), [22-25](#), [22-29](#))

- Delete language prohibiting capital improvements in the Rural future land use category. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.
- The language proposed to be deleted does not specifically address sewer connections and could be interpreted to prohibit any capital improvements such as roads, EMS, parks, and libraries. For these reasons staff continues to recommend the amendment as proposed at the LPA hearing.

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POLICY 1.4.3: The Rural Community Preserves future land use category requires special design approaches to maintain existing rural character, for example: conservation easements, flexible road design standards (including relocation of future arterials not serving the rural community), special fencing and commercial sign standards, and retention of historic rural uses. ~~These areas are not programmed to receive urban type capital improvements.~~ Lands within this category are not to be converted to future urban or suburban areas; rather, they are to remain permanently rural in character and use. These areas are restricted to low density residential uses (with minimum lot size requirements), agricultural uses, and minimal non-residential uses that are needed to serve the rural community. Property in this category may not be rezoned to any RV district. Maximum density is one dwelling unit per acre (1 du/acre). (Ord. No. [91-19](#), [94-30](#), [17-13](#), [18-14](#))

- Delete language prohibiting capital improvements in the Rural Community Preserve future land use category. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.
- The language proposed to be deleted does not specifically address sewer connections and could be interpreted to prohibit any capital improvements such as roads, EMS, parks, and libraries. For these reasons staff continues to recommend the amendment as proposed at the LPA hearing.

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POLICY 2.1.1: Most residential, commercial, and industrial, and public development is expected to occur within the designated future urban areas on the Future Land Use Map through the assignment of very low densities to the non-urban categories.

- Modify language to allow for public facilities in non-urban future land use categories. Capital improvements may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.
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STANDARD 4.1.2: SEWER.

7. Prohibit the installation of new onsite sewage treatment and disposal systems, as defined by State Statute, constructed within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan where connection to a publicly owned or investor-owned sewerage system is available as defined in F.S. 381.0065 (2)(a).

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(10), as amended by HB 1379. This is not a new requirement by Lee County, but recognizes requirements implemented and enforced by state agencies.

8. On lots of one acre or less within a basin management action plan area, a reasonable assurance plan, or a pollution reduction plan, where a publicly owned or investor-owned sewerage system is not available, the installation of enhanced nutrient-reducing onsite sewage treatment and disposal systems, as defined by State Statute, or other wastewater treatment systems that achieve at least 65 percent nitrogen reduction is required.

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(10), as amended by HB 1379. This is not a new requirement by Lee County, but recognizes requirements implemented and enforced by state agencies.
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OBJECTIVE 18.3: SEWER AND WATER. Given the desire to maintain a low residential density, new central sewage service is not economically feasible and is discouraged north of Bayshore Road within the future non-urban land use categories except to the areas identified by Lee Plan Table 6, “10-Year Sanitary Sewer Service Feasibility Plan.” Central water service for enhanced fire protection will be encouraged where economically feasible. (Ord. No. [03-02](#), [18-18](#))

- Central sewer may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.

- In response to public input at the Local Planning Agency, staff revised the proposed language to specifically address the areas identified in Lee Plan Table 6. This change will address the public's concern of weakening the protections of the Community Plan Area through overly broad changes.

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POLICY 20.3.1: In order to discourage unwanted urban development, central sewer lines will not be extended into the Buckingham Community Plan area, except to the areas identified by Lee Plan Map 4-B as Future Sanitary Sewer Service Areas, areas identified by Lee Plan Table 6, "10-Year Sanitary Sewer Service Feasibility Plan", the existing Resource Recovery Facility, the adjacent Lee County Parks and Recreation Facility, and any future public facility. Under no circumstances will the availability of central sewer lines be accepted as justification for a density or intensity increase, or reduction of lot size requirements (except as provided in Policy 20.1.5), within the Rural Community Preserve. (Ord. No. 10-15, 18-18)

- Delete language prohibiting capital improvements in the Rural future land use category. Central sewer lines may be necessary in the future to comply with F.S. 163.3177(3)(a)(6)(c)(3), as amended in HB 1379, which requires local governments to provide a timeline for the construction of sanitary sewer systems for any development of more than 50 residential lots, whether built or unbuilt, with more than one onsite sewage treatment and disposal system (septic system) per 1 acre.
- In response to public input at the Local Planning Agency, staff has revised the recommended language. The new recommended language will keep the language previously proposed for deletion and recommend language to allow central sewer lines to be extended to areas identified by Table 6, "10-Year Sanitary Sewer Service Feasibility Plan." This will address the public's concern of weakening the Community Plan Area protections with overly broad changes while still allowing central sewer lines to be extended to the areas identified in Table 6.

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IV Community Facilities and Services Element

POLICY 56.1.3: All utilities are encouraged to construct and install sufficient treatment facilities and collection systems that will meet or exceed the minimum acceptable service standards. These facilities will have capacity to service the demand so generated and will meet or exceed the minimum requirements of the Florida Department of Environmental Protection (DEP), Florida Department of Health, U.S. Environmental Protection Agency (USEPA), or local ordinances that exceed those requirements with priority given to advanced waste treatment. All utilities will advise the County of system expansions or modification to ensure coordination. (Ord. No. 92-35, 94-30, 17-19, 21-09)

- Additional language to comply with F.S. 163.3177(3)(a)(6)(c)(2), which requires priority to be given to advanced waste treatment facilities.

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POLICY 56.1.8: Sewage disposal facilities that dispose of waste into waterbodies that are currently not attaining nutrient or nutrient-related standards, as defined by State Statute, or that are subject to

a nutrient or nutrient-related basin management plan will provide advanced waste treatment by January 1, 2033.

- Additional language to comply with the requirement of F.S. 403.0861(1)(c)(1)(c) as amended by HB 1379.

POLICY 56.1.9: Sewage disposal facilities that dispose of waste into waterbodies determined not to be attaining nutrient or nutrient-related standards, as defined by State Statute, after July 1, 2023, or subject to a nutrient or nutrient-related basin management plan, or adopted reasonable assurance plan after July 1, 2023, will provide advance water treatment within 10 years after such determination or adoption.

- Additional language to comply with the requirement of F.S. 403.0861(1)(c)(2) as amended by HB 1379.

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POLICY 56.2.2: The County will, annually, provide to the Florida Department of Environmental Protection a status of the construction of sanitary sewers within basin management action plans (BMAP) or within the basin of a waterbody not attaining nutrient or nutrient-related standards as defined by State Statute.

- Additional language to comply with the requirement of F.S. 403.067(7)(a)(12) as amended by HB 1379.

POLICY 56.2.3: The County will assess the feasibility of providing central sewer service to areas of more than 50 residential lots, built or unbuilt, with more than one onsite septic system located at more than 1 per acre within the unincorporated areas consistent with F.S. 163.31773(a)(6)(c)(3). These areas are identified in Table 6, 10-Year Sanitary Sewer Service Feasibility.

- Additional language to comply with the requirement of F.S. 163.31773(a)(6)(c)(3) as amended by HB 1379.
- Following comments between members of the LPA and staff, staff revised the policy to closely align with the State Statute.

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VII Conservation and Coastal Management Element

Goal 125: Water Quality

POLICY 125.1.9: Encourage the use of the water quality improvement grant established within the Department of Environmental Protection to address wastewater, stormwater, and agricultural sources of nutrient loading to fund projects that will improve the quality of waterbodies.

- Additional language to encourage the use of the water quality improvement grant, formerly known as the wastewater grant program. HB 1379 amended F.S. 403.0673 to expand grant opportunities to include stormwater and agricultural sources of nutrient loading to surface

water and groundwater. The additional language will encourage the use of the grant to fund applicable projects in the future.

Table Amendments:

- **Table 6 – 10-Year Sanitary Sewer Service Feasibility (New Table)**

Table 6: 10-Year Sanitary Sewer Service Feasibility

Residential Development	# of Parcels	Development Location	Facility Name	Facility Address	Facility Capacity	Projected Facility Flow in 20 years	Feasibility	Timeline
Alden Pines/Sundiet Village	602	Stringfellow Rd/Sundiet Blvd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bayshore Estates	82	Bayshore Rd/Willow Stream Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Gardens	50	Donald Rd/Gardenia Cir	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bayshore Pines	52	Glick Dr/Donna Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Bellaire/San Carlos Grove	153	Pine Rd/Bristol Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Blackhawk/Hidden Pines	86	Blackhawk Dr/Briarcliff Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Bocilla Lane	54	Bocilla Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Bokeelia	108	Stringfellow Rd/Main St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Buckingham Airpark East	128	North Dr/Cherokee Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Buckingham Park	494	Astoria Ave/Cherrydale St	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Cabana City/Rivers Edge	171	River Rd/Cabana Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Calusa Woods/Northdale	86	Carolyn Ln/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Captains Harbor	76	Nautical Way/Captains Harbor	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Central Pine Island	166	Stringfellow Rd/Fairbanks Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Charleston Park	163	Palm Beach Blvd/1st St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Coastal Estates	99	Pine Ridge Rd/Bombay Ln	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Collier+Rupert/Pine Tree Estates	219	Laurel Dr/N 2nd St	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Colonial Pines	56	Leetana Rd/Boonesboro Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Cypress Lake Country Club Estates	145	Overlook Dr/Brentwood Rd	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Doughtreys Creek	199	Bayshore Rd/Sean Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Deep Lagoon	60	McGregor Blvd/Bay Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Eagle Lake Estates	50	Stringfellow Rd/Eagle Lake Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
East Lake Colony	80	Tarpon Way/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Edgewater Gardens/Belle Aire Lagoon	177	Pondella Rd/Sabal Gardens Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Flamingo Bay	363	Flamingo Dr/Mallard Ave	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Florimond Manor	361	Plantation Rd/Idlewild St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Fort Myers	206	Maravilla/US 41	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Fort Myers Gulf Acres	122	Whitecap Cir/Orange Grove Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Gramac/Tamiami Estates/Berts Bayshore Manor	379	Bayline Dr/Old Bridge Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Helen Lane Condo	64	Helen Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Hendry Creek	120	Hendry Creek Dr/Chloe Cir	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Heritage Farms 1st Addition/Heritage Pines/Lucas Landing/Stone Ridge	65	Liberty Square/Cindy Ct	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Idalia	98	Old Olga Rd/W Court Pl	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Island Park/Tidewater Island/Mullock Creek	325	Park Rd/Pioneer Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Jade Estates	63	Jade Ct/Coon Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Kings Bay Estates	49	Coastal View Dr/Bayshore Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Knights Bokeelia/Sandy Shoals/Eagles Nest	366	Barrancas Ave/Bowline St	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Lakeville	248	Lakeville Dr/Edgewood Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lehigh Acres	110,795	East Lee County	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Littlegroves/Powell	171	Powell Dr/Ikora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Lobean	75	Barrancas Ave/Quail Trl	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Luloma Acres	65	Stringfellow Rd/Luloma Ln	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
McGregor Pines/McGregor Vista/Deep Lagoon Heights	76	McGregor Blvd/Martin Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Mirror Lakes	193	Blackstone Dr/Lasalle Ave	FGUA - Lehigh Acres WWTF	550 Construction Ln, 33971	3.0 MGD	3.83 MGD	Not feasible based on curent conditions.	N/A
Mobile Manor	370	Bayshore Rd/Lantern Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Nancy Lane Condo	75	Nancy Ln/Main St	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Oakdale/United Fruit	56	Butler Rd/Reymoor Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Orange River Hills	69	Sunkist Way/Orange River Blvd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Page Park	162	Center Rd/1st St	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Palm Creek	63	Palm Creek Dr/Pioneer Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Palmona Park	819	Pine Island Rd/Atlantic Ave	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Paradise Shores	394	Bigelow Rd/Old Olga Rd	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Peaceful Pines	50	N Tamiami Trl/Avenue A	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A

Table 6: 10-Year Sanitary Sewer Service Feasibility

Pine Island Center East	231 Phillips St/Avenue E	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Center West	161 Russell Rd/Holly Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Estates/Kreamers Avocado	490 Stringfellow Rd/Harbor Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Ridge/Serenity Cove/Charlotte Shores/Pine Island Villas	801 Marina Rd/Dolphin Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Tropical Homesites	572 Stringfellow Rd/Tangelo Dr	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pine Island Village	70 Turtle Trail Ln/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Acres/Kreamers Avocado	380 Kreamers Dr/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Pinehurst Estates/Camelot	105 Pine Villa Ln/Daniels Pkwy	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Plantation Pines/The Rookery/Highland Pines Estates	228 Plantation Rd/Plantation Pines Blvd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Pondella Acres/Travis/Pine Acres/Blue Water Shores/Hancock Estates/Aqua Cove/Marine Homes/Wards Landing	209 Moody Rd/Hancock Bridge Pkwy	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Heights	50 Westwood Dr/Pondella Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Pondella Shores	91 Pondella Rd/Betmar Blvd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Port Carlos Cove	155 Spanish Main St/Galleon Way	Fort Myers Beach WRF	17155 Pine Ridge Rd, 33931	6.0 MGD	2.5 MGD	Not feasible based on curent conditions.	N/A
Port Edison/Northwood	296 Brooks Rd/Evalena Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
River Oaks	159 Iverson Dr/Charles St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Riverbend	217 Riverbend Blvd/Indian Creek Dr	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
Saint James City	1769 Sanibel Blvd/Stringfellow Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
San Carlos Park	6,207 San Carlos Blvd/Lee Rd	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
September Estates/Coconut Grove/Pinehurst Acres	140 Stringfellow Rd/Helen Rd	Pine Island WRF	6928 Stringfellow Rd, 33956	0.383 MGD	0.22 MGD	Not feasible based on curent conditions.	N/A
Shady Grove/Verona Heights/Mariana Heights/Moss Park/Glenwood Park/Melody Park/Autumn Oaks/Autumn Acres/Maranatha Park/Evergreen Acres/	264 W Mariana Ave/Piney Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Sheltering Pines Mobile Home Village	120 Unique Cir/S Tamiami Trl	Three Oaks WRF	18521 Three Oaks Pkwy, 33967	6.0 MGD	7.4 MGD	Not feasible based on curent conditions.	N/A
Skyline Woods/River Manor/Overriver Shores/Tropic Shores Estates	75 Moody Rd/Skyline Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Suncoast Estates	1564 Suncoast Dr/Gish Ln	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
The Timbers	61 Penzance Blvd/Timberline Cir	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
The Willows	94 Willow Lake Cir/Plantation Rd	CFM - Fort Myers South AWWTP	1618 Matthew Dr, 33907	6.96 MGD	6.5 MGD	Not feasible based on curent conditions.	N/A
Timberbend	78 Bayshore Rd/Tallulah Rd	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Town and River Estates Subdivision	182 McGregor Blvd/N Town and River Dr	LCU - Fiesta Village WRF	1366 San Souci Dr, 33919	5.0 MGD	4.0 MGD	Not feasible based on curent conditions.	N/A
Town of Alva	98 Pearl St/Julia St	CFM - Fort Myers Central AWWTP	1501 Raleigh St, 33916	4.51 MGD	3.7 MGD	Not feasible based on curent conditions.	N/A
West Bayshore Road	182 E Mariana Ave/Ixora Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A
Yacht Club Colony	264 Winston Rd/N Westwood Dr	FGUA - Del Prado WWTF	4100 Del Prado Blvd N, 33917	4.8 MGD	4.17 MGD	Not feasible based on curent conditions.	N/A