

**CPA2010-19
RECREATION FACILITIES
STANDARDS UPDATE
BOCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

Lee County Board of County Commissioners
Sponsored Amendment and Staff Analysis

BoCC Adoption Document

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September 28, 2011

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2010-19**

Text Amendment

Map Amendment

This Document Contains the Following Reviews	
✓	Staff Review
✓	Local Planning Agency Review and Recommendation
✓	Board of County Commissioners Hearing for Transmittal
✓	Staff Response to Review Agencies' Comments
✓	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 13, 2011

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
LEE COUNTY PARKS & RECREATION, and the DIVISION OF PLANNING

2. REQUEST:

Amend provisions of the Parks, Recreation and Open Space and Capital Improvements Elements of the Lee Plan to adjust the levels of service for boat ramps, water access, and community recreation centers provided by Lee County.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners *adopt* the proposed amendment to the Parks, Recreation and Open Space Element and the Capital Improvement Element of the Lee Plan as shown below. Proposed text has been depicted in strikethrough and underline format as it relates to the existing provisions of the Lee Plan.

PARKS, RECREATION AND OPEN SPACE ELEMENT

OBJECTIVE 79.1: ~~Lee County will provide~~ The “non-regulatory” minimum acceptable level of service is one boat ramp lane, with adequate parking, per 12,500 35,000 people, based on seasonal population, of the entire county (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

Boat ramp lanes will include federal, state, county, municipal, and non-government boat ramp lanes that are open to the public and have adequate on-site parking.

No changes proposed to Policy 79.1.1 through Policy 82.1.1.

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and will develop and/or redevelop public at least 3 water accesses throughout Lee County per year (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

No changes proposed to Policy 82.2.1 through Policy 83.1.2.

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide four 250 square feet of eCommunity rRecreation eCenters of 25,000 square feet or more to provide for the need per 1,000 population of unincorporated Lee County residents (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

POLICY 83.2.1: Community recreation centers should be designed to accommodate active indoor recreation, physical improvement, and meeting places for the community, and including social, educational, and cultural activities.

No changes proposed to Objective 83.3 through Policy 95.1.2.

CAPITAL IMPROVEMENT ELEMENT

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional parks, and transportation. (It is the intent of this element that these standards will be the same as those established in the various relevant

plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards will not be a requirement for continued development permitting.

No changes proposed to numbers 1 through 7.

NON-REGULATORY STANDARDS

8. Recreation Facilities:

- a) Community Recreation Centers - 250 square feet per 1000 persons in four recreation centers of 25,000 square feet or more within unincorporated Lee County only.
- b) Boat Ramps - One boat ramp lane with adequate parking per 12,500 35,000 people, based on seasonal population (county wide).
- c) Water (Beach) Accesses - Retain current inventory, and develop or redevelop 3 existing water accesses throughout Lee County per year.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Board of County Commissioners initiated this plan amendment on September 28, 2010.
- The Statewide Comprehensive Outdoor Recreation Plan (SCORP) is the state's official document regarding outdoor recreation planning.
- The Level of Service standards used by the Lee County Parks & Recreation Department must be consistent with the Lee Plan.
- The proposed amendments to the Lee Plan are consistent with and based on the recommendations contained within the Statewide Comprehensive Outdoor Recreation Plan (SCORP), Outdoor Recreation in Florida.

C. BACKGROUND INFORMATION

Lee County Parks & Recreation Department has requested an amendment to the Lee Plan to update three non-regulatory Level of Service (LOS) standards. These include standards for boat ramp lanes, water (beach) access, and community recreation facilities. The purpose of the update is to align the standards found in the Lee Plan with the Statewide Comprehensive Outdoor Recreation Plan (SCORP). The purpose of the SCORP is to serve as an information resource and to provide a framework and planning tool to guide recreation providers to establish an integrated, sustainable, outdoor recreation system. The information the SCORP provides is based on state and national outdoor recreation trends and initiatives, and examines existing outdoor recreation programs. The SCORP analyzes outdoor recreation facility (supply) and resource needs (demand) and establishes goals and strategies that guide a statewide planning process.

Both federal and state legislative requirements lead to the creation of the Florida SCORP. The Florida statute also states that the SCORP will document recreational supply and demand, provide a description of current recreational opportunities, estimate the need for additional opportunities, and propose a solution for meeting future needs. The Florida SCORP was developed in conjunction with the Department of Environmental Protection and other state agencies that provide public access to state lands. The Florida SCORP is also consistent with the federal Land and Water Conservation Act of 1965 and is reviewed by the National Park Service. The purpose of the 1965 act is to make adequate levels of the nation's high quality lands and water resources available for public use. Because the Florida SCORP has passed review of the National Park Service, the state is eligible to participate in and receive funding from the Federal Land and Water Conservation Fund (LWCF).

Chapter 375.021 of the Florida Statutes specifically states that:

“The Department of Environmental Protection may contract with the Government of the United States, or any agency or instrumentality thereof; or with the state or any county, municipality, district authority, or political subdivision; or with any private corporation, partnership, association, or person providing for or relating to the development of outdoor recreation or conservation in accomplishing the purposes of this act.”

Aligning the Lee Plan standards with the Florida SCORP standards provides increased potential that the funding provided to the State of Florida through the LWCF or other “aid, grants or loans” will be redistributed to Lee County.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The proposed Lee Plan amendment will adjust three of Lee County's non-regulatory LOS standards so that they will more easily conform to the standards used by the Florida SCORP. The non-regulatory boat ramp lane standard is proposed to be amended to 12,500 persons served per lane, the maximum persons that can be accommodated by a boat ramp lane according to the Use Guidelines found in the Florida SCORP. The proposed amendment to the non-regulatory water (beach) access standard will provide Lee County greater flexibility when deciding how available funding will be best spent to meet the needs of Lee County residents and visitors. The proposed amendment to the non-regulatory community recreation facility standard will assure that community recreation facilities are distributed equitably based on Lee County Park Impact Fee Districts. This will assure that these facilities are accessible to all residents of un-incorporated Lee County. Each of the proposed amendments is discussed in greater detail below.

BOAT RAMP LANES

The Lee Plan contains an objective, Objective 79.1, that provides a non-regulatory minimum level of service for boat ramp lanes:

OBJECTIVE 79.1: Lee County will provide one boat ramp lane with adequate parking per 35,000 population of the entire county (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

The 2008 Florida Statewide Comprehensive Outdoor Recreation Plan (SCORP) finds that Florida’s coastline has tremendous potential for saltwater boating and boat fishing. Nearly 11 million Florida residents and tourists participated in saltwater boat fishing in 2007. Recreational boating access to Florida’s coastal waters is highly valued by boaters, fishermen, hunters and other sportsmen. Lee County further defines and clarifies the classification system used to determine the Non-Regulatory Minimum Level of Service (LOS) for boat ramps within Lee County. The current Non-Regulatory Minimum LOS for boat ramps is “one boat ramp lane with adequate parking per 35,000 population (county-wide)” as included in Lee Plan Policy 79.1 and Policy 95.1.3.

Lee County is proposing to update the non-regulatory boat ramp standard to align with the Florida SCORP maximum recommended population to be served for a boat ramp lane. The standard used by SCORP is 12,500 persons for every boat ramp lane. The SCORP has also provided that 108 people per day can utilize a boat ramp lane. The proposed amendments will also align the boat ramp Level of Service Standards with existing regional park LOS, so that both standards will be based on “total Lee County seasonal population”.

The amendment will also clarify that the non-regulatory minimum acceptable LOS for boat ramps may include both government and non-government boat ramp lanes. This will reduce duplication of services by Lee County were a non-government boat ramp that is open to the public is providing the same service. The inclusion of non-government boat ramp lanes recognizes the important contributions to the quality of life that non-government recreation facilities provide.

The proposed modification is as follows:

OBJECTIVE 79.1: ~~Lee County will provide~~ The “non-regulatory” minimum acceptable level of service is one boat ramp lane, with adequate parking, per 12,500 35,000 people, based on seasonal population, of the entire county (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

Boat ramp lanes will include federal, state, county, municipal, and non-government boat ramp lanes that are open to the public and have adequate on-site parking.

WATER ACCESS

Access to public waters may include boat ramps, canoe launches, docks, catwalks, beach access, and piers. The 2008 SCORP provided a list of recommended actions meant to protect water resources and improve public access to Florida’s public waters. Two of these

recommendations, identified below, include plan for access and identifying either existing or potential public access to Florida's waters. These recommendations include:

“Local governments should maximize the use of local comprehensive planning processes to increase public access to Florida’s waters by preserving recreational and commercial working waterfronts and identifying sites for public and private recreation.”

“Public recreation providers should identify water areas under their jurisdictions where inadequate recreational access exists or where existing water access can be improved, and give priority to making the needed improvements.”

Objective 82.2 currently states that “Lee County will retain the current inventory of water accesses and develop or redevelop at least 3 water accesses per year.” Lee County Parks & Recreation Staff finds that this creates a LOS standard that is arbitrary. The proposed amendment to Objective 82.2 will create a LOS standard that will continue to provide retention and protection of our existing water accesses, but not require an arbitrary goal for development or re-development on a reoccurring annual basis. The proposed amendment will allow Lee County to follow the Lee Plan, consider public input, and follow the recommendation of the SCORP by identifying area where inadequate recreational access exists. There are several provisions in the Parks, Recreation, and Open Space Element of the Lee Plan that address the use of public input for parks planning. These include Policy 76.1.3, Objective 76.3, Policy 76.3.1, and Policy 76.3.2.

There may be circumstances when the most efficient use of available funding does not include the development or redevelopment of three water access sites. The proposed LOS can help alleviate prohibitively expensive or unnecessary re-development or development of accesses each year in order to reach the “3 per year” requirement. This will allow Lee County to plan comprehensively to achieve the priorities of water access in Lee County based on public input, professional staff, and recommendations of the Florida SCORP.

Attached to this Staff Report is a map that identifies Lee County’s current water access, including beach and lake access. The proposed amendment to the non-regulatory standard will state that Lee County will maintain these facilities.

The proposed modification is as follows:

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and will develop ~~and/or~~ redevelop public at least 3 water accesses to achieve the goal of an equitable distribution of water accesses in Lee County per year (~~“non-regulatory” minimum acceptable level of service, see Policy 95.1.3~~).

COMMUNITY RECREATION FACILITIES

The existing LOS for community recreation facilities is established by Objective 83.2 and Policy 83.2.1 of the Lee Plan. This current level of service standard is calculated so that it could allow the level of service standard to be satisfied by one “mega facility” for the entire

unincorporated Lee County population, this does not reflect an equitable distribution or level of service for Lee County Community Recreation Centers. The existing LOS requirement does not reflect the need for varied and unique community facilities that provide access to all residents of Lee County. The proposed amendment to the Lee Plan would provide for greater flexibility in the amount of space required to serve un-incorporated Lee County and would add a requirement that the needs of unincorporated Lee County must be met with at least four community recreation centers within unincorporated Lee County.

The proposed language will allow Lee County to provide unique and special community center space to serve all residents of unincorporated Lee County. The proposed language will focus Lee County on enhancing the quality of life, connect people to recreation centers closer to their homes, and will reinforce the unique identity of our communities.

The proposed modifications are as follows:

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide four strategically located 250-square feet of eCommunity Recreation eCenters of 25,000 square feet or more to provide for the need per 1,000 population of unincorporated Lee County residents (~~"non-regulatory" minimum acceptable level of service, see Policy 95.1.3~~).

POLICY 83.2.1: Community recreation centers should be designed to accommodate active indoor recreation, physical improvement, and meeting places for the community, ~~and~~ including social, educational, and cultural activities.

CAPITAL IMPROVEMENT STANDARDS

The proposed amendment to Lee Plan Policy 95.1.3 will update the Non-Regulatory Standards for Boat Ramps, Community Recreation Centers, and Water (Beach) Access in the Recreation Facilities section of the Policy so that these standards remain consistent with the amendments proposed to Objective 79.1, Objective 82.2, Objective 83.2, and Policy 83.2.1 of the Lee Plan.

The proposed modifications are as follows:

POLICY 95.1.3: MINIMUM ACCEPTABLE LEVEL-OF SERVICE STANDARDS. Level-of-service (LOS) standards will be the basis for planning the provision of required public facilities within Lee County. Some of these standards will be the basis for determining the adequacy of public facilities for the purposes of permitting new development. The "Minimum Acceptable Level of Service" will be the basis for facility design, for setting impact fees, and (where applicable) for the operation of the Concurrency Management System (CMS).

Two classes of standards are established. "Regulatory" standards are those which apply to facilities identified in state law as being essential to support development. These consist of facilities for the provision of public schools, potable water, sanitary sewer, disposal of solid waste, stormwater management, community and regional

parks, and transportation. (It is the intent of this element that these standards will be the same as those established in the various relevant plan elements. If there are discrepancies between standards contained in the elements and standards as set forth herein, the standards as set forth herein will govern.) The second class, "non-regulatory" standards, are those which apply to other facilities for which the county desires to set standards for its own use; compliance with these standards will not be a requirement for continued development permitting.

No changes proposed to numbers 1 through 7.

NON-REGULATORY STANDARDS

8. Recreation Facilities:

- a) Community Recreation Centers - 250 square feet per 1000 persons in four strategically located recreation centers of 25,000 square feet or more within unincorporated Lee County only.
- b) Boat Ramps - One boat ramp lane with adequate parking per 12,500 35,000 people, based on seasonal population (county wide).
- c) Water (Beach) Accesses - Retain current inventory, and develop or redevelop 3 existing water accesses to provide an equitable distribution of water access in Lee County per year.

B. STAFF RECOMMENDATION

County staff recommends that the Board of County Commissioners **transmit** the proposed amendments to Objective 79.1, Objective 82.2, Objective 83.2, Policy 83.2.1, and Policy 95.1.3 to amend the Non-Regulatory Level of Service Standards for boat ramps, water access, and community recreation standards.

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

DATE OF PUBLIC HEARING: May 23, 2011

A. LOCAL PLANNING AGENCY REVIEW

Staff provided a brief summary of the proposed Lee Plan amendment and staff recommendation. One member of the LPA asked for clarification concerning the proposed amendment to the Boat Ramp standard, Objective 79.1, and what would happen if these standards were not met. Lee County Parks and Recreation staff stated that the standards were currently not being met, but also pointed out that these were non-regulatory standards. Staff also pointed out the benefits of recognizing non-governmental boat ramp lanes that are open to the public. One member of the LPA commented that the proposed Lee Plan amendment seems to be about increasing the opportunities to receive state and federal monies by making the standards consistent with state standards. Staff agreed with this assessment.

One member of the LPA requested removing “equitable” from the proposed amendments to Objective 82.2 of the Lee Plan because it could be difficult to interpret. Staff agrees with the LPA recommended modification. Objective 82.2 will therefore be amended as follows:

OBJECTIVE 82.2: WATER ACCESS STANDARD-DEVELOPMENT. Lee County will retain the current inventory of water accesses and will develop and/or redevelop public at least 3 water accesses throughout to achieve the goal of an equitable distribution of water accesses in Lee County per year (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

One member of the LPA requested removing “strategically” from the proposed amendments to Objective 83.2 of the Lee Plan because it could also be difficult to interpret. Staff agreed with the LPA recommended modification. Objective 83.2 will therefore be amended as follows:

OBJECTIVE 83.2: COMMUNITY RECREATION CENTER STANDARD. Lee County will provide four strategically located 250 square feet of eCommunity eRecreation eCenters of 25,000 square feet or more to provide for the need per 1,000 population of unincorporated Lee County residents (“non-regulatory” minimum acceptable level of service, see Policy 95.1.3).

The changes recommended by the LPA also require that Policy 95.1.3 be modified to remain consistent the Objective 82.2 and Objective 83.2. Staff agrees with the LPA

recommended modification to Policy 95.1.3 of the Lee Plan. The LPA recommends that Policy 95.1.3 is modified as follows:

NON-REGULATORY STANDARDS

8. Recreation Facilities:

- a) Community Recreation Centers - ~~250 square feet per 1000 persons in four strategically located~~ recreation centers of 25,000 square feet or more within unincorporated Lee County only.
- b) Boat Ramps - One boat ramp lane with adequate parking per 12,500 35,000 people, based on seasonal population (county wide).
- c) Water (Beach) Accesses - Retain current inventory, and develop or redevelop 3 existing water accesses throughout to provide an equitable distribution of water access in Lee County per year.

No members of the public appeared to address the LPA concerning the proposed Lee Plan amendment.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The LPA recommends that the Lee County Board of County Commissioners *transmit* the proposed Lee Plan amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the basis and recommended findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
CINDY BUTLER	<u>AYE</u>
JIM GREEN	<u>AYE</u>
MITCH HUTCHCRAFT	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACK MEEKER	<u>AYE</u>
CAROL E. NEWCOMB-JONES	<u>ABSENT</u>

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

DATE OF TRANSMITTAL HEARING: June 13th, 2011

A. BOARD REVIEW:

The proposed amendment was heard as part of the consent agenda. The Board of Commissioners provided no comment concerning the amendment. No member of the public appeared or provided comment concerning the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board voted to *transmit* the proposed amendment as part of the Consent Agenda.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW	<u> AYE </u>
TAMMARA HALL	<u> AYE </u>
RAY JUDAH	<u> AYE </u>
FRANK MANN	<u> AYE </u>
JOHN MANNING	<u> AYE </u>

**PART V – REVIEWING AGENCIES’ OBJECTIONS,
RECOMMENDATIONS, AND COMMENTS**

DATE OF DCA COMMENTS: July 29th, 2011

A. COMMENTS FROM REVIEWING AGENCIES:

No reviewing agency provided comments concerning the proposed amendment that need to be addressed.

B. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt the proposed amendment as transmitted.

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

DATE OF ADOPTION HEARING: September 28th, 2011

A. BOARD REVIEW:

The proposed amendment was heard as part of the consent agenda. The Board of Commissioners provided no comment concerning the amendment. No member of the public appeared or provided comments concerning the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board voted to *adopt* the proposed amendment as part of the Consent Agenda.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW	<u> AYE </u>
TAMMARA HALL	<u> AYE </u>
RAY JUDAH	<u> AYE </u>
FRANK MANN	<u> AYE </u>
JOHN MANNING	<u> AYE </u>