

**2001/2002 REGULAR LEE PLAN AMENDMENTS
TRANSMITTAL HEARING**



Commission Chambers, 2120 Main Street
September 4, 2002
9:30 A.M.
AGENDA

1. **Call to order; Certification of Affidavit of Publication**
2. **Proposed Community Plans**
 - A. **CPA 2001-09**

Amend the Future Land Use Element text of the Lee Plan to incorporate the recommendations of the Bayshore Steering Committee, establishing a Vision Statement, Goal and subsequent Objectives and Policies specific to the Bayshore Community.
 - B. **CPA 2001-10**

Amend the Lee Plan to incorporate the recommendations of the Captiva Island Community Planning effort, establishing a Goal and subsequent Objectives and Policies specific to the Captiva Island community.
3. **Public Comment on Consent Agenda**
4. **Consent Items to be Pulled**
5. **Lee Plan Amendments Transmittal Consent Agenda**
 - A. **CPA 2001-22**

Amend the Future Land Use Map Series, Map 12, the Water Dependent Overlay (WDO) Zones, by evaluating and updating the status of the overlay areas and the Goals, Objectives, and Policies that pertain to the WDO.
 - B. **CPA 2001-23**

Evaluate and amend the Future Land Use Map series, Map 20, the Agricultural Overlay and Goal 9, Agricultural Land Uses, and its subsequent objectives and policies.
 - C. **CPA 2001-24**

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.
 - D. **CPA 2001-28**

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.
 - E. **CPA 2001-31**

Amend Policy 80.1.7 of the Conservation and Coastal Management Element by updating the policy to reflect a new percentage for replacement values and revising

the target date when development regulations will require implementation of this policy.

F. CPA 2001-33

Amend the Build Back Policy of the Procedures and Administration Element by replacing references to the term “cost” with the term “value.”

G. CPA 2001-35

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.

6. Lee Plan Amendments Transmittal Administrative Agenda

A. CPA 2001-15

Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.

B. CPA 2001-27

Amend Community Facilities and Services Element, Goal 40: Coordinated Surface Water Management and Land Use Planning on a Watershed Basis to add a new Objective and Policy regarding incorporation of green infrastructure into the surface water management systems of proposed developments, and provide definitions for green infrastructure and flow-way in the Glossary.

**CPA2001-35
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Transmittal Document
for the
September 4th, 2002 Public Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(941) 479-8585*

August 16, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2001-35**

Text Amendment

Map Amendment

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

STAFF REPORT PREPARATION DATE: March 18, 2002

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT:

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

2. REQUEST:

Review all elements of the Lee Plan, and replace, where applicable, references to the Lee County Regional Water Supply Authority with Lee County Utilities or the Division of Natural Resources in conjunction with the County taking over the responsibilities of the Water Supply Authority.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The recommended language changes are shown below:

POLICY 16.4.1: All applications and documentation for the planned development rezoning process must be submitted to the Lee County Division of Natural Resources for their formal review and comment. The Division of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the Planned Development. Applicant modeling efforts must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County ~~Water~~

~~Supply Authority Utilities Division~~. Issues of well locations, easements and wastewater re-use must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County ~~Regional Water Supply Authority Utilities Division~~ during the Planned Development process. Formal agreements addressing these issues will be entered into prior to the issuance of a Development Order. Co-location of recreational and public facilities is encouraged.

POLICY 16.4.5: Any "Private Recreational Facility" located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Division of Natural Resources and the Lee County ~~Regional Water Supply Authority Utilities Division~~.

OBJECTIVE 33.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities ~~or the Lee County Regional Water Supply Authority~~, or indirectly through franchised utility companies.

~~**POLICY 35.1.1:** Lee County will continue to support and participate in the Regional Water Supply Authority which consists of the Lee County Board of County Commissioners and the City Councils of Fort Myers and Cape Coral and may include other municipalities in the future.~~

~~**POLICY 35.1.2:** The Lee County Regional Water Supply Authority Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with ~~all member governments~~ other government agencies in the development of comprehensive plans as they relate to wellfield protection, aquifer recharge, water supply, and related capital facilities.~~

~~**POLICY 35.1.3:** The Lee County Regional Water Supply Authority Lee County Division of Natural Resources in conjunction with Lee County Utilities will perform groundwater modeling and analysis for new development, as needed ~~as requested by the member governments~~, to assess the potential impact on the water resources of ~~member governments Lee County~~. The analysis will focus on the following issues:~~

- Adequacy of water supply, including groundwater level draw-down
- Avoidance of adverse impacts on natural systems from water supply withdrawals.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Lee County Regional Water Supply Authority is referenced in several instances throughout the Lee Plan with regard to their role in water resource issues.
- The Lee County Regional Water Supply Authority was officially dissolved as of June 30, 2001.
- Most of the functions of the Lee County Regional Water Supply Authority have been taken over by Lee County Utilities and Lee County Division of Natural Resources.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 25, 2001. The Lee County Regional Water Supply Authority was formed through an Interlocal Agreement established in 1990 between the Cities of Cape Coral, Fort Myers, Sanibel, and the Lee County Board of County Commissioners. The City of Sanibel later withdrew from The Authority. This cooperative agreement charged The Authority with ensuring an adequate and economical supply of water for the residents of Lee County through and beyond the year 2030. The Lee Plan currently recognizes the Authority for its role in meeting the water supply needs of the County, and refers to it in several objectives and policies. The Authority was eliminated on June 30, 2001, but the references to it still remain in the Lee Plan. Lee County Utilities Division and the Division of Natural Resources have taken over most of the former functions of the Water Supply Authority. This plan amendment is intended to eliminate the references to the Lee County Regional Water Supply Authority, and where applicable, replace those references with Lee County Utilities or Lee County Division of Natural Resources.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The Lee County Regional Water Supply Authority was a non-regulatory agency that was intended to supply a service to its members by providing cost effective funding, management, operations, ownership and partnership in water supply facilities. The Authority provided studies and administrative services including water conservation programs, water demand evaluations, wellfield protection, permitting assistance, and groundwater modeling. The Authority was also instrumental in the development and implementation of the Water Supply Master Plan, which addressed water supply needs on a regional level. The Authority also served to minimize individual utility conflicts. Once Lee County Utilities bought most of the individual utility companies, however, this reduced the need for an overall water authority, as there were fewer individual utility conflicts. The role of The Authority was reduced to mainly water supply master planning and obtaining grants for utility projects. The Authority was dissolved because Lee County and the individual member governments each had adequate staff and resources to provide their own water supply master planning services. It was decided that it was more economical for Lee County and the other member governments to conduct water supply planning services in-house rather than paying a separate entity to do what the County was already capable of doing. The Authority was eliminated on June 30, 2001.

Staff reviewed all elements of the Lee Plan, and found one objective and five policies where the Lee County Regional Water Supply Authority is referenced. Each reference to The Authority is discussed below.

Policy 16.4.1 and Policy 16.4.5 outline the role of The Authority in the review of rezoning applications for Private Recreational Facilities in the Density Reduction/Groundwater Resource (DR/GR) areas of the County. These policies charged The Authority with reviewing and evaluating groundwater modeling efforts, proposed well locations, and wastewater reuse options in conjunction with golf course developments. The Lee County Natural Resources Division shared these responsibilities with The Authority. Lee County Utilities has since taken an active role in the review of DR/GR golf courses with regard to water supply and the protection of water resources. Staff has recommended replacing the references to The Authority in Policy 16.4.1 and Policy 16.4.5 with references to Lee County Utilities.

Objective 33.1 generally states that The Authority, along with Lee County, will have a role in ensuring the direct provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated County. Due to the elimination of the Authority, it is no longer a direct potable water service provider, and can no longer be referenced in Objective 33.1. Staff has recommended the deletion of this reference.

Policy 35.1.1 states that Lee County will support and participate in the Lee County Regional Water Supply Authority. Staff recommends the deletion of this Policy in its entirety, as it is no longer applicable.

Policy 35.1.2 states that the Lee County Regional Water Supply Authority will plan and coordinate with member governments in the development of comprehensive plans as they relate to wellfield protection, aquifer recharge, water supply, and related capital facilities. Lee County Utilities and Natural Resources are now the primary agencies responsible for wellfield protection, aquifer recharge, water supply, and related capital facilities. These County departments also have the resources available to coordinate with and share information with local governments on these issues. Staff recommends that instead of deleting Policy 35.1.2, that it be modified to encourage coordination between Lee County and its local governments on water resource issues.

Policy 35.1.3 charged The Lee County Regional Water Supply Authority with performing groundwater modeling and analysis for new development, as requested by the member governments, to assess the potential impact on the water resources of its members. Lee County Utilities and Natural Resources are currently involved in reviewing many new developments where protection of water resources may be an issue. When necessary, the County performs analysis based on existing groundwater models in order to assess the potential impact on the County's water resources. Staff has recommended rewording Policy 35.1.3 to eliminate the reference to The Authority, and to state that the County will perform the review of new development, and assess potential water resource impacts based on groundwater modeling efforts.

B. CONCLUSIONS

Due to the elimination of the Lee County Regional Water Supply Authority, any references to this entity should be removed from the Lee Plan. Lee County Utilities and Natural Resources have already taken over most of the responsibilities of The Authority, which should be reflected in the Lee Plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed amendment. The proposed changes are shown in strikeout/underline format below.

POLICY 16.4.1: All applications and documentation for the planned development rezoning process must be submitted to the Lee County Division of Natural Resources for their formal review and comment. The Division of Natural Resources Director must make a formal finding that the proposed uses will not have negative impacts on present and future water quality and quantity, and will review and approve modeling submitted to support the Planned Development. Applicant modeling efforts must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County ~~Water Supply Authority~~ Utilities Division. Issues of well locations, easements and wastewater re-use must be evaluated and approved by the Lee County Division of Natural Resources and the Lee County ~~Regional Water Supply Authority~~ Utilities Division during the Planned Development process. Formal

agreements addressing these issues will be entered into prior to the issuance of a Development Order. Co-location of recreational and public facilities is encouraged.

POLICY 16.4.5: Any "Private Recreational Facility" located in any wellfield protection zone must meet the requirements/criteria for protection zone 1, unless updated modeling is provided by the applicant and is approved by Lee County Division of Natural Resources and the Lee County Regional Water Supply Authority Utilities Division.

OBJECTIVE 33.1: The County will ensure the provision of acceptable levels of potable water service throughout the future urban areas of the unincorporated county, either directly by Lee County Utilities or the Lee County Regional Water Supply Authority, or indirectly through franchised utility companies.

POLICY 35.1.1: Lee County will continue to support and participate in the Regional Water Supply Authority which consists of the Lee County Board of County Commissioners and the City Councils of Fort Myers and Cape Coral and may include other municipalities in the future.

POLICY 35.1.2: The Lee County Regional Water Supply Authority Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with ~~all member governments~~ other government agencies in the development of comprehensive plans as they relate to wellfield protection, aquifer recharge, water supply, and related capital facilities.

POLICY 35.1.3: The Lee County Regional Water Supply Authority Lee County Division of Natural Resources in conjunction with Lee County Utilities will perform groundwater modeling and analysis for new development, as needed ~~as requested by the member governments~~, to assess the potential impact on the water resources of ~~member governments~~ Lee County. The analysis will focus on the following issues:

- Adequacy of water supply, including groundwater level draw-down
- Avoidance of adverse impacts on natural systems from water supply withdrawals.

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

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

Planning staff provided a brief presentation concerning the proposed amendment. Staff stated that the Lee County Regional Water Supply was officially eliminated on June 30, 2001, but the Lee Plan still contains several references to the "Authority" as shown in the staff report. The Divisions of Utilities and Natural Resources have assumed most of the former responsibilities of the Authority, therefore staff is recommending language that reflects this change.

One LPA member referred to Policy 16.4.1 and noted that although there were references to the Division of Natural Resources Director, there were no references to the Utilities Director. Staff responded that the language was written this way because an actual approval is needed from the Director of Natural Resources. This same LPA member also referred to Policy 35.1.2 where it mentions "other local government agencies." This member asked if this also included regional and state agencies that are responsible for water resource issues. Staff responded that it would include any local and state agencies that are responsible for water issues. One LPA member suggested removing the word "local" from the policy. Staff has incorporated this suggestion in the recommendation:

POLICY 35.1.2: The Lee County Regional Water Supply Authority Lee County Utilities and Lee County Division of Natural Resources will plan and coordinate with all member governments other local government agencies in the development of comprehensive plans as they relate to wellfield protection, aquifer recharge, water supply, and related capital facilities.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The Local Planning Agency recommends that the Board of County Commissioners transmit this amendment to the DCA.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** As contained in the staff report.

C. VOTE:

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

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

DATE OF TRANSMITTAL HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

ANDREW COY

BOB JANES

RAY JUDAH

DOUG ST. CERNY

