



PLANNING DIVISION

M E M O R A N D U M



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners

from: Paul O'Connor, AICP, Director, Division of Planning
POC

subject: Lee County's 2001/2002 Regular Comprehensive Plan Amendment Cycle

date: December 23, 2002

Attached are the agenda and staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 9th, 2003. This is an adoption hearing for the 2001/2002 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 19, 2002. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 22, 2002. The DCA did not pose any objections or recommendations to any of the 15 transmitted amendments. The DCA did provide one comment regarding CPA2001-10, the Captiva Island Community Planning Effort. The comment points out that proposed Policy 21.9, which states that "mangroves on Captiva Island should be protected," is vague and should be revised to establish guidelines on how they should be protected. Per the DCA's comment, staff is proposing modified language in order to satisfy the Captiva residents desire to further protect mangroves on the island.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. The next revised amendment is CPA2001-12, which adds a specific access management plan to Policy 1.3.8 for Alico Road in the vicinity of the I-75 interchange, and adds the maps of the specific access management plans to the Future Land Use Map series. Since the time of transmittal, the connection between Three Oaks Parkway and Oriole Road has been revised and has been coordinated with the adjacent property owners.

CPA2001-28, which amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program, has also been revised to reflect the latest tables approved by the Board at the budget meetings. The changes to the tables occurred after the plan amendment transmittal hearings and are updated in the attached staff report..

The final amendment that is being modified since the transmittal hearing is CPA2001-27. This amendment adds a new Objective and Policy to the Community Facilities and Services Element of the Lee Plan regarding the incorporation of green infrastructure into the surface water management systems of proposed developments as well as providing definitions for green infrastructure and flow-way in the Glossary. Since transmittal, staff has been meeting with the public and state agencies on issues raised at the Transmittal hearing. Staff has revised the proposed language in the attached staff report as a result of those meetings. The revisions to the subject amendment were sent to the DCA for review on November 8, 2002 prior to the issuance of the ORC Report.

Other than these 3 amendments that will require modifications as noted above, the remaining documents were simply updated to reflect that there were no objections, recommendations, or comments by the DCA.

If you have any questions regarding the adoption hearing, do not hesitate to call me at 479-8309.

cc: *Donald Stilwell, County Administrator*
Mary Gibbs, Director, Department of Community Development
Minutes
Lee Cares
Tim Jones, Assistant County Attorney
Donna Marie Collins, Assistant County Attorney
Janet Watermeier, Director, Economic Development
Dave Loveland, DOT
Diana Parker, County Hearing Examiner
Wayne Daltry, Smart Growth Director

**January 9, 2003
9:30 A.M.
AGENDA**

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Community Plan Agenda**
- 3. Public Comment on Consent Agenda**
- 4. Consent Agenda:**
 - **Items to be pulled for discussion by the Board**
 - **Motion to approve the balance of items**
 - **Consideration of items pulled for discussion**
- 5. Adopt the following ordinance which adopts the consent agenda items:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- 6. Administrative Agenda**
- 7. Adjourn**

COMMUNITY PLAN AGENDA

A. 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.

B. Adopt the following ordinance which adopts CPA 2001-10:

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 AMENDMENT CPA2001-10 (PERTAINING TO THE CAPTIVA ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

C. 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.

D. Adopt the following ordinance which adopts CPA 2001-09:

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 AMENDMENT CPA2001-09 (PERTAINING TO THE BAYSHORE COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA2001-18

Amend the Future Land Use Element of the Lee Plan, text and Future Land Use Map series to incorporate the recommendations of the Greater Pine Island Community Planning effort, establish a new Vision Statement, establish a revised Goal 14, amend subsequent Policies specific to Greater Pine Island, amend Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future

land use category and amend the Future Land Use Map series to reclassify from "Outlying Suburban" to "Coastal Rural" 157 acres of agricultural land between Bokeelia and September Estates and to reclassify all "Rural" designated land to "Coastal Rural."

F. Adopt the following ordinance which adopts CPA2001-18:

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 AMENDMENT CPA2001-18 (PERTAINING TO THE GREATER PINE ISLAND COMMUNITY PLAN) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND FUTURE LAND USE MAP; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

CONSENT AGENDA

- A. CPA 2001-11**
Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.
- B. CPA 2001-15**
Amend the Future Land Use Map series, Map 1, by updating the Conservation Lands land use categories.
- C. 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.
- D. 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.
- E. CPA 2001-24**
Update Table 2(b), Recommended Operational Improvements on Constrained Roads.
- F. 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.
- G. CPA 2001-32**
Amend the Intergovernmental Coordination Element and the Community Facilities Element to bring the elements into compliance with the provisions of F.S. Chapter 163.3177
- H. 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.”
- I. 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.

ADMINISTRATIVE AGENDA

A. CPA 2001-12

Modify Policy 1.3.8 to create specific access management plans for Alico Road, Bonita Beach Road, and Lockett Road in the vicinity of I-75 (follow-up to PAT 99-27). In addition, include access management maps in the Future Land Use Map series.

B. Adopt the following ordinance which adopts CPA 2001-12:

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 AMENDMENT CPA2001-12 (PERTAINING TO THE CREATION OF SPECIFIC ACCESS MANAGEMENT PLANS FOR ALICO ROAD, BONITA BEACH ROAD, AND LUCKETT ROAD IN THE VICINITY OF I-75 AND TO INCLUDE ACCESS MANAGEMENT MAPS IN THE FUTURE LAND USE MAP SERIES) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND ACCESS MANAGEMENT MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

C. 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.

D. Adopt the following ordinance which adopts CPA 2001-27:

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 AMENDMENT CPA2001-27 (PERTAINING TO THE ADDITION OF A NEW OBJECTIVE AND POLICY UNDER GOAL 40 REGARDING THE INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEMS OF PROPOSED DEVELOPMENTS AND TO THE ADDITION OF TWO DEFINITIONS TO THE GLOSSARY FOR "GREEN INFRASTRUCTURE" AND "FLOW-WAY") APPROVED DURING THE COUNTY'S 2001/2002 REGULAR

COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA 2001-28

Amend the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program.

F. Adopt the following ordinance which adopts CPA 2001-28:

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 AMENDMENT CPA2001-28 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

LEE COUNTY ORDINANCE NO. 03- _____
(Consent Ordinance)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2001/2002 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan (hereinafter referred to as the "Lee Plan") Policy 2.4.1 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; and,

WHEREAS, the Lee County Board of County Commissioners, 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 public hearings pursuant to Chapter 163, Part II, Florida Statutes, and the Lee County Administrative Code on March 25, April 22, July 22, and August 26, 2002; and,

WHEREAS, the Board of County Commissioners, pursuant to Florida Statutes and the Lee County Administrative Code held a public hearing for the transmittal of the proposed amendments on September 4 and 5, 2002. At those hearings the Board approved a motion to send, and did later send, the proposed amendment to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the transmittal hearings on September 4 and 5, 2002, the Board

announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on November 22, 2002; and,

WHEREAS, the Board moved to adopt the proposed amendments to the Lee Plan set forth herein during its statutorily prescribed public hearing for the plan amendments on January 9, 2003.

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 a series of public hearings to consider proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the certain amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as amended, will continued to be the "Lee Plan." **This ordinance may be referred to as the "2001/2002 Regular Comprehensive Plan Amendment Cycle Consent Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2000/2001 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE (Consent Agenda Items)

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting amendments, as revised by the Board of County Commissioners on January 9, 2003, known as: CPA2001-11, CPA2001-15, CPA2001-22, CPA2001-23, CPA2001-24, CPA2001-31, CPA2001-32, CPA2001-33, and CPA2001-35. The aforementioned amendments amend the text of the

Lee Plan including the Future Land Use Map series, the Transportation Map series, and the tables of the Lee Plan. A brief summary of the content of those amendments is set forth below:

CPA 2001-11

Amend the Future Land Use Element, Policy 1.2.2, the Airport Commerce descriptor policy, to broaden the allowable uses and to establish relationships and criteria for those uses.

CPA 2001-15

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

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.

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.

CPA 2001-24

Update Table 2(b), Recommended Operational Improvements on Constrained Roads.

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.

CPA 2001-32

Amend the Intergovernmental Coordination Element and the Community Facilities Element

to bring the elements into compliance with the provisions of F.S. Chapter 163.3177

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.”

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.

The corresponding Staff Reports and Analysis, along with all attachments for these amendments are adopted as “Support Documentation” for the Lee Plan.

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: 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 FIVE: 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 of County Commissioners that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: 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 or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. 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. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____, and, when

put to a vote, the vote was as follows:

Robert P. Janes

Douglas St. Cerny

Ray Judah

Andrew Coy

John Albion

DONE AND ADOPTED this 9th day of January 2003.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Chairman

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
For January 9, 2003
Adoption Hearing

*Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585*

November 22, 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: September 4, 2002

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

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff and the LPA.

C. VOTE:

JOHN ALBION

AYE

ANDREW COY

ABSENT

BOB JANES

AYE

RAY JUDAH

AYE

DOUG ST. CERNY

AYE

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

DATE OF ORC REPORT: November 22, 2002

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The Florida Department of Community Affairs had no objections, recommendations, or comments concerning this amendment.

B. STAFF RESPONSE

Adopt the amendment as transmitted.

**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
