



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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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

January 9, 2003

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

☒

Text Amendment

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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	<hr/> AYE <hr/>
ANDREW COY	<hr/> ABSENT <hr/>
BOB JANES	<hr/> AYE <hr/>
RAY JUDAH	<hr/> AYE <hr/>
DOUG ST. CERNY	<hr/> AYE <hr/>

**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: January 9, 2003

A. BOARD REVIEW: The Board provided no discussion on this amendment. This item was approved on the consent agenda.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board voted to adopt the amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

C. VOTE:

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

**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**

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Text Amendment

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Map Amendment

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✓	Staff Review
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STAFF REPORT PREPARATION DATE: March 18, 2002

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A. SUMMARY OF APPLICATION

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2. REQUEST:

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

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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.

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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.

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B. CONCLUSIONS

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C. STAFF RECOMMENDATION

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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.

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- 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	<hr/> AYE <hr/>
ANDREW COY	<hr/> ABSENT <hr/>
BOB JANES	<hr/> AYE <hr/>
RAY JUDAH	<hr/> AYE <hr/>
DOUG ST. CERNY	<hr/> AYE <hr/>

**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

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STAFF REPORT PREPARATION DATE: March 18, 2002

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

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

DATE OF ORC REPORT: _____

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

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

DATE OF ADOPTION HEARING: _____

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

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

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

**LPA Public Hearing Document
for the
March 25th, 2002 Public Hearing**

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

March 18, 2002

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-11**

☒

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~~

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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.

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- 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.

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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

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

DATE OF PUBLIC HEARING: March 25, 2002

A. LOCAL PLANNING AGENCY REVIEW

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

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

MATT BIXLER

SUSAN BROOKMAN

RONALD INGE

GORDON REIGELMAN

ROBERT SHELDON

GREG STUART

**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:

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JOHN ALBION

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**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:
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STAFF REPORT PREPARATION DATE: March 18, 2002

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- 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

From: Roland Ottolini
To: Chumley, Benjamin
Date: 3/11/02 9:16AM
Subject: Re: Lee Plan Amendment

looks good to me, I would also run it by Rick Diaz, Ivan Velez, and Howard Wegis

Roland Ottolini
Division Director, Natural Resources
ottolire@leegov.com
phone: (941) 479-8127
fax: (941) 479-8108

>>> Benjamin Chumley 03/11/02 09:10AM >>>

Roland, we are working on an amendment to the Lee Plan to remove all references to the Regional Water Supply Authority, and replace those references with either Lee County Natural Resources or Lee County Utilities.

I wanted to run it by you before we go forward, so could you take a look at the attached language changes and let me know if you have any comments or concerns. Thanks.

Ben Chumley
Planner - Lee County Department of Community Development
chumlebd@leegov.com
Phone: 941-479-8365
FAX: 941-479-8319

APRIL 25, 2001

A meeting of the Lee County Regional Water Supply Authority (LCRWSA) was held this date with the following Members present:

Commissioner Ray Judah, Chairman
Mr. Emmette P. Waite, Jr., City of Fort Myers

ALL BACKUP MATERIAL IS ON FILE IN THE MINUTES OFFICE.

1. CALL TO ORDER

The Chairman called the meeting to order at 1:30 p.m.

2. APPROVAL OF MINUTES FOR THE FOLLOWING BOARD MEETINGS:

March 1, 2001 Board of Directors Meeting
June 16, 1999 Workshop Meeting
July 19, 2000 Preliminary Budget Hearing
August 24, 2000 Final Budget Meeting

Mr. Waite moved to approve, seconded by Commissioner Judah, called and carried.

3. PUBLIC COMMENT

No one came forward to offer comment.

4. OLD BUSINESS

There were no Old Business items to discuss.

5. NEW BUSINESS

(1) Update on Agreement for Auditing Services from Markham Norton Stroemer & Company, PA (MNS)

Interim Executive Director Roland Ottolini reported that an agreement has been reached which represents a compromise between the normal County contract form and the letter agreement format commonly used by MNS; and noted that the audit process will begin on May 7. Authority Counsel Edward de la Parte Jr., of the law firm of de la Parte and Gilbert, explained that the work will include the financial audit for 2000 and the concluding audit necessary for dissolution of the Authority. He added that, when the costs reach 70% of the cap amounts, no further work will be done without authorization from Mr. Ottolini. After pointing out that some money will be saved because County Budget Services staff will be assisting the auditors, Mr. Ottolini requested Board authorization for MNS to conduct the audit. Mr. Waite so moved, seconded by Commissioner Judah, called and carried.

(2) Discussions concerning dissolution of the Authority and timing

Assistant County Attorney David M. Owen explained that direction is needed from the Board regarding the final date of business for the Authority; proposed that June 30, 2001 be established as the final day; and described the necessary actions by this Board, the Board of County Commissioners, and the Fort Myers City Council between now and that date. Attorney Owen requested that the Authority Board direct both Authority Counsel and County's Counsel to prepare the required documents for the final Authority meeting. Mr. Waite so moved, seconded by Commissioner Judah. In response to Mr. Waite's inquiry, Attorney Owen explained that an ordinance amendment and a resolution by the Authority would be required, as well as documents from the County and the City of Fort Myers. After Attorney Owen noted that there should be meetings in both May and June, the motion was called and carried.

(3) Update on response to Internal Audit

Authority Counsel Edward de la Parte Jr., of the law firm of de la Parte and Gilbert, reviewed the contents of a letter dated April 24, 2001 regarding Counsel's qualified opinion that most of the expenditures questioned in the Clerk of Courts' review were legitimate Authority expenses. In response to Commissioner Judah's questions, Attorney de la Parte explained the rationale behind the opinion; noted that auditors may use different criteria to define legitimate expenses; and asserted that receipt of a check from former LCRWSA Director Samy Faried would close out the matter. Commissioner Judah emphasized that there was simply a problem in verifying some reported expenses, and that there is no admission of wrongdoing. Assistant County Attorney David M. Owen concurred with Attorney de la Parte's analysis of the situation; pointed out that this is a common problem for anyone who submits expense reports; and emphasized that the report of the Clerk of Courts was a preliminary review, not a full audit. After Attorney Owen suggested that the Board should respectfully request that Mr. Faried settle this account, there was brief general discussion regarding the need to "close the loop" with the Clerk of Courts by forwarding a copy of Attorney de la Parte's letter. Mr. Faried itemized and explained the four items included in the remaining questioned amount: \$219.00 in "unfound bills", \$95.51 for staff lunches during intensive work on grant applications, \$46.83 for car repair on a return trip from Tallahassee, and \$50.00 for AAA Road Service membership. He then presented a check in the amount of \$411.72 to Attorney de la Parte. After requesting that Attorney de la Parte convey both the legal opinion and Mr. Faried's response to Clerk of Circuit Courts Charlie Green, the Chairman called for a motion to support Attorney de la Parte's assessment of the Clerk of Court review and the appropriate response to settle the situation with Mr. Faried. Mr. Waite so moved, seconded by Commissioner Judah. In response to Commissioner Judah's question, the Minutes Clerk indicated that copies of the Minutes and of the tape will be available if anyone wishes to review the record. The motion was called and carried.

(4) State Appropriation Requests

Authority Counsel Edward de la Parte Jr., of the law firm of de la Parte and Gilbert, reported that both the House and Senate appropriated funds for Authority projects; that the House budgeted \$1 million for the Gator Slough Watershed Management Project and \$500,000.00 for the City of Fort Myers Reclaimed Water System Expansion; and that the Senate budgeted \$1.6 million for the Gator Slough Project. Attorney de la Parte added that the Conference Committee will be working out the budget differences, and that either or both of the projects could possibly be cut. He pointed out that two draft letters have been prepared - one to Senator Burt Saunders and one to Representative Bruce Kyle - thanking them for their support for these projects and requesting their continued support. He then asked the Board to authorize the retyping of the letters on Authority letterhead to send to the two legislators. The Chairman requested that Interim Executive Director Roland Ottolini prepare the necessary letters and called for a motion to support Counsel's recommendation. Mr. Waite so moved, seconded by Commissioner Judah, called and carried. Attorney de la Parte noted that, at the March 1, 2000 Authority meeting, the Board formally voted to have the lobbyists of each member government take over lobbying efforts for the appropriation process from his law firm. He further noted that, during subsequent discussions with Board members and with Mr. Ottolini, it was agreed that his firm should continue with lobbying efforts until the end of this legislative session. He then requested that the Board confirm authorization for his firm to represent the Authority for the period from March 1 to the present; and to continue representation until the end of this session, any extended session, or any special session. Mr. Waite so moved, seconded by Commissioner Judah, called and carried. Responding to Commissioner Judah's questions, Attorney de la Parte stated that Attorney Charles Fletcher of his office had identified Representative Kyle as the House member to be contacted in this matter; and recommended that only the two letters be sent in lieu of letters to all members of the Legislative Delegation.

(5) Disposal of Surplus Property

Interim Executive Director Roland Ottolini explained that, at this time, there is equipment and furniture in the Authority office that is not being used; and requested Board approval of the resolution to authorize a complete inventory of Authority property. Authority Counsel Edward de la Parte Jr., of the law firm of de la Parte and Gilbert, further explained that an inventory of tangible personal property is required before any decision can be made regarding disposal. He added that the property should be made available first to the member governments, and that Board action would be necessary to declare any remaining property as surplus and authorize its sale or disposal. Mr. Waite moved to adopt the proposed resolution, seconded by Commissioner Judah, called and carried. RESOLUTION NO. 2001?01

(6) ING/Aetna Annuity Policy for former Executive Director Samy Faried

Assistant County Attorney David M. Owen reported that he has discussed the issue of the rollover of Mr. Faried's Individual Retirement Account (IRA), which was purchased by the Authority, with ING/Aetna Financial agent Jim Larson; and that Mr. Faried has executed the required Form 83244 (on file in the Minutes Office). Attorney Owen then requested a Board motion to authorize the Chairman and the Executive Director of the Water Authority Board to execute the Aetna Form 83244 for the purposes of rolling over the IRA, currently held by Mr. Faried through the Authority, to whatever designated new account he will have through the Aetna Corporation. Mr. Waite so moved, seconded by Commissioner Judah, called and carried.

6. AUTHORITY DIRECTOR REPORT

Interim Executive Director Roland Ottolini reported that:

- (1) The liability insurance for the Board of Directors has been extended through October at a cost of \$3,250.00, some of which will be refunded if the Authority is dissolved earlier.
- (2) The Authority has an agreement to vacate the current offices in the Saxon Building, which are leased at a cost of \$1,600.00 per month, by July 31, 2001. Because a possible new tenant may wish to move in before that time, the building management has offered the Authority free space for the interim period.
- (3) A grant agreement for the Gator Slough Project has been received from the Department of Environmental Protection (DEP). After completion of an Interlocal Agreement with the City of Cape Coral, the matter will be brought to the Board of County Commissioners for approval.
- (4) Natural Resources staff and Lee County Utilities (LCU) are addressing water resource impacts for new development and zoning applications. LCU has contracted with Johnson Engineering to update the groundwater model.
- (5) He and Utilities Director Rick Diaz are representing Lee County as members of the Project Delivery Team for the Caloosahatchee Aquifer Storage and Recovery (ASR) Project; and they are looking at a pilot project to see how it will work out with the Berry Groves Project. Natural Resources Hydrogeologist Jack McCoy, who is familiar with ASR, attended a meeting in Labelle and will participate in some of the work group discussions.
- (6) The Governing Board of the South Florida Water Management District (SFWMD) will hold their Workshop on May 9, 2001, at the Southwest Florida International Airport.

7. MEETING SCHEDULE

In response to Commissioner Judah's inquiry, Assistant County Attorney David M. Owen stated that meetings should be scheduled for either Wednesday or Thursday of the third week of May and the third week of June.

8. ADJOURNMENT

The Chairman adjourned the meeting at 2:00 p.m.

ATTEST:

CHARLIE GREEN, CLERK

Deputy Clerk Chairman, Lee County Regional
Water Supply Authority