

**LEE COUNTY**

SOUTHWEST FLORIDA

PLANNING DIVISION

M E M O R A N D U M

to: Board of County Commissioners

from: *Paul C. Connor* Gov
Paul C. Connor, AICP, Director, Division of Planning

subject: Lee County's 2000/2001 Regular Comprehensive Plan Amendment Cycle

date: December 21, 2001

Attached are the agenda and a portion of the staff reports for the public hearing to be held beginning at 9:30 A.M. on Thursday, January 10th, 2001. This is an adoption hearing for the 2000/2001 Comprehensive Plan Amendment Cycle. The Board of County Commissioners transmitted the 2000/2001 Lee Plan amendments to the State for review on September 12, 2001. The Department of Community Affairs (DCA) issued its Objections, Recommendations and Comments (ORC) Report on November 21, 2001. The DCA did not pose any objections, recommendations, or comments on 22 of the 24 transmitted amendments. The two amendments that were objected to were PAM 98-06 and CPA2000-02.

The DCA offered objections to PAM 98-06, which is a privately-initiated request to amend the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban," and also, to amend Lee Plan Policy 1.1.6 and Table 1(a), Note 6. This amendment has been placed on the Administrative Agenda. Staff is still working with the applicant in their efforts to respond to the objections of DCA, although staff has not received any new information as of this writing that would change the original staff recommendation. The staff report and applicant's response to the objections of the DCA will be provided to the BoCC under a separate cover next week.

The DCA also offered an objection to CPA2000-00002, which is a privately-initiated amendment to amend Goal 15, Gasparilla Island, to limit commercial and industrial uses within those portions of the Boca Bay Community that contain the Port District zoning designation. Staff is currently working with representatives from DCA and the applicant to resolve this issue, and anticipates that the outstanding issues will be resolved to the satisfaction of the DCA. The staff report and response to DCA's objections will be provided to the BoCC under a separate cover next week.

Three other amendments have been revised to reflect recent updates that have occurred since the transmittal hearing. One of these, CPA2000-00019, is the amendment addressing the Estero Community Planning Effort. Representatives of the Estero Community Planning Panel submitted several proposed modifications to the transmittal language on December 21, 2001. Staff is still reviewing these modifications and will provide recommendations on them as part of the adoption staff report. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

Another amendment that will require modification between the transmittal hearing and the adoption hearing is CPA2000-00027, which proposes to update the Capital Improvements Program (CIP) in

the Lee Plan. Planning staff will be receiving the latest CIP from Budget Services staff, and will incorporate this document into the Lee Plan. The staff report for this amendment will be provided to the BoCC under a separate cover next week.

The final amendment that might require modification from the transmittal stage is CPA2000-00015, which proposes to modify setbacks for golf course maintenance facilities from public roadways and adjacent residential properties in the Density Reduction/Groundwater Resource areas. Staff is still finalizing its recommendation on this amendment. The staff report and final recommendation will be provided to the BoCC under a separate cover next week.

Other than these 5 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. As stated previously, the staff reports and other background materials for these 5 amendments will be provided to the Board next week, and should be added to the materials received with this correspondence.

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
 Janet Watermeier, Director, Economic Development
 Dave Loveland, DOT
 Diana Parker, County Hearing Examiner

**CPA2000-23
BoCC SPONSORED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Public Hearing Document
for the
January 10th Adoption Hearing

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

November 21, 2001

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2000-23**

☒

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: June 18, 2001

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:

Evaluate adding a Policy to the Lee Plan stating that by the year 2002 the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed, identifying key action plans, objectives and policies relating to Pine Island Sound, Matlacha Pass, Estero Bay, and the Caloosahatchee system. Potential new language based on the Charlotte Harbor NEP Plan:

By the year 2002 the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:

1. REVISED STAFF RECOMMENDATION: Planning staff recommends that the Board of County Commissioners transmit the following Policy as part of the proposed amendment based upon the recommendations of the LPA:

POLICY 78.2.2: ~~By the year 2005~~ The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed ~~by the year 2002~~ in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring.

2. ORIGINAL STAFF RECOMMENDATION:

POLICY 78.2.2: By the year 2005 the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring.

3. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Charlotte Harbor National Estuary Program has issued a draft Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed.
- The proposed Policy states the County will review the plan in order to identify key action plans, objectives and policies relating to the recommendations of the drafted plan.
- The proposed Policy should be placed under Goal 78, Estuarine Water Quality, of the Conservation and Coastal Management element of the Lee Plan.

C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. The amendment stems from a suggested improvement to the Lee Plan by an LPA member. This issue was brought up during a public hearing in which the upcoming amendment cycle was being discussed and suggestions taken. The proposal was for staff to evaluate adding a Policy stating that the County will review the Charlotte Harbor NEP Plan and identify goals, objectives and policies relating to the program within a specified time frame.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

In 1995 Governor Lawton Chiles nominated Charlotte Harbor as an estuary of national significance. Charlotte Harbor was accepted as one of the 27 watersheds in the National Estuary Program. The mission of the Charlotte Harbor Program was to bring together local organizations into a management conference and write a Comprehensive Conservation and Management Plan for the watershed. The Citizens' Advisory Committee (CAC), Technical Advisory Committee (TAC), Management Committee, and the Policy Committee make up the management conference, each serving a specific purpose. Today the management plan has been completed and the conference will begin working on implementing the plan. The completed management plan addresses the natural resources of the entire study area.

Goal 78, Estuarine Water Quality, and its Objectives and Policies address the management of estuarine systems water quality, wildlife diversity, productivity, and best use. Goal 78, Objective 78.2, and the policies that follow are reproduced below:

GOAL 78: ESTUARINE WATER QUALITY. *To manage estuarine ecosystems so as to maintain or improve water quality and wildlife diversity; to reduce or maintain current pollution loading and system imbalances in order to conserve estuarine productivity; and to provide the best use of estuarine areas. (Amended by Ordinance No. 94-30)*

OBJECTIVE 78.1: WATER QUALITY MONITORING. *Establish baseline conditions in all*

OBJECTIVE 78.2: WATERSHED MANAGEMENT PLANS. *By 1996, establish procedures for reviewing all new upland development in terms of its impacts on estuarine systems. Prepare estuarine watershed management plans which maximize stormwater retention and treatment, with priority to the Estero Bay watershed. (Amended by Ordinance No. 94-30)*

POLICY 78.2.1: *The county's estuarine watershed management agency will be responsible for:*

1. *Preparing management plans for estuarine watersheds, with priority to the watershed of Estero Bay, a critical estuary undergoing development impacts.*
2. *Recommending modifications to the Sanibel causeway in order to improve estuarine water quality.*
3. *Reviewing the feasibility of changing canal patterns and retrofitting existing stormwater collection systems in order to reduce the impact of freshwater on estuaries.*
4. *Assessing the adequacy of disaster preparedness plans for coastal oil storage facilities.*
(Amended by Ordinance No. 94-30)

Staff has evaluated the Goal and its Objectives and Policies and coordinated with the Lee County Division of Natural Resources regarding the proposed language. Both Natural Resources staff and Planning staff have concluded that the proposed Policy should be adopted into the Lee Plan. Staff suggests that the Policy states "By the year 2005" rather than the original request of 2002 in order to allow sufficient time for staff to properly carry out the full review that the Policy will require.

Goal 78 and Objective 78.2 provide specific language for the establishment of watershed management plans with priority to the watershed of Estero, modifications to the Sanibel causeway, canal patterns and stormwater collection, and disaster preparedness plans. Staff finds that the proposed language should be placed under this Goal and Objective in the Lee Plan.

B. CONCLUSIONS

The Charlotte Harbor National Estuary Program has issued a draft Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan stating the County will review the plan in order to identify goals, objectives and policies relating to the recommendations of the drafted plan.

C. STAFF RECOMMENDATION

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment as shown under Part I.B.1. of this staff report.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 25, 2001

A. LOCAL PLANNING AGENCY REVIEW

Staff presented the amendment before the LPA on June 25, 2001. Natural Resources staff was also present and available to answer any questions. One member of the LPA had concerns over the length of time that would pass with the 2005 time frame. Natural Resources staff explained that there is a problem with evaluating the policies of the Comprehensive Conservation and Management Plan for the watershed in a short time frame due to the fact that it could take years of data collection to come to any conclusions, which some of the policies in the management plan would require.

The LPA also had concerns with proposed language. One member felt the language did not translate properly and offered revised language. Another member provided further suggestions in the revision of the language. A motion was made and passed replacing the year 2005 with the year 2003 and revising the proposed policy as shown below:

POLICY 78.2.2: ~~By the year 2005~~ The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed ~~by the year 2003~~ in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment with the revisions noted above.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>ABSENT</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>ABSENT</u>
GREG STUART	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

A. BOARD REVIEW:

Several members of the Board expressed concern over the 2003 time frame and recommended that it be changed to the year 2002.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

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

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>

D. BoCC TRANSMITTED LANGUAGE:

POLICY 78.2.2: ~~By the year 2005~~ The County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed ~~by the year 2002~~ in order to identify key action plans, objectives and policies that relate to Pine Island Sound, Matlacha Pass, the Estero Bay, the tidal Caloosahatchee and attendant watersheds. The review will assess County upland and coastal development management practices and public land acquisition programs as they related to the findings and recommendations of the Charlotte Harbor Plan. Particular emphasis will be placed on evaluating the effectiveness and improvement of County watershed programs as they relate to watershed conservation and public land acquisition programs, watershed management needs prioritization and water quality monitoring.

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

DATE OF ORC REPORT: November 21, 2001

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

The DCA had no objections, recommendations, or comments concerning this amendment.

B. STAFF RECOMMENDATION

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: January 10, 2002

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

