

**PAT 96-28
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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June 3, 1998

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
PAT 96-28**

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

STAFF REPORT PREPARATION DATE: May 20, 1997

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:

Amend the Conservation and Coastal Management Element's goals, objectives and policies that apply to Estero Island to reflect the effect of the incorporation of the Town of Fort Myers Beach.

B. BACKGROUND INFORMATION

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. The report contained the following :

In 1995, voters elected to incorporate Estero Island as the Town of Fort Myers Beach, effective December 31, 1995. The new town limits extend seaward 1,000 feet of the mean high water line. Lee Plan goals, objectives and policies which pertain to Estero Island will no longer apply.

Recommendation: Goals, objectives and policies which apply to Estero Island should be reevaluated for revision or deletion from the Lee Plan.

The Town of Fort Myers Beach has become the fourth incorporated municipality in Lee County. The Conservation and Coastal Management Element of the Lee Plan currently mentions Estero Island under Policy 83.3.1 Beach and Dune Systems. This reference should be deleted from the Lee Plan as it is more appropriately addressed in the comprehensive plan of the Town of Fort Myers Beach rather than the county's comprehensive plan.

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Under Policy 83.3.1 of the Conservation and Coastal Management make the following modifications:

POLICY 83.3.1: The Division of Natural Resources Management, or successor agency, shall be responsible for the beach and dune management program. This program shall include:

1. Preparing beach and dune management plans, with priority to the critical erosion areas:
 - a. south-central and southern portion of Gasparilla Island.
 - b. northern North Captiva Island.
 - c. all of Captiva Island.
 - ~~d. three segments of Estero Island (northwest end, central-south, and extreme southeast tip).~~
 - ~~e. d.~~ north end of Bonita Beach.
2. Coordinating with the Captiva Erosion Prevention District in preparing beach and dune management plans for Captiva Island.
3. Collecting information on available sources of beach-quality sand for renourishment, concentrating on areas which will have minimal impacts on the county's fisheries.
4. Preparing renourishment plans for eroding areas where public facilities and access exist, including central-south Gasparilla Island, and the south end of Captiva Island. ~~and northwest and central south Estero Island.~~
5. Recommending regulations and policies to restrict hardened coastal engineering structures such as groin fields and seawalls, protect eroding coastal areas and sand dunes, and discourage development of undeveloped coastal barriers.

6. Maintaining a central clearinghouse for information on beach and dune studies and recommendations by both public and private organizations.
7. Educating citizens and developers about the costs and benefits of alternative beach and dune conservation approaches.
8. Preparing a sand preservation plan that emphasizes the importance of maintaining beach quality sand within the littoral system and discourages ocean dumping of usable sand from channel dredging.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

Fort Myers Beach on Estero Island is no longer one of Lee County's unincorporated population centers but an incorporated town with its own planning and permitting rights and its own representation on the Coastal Advisory Council.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

On December 31, 1995 the Town of Fort Myers Beach became the fourth incorporated municipality in Lee County. The current references to Estero Island in the Conservation and Coastal Management Element of the Lee Plan should be deleted as they are more appropriate for inclusion in the comprehensive plan of the Town of Fort Myers Beach.

B. CONCLUSIONS

The incorporation of Fort Myers Beach has transferred jurisdiction from the county to the new town government. Policy 83.3.1 of the Lee Plan should be amended to reflect the incorporation of Fort Myers Beach.

C. STAFF RECOMMENDATION

Amend Policy 83.3.1 of the Lee Plan to delete mention of Estero Island and renumber accordingly.

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

DATE OF PUBLIC HEARING: May 29th, 1997

A. LOCAL PLANNING AGENCY REVIEW

One member of the LPA mentioned that the Town of Fort Myers Beach has not indicated that they want the County to discontinue beach renourishment activities on Estero Island. He further stated that the County's beach and dune management program does not necessarily preclude renourishment projects on Estero Island and recommended that the Lee Plan retain the proposed deletions to Policy 83.3.1 which reference Estero Island.

Two other LPA members stated that they believed that beach and dune management programs could involve additional activities to beach renourishment which may not be appropriate County functions in an unincorporated area. The other member responded that in Lee County, beach and dune management has tended to encompass only beach renourishment issues. A discussion ensued of examples where the County has continued some services and discontinued others to the Town of Fort Myers Beach. The Planning Director noted that the staff recommendation was an attempt to be equitable with County services provided to other jurisdictions such as the City of Sanibel. The Assistant County Attorney was asked for an opinion on what a beach and dune management plan encompasses. She replied that beach and dune management would be broader than renourishment, but that the LPA had discretion to decide.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the amendment except to not delete the reference to "northwest and central south Estero Island" in number 4.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The reference to "northwest and central south Estero Island" in number 4 pertains to the preparation of renourishment plans and should be retained in Policy 83.3.1. The LPA accepted the findings of fact as advanced by staff for the proposed deletion of 1.d. which refers to beach and dune management program responsibilities on three segments of Estero Island.

C. VOTE:

CARRON DAY	ABSENT
RICHARD DURLING	ABSENT
EARL HAMILTON	AYE
RONALD INGE	AYE
BILL SPIKOWSKI	AYE
GREG STUART	AYE
MATT UHLE	AYE

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

A. BOARD REVIEW: There was no public comment on this amendment. One Commissioner questioned staff about the LPA recommendation which was to retain one of the proposed deletions to Policy 83.3.1. The Commissioner stated that all of the areas proposed for deletion should be retained because he believes that the County will continue to provide beach and dune management, including beach renourishment. Staff responded that Lee County will continue to participate in the Federal Shore Protection Project as the local sponsor and will coordinate beach renourishment activities for the Estero Island segment with the Town of Fort Myers Beach. The Commissioner suggested that staff's response replace the current language pertaining to beach renourishment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: The Board approved the transmittal of this plan amendment subject to the revision recommended by the LPA and the further revision agreed to at the public hearing and as stated by staff. The revised proposed plan amendment text follows:

***POLICY 83.3.1:** The Division of Natural Resources Management, or successor agency, shall be responsible for the beach and dune management program. This program shall include:*

1. Preparing beach and dune management plans, with priority to the critical erosion areas...

~~d. three segments of Estero Island (northwest end, central-south, and extreme southeast tip).~~

~~e. d. north end of Bonita Beach.~~

8. Lee County will continue to participate in the Federal Shore Protection Project as the local sponsor and will coordinate beach renourishment activities for the Estero Island segment with the Town of Fort Myers Beach.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The reference to "northwest and central south Estero Island" in number 4 pertains to the preparation of renourishment plans and should be retained in Policy 83.3.1. The LPA accepted the findings of fact as advanced by staff for the proposed deletion of 1.d. which refers to beach and dune management program responsibilities on three segments of Estero Island.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	AYE

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

DATE OF ORC REPORT: February 5, 1998

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: May 27, 1998

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 this amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board accepted the findings of fact as advanced by staff.

C. VOTE:

JOHN ALBION	AYE
ANDREW COY	AYE
RAY JUDAH	AYE
JOHN MANNING	AYE
DOUG ST. CERNY	ABSENT