

**PAT 96-39
BoCC SPONSORED
EAR ADDENDUM AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

***Lee County Planning Division
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June 3, 1998

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR**

**COMPREHENSIVE PLAN AMENDMENT
PAT 96-39**

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| 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 |

ORIGINAL STAFF REPORT PREPARATION DATE: October 27, 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, Objective 82.2, to include a specific reference to the Charlotte Harbor National Estuary Program.

B. BACKGROUND INFORMATION

The 1995 EAR Update Addendum contained the following discussion and recommendation regarding the Charlotte Harbor National Estuary Program:

“The U.S. EPA approved Charlotte Harbor (including the Pine Island Sound and Estero Bay) in the National Estuary Program (NEP). The Southwest Florida Regional Planning Council (SWFRPC) will develop and administer this program. Possibly, this program will provide funding to help further the objectives and policies of Goal 78: Estuarine Water Quality. Lee County should participate in this program to ensure that proposed NEP activities are consistent with the Lee Plan or, if needed, to modify the Lee Plan to take advantage of NEP opportunities.”

C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** Staff recommends that the text be amended for Objective 82.2 as follows:

OBJECTIVE 82.2: The county shall continue to participate with other governments to prepare and implement water management plans, including the Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) plans, DEP aquatic preserve management plans, water supply plans, and other water resource management plans. (Amended by Ordinance No. 94-30)

2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The inclusion of the Charlotte Harbor National Estuary Program (CHNEP) in Objective 82.2 would provide additional acknowledgment of support by Lee County in this process and may enhance funding opportunities for NEP and other funding opportunities.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

The U.S. Environmental Protection Agency approved a 3 year National Estuary Program for the Charlotte Harbor watershed in the spring of 1995. Since its inception, Lee County has participated in the Policy, Management, and Technical Committees which were established to develop and implement the program. The CHNEP Executive Director has requested that local governments include a policy in their comprehensive plans to participate in this planning program.

B. CONCLUSIONS

The Charlotte Harbor National Estuary Program should be included in Objective 82.2 to indicate Lee County's participation in and support of this important planning program.

C. STAFF RECOMMENDATION

Amend Objective 82.2 as shown in Part I., C., 1.

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

DATE OF LPA HEARING: June 26, 1997

A. LOCAL PLANNING AGENCY REVIEW

One LPA member asked what the difference is between the Charlotte Harbor National Estuary Program and the Charlotte Harbor Management Plan. Staff replied that the Charlotte Harbor National Estuary Program is an EPA funded 3 year program which began in 1995. The Charlotte Harbor Management Plan was adopted on June 5, 1981. The plan was prepared between 1979 and 1981 by the Charlotte Harbor Resource Planning and Management Committee which was appointed by the Governor. The plan provides goals, objectives, and implementation actions to guide governmental decision making pertaining to coastal management issues. This plan formed the basis for many subsequent planning efforts.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment.

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

C. VOTE:

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| CARRON DAY | ABSENT |
| RICHARD DURLING | AYE |
| EARL HAMILTON | ABSENT |
| RONALD INGE | AYE |
| BILL SPIKOWSKI | ABSENT |
| 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: One commissioner suggested the Estero Bay Agency on Bay Management be added into the staff recommendation. The Planning Director concurred.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION: Transmit this amendment with the insertion of “the Estero Bay Agency on Bay Management”. The proposed text amendment to Objective 82.2 is revised as follows:

***OBJECTIVE 82.2:** The county shall continue to participate with other governments to prepare and implement water management plans, including the Estero Bay Agency on Bay Management, Charlotte Harbor National Estuary Program, the Charlotte Harbor Management Plan, the Water Management District Surface Water Improvement and Management (SWIM) plans, DEP aquatic preserve management plans, water supply plans, and other water resource management plans. (Amended by Ordinance No. 94-30)*

2. BASIS AND RECOMMENDED FINDINGS OF FACT: The Board concurs with the findings of fact as advanced by staff and the LPA.

C. VOTE:

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| 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:

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