

ORDINANCE NO. 13- 09

AN ORDINANCE AMENDING ORDINANCE NUMBER 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN FOR THE UNINCORPORATED AREA OF COLLIER COUNTY, FLORIDA, BY AMENDING THE NATURAL GROUNDWATER AQUIFER RECHARGE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT TO PROVIDE FOR 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE GROWTH MANAGEMENT PLAN; BY PROVIDING FOR SEVERABILITY; AND BY PROVIDING AN EFFECTIVE DATE.

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FILED

WHEREAS, the Board of County Commissioners adopted the Collier County Growth Management Plan on January 10, 1989; and

WHEREAS, Collier County has held public hearings to provide for and encourage public participation throughout the 2011-12 plan amendment process; and

WHEREAS, Collier County did submit the 2011-12 Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on May 03, 2012; and

WHEREAS, the Department of Economic Opportunity did review and did not make written objections to the amendments to the Growth Management Plan and transmitted the same in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 60 days from receipt of the Objections, Recommendations and Comments Report from the Department of Economic Opportunity to adopt, adopt with changes or not adopt the proposed amendments to the Growth Management Plan; and

WHEREAS, the Collier County Planning Commission held a public hearing on the adoption of the amendments to the Growth Management Plan on October 30, 2012; and

WHEREAS, the Board of County Commissioners of Collier County did take action in the manner prescribed by law and did hold public hearings concerning the adoption of the amendments to the Growth Management Plan on January 8, 2013; and

WHEREAS, all applicable substantive and procedural requirements of law have been met.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Words underlined are added; words struck through are additions; words with \*\*\* indicates a page break

SECTION ONE: ADOPTION OF AMENDMENTS TO THE NATURAL GROUNDWATER  
AQUIFER RECHARGE SUBELEMENT OF THE PUBLIC FACILITIES  
ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Natural Groundwater Aquifer Recharge Subelement of the Public Facilities Element attached hereto as Exhibit "A" and incorporated herein by reference.

SECTION TWO: SEVERABILITY.


If any phrase or portion of this Ordinance is held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

SECTION THREE: EFFECTIVE DATE.

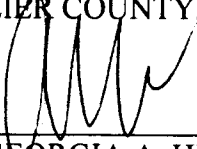
The effective date of these plan amendments, if the amendments are not timely challenged, shall be 31 days after the state land planning agency notifies the local government that the plan amendment package is complete. If timely challenged, these amendments shall become effective on the date the state land planning agency or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on these amendments may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the state land planning agency.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County this 9<sup>th</sup> day of January, 2013.

ATTEST:  
DWIGHT E. BROCK, CLERK

By:   
Deputy Clerk  
Attest as to Chairman's  
signature only.

BOARD OF COUNTY COMMISSIONERS  
COLLIER COUNTY, FLORIDA

BY:   
GEORGIA A. HILLER, ESQ.  
Chairwoman

Approved as to form and legal sufficiency:

Heidi A Ciko *HMC*  
Heidi Ashton-Cicko *12/14/12*  
Managing Assistant County Attorney

Attachment: Exhibit "A"

This ordinance filed with the  
Secretary of State's Office the  
17<sup>th</sup> day of January 2013  
and acknowledgement of that  
filing received this 25<sup>th</sup> day  
of January 2013  
By [Signature]  
Deputy Clerk

2011 EAR-BASED ADOPTION - NATURAL GROUDNWATER AQUIFER RECHARGE SUBELEMENT OF THE PUBLIC FACILITIES  
Rev. 12/13/12

CP\12-CMP-00848\91

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Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments Natural Groundwater Aquifer Recharge Sub-Element – to BCC for Adoption

12-11-12

**GOALS, OBJECTIVES AND POLICIES**

[Revised text, page 1]

~~NATURAL GROUNDWATER AQUIFER RECHARGE SUB-ELEMENT~~

**GOAL:**

[Rephrased to improve format as a "goal", revised text, page 1]

~~THE COUNTY SHALL TO IDENTIFY AND PROTECT NATURAL GROUNDWATER AQUIFER RECHARGE AREAS FROM ACTIVITIES THAT COULD DEGRADE AND/OR CONTAMINATE THE QUALITY OF GROUNDWATER.~~

**OBJECTIVE 1 (MAPPING AND DELINEATION OF RECHARGE AREAS):**

[Rephrased to improve format as an "objective", revised text, page 1]

~~The County shall continue to r~~ Review every two three years, and revise as necessary, existing map delineations of County potable water wellfields that are most sensitive to contamination from nearby land development and other surface activities. The ~~biennial~~ three-year review and any subsequent map revisions will be based on geologic, hydrogeologic, hydrologic, and updated anthropogenic contaminant data aggregated since the previous revision.

**Policy 1.1:**

[Revised text, page 1]

The County shall revise and update its 3-dimensional computer models of ~~ground-water~~ groundwater flow around public water supply wellfields, as additional data (e.g., withdrawal rates, numbers and locations of wells within wellfields, and hydrogeologic information) become available.

**Policy 1.3:**

[Revised text, page 1]

The County shall maintain and update data on existing land uses and land use activities that possess the greatest potential for ~~ground-water~~ groundwater contamination.

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**Policy 1.5:**

[Revised text, page 1]

This Sub-Element shall incorporate by reference annual recharge amounts for the Surficial and Lower Tamiami aquifers and deeper aquifers such as the Sandstone and Hawthorne Aquifers, as described in the South Florida Water Management District's ~~official publications dated April, 2000 (and scheduled to be published in 2006)~~ Lower West Coast Water Supply Plan, as amended.

**OBJECTIVE 2: (PROTECTION OF GROUNDWATER QUALITY)**

[Rephrased to improve format as an "objective", revised text, page 1]

~~Ground water quality shall meet all~~ Protect groundwater from pollutant discharges that may cause exceedance of applicable Federal and State water quality standards.

**Policy 2.0.1:**

The County shall protect natural aquifer recharge areas to ensure the highest water quality practical toward meeting applicable Federal and State water quality standards for groundwater.

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EAR-based GMP Amendments Natural Groundwater Aquifer Recharge Sub-Element – to BCC for Adoption

12-11-12

**Policy 2.2:**

[Revised text, page 2]

Non-agricultural developments requiring an Environmental Resources Permit from the South Florida Water Management District (SFWMD) shall preserve groundwater recharge characteristics as required by the SFWMD and as set forth in the SFWMD's ~~Basis for Review, dated January 2004~~ Environmental Resource Permit Information Manual, Volume IV, 2009. ~~Ground-water~~ Groundwater recharge shall also be protected through the application of the retention/detention requirements and allowable off-site discharge rates for non-agricultural developments specified in Policies 6.2 and 6.3 in the ~~Drainage~~ Stormwater Management Sub-Element.

**Policy 2.3:**

[Revised text, page 2]

The County standards for protecting the quality of ~~ground-water~~ groundwater recharge within the wellhead protection areas identified in the Future Land Use Element (FLUE) shall be those provided in Policy 3.1.1 of the Conservation and Coastal Management Element.

**Policy 2.4:**

[Revised text, page 2]

[Revised further per SFWMD Comments]

~~Collier County shall evaluate the necessity for adopting more stringent ground-water recharge standards for High or Prime Recharge areas within 2 years of the SFWMD Governing Board's adoption of such areas.~~

Collier County will evaluate the development of Low Impact Design Standards as recommended by the Watershed Management Plan accepted by the Board of County Commissioners on December 13, 2011.

**OBJECTIVE 3 (GROUNDWATER QUALITY MONITORING):**

[Rephrased to improve format as an "objective", revised text, page 2]

~~The County shall continue to e~~ Collect and evaluate groundwater quality data, identifying ambient water quality values and trends, comparing analyzed concentrations to Florida Ground Water Guidance Concentrations, and providing information to water resources planning and management entities, and to the general public.

**Policy 3.1:**

[Revised text, page 2]

The County shall continue its existing water quality monitoring program to provide base-line data, evaluate long-term trends, identify water quality problems, and evaluate the effectiveness of the County's ~~ground-water~~ groundwater protection program.

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**Policy 3.4:**

[Revised text, page 2]

The County shall continually gather and evaluate ~~appropriate~~ relevant, appropriate and professionally accepted data for the purpose of refining and improving the groundwater quality monitoring database used in the County's 3-dimensional ~~ground-water~~ groundwater model.

**Policy 3.5:**

[Revised text, page 3]

Collier County shall continue to conduct water resource planning with appropriate County, City of Naples, and South Florida Water Management District staff to provide for ~~ground-water~~ groundwater resource development, utilization, and conservation.

**OBJECTIVE: 4 (PUBLIC EDUCATION WITH REGARD TO GROUNDWATER PROTECTION ISSUES)**

[Rephrased to improve format as an "objective", revised text, page 3]

~~The County shall continue current activities of providing~~ Provide the public with educational materials concerning ~~ground-water~~ groundwater protection issues in Collier County. These ~~may~~ materials include, but ~~shall not be~~ are not limited to, the preparation of annual technical publications of ~~ground-water~~ groundwater quality data, an informational website for groundwater quality issues, general information publications, establishment of a speakers' bureau, K-12 classroom presentations, and in-service teacher workshops and seminars.

**Policy 4.1:**

[Revised text, page 3]

The County shall continue to advise the public on the appropriate disposal methods for hazardous wastes, for the purpose of reducing or avoiding the potential for groundwater contamination. In performing this task, the County may utilize the public educational measures listed within Objective 4 of this Sub-Element, or any other measures which may be appropriate.

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**OBJECTIVE 5: (PROTECTION OF CRITICAL RECHARGE AREAS AND GROUNDWATER RESOURCES):**

[Rephrased to improve format as an "objective", revised text, page 3]

~~The County shall implement~~ Continue implementing plans to preserve ~~critical ground-water~~ groundwater recharge areas and ~~ground-water~~ groundwater resources, ~~and will~~ along with reviewing, evaluateing, and reviseing (if warranted) those plans and actions, based on the best available geologic, hydrologic, hydrogeologic, and anthropogenic contaminant data.

**Policy 5.1:**

[Revised text, page 3]

The County shall develop, and continually update, technical criteria for determining those recharge areas, which are critical to the County's long-term ~~ground-water~~ groundwater needs.

**Policy 5.2:**

[Revised text, page 3]

The County shall continue to identify ~~critical~~ recharge areas and appropriate protective mechanisms.

Words underlined are added; words ~~struck through~~ are deleted.

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EAR-based GMP Amendments Natural Groundwater Aquifer Recharge Sub-Element – to BCC for Adoption

12-11-12

**Policy 5.3:**

[Revised text, page 3]

The County shall continue to identify costs, funding mechanisms and private property rights issues associated with the protection of ~~critical~~ recharge areas.

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**Policy 5.5:**

[Revised text, page 4]

Collier County shall continue to operate and maintain a hazardous waste collection facility. The facility ~~shall operate five (5) days per week and~~ will accept household and small business hazardous wastes. Additionally, the County shall continue to hold special events, such as its hazardous waste collection day, at least twice per year targeting residential households ~~but also and~~ allowing small businesses to participate to insure consumer demand is met.

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MAP CHANGES:

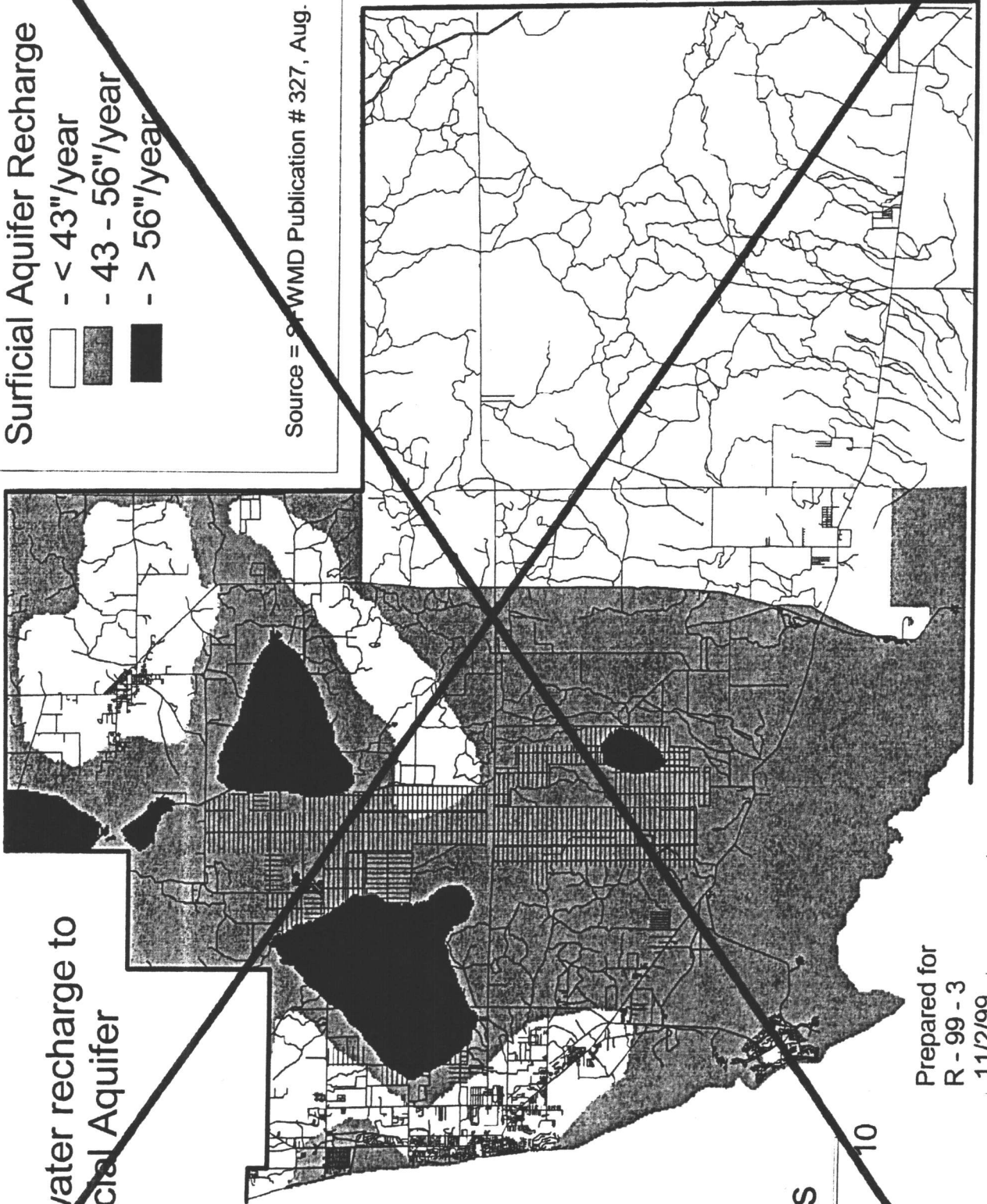
1. Map 1, Groundwater Recharge to the Surficial Aquifer
  - This map is to be deleted.
2. Map 2, Groundwater Recharge to the Lower Tamiami Aquifer
  - This map is to be deleted.

**Map 1**  
**Groundwater recharge to**  
**the Surficial Aquifer**

**Surficial Aquifer Recharge**

-  - < 43"/year
-  - 43 - 56"/year
-  - > 56"/year

Source = SPWMD Publication # 327, Aug. 1995







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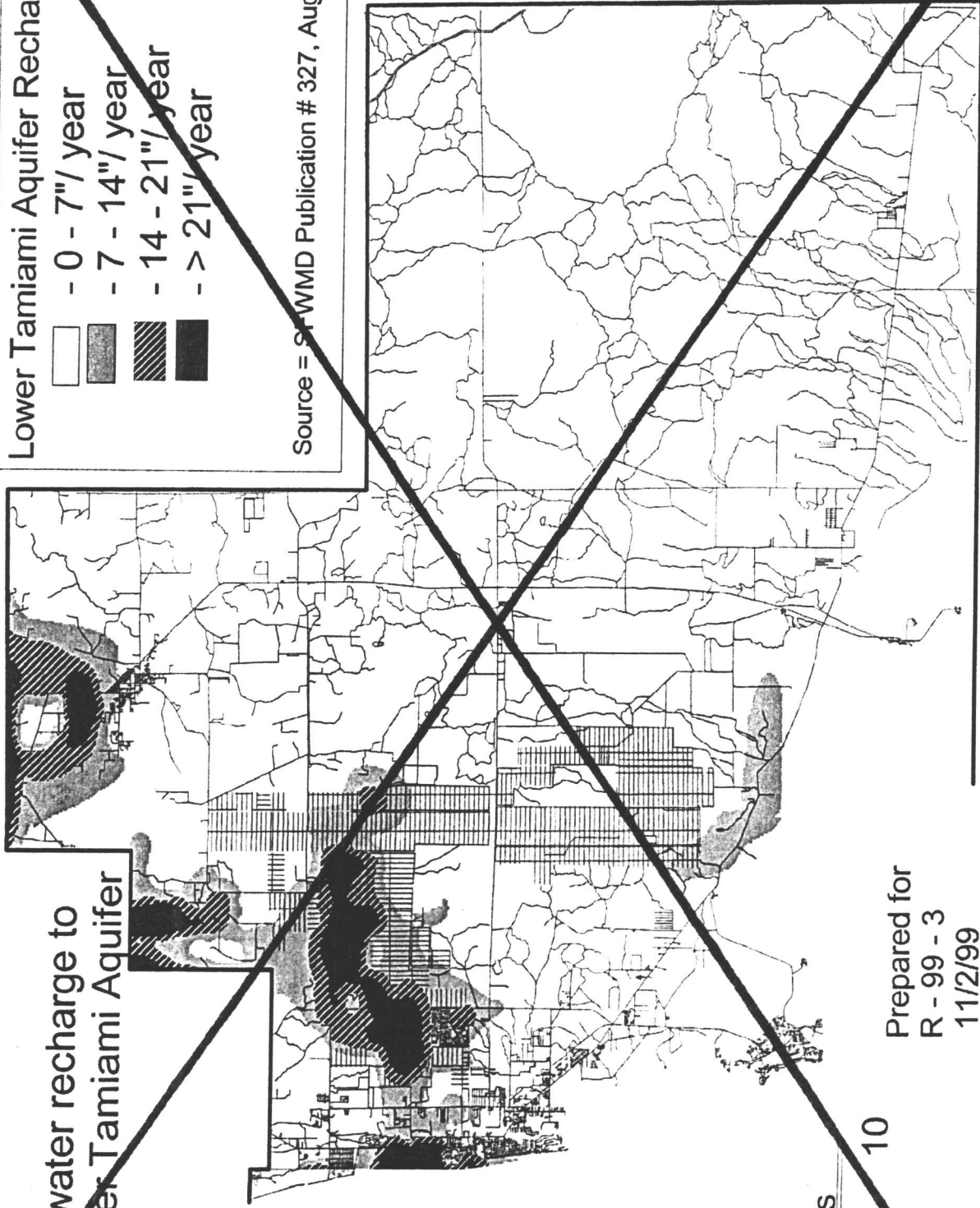
Map 2

Groundwater recharge to  
the Lower Tamiami Aquifer

**Lower Tamiami Aquifer Recharge**

	- 0 - 7"/year
	- 7 - 14"/year
	- 14 - 21"/year
	- > 21"/year

Source = SWWMD Publication # 327, Aug. 1995



Miles

0 5 10

Prepared for  
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11/2/99

STATE OF FLORIDA)

COUNTY OF COLLIER)

I, DWIGHT E. BROCK, Clerk of Courts in and for the Twentieth Judicial Circuit, Collier County, Florida, do hereby certify that the foregoing is a true and correct copy of:

**ORDINANCE 2013-09**

which was adopted by the Board of County Commissioners on the 9th day of January, 2013, during Regular Session.

WITNESS my hand and the official seal of the Board of County Commissioners of Collier County, Florida, this 14th day of January, 2013.

DWIGHT E. BROCK  
Clerk of Courts and Clerk  
Ex-officio to Board of  
County Commissioners



By: Ann Jennejohn,  
Deputy Clerk