



ORDINANCE NO. 13-07

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 DRAINAGE 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.

DEPARTMENT OF STATE
TALLAHASSEE, FLORIDA

2013 JAN 17 PM 2:54

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 DRAINAGE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN.

The Board of County Commissioners hereby adopts the amendments to the Drainage 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 9th day of January, 2013.

ATTEST:
DWIGHT E. BROCK, CLERK

By: 

Deputy Clerk

~~Attest as to Chairman's signature 2013.~~

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

BY: 

GEORGIA A. HILLER, ESQ.

Chairwoman

Approved as to form and legal sufficiency:

Heidi A Cicko HMAC
12/14/12
Heidi Ashton-Cicko
Managing Assistant County Attorney

Attachment: Exhibit "A"

This ordinance filed with the
Secretary of State's Office the
17th day of January 2013
and acknowledgement of that
filing received this 22nd day
of January 2013
By [Signature]
Deputy Clerk

2011 EAR-BASED ADOPTION - DRAINAGE SUBELEMENT OF THE PUBLIC FACILITIES ELEMENT
Rev. 12/13/12

CP\12-CMP-00848\89

Exhibit "A"

As approved by CCPC on 10-30-12

EAR-based GMP Amendments

Stormwater Management Sub-Element – to BCC for Adoption

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GOALS, OBJECTIVES AND POLICIES

[Revised text, page 3]

~~DRAINAGE SUB-ELEMENT~~

GOAL:

[Rephrased to improve format as a "goal", revised text, page 3]

~~COLLIER COUNTY SHALL TO PROVIDE STORMWATER MANAGEMENT FACILITIES AND SERVICES FOR DRAINAGE AND FLOOD PROTECTION FOR EXISTING AND FUTURE DEVELOPMENT, MINIMIZE THE DEGRADATION OF QUALITY OF RECEIVING WATERS AND SURROUNDING NATURAL AREAS AND PROTECT THE FUNCTIONS OF NATURAL GROUNDWATER AQUIFER RECHARGE AREAS.~~

OBJECTIVE 1 (CAPITAL FACILITY PLANNING FOR DRAINAGE SYSTEMS):

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

~~The County shall u~~ Utilize the Annual Update and Inventory Report on Public Facilities (AUIR) process to update the ~~Drainage Atlas Maps~~ County Geographic Information System and Channel/Structure Inventory components of the adopted Water Management Master Plan and to verify the existing watershed basin boundaries within Collier County. The County will also verify the design storm capacity of the drainage facilities within each basin, and determine the costs necessary to maintain the facility capacities to selected design storm standards. This information shall be used to program operational funds in the Annual County Budget and to identify necessary capital projects and basin studies in the Annual Capital Improvement Element ~~U~~ update and ~~A~~ amendment.

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Policy 1.2:

[Revised text, page 3]

County drainage system and stormwater management network capital facility planning shall be designed to implement procedures and projects in a manner to ensure that adequate stormwater management facility capacity is available at the time a development permit is issued, or that such capacity will be available when needed to serve the development.

Policy 1.3:

[Revised text, page 3]

The County shall continue to develop public drainage facilities and stormwater management network, which maintain the groundwater table as a source of recharge for the County's potable water aquifers, provide a source of irrigation water for agricultural, horticultural and golf course operations and provide water to native vegetation.

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OBJECTIVE 2:

Rephrased to improve format as an "objective", revised text, page 4]

~~The County shall m~~ Maintain adopted drainage level of service standards for basins and sub-basins identified in the Water Management Master Plan. Maintenance of the drainage level of service (LOS) identified for each basin will be implemented through the watershed management

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planning process identified within Goal 2 of the Conservation and Coastal Management Element of this Growth Management Plan.

Policy 2.1:

[Revised text, pages 4, 5, 6]

The following levels of service for drainage are hereby adopted for the purpose of issuing development permits. Upon completion of each associated Watershed Management Plan, the level of service will be modified, if warranted.

A. Future "private" developments water quantity and quality standards as specified in Collier County Ordinance Numbers 74-50, 90-10 and 2001-27, and Land Development Code Ordinance Number 2004-41, as amended.

B. Existing "private" developments and existing or future public drainage facilities those existing Levels of Service identified (by design storm return frequency event) by the completed Water Management Master Plan as follows:

LEVELS OF SERVICE ATTAINED BY BASINS

BASIN

LEVEL OF SERVICE

MAIN GOLDEN GATE SYSTEM

Main Golden Gate Canal Basin

D

Cypress Canal Basin

D

Harvey Canal Basin

D

I-75 Canal Basin

D

Green Canal Basin

C

Airport Road Canal South Basin

D

Corkscrew Canal Basin

D

Orange Tree Canal Basin

D

951 Canal Central Basin

C

DISTRICT NO. 6 SYSTEM

Rock Creek Basin

D

C-4 Canal Basin

C

Lely Main Canal Basin

D

Lely Canal Branch Basin

D

Lely Manor Canal Basin

D

Haldeman Creek Basin

D

Winter Park Outlet Basin

D

COCOHATCHEE RIVER SYSTEM

Cocohatchee River Basin

D

Pine Ridge Canal Basin

C

Palm River Canal Basin

D

West Branch Cocohatchee River Basin

C

East Branch Cocohatchee River Basin

D

Airport Road Canal North Basin

D

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951 Canal North Basin	D
GORDON RIVER EXTENSION	
Gordon River Extension Basin	D
Goodlette Frank Road Ditch Basin	D
HENDERSON CREEK BASIN	
Henderson Creek Basin	D

~~LEVELS OF SERVICE ATTAINED BY BASINS~~

BASIN	LEVEL OF SERVICE
FAKA UNION SYSTEM	
Faka Union Canal Basin	D
Miller Canal Basin	D
Merritt Canal Basin	C
Prairie Canal Basin	C
SOUTHERN COASTAL BASIN	
US 41 Outfall Swale No. 1 Basin	D
US 41 Outfall Swale No. 2 Basin	D
Seminole Park Outlet Basin	C
BARRON RIVER SYSTEM	
Okaloacoochee Slough Basin	D
Barron River Canal North Basin	C
Urban Immokalee Basin	C
MISCELLANEOUS INTERIOR WETLAND SYSTEMS	
Corkscrew Slough Basin	D

Policy 2.1:

The levels of service standards (LOSS) for drainage facilities and stormwater management systems appear in Policy 1.5; subsection "C" in the Capital Improvement Element.

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OBJECTIVE 3:

[Rephrased to improve format as an "objective", revised text, page 6]

~~The County shall m~~ Maintain and annually update a five-year schedule of capital improvements for water management facilities in conformance with the annual review process described within the Capital Improvement Element of the Growth Management Plan.

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Policy 3.4:

[Revised text, page 6]

County improvements to, and maintenance of, existing drainage facilities shall be a priority over new construction projects in the urban and estates designated areas, ~~(exclusive of Southern Golden Gate Estates is no longer open to development, so no facilities have priority there).~~

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OBJECTIVE 4: [Rephrased to improve format as an “objective”, revised text, pages 6, 7]
~~The County shall d~~ Develop and maintain policies and programs to correct existing deficiencies and to provide for future facility needs in accordance with the annual work program referenced in the adopted Water Management Master Plan.

Policy 4.1: [Revised text, page 7]
~~Water management projects shall be undertaken in accordance with the schedule provided in the Capital Improvement Element of this Plan. These projects shall be undertaken in coordination with the Big Cypress Basin/South Florida Water Management District 5 Year Plan.~~

County capital stormwater management projects shall be undertaken in accordance with the schedule provided in the Capital Improvement Element of this Plan. These projects shall be undertaken in coordination with the Big Cypress Basin Strategic Plan.

Policy 4.2: [Revised text, page 7]
Collier County shall correct existing deficiencies and provide for future water management facility needs through the formulation and implementation of an annual work programs. In order to implement the annual work program, the County shall encourage the use of innovative funding mechanisms including, but not limited to special taxing or assessment districts.

Policy 4.3: [Revised text, page 7]
The County shall develop and maintain a stormwater management public awareness program, which will include, but not necessarily be limited to, a Collier County Stormwater Management website. The primary purpose of this program shall be to provide information regarding the County’s stormwater management programs to the general public including, but not limited to, the environmental enhancements that will result from the use of total water management concepts within the existing drainage and stormwater management network.

OBJECTIVE 5: [Rephrased to improve format as an “objective”, revised text, page 7]
~~The County shall continue to r~~ Regulate land use and development in a manner that protects the functions of natural drainage features, the stormwater management network and natural groundwater aquifer recharge areas. Implementation of this Objective will be consistent with the Watershed Management Planning process identified within Goal 2 of the Conservation and Coastal Management Element of the Growth Management Plan, and with relevant provisions contained within the adopted Land Development Code (Ordinance Number 2004-41, as amended).

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Policy 5.2: [Revised text, page 7]
Based upon the periodic review described in Policy 5.1, the County shall develop any appropriate new ordinances and regulations that are necessary to ensure protection of the functions of natural

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drainage features, the stormwater management network and natural groundwater aquifer recharge areas.

OBJECTIVE 6: [Rephrased to improve format as an "objective", revised text, page 7]
~~The County shall p~~ Protect the functions of natural drainage features through the application of standards that address the quality and quantity of discharge from stormwater management systems. Implementation of this Objective will be consistent with the watershed management planning process identified within Goal 2 and Objective 2.1 of the Conservation and Coastal Management Element of the Growth Management Plan. This objective is made measurable through the following policies:

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Policy 6.2: [Revised text, page 8]
[Revised further per SFWMD and DEO Comments]

Collier County's retention and detention ~~requirements~~ criteria shall be ~~the same as one hundred and fifty percent (150%) of those~~ the water quality volumetric requirements provided in ~~Section 5-2.1(a) of the~~ Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, (2012), or its successor, or of South Florida Water Management District's, Basis of Review, as it existed at the time of project approval.

Policy 6.3: [Revised text, pages 8, 9]
[Revised further per SFWMD and DEO Comments]

Allowable off-site discharge rates shall be computed using a storm event of 3 day duration and 25 year return frequency. The allowable off-site discharge rates are as follows:

- a. Airport Road North Sub-Basin (North of Vanderbilt Beach Road) 0.04 cfs/acre
- b. Airport Road South Sub-basin (South of Vanderbilt Beach Road) 0.06 cfs/acre
- c. Cocohatchee Canal Basin 0.04 cfs/acre
- d. Lely Canal Basin 0.06 cfs/acre
- e. Harvey Basin 0.055 cfs/acre
- f. Wiggins Pass Basin 0.13 cfs/acre
- g. All other areas 0.15 cfs/acre

The County may exempt projects from these allowable off-site discharge rates if any of the following applies:

- ~~1. The project is exempt from allowable off site discharge limitations pursuant to Section 40E 400.315, FAC.~~

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~~2~~ 1. The project is part of an existing SFWMD permit, which allows discharge rates different than those listed above.

~~3~~ 2. It can be documented that the project currently discharges off-site at a rate higher than those listed above. The documentation required for this purpose shall be prepared by a registered professional engineer, and will consist of an engineering study which utilizes the applicable criteria in the "SFWMD Basis of Review for Environmental Resource Permit Applications". The study shall be subject to review and approval by the County and SFWMD staff. The study shall include the following site-specific information:

- a. Topography
- b. Soil types and soil storage volume
- c. Vegetation types
- d. Antecedent conditions
- e. Design rainfall hydrograph
- f. Depression storage capacity
- g. Receiving water hydrograph, and
- h. Other relevant, appropriate and professionally accepted hydrologic and hydraulic data.

Using the above information, a hydrologic and hydraulic model shall be developed which demonstrates the higher off-site discharge rate.

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 2013-07

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

A handwritten signature in black ink, appearing to read "Ann Jennejohn", is written over a faint circular official seal.

By: Ann Jennejohn,
Deputy Clerk