

ORDINANCE NO. 15- 09

AN ORDINANCE AMENDING ORDINANCE 89-05, AS AMENDED, THE COLLIER COUNTY GROWTH MANAGEMENT PLAN OF THE UNINCORPORATED AREA OF COLLIER COUNTY FLORIDA, ADOPTING 2011 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS TO THE COLLIER COUNTY GROWTH MANAGEMENT PLAN TO FIX GLITCHES RELATED TO CHANGES IN THE 2011 EAR-BASED AMENDMENTS AND TO REVISE FORMAT, STRUCTURE AND LANGUAGE FOR INTERNAL CONSISTENCY, SPECIFICALLY AMENDING THE STORMWATER MANAGEMENT (DRAINAGE) SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT; RECOMMENDING TRANSMITTAL OF THE ADOPTED AMENDMENTS TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. [PL20130001109/CPSP-2013-6]

WHEREAS, Collier County, pursuant to Section 163.3161, *et. seq.*, Florida Statutes, the Community Planning Act, formerly the Florida Local Government Comprehensive Planning and Land Development Regulation Act, was required to prepare and adopt a comprehensive plan; and

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

WHEREAS, the Community Planning Act of 2011 provides authority for local governments to amend their respective comprehensive plans and outlines certain procedures to amend adopted comprehensive plans; and

WHEREAS, staff has prepared amendments to address glitches related to 2011 EAR-based amendments; and

WHEREAS, Collier County transmitted the Growth Management Plan amendments to the Department of Economic Opportunity for preliminary review on July 18, 2014, after public hearings before the Collier County Planning Commission and the Board of County Commissioners; and

WHEREAS, the Department of Economic Opportunity reviewed the amendments to the Growth Management Plan and transmitted its comments in writing to Collier County within the time provided by law; and

WHEREAS, Collier County has 180 days from receipt of the 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, Collier County has gathered and considered additional information, data and analysis supporting adoption of these amendments, including the following: the Collier County Staff Report, the documents entitled Collier County Growth Management Plan Amendments and other documents, testimony and information presented and made a part of the record at the public hearings of the Collier County Planning Commission held on December 4, 2014, and the Collier County Board of County Commissioners held on January 27, 2015; and

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

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

SECTION ONE: ADOPTION OF AMENDMENTS TO THE STORMWATER MANAGEMENT (DRAINAGE) SUB-ELEMENT OF THE PUBLIC FACILITIES ELEMENT OF THE GROWTH MANAGEMENT PLAN

The amendment to the Stormwater Management Sub-Element of the Public Facilities Element of the Growth Management Plan, attached hereto as Exhibit "A" and incorporated herein by reference, is hereby adopted in accordance with Section 163.3184, Florida Statutes, and shall be transmitted to the Florida Department of Economic Opportunity.

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 this plan amendment, if the amendment is 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, this amendment 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 this amendment may be issued or commenced 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, Florida this 27th day of January 2015.

ATTEST:
DWIGHT E. BROCK, CLERK

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

by: [Signature]
Attest to Chairman's signature only.

BY: [Signature]
TIM NANCE, Chairman

Approved as to form and legality:

[Signature]
Scott A. Stone
Assistant County Attorney

Attachment: Exhibit A – Stormwater Management Sub-Element of the Public Facilities Element

This ordinance filed with the Secretary of State's Office the 27th day of February, 2015 and acknowledgement of that filing received this 27th day of February, 2015.
By: [Signature]
Deputy Clerk



EXHIBIT "A"

PUBLIC FACILITIES ELEMENT
Stormwater Management Sub-Element (SM)

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I. INTRODUCTION

[Revised text, page 1]

This portion of the Collier County Growth Management Plan inventories both the natural conditions and stormwater management activities within unincorporated Collier County. In Collier County, there are two (2) primary service providers with regard to the provision of stormwater management services. The County's Transportation Services Division maintains drainage systems associated with County and State Roadways as well as the Secondary Drainage System. The Big Cypress Basin Board, an arm of the South Florida Water Management District (SFWMD), maintains the larger, regional surface water management systems within Collier County. The regional drainage system is also referred to as the Primary Drainage System.

However, management of stormwater is concerned not only with flood prevention (a quantity issue), but also with the removal of various pollutants picked up by the stormwater as it flows across the County's developed land areas (a quality issue). Such pollutants can include oils, greases, heavy metals, pesticides, fertilizers and other substances, which can have a deleterious impact on the County's natural systems and, above all, its groundwater quality. Note that, in this respect, there is overlap in the intended purpose between the Drainage Stormwater Management and Natural Groundwater Aquifer Recharge Sub-elements Sub-Elements: both seek to protect aquifer recharge areas. However, the emphasis of the Drainage Sub-element Stormwater Management Sub-Element is on surface water protection, whereas the emphasis of the Natural Groundwater Aquifer Recharge Sub-element Sub-Element is on groundwater protection.

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One of the key principles of current stormwater management techniques is recognition of the need for basin-wide (or watershed basin) planning. The stormwater management system has to be designed so as to ensure that the final outlet point has adequate capacity to handle all discharges from the upstream portion of the watershed under conditions present at the time of design. Subsequent development upstream must then utilize stormwater management techniques and systems, which will maintain predevelopment run-off conditions so that the capacity of the downstream portion of the watershed is not exceeded. In this respect, there is an overlap between the intended purpose of the Drainage Sub-element Stormwater Management Sub-Element and Goal 2 of the Conservation and Coastal Management Element, including the Watershed Management Plans discussed under Objective 2.1 of the CCME.

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II. GOALS, OBJECTIVES AND POLICIES

[Revised text, page 2]

[14-CMP-00913/1125251/1]73

Words underlined are added; words struck through are deleted - as Transmitted.

Words double-underlined are added; words double-struck through are deleted - as Recommended for Adoption.



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Policy 2.1: [Revised text, page 5]

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

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Policy 6.2: [Revised text, page 5]

Collier County's retention and detention criteria shall be one hundred and fifty percent (150%) of the water quality volumetric requirements provided in the ~~Basis of Review for Environmental Resource Permit Applications Within the South Florida Water Management District, (2012) State of Florida's Environmental Resource Permit Applicant's Handbook Volume I (2013)~~ Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District (2014), or its successor, as it existed at the time of project approval.

Policy 6.3: [Revised text, page 5]

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. 951 Canal North Basin 0.11 cfs/acre
- ~~a.~~ Airport Road North Canal 0.04 cfs/acre
- b. Sub-basin (North of Vanderbilt Beach Road)
- ~~b.~~ Airport Road South Canal 0.06 cfs/acre
- c. Sub-basin (South of Vanderbilt Beach Road)
- d. C-4 Basin 0.11 cfs/acre
- ~~e.~~ Cocohatchee River Canal Basin 0.04 cfs/acre
- e.
- f. Corkscrew Canal Basin 0.04 cfs/acre
- g. Cypress Canal Basin 0.06 cfs/acre
- h. Faka Union Canal Basin (North of I-75) 0.09 cfs/acre
- i. Gordon River Extension Basin 0.09 cfs/acre
- j. Harvey Canal Basin 0.011 cfs/acre
- k. Henderson Creek Basin 0.08 cfs/acre
- l. I-75 Canal Basin 0.06 cfs/acre
- m. Imperial Drainage Outlet Basin 0.12 cfs/acre
- ~~e.~~ Island Walk Basin 0.055 cfs/acre
- n. (aka Harvey Basin)
- ~~d.~~ Lely Canal Basin 0.06 cfs/acre
- o.
- p. Lely Manor Canal Basin 0.06 cfs/acre
- q. Main Golden Gate Canal Basin 0.04 cfs/acre

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r.	<u>Palm River Canal Basin</u>	<u>0.13 cfs/acre</u>
s.	<u>Pine Ridge Canal Basin</u>	<u>0.13 cfs/acre</u>
f.	<u>Wiggins Pass Basin</u>	<u>0.13 cfs/acre</u>
g.	All other areas	0.15 cfs/acre
t.		

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

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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 State of Florida's Environmental Resource Permit Applicant's Handbook Volume I (2013) Environmental Resource Permit Applicant's Handbook Volume II for use within the Geographic Limits of the South Florida Water Management District (2014), or its successor. The study shall be subject to review and approval by the County and SFWMD staff. The study shall include the following site-specific information:

\\bcc.colliergov.net\data\GMD-LDS\CDES Planning Services\Comprehensive\COMP PLANNING GMP DATA\Comp Plan Amendments\2013 GMPAs Outside of Cycle\CPSP-2013-6 First Set of Batch Amendments\CCPC & BCC Adoption\13-6 Adptn GMPA Exhbt A_8-25 DRAFT.docx

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FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 2, 2015

Honorable Dwight E. Brock
Clerk of the Circuit Court
Collier County
Post Office Box 413044
Naples, Florida 34101-3044

Attention: Ann Jennejohn, Deputy Clerk

Dear Mr. Brock:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 15-09, which was filed in this office on February 2, 2015.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb