



# **VILLAGE OF ESTERO**

## **COMPREHENSIVE PLAN AMENDMENTS**

***CPA2019-01***  
***Water Supply Facilities Work Plan***

***CPA2019-02***  
***Wetlands***

Village-initiated Amendments

*Village Council Staff Report  
for Transmittal*

July 24, 2019



## VILLAGE OF ESTERO

### *Comprehensive Plan Amendments*

#### CPA2019-01 and CPA2019-02

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<b>NAME:</b>	<b>1. Water Supply Facilities Work Plan 2. Wetlands</b>
<b>CASE TYPE:</b>	<b>Comprehensive Plan Amendment</b>
<b>CASE NUMBERS:</b>	<b>CPA2019-01 and CPA 2019-02</b>
<b>PLANNING &amp; ZONING BOARD DATE:</b>	<b>June 18, 2019</b>
<b>COUNCIL DATE:</b>	<b>July 24, 2019 (Transmittal)</b>
<b>APPLICANT:</b>	<b>Village of Estero</b>

#### **REQUESTS**

This is a Village staff-initiated request for two amendments to the Comprehensive Plan. The Plan was adopted by the Council on June 13, 2018.

The requests are:

1. Amendment to reference Water Supply Facilities Work Plan (CPA2019-01) which is required by Florida Statutes; and
2. Amendment to modify and clarify wetland policy language (CPA2019-02) in reference to the Comprehensive Plan challenge.

Both of these amendments are “text” amendments. The amendments will be considered by the Village Council at two meetings: transmittal and adoption hearings.

#### **PLANNING AND ZONING BOARD AND STAFF RECOMMENDATIONS**

The Planning and Zoning Board reviewed these amendments at the June 18, 2019 meeting. They recommended that the Council transmit both amendments.

Staff also recommends transmittal of both amendments.

## **STAFF ANALYSIS OF REQUESTS**

### **Request 1 – Water Supply Plan**

Florida Statute Chapter 163.3177 requires local governments to prepare a Water Supply Facilities Work Plan and incorporate relevant water supply projects into the Comprehensive Plan within 18 months after the applicable water management district approves or updates its Regional Water Supply Plan.

The purpose is to improve coordination between land use planning and water supply planning. By doing so, the Comprehensive Plan also becomes consistent with the regional water supply plan prepared by each water management district.

The South Florida Water Management District approved its “Lower West Coast Water Supply Plan Update” on December 20, 2017. The Village is within this planning area and thus must amend its Comprehensive Plan, as necessary, within 18 months of water management approval.

The Village hired Johnson Engineering to prepare the Work Plan. The Work Plan addresses water supplies and conservation programs necessary to serve existing and new development in the Village for a minimum ten-year period.

Water is provided in the Village by Lee County Utilities (LCU) and Bonita Springs Utilities (BSU). The report indicates that, because the Village does not own or operate its own water supply facilities, and because both LCU and BSU have adequate capacity and allocation to serve Estero through the planning period (through 2030), the Village does not need to undertake any capital improvement projects or enter into agreements with the utility providers to ensure continued water supply at the current levels of service.

There are several policies already contained in the Comprehensive Plan (infrastructure, capital improvements, intergovernmental coordination elements and definitions) that address water supply planning and coordination. The relevant policies are included in the Work Plan.

Staff suggests that the policy below be modified to reference that the required Work Plan has been prepared.

The proposed amendment language is below in strike-thru/underline:

Policy INF- 1.3.2. The Village ~~shall~~ has developed a Water Supply Facilities Work Plan within 18 months after the South Florida Water Management District ~~approved~~ an update to the required water supply plan (titled the 2017 Lower West Coast Water Supply Plan Update). The Village’s Plan (The Village of Estero 10-Year Water Supply Facilities Work Plan June 2019) incorporated by reference herein, addresses issues that pertain to water supply facilities and requirements needed to serve current and future development in the Village. The Work Plan indicates that the Village does not own or operate its own water supply facilities, and because the water suppliers (Lee County Utilities and Bonita Springs Utilities) have adequate capacity and allocation to serve Estero through the planning period, Estero does not need to undertake any capital improvement projects.

## Request 2 – Wetlands

The wetlands amendment proposes a change in Future Land Use Policy 1.2.3. as a result of a Comprehensive Plan legal challenge filed shortly after the Comprehensive Plan was adopted.

The staff proposed revisions are indicated below in strike-thru/underline format. Some language is being clarified and the last paragraph is new language:

FLU-1.2.3 WETLANDS. Wetlands are those lands that are identified as Wetlands on the Future Land Use Map in accordance with Florida Statute Section 373.019(27). If a Wetlands boundary on the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary is established per jurisdictional determination or Florida Statute Section 373.019, an administrative process may be used to establish the precise boundary of the Wetland.

A. Uses: Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands, open space, and conservation that are compatible with wetland functions.

B. Development type: Development in Wetlands must not adversely affect the ecological functions of wetlands.

C. Density: The maximum density on Wetlands is one dwelling unit per twenty acres (1 du/20 acre).

D. Notwithstanding C. above, 1. To encourage the preservation of lands designated Wetlands in Planned Developments, density may be transferred from preserved Wetlands to uplands any Wetlands area that is preserved may be calculated to yield dwellings at three-fourths (or 75%) of the standard density as allowed for adjacent land under common ownership within the Planned Development that are designated Village Neighborhood 1, Village Neighborhood 2, Transitional Mixed Use, or Urban Commercial (formerly Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas). Density transferred from Wetlands as provided herein shall be calculated at three-fourths (75%) of the designated density for the uplands to which the density is transferred. Uplands to which density is transferred shall not include any impacted wetlands which are filled or otherwise converted into uplands pursuant to an Environmental Resource Permit issued by the South Florida Water Management District. The number of dwellings calculated as yield from the preserved Wetlands may be transferred and incorporated in the development of the adjacent land under common ownership.

~~2. Any wetlands designated area that is impacted will be calculated at the standard Wetlands density of 1 dwelling unit per 20 acres.~~

Further, a Residential Planned Development approved by Lee County prior to October 20, 2010 may be superseded by a Residential Planned Development to allow transfer of density from preserved wetlands to impacted wetlands within the Residential Planned Development at the standard density for uplands designated Village Neighborhood 1, conditioned upon the Village's finding that the development has sufficiently addressed adverse impacts to wetlands on the property.