

**CPA 2010-05
COMMUNITY PLAN FOR
NORTHEAST LEE COUNTY
NORTH OLGA
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

BoCC Adoption Document

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September 28, 2011

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2010-05**



Text Amendment



Map Amendment

This Document Contains the Following Reviews	
<input checked="" type="checkbox"/>	Staff Review
<input checked="" type="checkbox"/>	Local Planning Agency Review and Recommendation
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Transmittal
<input checked="" type="checkbox"/>	Staff Response to Review Agencies' Comments
<input checked="" type="checkbox"/>	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: May 13, 2011

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANTS/REPRESENTATIVES:

NORTH OLGA COMMUNITY PLANNING PANEL
REPRESENTED BY ALEXIS CRESPO, AICP

2. REQUEST:

Amend the Lee Plan and Future Land Use Map to incorporate the results of the Northeast Lee County Community Planning effort and associated North Olga planning efforts:

- New and revised vision, goal, objectives, and policies for Northeast Lee County Community Planning and North Olga. Amend the Future Land Use Map series to include a Special Treatment Area on Map 1, Page 2 of 8 to show the Northeast Lee County Planning Community and North Olga area. Amend Map 16 to rename the Alva Planning Community to the Northeast Lee County Planning Community.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

Staff recommends that the Board of County Commissioners **adopt** the proposed amendment to the Lee Plan.

Northeast Lee County Vision Statement

Northeast Lee County – This Planning Community is located generally in the northeast corner of the county, east of SR 31 and north of Lehigh Acres. The vision for this Planning Community is a safe and friendly community where people want to live, work and recreate. The citizens desire a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area’s heritage and rural character. The Planning Community currently contains two identifiable areas: Alva and North Olga.

The Alva area is located in the northeast corner of the county, west of the Hendry County line and south of the Charlotte County line. Alva is further identified with its mixed-use rural village located around the intersections of Broadway Street with North River Road and with SR 80. Infill development in the rural village produces a compatible mix of residential, professional office, small retail shops, cafes, and bed and breakfast lodging.

The North Olga area is located south of the Charlotte County line, north of the Caloosahatchee River, west of the Caloosahatchee Regional Park and the Bob Janes Preserve to State Road 31, excluding Telegraph Creek Preserve. The North Olga community is further identified by the W.P. Franklin North Campground, also known as the “Franklin Locks” and the Owl Creek Boat Works facility in the western end of the area.

Future Land Use, Northeast Lee County Goal 33

GOAL 33: NORTHEAST LEE COUNTY PLANNING COMMUNITY. Maintain, enhance, and support the heritage, rural character, natural resources, and agricultural lands within the Planning Community. The boundaries for North Olga and Alva are delineated on Map 1, Page 2 of 8. Alva and North Olga will work cooperatively toward this goal for the entire Planning Community through the objectives and policies that follow, and through their individual/local planning efforts.

OBJECTIVE 33.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 33.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas open lands.

POLICY 33.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code.

POLICY 33.1.3: Work with residents and property owners of Alva and North Olga to amend the LDC to provide opportunities for rural mixed-uses that are connected to and compatible with adjacent areas.

POLICY 33.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the Land Development Code that will foster sustainable commercial agricultural operations and support rural uses.

POLICY 33.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

OBJECTIVE 33.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous natural resource, and open space areas, while providing the regulatory flexibility needed to support commercial agricultural operations.

POLICY 33.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs, conservation and agricultural easements, farmland trusts, and Land Development Code regulations.

POLICY 33.2.2: The Northeast Lee County Planning Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.

Objective 33.3: NATURAL RESOURCES. To enhance, preserve, protect, and restore the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on:

1. Water basins;
2. Native vegetation;
3. Wildlife habitat and resources; and
4. Areas designated for long-term conservation.

POLICY 33.3.1: Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve.

POLICY 33.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.

POLICY 33.3.3: Lee County will work to identify areas suitable for public water-dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County.

OBJECTIVE 33.4: CONNECTIVITY. Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community.

POLICY 33.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation.

POLICY 33.4.2: Plan and implement alternatives to roadways—e.g., greenways, blueways, equestrian trails, and other pedestrian pathways—within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed-use villages.

POLICY 33.4.3: Proactively plan for wildlife connections within Northeast Lee County that support the habitat needs of native animals on public lands and waters.

POLICY 33.4.4: Work with Alva and North Olga to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the planning community.

OBJECTIVE 33.5: PUBLIC PARTICIPATION. To encourage and solicit public input and participation within Northeast Lee County on proposed amendments to county regulations, including the Land Development Code, Lee Plan, and zoning applications affecting the Northeast Planning Community.

POLICY 33.5.1: As a courtesy, register citizen groups, civic organizations, and interested individuals within Northeast Lee County who desire notification of pending amendments to the LDC, zoning actions, and Lee Plan amendments within Northeast Lee County. Upon registration, provide registrants with documentation regarding pending amendments. This notification is not

jurisdictional. The county's failure to notify, or a registrant to receive notification, will not constitute a defect in the jurisdictional notice requirements or bar public hearings on an application.

POLICY 33.5.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendment within the Northeast Lee County Planning Community must conduct public informational meetings with both the Alva and North Olga Communities where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

POLICY 33.5.3: The Alva and North Olga Communities will coordinate their planning activities to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County.

North Olga Vision Statement

To establish a community plan in order to preserve and promote the unique rural character, historic heritage and quality of life in North Olga, as well as proactively and appropriately plan for future growth within the area.

Future Land Use, North Olga Goal 35

GOAL 35: NORTH OLGA COMMUNITY. To promote and support North Olga's unique rural character, heritage, economy, and quality of life by establishing a participatory community planning effort to guide North Olga's future. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8 of the Lee Plan.

OBJECTIVE 35.1: COMMUNITY CHARACTER. By 2014, the North Olga Community will work with Lee County to establish comprehensive plan policies, land development regulations, and other planning and development tools to manage future community development in a manner that protects and enhances North Olga's rural character and aesthetic appearance, while supporting the continued viability of commercial agricultural businesses.

POLICY 35.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.

POLICY 35.1.2: In partnership with Lee County, the North Olga Community will develop a rural planning toolbox to promote a compact development pattern within the community. Planning tools will include but are not limited to a Transfer of Development Rights (TDR) program, Purchase of Development Rights (PDR) program, conservation and agricultural easements, farm land trusts, and land development code regulations. The North Olga Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.

POLICY 35.1.3: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services.

POLICY 35.1.4: In partnership with Lee County, the North Olga Community will amend Chapter 33 of the LDC to establish enhanced design, landscaping, signage, and architectural standards to promote the community's rural character.

POLICY 35.1.5: Following the adoption of North Olga Community LDC amendments, discourage the approval of deviations or variances from standards that would result in a degradation of landscaping, signage guidelines, or compliance with applicable architectural standards.

POLICY 35.1.6: Work with the North Olga Community to improve the safety and accessibility of roadways, trails, and pathways through the implementation of the rural complete streets program.

POLICY 35.1.7: Lee County will support the North Olga Community's rural character by ensuring that any proposed Future Land Use Map amendments within the community are determined to be consistent with the goals, objectives and policies of the Lee Plan by at least three members of the Board of County Commissioners in a decision that is entered in a public meeting after the opportunity for public input.

OBJECTIVE 35.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 35.2.1: Proposed Planned Developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability,

preservation of open space, natural assets, and diversity of choice within the community.

POLICY 35.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one (1) unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one (1) acre.

POLICY 35.2.3: Encourage proposed Planned Developments to provide community gardens to allow for social, recreational and education activities for the residents of the Planned Development.

OBJECTIVE 35.3: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community. County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping, architecture, lighting and signage.

POLICY 35.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that promote compact development patterns and the preservation of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and/or retail outlets.

POLICY 35.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted. For the purposes of this policy, ancillary commercial uses are defined as non-residential uses that support the local, rural-based economy.

POLICY 35.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within LDC Chapter 33 as part of the development review process.

OBJECTIVE 35.4: ECONOMIC DEVELOPMENT. Encourage future economic development opportunities in the North Olga Community that identify and promote the rural and agricultural-based quality of life for the residents and surrounding communities.

POLICY 35.4.1: Continue to protect and support the long-term viability of commercial agricultural businesses within the community.

POLICY 35.4.2: Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments.

POLICY 35.4.3: Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program.

OBJECTIVE 35.5: TRANSPORTATION. Road improvements within the North Olga Community considered by the county will promote the community's goal to maintain its rural character and provide for safe access, and appropriate transportation resources including roadways and pedestrian, bike, and equestrian trails and pathways.

POLICY 35.5.1: Future improvements to North River Road or other public roadways within the North Olga community should be pursued only after careful analysis of safety, need, community and environmental impact. Public roadways improvements should incorporate rural design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga community.

POLICY 35.5.2: Work with the North Olga Community to allow for the use of roadways in a manner that supports local commercial agriculture businesses and their continued viability.

POLICY 35.5.3: Work with the North Olga Community to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the community.

OBJECTIVE 35.6: AGRICULTURE. The North Olga Community will support small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable commercial agriculture in order to foster a diverse local economy while maintaining the community's agricultural heritage. For the purposes of this objective, alternative, agriculturally-based enterprises include but are not limited to the production of biofuel crops, niche farming activities, agritourism, and carbon offset farming.

POLICY 35.6.1: Support the use of public and private lands for community gardens.

POLICY 35.6.2: Evaluate future development proposals, not including lot splits, for compatibility with adjacent, existing small- and large-scale farming operations, including buffers, setbacks, and site design standards to ensure that those activities do not unduly impact the viability of the community's agricultural businesses.

OBJECTIVE 35.7: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES. Facilitate public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community.

POLICY 35.7.1: Incorporate key linkages within the North Olga community into the Greenway Master Plan, such as connection between the North River Road Greenway and the Franklin Locks. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimize disturbances to wildlife habitats and natural systems.

POLICY 35.7.2: Work with the North Olga community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River.

POLICY 35.7.3: Proposed Planned Developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the river.

POLICY 35.7.4: Work in coordination with the North Olga community to identify and expand water-dependent/water-related uses and activities, including but not limited to canoe/kayak launch areas, boardwalks, fishing platforms and waterside parks.

POLICY 35.7.5: Evaluate the need for community facilities within North Olga to provide public meeting space. This evaluation will include the identification of funding sources and the facility's appropriate location and scale.

OBJECTIVE 35.8: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.

POLICY 35.8.1: Balance public access to the Caloosahatchee River with protection and rehabilitation efforts, in order to preserve the River's natural features and function.

POLICY 35.8.2: Encourage future development to maintain on-site native vegetation communities.

POLICY 35.8.3: Proposed Planned Developments will consider the incorporation of “Firewise” principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.

OBJECTIVE 35.9: WATER DEPENDENT OVERLAY. Protect marine-orientated land uses within North Olga from incompatible or pre-emptive land uses. The water dependent overlay within the community applies to the Owl Creek Boat Works as described on Lee Plan Map 12, Page 3 of 12.

POLICY 35.9.1: Prior to the redevelopment of the Owl Creek Boat Works facility, the owner will be required to conduct a cultural resource assessment of the property to determine the existence of historical structures, archaeological resources and other cultural resources.

OBJECTIVE 35.10: PUBLIC PARTICIPATION. Encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 35.10.1: As a courtesy, register citizen groups and civic organizations within the community that desire notification of pending review of LDC amendments and Lee Plan amendments. Upon registration, Lee County will provide registrants with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. The county’s failure to mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 35.10.2: Work with the North Olga Community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates made available to the public. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for development in the community will be kept for public inspection. The County’s failure to provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 35.10.3: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendments within the North Olga Community, as identified on Map 1, page 2 of 8, must conduct one public informational meeting where the agent provides a general overview of the project for interested citizens. This meeting must be conducted before the application can be found sufficient by County Staff.

The applicant is responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues raised at the meeting; and a proposal for how the applicant will respond to those issues.

POLICY 35.10.4: The North Olga Community will work with the Alva Community to implement and achieve the Northeast Lee County vision, goal, objectives, and policies.

POLICY 35.10.5: The North Olga Community is responsible for the ongoing, long-term implementation of the community's adopted goal, objectives, and policies in coordination with the county.

Lee Plan Map Amendments

1. Amend the Future Land Use Map series to include a Special Treatment Area on Map 1, Page 2 of 8 to show the Northeast Lee County Planning Community and Alva area.
2. Amend Map 16 to rename the Alva Planning Community to the Northeast Lee County Planning Community.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- The Northeast Lee County Planning Community includes two community planning areas North Olga and Alva, which share certain commonalities, characteristics, and needs.
- In October 2009, the Board of County Commissioners (Board) approved community planning grant applications for the development and update of separate community plans for two communities (North Olga and Alva) within the Northeast Lee County Planning Community. Through this grant approval, the Board of County Commissioners requested that ALVA Inc. and the North Olga Community Planning Panel (NOCPP) work together and develop coordinated plans which address their shared commonalities.
- During the course of the two year planning effort, both organizations facilitated extensive public input processes through which all community members were able to discuss the two community plans as well as the vision, goal, objectives, and policies for the entire Northeast Lee County Community Plan. This effort included the following public input opportunities:
 - Northeast Lee County – Six coordination meetings, six planning panel meetings (three sponsored by ALVA Inc. and three sponsored by NOCPP), and one Local Planning Agency workshop.

- North Olga — Five community outreach meetings, twenty-six planning panel meetings, two community days, and twenty-seven stakeholder interviews
 - Alva – Fifteen community planning panel meeting and two planning panel meetings.
- Throughout the planning process, both organizations have continually revised the vision statements, goals, objectives, and policies for Northeast Lee County, Alva, and North Olga in order to address identified needs, concerns, and values.
 - The two-year planning effort has resulted in a set of goals, objectives, and policies for North Olga which was approved by NOCPP at their April 21, 2011 meeting.
 - As a result of this community planning effort, staff finds that Alva Inc. and the NOCPP adopted a single vision, goal, objectives, and policies for the entire planning community. Alva Inc. adopted the Northeast Lee County Planning Community vision, goal, objectives, and policies at their April 30, 2011 meeting while NOCPP adopted them at their April 21, 2011 meeting.

C. BACKGROUND INFORMATION

LEE COUNTY COMMUNITY PLANNING HISTORY

Community Plan Development

Community planning has a history that parallels comprehensive planning efforts in Lee County. Lee County adopted its first comprehensive plan in 1984. Around the same time that Lee County was initiating county-wide comprehensive planning efforts, several communities expressed a desire to initiate area-specific planning projects. As a result of this interest, in 2001 the Board initiated a community planning program, through which the county provides grants to support grass roots community planning efforts.

Since 2001, interest in community planning efforts has increased as citizens sought opportunities to have input in the development of their local communities. The county promotes these local grass roots planning efforts by supporting local community planning panels. The planning panels are groups of community members from the local area who have taken the time and initiative to build community consensus about how the community sees its future. The panels receive professional planning assistance in the development, formation, adoption, and implementation of the community plans, which are adopted as part of the Lee County comprehensive plan and land development code. The professional assistance comes from public and private sector planners who work to help the local communities build consensus about how to address their community's many interests and needs. As a result of the planning panel's efforts, a local community can work towards the realization of the community's future vision.

Coordinating Planning Efforts and Consensus Building

One of the most difficult challenges any community planning effort faces is consensus building. Building consensus is critical to the successful development and implementation of community plans because every community has many individuals with different ideas, needs, and concerns. By building consensus between these different points of view, the community planning process helps ensure that community members buy into the vision, policy direction, and land development strategies.

In order to help communities develop consensus, the county tries to support activities which promote collaborative discussions and community planning efforts that address the many different needs, concerns, and challenges. Such activities include community planning vision workshops, issue surveys, community planning panel meetings, and facilitated discussions, are conducted in an open and public forum. Additionally, staff and other professional planners work closely with the community planning areas to listen to concerns, identify solutions, and develop policies and standards which address the various issues raised through the community planning process. As a result of such activities, a general level of community consensus is found by the time a community plan is presented to the Board of County Commissioners.

However, this does not mean that all community members agree about every item included within the plan. Despite the best efforts of the community, some differences may remain. This is an understandable outcome, as there are many different points of view being represented by the community plan. Yet, remaining issues is not an indicator of lack of consensus. Consensus simply means that there is general agreement about most items being discussed – not unanimity. The Board has recognized that community planning is about building general consensus, as identified during one of their discussions about community planning, community plans have rarely been embraced by all community members and none of them have been perfect.

NORTHEAST LEE COUNTY PLANNING COMMUNITY

The Northeast Lee County Planning Community is currently entitled the Alva Planning Community, which was the name of area's largest village. Early community planning efforts attempted to develop a plan for the entire planning community; however the community was not able to arrive at a community plan that was agreeable to both the large property owners, generally in the western portion of the community, and the small property owners, mostly located in the eastern portion of the community.

Alva is located in the eastern portion of the planning community in an area that includes a mix of a central village area, residential neighborhoods, and supporting agricultural lands. North Olga is located in the western portion of the planning community and includes mostly agricultural lands and large properties. The members of Alva wanted a plan which included tighter development controls in order to preserve and protect the rural lifestyle. The members of North Olga recognized the impact expanding residential areas could have on their ability to farm and, as such, wanted a plan to protect their agricultural lands while guiding future community development in a manner that protects the area's rural character.

Additionally, they felt development controls impinged upon their personal property rights. The inability for the two groups to bridge their differences left the planning community without an ability to build consensus about a plan for the entire community.

In order to support the unique needs and concerns of each area while also seeking an avenue to build consensus within the entire planning community, on October 27, 2009 the Board of County Commissioners approved applications for two community plans – one for the Alva area and one for North Olga area. In the motion to approval the two community planning efforts, the Board of County Commissioners instructed ALVA, Inc. (the planning panel for the Alva area) and North Olga Community Planning Panel (the planning panel for the Alva area) to coordinate their efforts so that common issues could be identified and addressed cooperatively. The Board acknowledged that the two communities had issues that were unique to them, but also had areas of common concern. As such, the Board instructed them to address those common issues while developing policies which support their unique needs and circumstances. Over the last year, ALVA Inc. and the NOCPP have been working together to identify and address common needs, concerns, and issues. As a result of this effort, both groups have approved a community plan, with a common goal, objectives, and policies, for the entire planning community as well as a vision, goal, objectives, and policies for their area.

NORTH OLGA COMMUNITY PLANNING

North Olga is an agricultural area located along the north shores of the Caloosahatchee River between State Route 31 to the east and the Bob Janes Preserve and Caloosahatchee Regional Park to the west. In order to help plan for the future of the community while protecting North Olga's rural character, the North Olga Community Planning Panel was formed in 2009. The Board of County Commissioners supports the North Olga community planning efforts through a grant, which has been used by the community to secure professional planning assistance. Through this grant, which was given on the same day as the Alva community planning grant, the Board sought to provide a means to build coordination in the entire planning community. Through comments to both communities, the Board directed North Olga and Alva to use their separate planning efforts as a tool to build consensus on issues affecting the entire planning community.

Over the course of the last two years, the NOCPP has worked to build community consensus by establishing a public forum through which the community could discuss the many issues they face. The panel has held regular community workshops and monthly meetings to discuss the community's vision, develop a planning framework, and develop goal, objectives, and policies that reflect the community's vision for the future.

Throughout this process, the plan has continuously been modified to better confirm the community's desire to support a rural character with a focus on a small compact residential areas, a strong commercial agricultural industry, limited public services and transportation systems, and protected natural resources and conservation lands. Additionally, the NOCPP has collaborated with the ALVA, Inc. to develop a vision, goal, objectives, and policies for the entire Northeast Lee County Planning Community.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Drafts of the Northeast Lee County, Alva, and North Olga community plans were submitted to the Lee County Department of Community Development at various times throughout the process, with the final drafts being sent the week of April 25, 2011. Planning staff provided copies of each draft and requested comments from various county departments, including:

- County Attorney's Office
- Emergency Medical Service Division
- Lee County Sheriff
- Department of Natural Resources
- Lee Tran
- Lee County School District
- Parks and Recreation
- Lee County Department of Transportation
- Development Services Division
- Environmental Sciences Division
- Zoning Division
- Utilities Division
- Lee County Port Authority
- Lee County Economic Development
- Public Works Department
- Lee County Health Department
- Department of Public Safety
- Lee County Public Works
- Conservation 20/20

Written comments were received from the County Attorney's Office, the Department of Transportation, Zoning Division, Environmental Sciences Division, Lee County Parks, Lee County Public Works, and Department of Natural Resources.

Planning Division staff has met many times with members of ALVA Inc. and the North Olga Community Planning Panel as well as their respective consultants to review staff comments and identify needed policy modifications. As a result of these meetings, the communities have revised their plans' visions, goals, objectives, and policies to address staff concerns. Additionally, the organizations have met with community members from the larger community as well as from the adjacent communities of Bayshore and Caloosahatchee Shores and have adjusted their plan in order to address community concerns.

In April, 2011 the plans for Northeast Lee County Planning Community and North Olga community planning area were submitted to the county for consideration as amendments in the Lee Plan. Staff has reviewed these plans and found it to be sufficient. The comments in this staff report are based on the review of final plans.

The following is the evaluation of the proposed vision, goal, objectives, and policies for the Northeast Lee County Planning Community and Alva planning area.

B. NORTHEAST LEE COUNTY PLANNING COMMUNITY

Northeast Lee County Vision Statement and Goal 33 Overview

One of the most significant outcomes of this community planning effort is the creation of a joint vision, goal, objectives, and policies for the entire Northeast Lee County Planning Community. The Northeast Lee County Planning Community vision, goal, objectives, and policies have been created as the result of collaborative planning effort between the ALVA Inc. and NOCPP, which has been facilitated by Lee County staff. The Northeast Lee County plan's vision, goal, objectives, and policies were adopted by the North Olga Planning Panel on April 21, 2011 and ALVA, Inc. on April 30, 2011.

The cornerstone of the Northeast Lee County Planning Community's plan is the recognition that the Alva and North Olga community is comprised of two distinct areas with a shared common sense of place. While each of the areas has different characteristics, they both contribute to the shared sense of place which is based upon the community's rural nature and agricultural heritage. The plan acknowledges this relationship by:

1. Renaming the former Alva Planning Community to the current Northeast Lee County Planning Community in order that both communities may feel they have an equitable stake in the planning community's future.
2. Establishing a planning framework that fosters the shared sense of place through planning objectives and policies that support each area's unique character.
3. Ensuring that the policies found within the Alva and North Olga plans are mutually supportive and provide for the long term needs of the entire area.
4. Developing a procedure by which all community members in Northeast Lee County may provide input about any development proposed for the planning community.
5. Promoting cooperative relationships between ALVA Inc. and NOCPP through which the organizations share information, discuss common needs and concerns, and work towards common goals.

The planning effort reflects the diverse needs and concerns of the community, as it was done through a process that encouraged all of the planning community's citizens, business people, property owners, and other interested stakeholders to share their concerns and provide input. Specific proposals were added to the Northeast Lee County Plan including a vision, goal, objectives, and policies to help address community concerns and help build community consensus throughout the entire planning community.

As a result of the community's consensus building process, the final proposal includes policies that address with the following issues raised by community members:

- Rural character definition which specifically identifies the components of a rural character area as, *“those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.”*

- That the agricultural and rural character of Northeast Lee County ought to be maintained and enhanced through the continued viability of the existing and evolving commercial agricultural operations and preservation of open space.
- A rural toolbox should be developed to develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous agricultural, natural resource, and open space areas.
 - Northeast Lee County Planning Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County.
- Transfer of development rights sending and receiving area provision that expressly articulates no new density rights may be transferred into the planning community.
- Shared community planning efforts which will focus on issues of common concern including rural character, multi-purpose corridors, public lands, park resources, natural resources, agricultural, connectivity, and other issues.
- Public participation requirement that ensures all future development proposals within the Northeast Lee County planning community will hold public informational meetings within both the Alva and North Olga communities.
- Establishment of Alva and North Olga borders that do not include conservation lands, as these areas are recognized as common resources to be planned for by a joint effort.

By establishing a common vision, goal, objectives, and policies, the Northeast Lee County Planning Community has been able to build a general level of consensus within the entire community and set a framework for the future development of the Alva and North Olga planning areas. This consensus was established when ALVA Inc. and NOCPP worked together to develop and adopt the Northeast Lee County Planning Community vision, goal, objectives, and policies. By working together on this effort, ALVA and NOCPP established consensus on the fact that they do share a single planning community, with a shared sense of place and rural character. Furthermore, in adopting this plan the communities recognized that they must work together to implement and achieve their common vision for the future.

Northeast Lee County Vision Statement

This Planning Community is located generally in the northeast corner of the county, east of SR 31 and north of Lehigh Acres. The vision for this Planning Community is a safe and friendly community where people want to live, work and recreate. The citizens desire a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area's heritage and rural character. The Planning Community currently contains two identifiable areas: Alva and North Olga.

The Alva area is located in the northeast corner of the county, west of the Hendry County line and south of the Charlotte County line. Alva is further identified with its mixed-use rural village located around the intersections of Broadway Street with North River Road and with SR 80. Infill development in the rural village produces a compatible mix of residential, professional office, small retail shops, cafes, and bed and breakfast lodging.

The North Olga area is located south of the Charlotte County line, north of the Caloosahatchee River, west of the Caloosahatchee Regional Park and the Bob Janes

Preserve to State Road 31. The North Olga community is further identified by the W.P. Franklin North Campground, also known as the “Franklin Locks” and the Owl Creek Boat Works facility in the western end of the area.

Staff finds that the vision for Northeast Lee County, which was written through a collaborative effort of the North Olga and Alva planning panels, their consultants, and staff, clearly identifies the community’s desire to maintain its rural lifestyle. Additionally, it establishes the location of the Alva and North Olga communities within the planning community. Finally, the vision identifies the key components of the planning community’s vision – healthy local economy, environmental stewardship, and rural heritage. The vision is consistent with Lee County’s intent to maintain the rural character and protect the natural environment of the county’s northeast corner.

Future Land Use, Northeast Lee County Goal 33

GOAL 33: Maintain and enhance the heritage and rural character, natural resources, and agricultural lands within the Planning Community and manage future change in an ecologically, economically, and socially sustainable manner. The boundaries for North Olga and Alva are delineated on Map 1, Page 2 of 8. Alva and North Olga will work cooperatively toward this goal for the entire Planning Community through the objectives and policies that follow, and through their individual/local planning efforts.

Staff finds that this goal supports the Northeast Lee County vision as it seeks to ensure that the community’s rural character, natural resources, and agricultural lands are protected. Additionally, the goal indicates that future changes to the planning community must be done in a manner that is consistent with the rural nature of the planning community and supportive of the planning community’s agricultural economy, natural resources, and social heritage.

Future Land Use, Northeast Lee County Objective 33.1: Agricultural and Rural Character

OBJECTIVE 33.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands

POLICY 33.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas of open lands.

POLICY 33.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code.

POLICY 33.1.3: Work with residents and property owners of Alva and North Olga to amend the LDC to provide opportunities for rural mixed-uses that are connected to and compatible with adjacent areas.

POLICY 33.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the Land Development Code that will foster sustainable commercial agricultural operations and support rural uses.

POLICY 33.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

Staff finds this objective and policies set to be central to the understanding and implementation of Northeast Lee County's Planning Community vision as it establishes the planning framework for the planning community's future. First, the objective specifically defines rural character and set forth the primary components of Northeast Lee County's planning framework, which is significant because rural is not clearly defined elsewhere in the Lee Plan. Next, the policies establish a work plan for implementing the planning framework, which include land development codes that support agricultural activities, rural mixed-use centers, clustered residential areas, and conserved open lands.

Future Land Use, Northeast Lee County Objective 33.2: Rural Planning Toolbox

OBJECTIVE 33.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous agricultural, natural resource, and open space areas.

POLICY 33.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs, conservation and agricultural easements, farmland trusts, and Land Development Code regulations.

POLICY 33.2.2: The Northeast Lee County Planning Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.

Staff finds this set of objective and policies confirms Northeast Lee County's commitment to maintaining its rural character by creating a set of rural planning tools. The rural planning toolbox discussed in this objective and policy set is comprised of incentives, programs, and regulations which provide for the long-term preservation of agricultural, natural resources, and open space lands. Such tools include transfer of development rights, purchase of development rights, property easements, land trusts, and land development regulations. Finally, the policies confirm that such programs may not be used to transfer development rights from outside the community into the community, as a property may only receive property rights from another property within the Northeast Lee County community.

Future Land Use, Northeast Lee County Objective 33.3: Natural Resources

OBJECTIVE 33.3: NATURAL RESOURCES. Enhance, preserve, protect, and restore the physical integrity, ecological standards, and natural beauty of Northeast Lee County by focusing on:

- 1. Water basins.*
- 2. Native vegetation.*
- 3. Wildlife habitat and resources.*
- 4. Areas designated for long-term conservation.*

POLICY 33.3.1: Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve.

POLICY 33.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.

POLICY 33.3.3: Lee County will work to identify areas suitable for public water-dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County.

Staff finds this set of objectives and policies to support the Northeast Lee County vision and planning framework by confirming the planning community's commitment to protection and maintaining its natural resources. The objective and policies define how this will be accomplished by establishing specific planning priorities, limiting access and passive uses, and balancing water access and natural resource needs.

Future Land Use, Northeast Lee County Objective 33.4: Connectivity

OBJECTIVE 33.4: CONNECTIVITY. Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community.

POLICY 33.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County.

POLICY 33.4.2: Plan and implement alternatives to roadways—e.g., greenways, blueways, equestrian trails, and other pedestrian pathways—within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed-use villages.

POLICY 33.4.3: Proactively plan for wildlife corridors within Northeast Lee County that support habitat needs of native animals on public lands and waters. The needs of wildlife habitat connections will be considered in the evaluation of proposed changes to private land.

POLICY 33.4.4: Work with Alva and North Olga to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the planning community.

Staff finds this objective to be an essential component of Northeast Lee County's rural character as it recognizes the need to plan for high levels of connectivity within the planning community. Moreover, the policies recognize that connectivity in a rural context is different than connectivity in an urban or suburban context. As stated in the policies, rural context connectivity address issues related to both human and wildlife needs; greenways, blueways, and pathways for use by equestrian riders, cyclists, pedestrians, and hikers; and roadways that provide for the needs of residents, agricultural businesses, and visitors.

Future Land Use, Northeast Lee County Objective 33.5: Public Participation

OBJECTIVE 33.5: PUBLIC PARTICIPATION. To encourage and solicit public input and participation within Northeast Lee County on proposed amendments to county regulations, including the Land Development Code, Lee Plan, and zoning applications affecting the Northeast Planning Community.

POLICY 33.5.1: As a courtesy, register citizen groups, civic organizations, and interested individuals within Northeast Lee County who desire notification of pending amendments to the LDC, zoning actions, and Lee Plan amendments within Northeast Lee County. Upon registration, provide registrants with documentation regarding pending amendments. This notification is not jurisdictional. The county's failure to notify, or a registrant to receive notification, will not constitute a defect in the jurisdictional notice requirements or bar public hearings on an application.

POLICY 33.5.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendment within the Northeast Lee County Planning Community must conduct public informational meetings with both the Alva and North Olga Communities where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

POLICY 33.5.3: The Alva and North Olga Communities will coordinate their planning activities to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County.

Staff finds that this set of objective and policies helps ensure that the entire Northeast Lee County planning community will continue to work together and collaborate on future planning efforts. The planning communities included these policies because they wanted to ensure the Alva and North Olga communities would build upon the consensus established

through this planning process by continuing to work together to guide the future of their shared planning community.

C. NORTH OLGA COMMUNITY PLANNING

North Olga Vision Statement and Goal 35 Overview

As a predominantly commercial agricultural area, the North Olga Community Plan seeks to foster the community's distinct characteristics. The plan was developed through an extensive community planning effort including five community outreach meetings, twenty-six planning panel meetings, two community days, and twenty-seven stakeholder interviews. The NOCPP listened to the concerns raised through the community planning process, and as a result of this effort a number of significant policy changes have been made to the plan including policies that:

- Promote rural context development patterns, transportation systems, and infrastructure services.
- Promote the creating of a rural toolbox—transfer of development rights, purchase of development rights, conservation and agricultural easements, farm land trusts, and land development regulations—to support the area's commercial agricultural economy.
- Provide for an open community discussion about all future planning decisions that may impact the community's rural character and quality of life including land use, transportation, conservation, and park development.
- Prevent development rights from being transferred into the area from outside the planning community.
- Promote the viability and foster opportunities for nature and agriculturally-based economic businesses.
- Work with the Alva community on the implementation of the Northeast Lee County vision, goal, objectives, and policies.

While each of these policies is important, the most significant result of the community's two year planning process is that the North Olga plan now recognizes the community's location as part of the Northeast Lee County Planning Community.

The following staff analysis shows how the North Olga vision, goal, objectives, and policies provide for the implementation of the entire Northeast Lee County Plan. In doing so, the staff analysis recognizes that through this plan, North Olga has committed itself to supporting, abiding by, and promoting Northeast Lee County's community vision.

As a result of these efforts, the North Olga community has achieved its goal of providing for a proactive plan that identifies what its vision for the future, provides a venue for community planning discussions, and better protects the community's rural character and way of life.

North Olga Vision Statement

To establish a community plan in order to preserve and promote the unique rural character, historic heritage and quality of life in North Olga, as well as proactively and appropriately plan for future growth within the area.

Staff finds the North Olga vision statement to clearly and succinctly express the ideals for the community's future. The vision focus on the community's rural nature as it recognizes that the first priority of the community is to maintain its unique rural character, historic heritage, and quality of life. It also understands that, in order to accomplish this vision, the community will have to proactively plan for change, as change within the community is inevitable.

This vision is consistent with the results of the North Olga community's planning desire to protect and maintain its rural quality of life and character. It is also consistent with the proposed vision for the entire Northeast Lee County Planning Community which expresses the community's desire to promote a healthy local economy—balancing environmental stewardship with the area's heritage and rural character. The North Olga vision also supports Northeast Lee County's rural definition by preserving and promoting, "*characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.*" Through this vision, North Olga seeks to ensure that the successful implementation of their plan will provide the community greater protection of their rural character and lifestyle.

Future Land Use, North Olga Goal 35

GOAL 35: NORTH OLGA COMMUNITY. To promote and support North Olga's unique rural character, heritage, economy, and quality of life by establishing a participatory community planning effort to guide North Olga's future. For the purpose of this Goal, the North Olga Community boundaries are defined by Map 1, Page 2 of 8 of the Lee Plan.

Staff finds that the North Olga's goal guides the implementation of their vision by ensuring that future planning efforts promote and support the community's unique rural character, heritage, economy, and quality of life. In doing so, North Olga establishes their community's future planning priorities and defines what geographical area the vision, goal, objectives, and policies for the North Olga community are to be applied. As a result, this goal sets the foundation for the development of a planning framework, as stated in the North Olga Plan objectives and policies.

This goal also supports and promotes the proposed vision and goal for the entire Northeast Lee County Planning Community, which includes the Alva community. North Olga's goal echoes the planning community's proposed goal to, "*maintain and enhance the heritage and rural character, natural resources, and agricultural lands ... and manage future change in an ecologically, economically, and socially sustainable manner.*" The consistency of these two goals is important because they are interdependent and, as such, will need to be implemented at both a local community level through North Olga's planning efforts and a planning community level in partnership with Alva.

Future Land Use, North Olga Goal 35.1: Community Character

OBJECTIVE 35.1: COMMUNITY CHARACTER. By 2014, the North Olga Community will work with Lee County to establish comprehensive plan policies, land development

regulations, and other planning and development tools to manage future community development in a manner that protects and enhances North Olga's rural character and aesthetic appearance, while supporting the continued viability of commercial agricultural businesses.

POLICY 35.1.1: Protect the community's rural aesthetic qualities, preserve the natural and historic resources, and support a diverse rural economy by promoting compact or clustered development areas that maintain large, contiguous tracts of open space, while supporting commercial agricultural businesses.

POLICY 35.1.2: In partnership with Lee County, the North Olga Community will develop a rural planning toolbox to promote a compact development pattern within the community. Planning tools will include but are not limited to a Transfer of Development Rights (TDR) program, Purchase of Development Rights (PDR) program, conservation and agricultural easements, farm land trusts, and land development code regulations. The North Olga Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.

POLICY 35.1.3: The North Olga Community will work in conjunction with Lee County, public agencies, land owners, and community service providers to examine the need for a rural mixed-use village center that provides for public meeting space, institutional uses, recreational opportunities and local goods and services.

POLICY 35.1.4: In partnership with Lee County, the North Olga Community will amend Chapter 33 of the LDC to establish enhanced design, landscaping, signage, and architectural standards to promote the community's rural character.

POLICY 35.1.5: Following the adoption of North Olga Community LDC amendments, discourage the approval of deviations or variances from standards that would result in a degradation of landscaping, signage guidelines, or compliance with applicable architectural standards.

POLICY 35.1.6: Work with the North Olga Community to improve the safety and accessibility of roadways, trails, and pathways through the implementation of the rural complete streets program.

POLICY 35.1.7: Lee County will support the North Olga Community's rural character by ensuring that any proposed Future Land Use Map amendments within the community are determined to be consistent with the goals, objectives and policies of the Lee Plan by at least three members of the Board of County Commissioners in a decision that is entered in a public meeting after the opportunity for public input.

Staff finds that this objective and policy set outlines a work plan for future efforts. The policies associated with this objective define how the community, by 2014, will look to develop and apply planning standards and regulations that ensure future projects protect and

enhance North Olga's rural character and aesthetic appearance, while supporting the continued viability of commercial agricultural businesses.

In doing so, the community also reinforces its commitment to ensuring that the entire North Olga community—including residents, business people, property owners, and other interested stakeholders—will be able to provide input into any proposed Future Land Use Map amendments and that such amendments will also be reviewed and approved by a majority of the Lee County Board of Commissioners. Additionally, the plan does not ask for nor contemplate changes to the existing future land use categories which would result in any density increases. Finally, the policy ensures that any such amendment would have to be determined to be consistent with the Lee Plan goals, objectives, and policies—including those established through those proposed by the Northeast Lee County Planning Community and North Olga community.

While this is not a change in current practice, it is important to include because it confirms the community's commitment to ensuring that their future planning efforts in the community are first, done in an open, public, and transparent manner and second, determined to be consistent with the adopted Lee Plan. Consequently, proposed future comprehensive plan amendment would have to be consistent with the proposed Northeast Lee County definition of rural character as stated in proposed Lee Plan Objective 33.1 and Objective 35.2, "*those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.*" Furthermore, a change to the county's future land use amendment would have to be compatible with the development forms being supported through the proposed Northeast Lee County Goal 33 and North Olga Goal 35. Such development patterns include the establishment of compact development patterns, protection of natural resources and contiguous conservations lands, viability of commercial agricultural operations, and preservation of open space, natural assets, and diverse choices.

Staff finds that the objective and policies presented herein implements of the North Olga Plan as well as the Northeast Lee County vision. Through this set of objectives and policies, North Olga clearly states that the community has a strong desire to remain rural, today and in the future. In doing so, this objective set protects the interests of residents who want to maintain a rural lifestyle while also protecting property owners the right to use their land in any way that is consistent with the community's established and defined rural character. Consequently, staff finds that as result of this set of objectives and policies the community has provided itself greater protection of their rural character than currently provided under the provisions of the adopted Lee Plan.

Future Land Use, North Olga Objective 35.2: Residential Land Uses

OBJECTIVE 35.2: RESIDENTIAL LAND USES. Protect and enhance the rural character of the North Olga Community by evaluating residential development proposals for consistency with the community's rural character and sense of community. Rural character is defined as those characteristics that convey the rural lifestyle such as: large lots or clustered development, ample views of wooded areas, open spaces, and river

fronts, working farms, productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 35.2.1: Proposed Planned Developments will be encouraged to provide a mix of unit types and flexible lot sizes to allow for clustering, affordability, preservation of open space, natural assets, and diversity of choice within the community.

POLICY 35.2.2: Proposed residential development adjacent to an existing large lot residential area or commercial agriculture business will provide appropriate separation, such as a minimum lot size of one (1) unit per acre for lots abutting the perimeter of property line(s). For the purposes of this policy, large lot residential uses are defined as those residential uses with lot sizes equal to or greater than one (1) acre.

POLICY 35.2.3: Encourage proposed Planned Developments to provide community gardens to allow for social, recreational and education activities for the residents of the Planned Development.

Staff finds that this set of objective and policies define how the community's planning framework will be implemented in regards to residential development. Through this set of objective and policies, the North Olga community identifies how future residential developments will support and protect the community's rural character. Specific planning measures identified include the creation of land development standards that promote mixed use and integrated planned developments, establishment of compatibility standards, and provision of community open spaces and garden areas. Such policies support and encourage the community's goal to promote a strong rural quality of life.

In addition to the land development standards, this objective also reinforces Northeast Lee County's commitment to maintaining its rural nature by reiterating the planning community's rural character definition. By restating this definition within its community plan, North Olga is confirming that its future vision is that of a rural community with a rural lifestyle, protected natural resources, and agricultural-based economy. Additionally, this objective and policy set articulates how the proposed Lee Plan Objective 33.1: Agricultural and Rural Character and Objective 33.2: Rural Planning Toolbox shall be implemented.

Future Land Use, North Olga Objective 35.3: Commercial Land Uses

OBJECTIVE 35.3: COMMERCIAL LAND USES. Existing and future county regulations, land use interpretations, policies, zoning approvals, and administrative actions should promote the rural character within the North Olga community boundaries and allow for non-residential land uses that serve and support the rural community. County regulations will support a unified and attractive rural-oriented design theme in terms of landscaping, architecture, lighting and signage.

POLICY 35.3.1: Continue to support the long-term viability of commercial agriculture industry through the development and implementation of incentives and tools including, but not limited to: TDR programs; farmland trusts; agricultural easements; and development practices that promote compact development patterns and the preservation

of productive agricultural lands. For the purposes of this policy, commercial agriculture is defined as the production of crops and livestock for sale, specifically for widespread distribution to wholesalers and/or retail outlets.

POLICY 35.3.2: Support ancillary commercial throughout the Rural designated areas that promote the rural and agricultural character of the community, if appropriate zoning approval is granted. For the purposes of this policy, ancillary commercial uses are defined as non-residential uses that support the local, rural-based economy.

POLICY 35.3.3: In order to maintain the rural and aesthetic value of the community, proposed new commercial development will utilize a consistent landscaping and architectural style for all buildings within proposed commercial developments, and will comply with the applicable design standards within LDC Chapter 33 as part of the development review process.

Staff finds that this set of objective and policies is necessary to implement North Olga's planning framework as it establishes priorities for future commercial development within the community. The commercial planning priorities established through this objective set include the following: support a unified and attractive rural-oriented design theme in terms of landscaping, architecture, lighting, and signage; promote the continued viability commercial agricultural businesses; and allow for ancillary uses that support a local, rural-based economy. By addressing these specific local needs, the North Olga commercial objective ensures that future commercial developments maintain and encourage the community's rural way of life.

Additionally, this set of policies and objective implement the Northeast Lee County Plan by articulating how the proposed Lee Plan Objective 33.1: Agricultural and Rural Character and 33.2: Rural Planning Toolbox are to be implemented in the North Olga community. North Olga seeks to ensure that future commercial development within the community is consistent with the planning community's desired rural lifestyle by promoting agricultural businesses, establishing rural landscaping standards, and designating compatible ancillary uses. Staff finds the objective and policy set is important to the success of the Northeast Lee County vision and goal because the proposed Lee Plan Objective 33.1 is dependent upon the local community plans and cannot be implemented on its own.

Future Land Use, North Olga Objective 35.4: Economic Development

OBJECTIVE 35.4: ECONOMIC DEVELOPMENT. Encourage future economic development opportunities in the North Olga Community that identify and promote the rural and agricultural-based quality of life for the residents and surrounding communities.

POLICY 35.4.1: Continue to protect and support the long-term viability of commercial agricultural businesses within the community.

POLICY 35.4.2: Support the development of nature and agriculturally-based tourism where appropriate throughout the community. Opportunities for nature and

agriculturally-based tourism include but are not limited to bird watching, equestrian facilities, kayaking/canoeing, and bed and breakfast establishments.

POLICY 35.4.3: Facilitate appropriate access and use of Conservation 20/20 lands to support kayaking/canoeing, bird watching, hiking and other passive recreational uses related to nature-based tourism. Recreational opportunities will be balanced with the protection of natural resources and will comply with the Land Stewardship Plan prepared by the Conservation 20/20 Land Program.

Staff finds that this set of objectives and policies underscores the importance of the communities' rural economic base to the achievement of North Olga's community planning vision. Through policies that support the long-term viability of agriculture, support eco-based tourism, and encourage appropriate and limited access to conservation lands, this objective set establishes policies which promote a rural-based economy. The policies address North Olga's unique qualities as they support the community's traditional agricultural heritage.

Additionally, staff finds that such policies are necessary to the successful implementation of Northeast Lee County's vision, goal, objectives, and policies, particularly proposed Lee Plan Objective 33.1: Agricultural and Rural Character, Lee Plan Objective 33.2: Rural Planning Toolbox, and Lee Plan Objective 33.3: Natural Resources. These objectives establish the planning community's priorities related to the future development efforts as well as the use and accessibility of conservation lands. North Olga supports these objectives by promoting developments that support the planning community's natural resources, open lands, and agricultural economy. As a result, the North Olga economic objective recognizes the importance of rural character to the Northeast Lee County's quality of life and future economic viability.

Future Land Use, North Olga Objective 35.5: Transportation

OBJECTIVE 35.5: TRANSPORTATION. Road improvements within the North Olga Community considered by the county will promote the community's goal to maintain its rural character and provide for safe access, and appropriate transportation resources including roadways and pedestrian, bike, and equestrian trails and pathways.

POLICY 35.5.1: Future improvements to North River Road or other public roadways within the North Olga community should be pursued only after careful analysis of safety, need, community and environmental impact. Public roadways improvements should incorporate rural design treatments. Public participation in planning and design processes for these road improvements should provide opportunities for involvement of the North Olga community.

POLICY 35.5.2: Work with the North Olga Community to allow for the use of roadways in a manner that supports local commercial agriculture businesses and their continued viability.

POLICY 35.5.3: Work with the North Olga Community to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the community.

Staff finds that this objective and policy set supports the proposed planning framework for North Olga by encouraging a safe and accessible multi-use transportation system. The community's connectivity objective and associated policies consider the need to provide transportation resources according to the community context—such as an agricultural farm-to-market corridor, multi-purpose path, or rural residential street. Most importantly, the North Olga policies recognize that rural roads are commercial corridors that must provide for the needs of its agricultural businesses to get their product to market while at the same time providing for the safety of the area's residents and visitors.

Staff finds that by recognizing that the diverse rural needs of its transportation resources, the objective and policies effectively works to achieve North Olga's community vision while promoting the connectivity objective and policies proposed as part of the entire Northeast Lee County Planning Community. In particular, North Olga's policies regarding connectivity support and implement proposed Lee Plan Objective 33.4: Connectivity. This objective establish priorities regarding North River Road's rural qualities, integrated multi-purpose rural transportation alternatives, wildlife corridors, and multi-purpose pathways—all issues which are further addressed through North Olga's connectivity policies. By ensuring that North Olga's connectivity policies are supportive of the planning community's connectivity priorities, the North Olga plan seeks to support and promote the Northeast Lee County's vision.

Future Land Use, North Olga Objective 35.6: Agriculture

OBJECTIVE 35.6: AGRICULTURE. The North Olga Community will support small and large-scale farming operations and alternative, agriculturally-based enterprises to sustain economically-viable commercial agriculture in order to foster a diverse local economy while maintaining the community's agricultural heritage. For the purposes of this objective, alternative, agriculturally-based enterprises include but are not limited to the production of biofuel crops, niche farming activities, agri-tourism, and carbon offset farming.

POLICY 35.6.1: Support the use of public and private lands for community gardens.

POLICY 35.6.2: Evaluate future development proposals, not including lot splits, for compatibility with adjacent, existing small- and large-scale farming operations, including buffers, setbacks, and site design standards to ensure that those activities do not unduly impact the viability of the community's agricultural businesses.

Staff finds that North Olga's proposed agriculture objective addresses the unique needs of the planning community by providing for the long-term viability of the community's commercial agricultural industry as well as small community farms and gardens. As one of the few remaining large-lot commercial agricultural communities in the county, North Olga has unique needs regarding how to ensure such operations remain viable for the future. As such,

this set of objective and policies ensures that the community's future work plan will address the specific and unique needs of commercial agricultural businesses and seek to ensure that any future residential development within the community does not conflict with the long-term viability of such businesses.

By providing for the long-term viability of the community's commercial agricultural industry, North Olga also promotes and supports the vision of the entire Northeast Lee County. A planning community cannot maintain its rural character or lifestyle unless the agricultural foundation of the community is maintained and supported. Simply stated, large-lot rural residential uses alone do not allow communities to remain rural—they must also have ample farm lands and natural resource areas. The community members of Northeast Lee County recognize this fact as they stated in their rural character definition that residential areas needed to support, “*wooded areas, open spaces, and river fronts, working farms, and productive agricultural uses.*” Therefore, staff finds that North Olga's stated commitment to protecting its agricultural economy based is necessary to the achievement of the Northeast Lee County vision and goal.

Future Land Use, North Olga Objective 35.7: Open Space, Recreation, and Community Facilities

OBJECTIVE 35.7: OPEN SPACE, RECREATION AND COMMUNITY FACILITIES. Facilitate public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community.

POLICY 35.7.1: Incorporate key linkages within the North Olga community into the Greenway Master Plan, such as connection between the North River Road Greenway and the Franklin Locks. These linkages will serve the purpose of providing a meaningful trail network, which will include connections to public recreational areas and minimize disturbances to wildlife habitats and natural systems.

POLICY 35.7.2: Work with the North Olga community and private landowners to identify opportunities to maintain and enhance public access to the Caloosahatchee River.

POLICY 35.7.3: Proposed Planned Developments adjacent to the Caloosahatchee River will be encouraged to provide public access to the river.

POLICY 35.7.4: Work in coordination with the North Olga community to identify and expand water-dependent/water-related uses and activities, including but not limited to canoe/kayak launch areas, boardwalks, fishing platforms and waterside parks.

POLICY 35.7.5: Evaluate the need for community facilities within North Olga to provide public meeting space. This evaluation will include the identification of funding sources and the facility's appropriate location and scale.

Staff finds that this objective and policy set addresses issues that are unique to the North Olga community in a way that is supportive of its overall goal and desired community

character. One of the issues that many North Olga community members sought opportunities to provide shared open spaces, common recreational opportunities, and community-wide resource facilities. This need is evident in the fact that the NOCPP planning panel currently must meet in an adjacent community's fire hall because the community lacks such a facility. Additionally, they must travel to take their children to a play ground or ball field. In order to address these issues, the community would like the opportunity to identify an appropriate place and funding sources to provide such resources within the North Olga community.

At the same time, the community has many natural resources and is adjacent to large areas of conservation lands which do provide the community opportunities to partake in water-oriented, natural resource-based, equestrian, and passive recreational activities. The community has expressed a desire to maintain such facilities and identify future lands which would also be appropriate for passive, nature-friendly activities.

This objective and policy set seeks to address these local community concerns by establishing policies that support the community's objective of facilitating public access to and the enjoyment of scenic, historic, recreational, and natural resources in the North Olga community. The policies accomplish this goal by utilizing the community planning process to promote a trail network to link the community's many natural resources and conservations areas together, encourage public access to the Caloosahatchee River, expand water dependent or related uses, and evaluate the need and opportunities for community meeting and recreational resources.

Staff finds that by establishing guidelines for the use, planning, and development of North Olga's public recreational, conservation areas, and natural resources, this objective and policy set supports the visions of North Olga and the entire Northeast Lee County Planning Community. Specifically, the policies demonstrate the community's goal to link public facilities and lands, provide for water related and water dependent uses, and allow appropriate access to conservation lands in order to support and promote the planning community's rural quality of life. In doing so, the community addresses issues and concerns that are a concern to both the North Olga community and entire Northeast Lee County Planning Community, as stated in proposed Objective 33.3: Natural Resources.

Future Land Use, North Olga Objective 35.8: Conservation

OBJECTIVE 35.8: CONSERVATION. Preserve, protect, and, where possible, enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga Community, focusing upon the Caloosahatchee River, native vegetation, wildlife resources, and areas designated for long-term conservation.

POLICY 35.8.1: Balance public access to the Caloosahatchee River with protection and rehabilitation efforts, in order to preserve the River's natural features and function.

POLICY 35.8.2: Encourage future development to maintain on-site native vegetation communities.

POLICY 35.8.3: Proposed Planned Developments will consider the incorporation of “Firewise” principles in site design, including building orientation, access management, landscaping type and placement. For the purposes of this policy, Firewise principles are those guidelines developed by the National Fire Protection Association to mitigate the risk of wildland fire to homes in the wildland/urban interface.

Staff finds that the North Olga Conservation objective and associated policies support the community’s goal of promoting the identified rural character through the protection of natural resources and conservation of native lands. The policies established within this objective address the community’s concerns related to Caloosahatchee River accessibility, native-vegetation landscaping practices, and brush fire prevention. Through such policies, the objective seeks to enhance the physical integrity, rural character, ecological values, and natural beauty of the North Olga community.

Staff finds that these policies address the local needs of the North Olga community while also supporting and promoting the vision of the entire Northeast Lee County Planning Community. Proposed Lee County Objective 33.3: Natural Resources identifies the planning community’s concerns related to its water basins, native vegetation, wildlife habitat, and conservation lands. The North Olga Plan supports these policies by establishing specific policy outcomes and work plan priorities. As a result, the community ensures that its future planning activities will address specific community concerns while supports the entire planning community’s priorities and goals.

Future Land Use, North Olga Objective 35.9: Water Dependent Overlay

OBJECTIVE 35.9: WATER DEPENDENT OVERLAY. Protect marine-orientated land uses within North Olga from incompatible or pre-emptive land uses. The water dependent overlay within the community applies to the Owl Creek Boat Works as described on Lee Plan Map 12, Page 3 of 12.

POLICY 35.9.1: Prior to the redevelopment of the Owl Creek Boat Works facility, the owner will be required to conduct a cultural resource assessment of the property to determine the existence of historical structures, archaeological resources and other cultural resources.

Owl Creek Boat Works, which has been identified by the community as a cultural heritage landmark, is located along the water in the heart of North Olga. Staff finds that this objective and policy set appropriately consider the needs of this community resource by ensuring that future planning efforts on or around the site protect the public’s interest in the property. In doing so, the objective and policy seeks protect marine-oriented land uses by requiring that a cultural resource assessment of the property be completed prior to the redevelopment of the Owl Creek Boat Works.

By working to protect this important community asset, the North Olga community has addressed a community concern related to the protection of its historical character. Additionally, it supports the entire Northeast Lee County vision to maintain and enhance the area’s heritage and water-oriented resources. The policy helps ensure that proposed Lee Plan

Objective 33.1: Agricultural and Rural Character and Objective 33.3: Natural Resources are implemented through North Olga's future community planning efforts. Staff finds that the inclusion of this objective and policies is, therefore, consistent with the needs of the local community and supportive of the vision proposed for all of Northeast Lee County.

Future Land Use, North Olga Objective 35.10: Public Participation

OBJECTIVE 35.10: PUBLIC PARTICIPATION. Encourage and solicit public input and participation prior to and during the review and adoption of county regulations, Land Development Code provisions, Lee Plan provisions, and zoning approvals.

POLICY 35.10.1: As a courtesy, register citizen groups and civic organizations within the community that desire notification of pending review of LDC amendments and Lee Plan amendments. Upon registration, Lee County will provide registrants with documentation regarding pending amendments. This notice is a courtesy only and is not jurisdictional. The county's failure to mail the notice, or failure of a group to receive mailed notice, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 35.10.2: Work with the North Olga Community to establish a Document Clearing House, where copies of selected documents from permit applications, variance requests, staff reports and Lee Plan status updates made available to the public. Hearing Examiner recommendations, decisions, Administrative Variances and Board resolutions for development in the community will be kept for public inspection. The County's failure to provide documents to the Document Clearing House, or failure of the Document Clearing house to receive documents, will not constitute a defect in the jurisdictional notice requirements or bar a public hearing from occurring as scheduled.

POLICY 35.10.3: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendments within the North Olga Community, as identified on Map 1, page 2 of 8, must conduct one public informational meeting where the agent provides a general overview of the project for interested citizens. This meeting must be conducted before the application can be found sufficient by County Staff. The applicant is responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues raised at the meeting; and a proposal for how the applicant will respond to those issues.

POLICY 35.10.4: The North Olga Community will work with the Alva Community to implement and achieve the Northeast Lee County vision, goal, objectives, and policies.

POLICY 35.10.5: The North Olga Community is responsible for the ongoing, long-term implementation of the community's adopted goal, objectives, and policies in coordination with the county.

Staff finds that the objective and policies confirms the North Olga community's intention to encourage public participation in all of its community planning activities in order that all community stakeholders—citizens, business people, land owners, and other interested parties—may take ownership of their community's future. Additionally, staff recognizes North Olga's intent to support the Northeast Lee County Planning Community's vision, goal, objectives, and policies by promoting cooperative planning efforts between the Alva and North Olga.

North Olga's public participation policies seek to support and implement proposed Lee Plan Objective 33.5: Public Participation. Through this objective, the Northeast Lee County Planning Community proposes provisions for ensuring that the collaborative partnership which the Alva and North Olga communities established to develop the Northeast Lee County Plan will be continued. Specifically, the Northeast Lee County Planning Community sought to ensure that the Alva and North Olga communities would work together on review of proposed development projects, community-wide planning projects, and communicating planning related information to their respective community members. The North Olga Plan confirms their community's commitment to this partnership as they seek to ensure that the visions for North Olga and the entire Northeast Lee County Planning are achieved.

D. CONCLUSIONS

The Northeast Lee County Comprehensive Plan and North Olga Comprehensive Plan together establish a sound planning framework for the future of the Northeast Lee County Planning Community. The visions, goals, objectives, and policies established through these three plans identify and address a number of challenges and opportunities. The process used to develop the plans has led to general consensus about the planning community's future and established a foundation for future community development and planning in Northeast Lee County.

E. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners *transmit* the proposed amendments to Lee Plan.

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

DATE OF PUBLIC HEARING: May 23, 2011

A. LOCAL PLANNING AGENCY REVIEW

Planning staff reviewed the staff reports and recommendations for CPA2010-05 and CPA2010-17 at the same time in order that the similarities and corresponding findings may be addressed jointly.

The Chair of the LPA asked for clarification regarding density, intensity, public input into the planning process, and mailing addresses. Staff confirmed that no density or intensity increases were proposed, there was meaningful and significant public input, and the mailing addresses would not change.

The next LPA discussion dealt with density concerns in Alva and the preservation of rural character throughout Northeast Lee County. Staff explained that any future development would be evaluated against the rural character definition as found in Northeast Lee County Objective 33.1. There was further discussion about the rural definition regarding how it would be applied, whether it precluded future density or intensity increases, and the level of rural protection or direction provided by it. Since the Lee Plan currently does not define rural character, staff stated that the definition provides a higher level of protection against land use changes as such changes would need to be deemed consistent and compatible with the definition.

The Chair of the LPA then asked for the agents of North Olga Community Planning Panel to comment on the application for the North Olga plan. The community's attorney, planning consultant, and panel chair discussed the proposed plan, planning process, community consensus, Northeast Lee County collaboration, and their panel's make-up and by-laws. The representatives discussed the process and outcomes of North Olga's two-year community planning effort through which the community discussed the area's future and the plan was modified to address community concerns. The other key issue addressed was the NOCPP by-laws and the concerns community members have with the current panel structure. The panel confirmed their commitment to work with the community to revise the by-laws in order to provide for a more inclusive panel make-up. However, despite these concerns, they also confirmed that the plan reflects all of the input provided through the process.

Following the presentations by the NOCPP and ALVA, Inc., the LPA Chair opened the items for public comment. In total, forty-four people commented on the two items. Public concerns generally addressed four topics: commercial agricultural needs, consensus about the North Olga plan, NOCPP by-laws, and Alva density concerns. However, the majority of the public supported the plans and the planning efforts used to develop the plans.

Three of LPA members were pleased with the outcome of the North Olga planning effort. They commented that having two local plans support a single community-wide vision is better than earlier proposals, which had two distinct and disconnected local plans. They also find that the plans do not support increase density or intensity as they provide better protection for Northeast Lee County's rural character. Despite their general support of North Olga's planning effort, it was suggested that the NOCPP should broaden their panel makeup similar to other community planning panels and also use future planning efforts to plan for future commercial uses and in doing so address the appropriate location, type, and intensity for such uses. Two other LPA members said that while they recognize the Board's direction to have two community plans in the area, more work needs to be done before they would be able to support the North Olga plan. They are concerned that the North Olga plan lacks community consensus and definitive direction about what rural character is. One of these two members found the North Olga plan to be open and vague, not specific about development types and locations, and not clear about what it means to be rural.

The LPA Chair had a number of comments regarding Northeast Lee County and North Olga plan objectives and policies. Such concerns dealt with issues related to agricultural and farming needs, ecological standards, private property participation, and repetitive policies.

A motion was made and seconded to recommend transmittal of CPA2010-05 Community Plan for Northeast Lee County and North Olga. Another member asked if the motion could include the comments raised by the LPA Chair. The LPA Chair asked if the motion could specifically address the issues related to agriculture. The motioner commented that all of those issues were raised by the county attorney's memo and amended the motion to ensure that all items raised in the county attorney's memo were addressed.

The motion passed 4-2.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommended that the Board of County Commissioners **transmit** the amendment as recommended by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The LPA accepted the findings of fact as advanced by the staff.

C. VOTE:

NOEL ANDRESS	<u>AYE</u>
CINDY BUTLER	<u>NAY</u>
JIM GREEN	<u>NAY</u>
MITCH HUTCHCRAFT	<u>AYE</u>
RONALD INGE	<u>AYE</u>
JACK MEEKER	<u>AYE</u>
CAROL E. NEWCOM-JONES	<u>ABSENT</u>

**PART IV - BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: June 13, 2011

A. BOARD REVIEW:

Staff provided a brief summary of the proposed amendment and staff recommendation. Staff explained that the planning effort in the last year had been accomplished through a coordinated planning process, which included the Alva, Inc, North Olga Planning Panel, and other interested community members. As a result of the effort, North Olga Planning Panel had developed proposed goals, objectives, and policies for the North Olga community area and a proposed plan for the entire Northeast Planning Community.

The North Olga Planning Panel addressed the Board of County Commissioners concerning the proposed amendment as well as seventy-nine community members. Community members were split about their support as thirty-one favored the plan and forty-eight were opposed, predominantly because they opposed the make-up of the by-laws which prevent community members from being able to select panel members in an open process. Additionally, one attorney representing a commercial agricultural business asked for changes to policies that referenced agricultural operations. One Board member asked staff about the requested agricultural policy changes. Staff explained that they were working with the community and affected property owner to address the concerns and would have the revisions ready for review at the adoption hearing.

The BoCC then discussed the issues related to the community panel make-up and by-laws and several BoCC members asked the panel's planning team to work to address this issue prior to adoption. The Commissioners also discussed issues related to mining and density allowed by current future land use designations. One member explained he would not support the plan because he preferred a single plan for the entire Northeast Lee County area and not separate plans for Alva and North Olga. Another member explained that while he supported the plan's goals, objectives, and policies, he could not support the plan until such time as the by-law concerns had been addressed, which he hoped would be done prior to adoption.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners voted to **transmit** the proposed amendment.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the findings of fact advanced by staff and the Local Planning Agency.

C. VOTE:

BRIAN BIGELOW	NAY
TAMMARA HALL	AYE
RAY JUDAH	AYE
FRANK MANN	NAY
JOHN MANNING	AYE

**PART V – REVIEWING AGENCIES’ OBJECTIONS,
RECOMMENDATIONS AND COMMENTS**

DATE OF PUBLIC HEARING: July 29th, 2011

A. COMMENTS FROM REVIEWING AGENCIES:

No reviewing agency provided comments concerning the proposed amendment that need to be addressed.

B. RESPONSE TO BOARD DIRECTION AT TRANSMITTAL HEARING:

Following some of the public comment at the Transmittal Hearing, the Board of County Commissioners directed staff to continue to work with the North Olga Community Planning Panel as it worked to revise the panel’s make up and their by-laws. To that end, staff has continued to attend the North Olga meetings in August and September. There is also a scheduled meeting on September 15th where the make up and by-laws will be discussed further.

The North Olga Planning Panel and Alva, Inc. have requested revisions to the proposed Northeast Lee County Vision Statement and Goal 33 which is common to both the Alva, and North Olga Communities. Lee County Planning staff received several objections from residents, property owners, local land use attorneys, and other Lee County staff. Due to these objections staff has not incorporated the proposed changes from Alva, Inc. into Goal 33 at this time. Staff would like to point out that the Lee Plan can be amended at a future time to incorporate the requests made by Alva, Inc. after their ideas and concepts have been vetted. The revisions requested by the North Olga Planning Panel were acceptable to staff at this time, as the proposed revisions were only to clarify the goal. The proposed revisions are identified below bolded with strike-through and double-underlined text to identify any changes proposed since the proposed amendment was transmitted.

Northeast Lee County – This Planning Community is located generally in the northeast corner of the county, east of SR 31 and north of Lehigh Acres. The vision for this Planning Community is a safe and friendly community where people want to live, work and recreate. The citizens desire a healthy local economy, balanced with environmental stewardship, and maintenance and enhancement of the area’s heritage and rural character. The Planning Community currently contains two identifiable areas: Alva and North Olga.

The Alva area is located in the northeast corner of the county, ~~east west~~ of the Hendry County line and south of the Charlotte County line. Alva is further identified with its mixed-use rural village located around the intersections of Broadway Street with North River Road and with SR 80. Infill development in the rural village produces a compatible mix of residential, professional office, small retail shops, cafes, and bed and breakfast lodging.

The North Olga area is located south of the Charlotte County line, north of the Caloosahatchee River, west of the Caloosahatchee Regional Park and the Bob Janes Preserve to State Road 31, **excluding Telegraph Creek Preserve**. The North Olga community is further identified by the W.P. Franklin North Campground, also known as the “Franklin Locks” and the Owl Creek Boat Works facility in the western end of the area.

GOAL 33: NORTHEAST LEE COUNTY PLANNING COMMUNITY. Maintain ~~and~~, enhance, **and support** the heritage ~~and~~, rural character, natural resources, and agricultural lands within the Planning Community **and manage future change in an ecologically, economically, and socially sustainable manner**. The boundaries for North Olga and Alva are delineated on Map 1, Page 2 of 8. Alva and North Olga will work cooperatively toward this goal for the entire Planning Community through the objectives and policies that follow, and through their individual/local planning efforts.

OBJECTIVE 33.1: AGRICULTURAL AND RURAL CHARACTER. Maintain and enhance the viability of the existing and evolving commercial agricultural operations, preserve open space, and retain the rural character of Northeast Lee County. For the purposes of this objective, rural character is defined as those characteristics that convey a sense of rural lifestyle such as large lots or clustered development, ample views of wooded areas, open spaces, and river fronts, working farms and productive agricultural uses, and the protection of environmentally sensitive lands.

POLICY 33.1.1: Support the agricultural and rural character within Northeast Lee County by encouraging continued commercial agricultural operations and encourage new development to be clustered to conserve large areas open lands.

POLICY 33.1.2: Work with residents and property owners of Alva and North Olga to develop standards and guidelines for clustering future development and conserving large areas of open lands to promote compatibility with adjacent residential and agricultural areas. These standards and guidelines are intended to give clear and meaningful direction for future amendments to the Land Development Code.

POLICY 33.1.3: Work with residents and property owners of Alva and North Olga to amend the LDC to provide opportunities for rural mixed-uses that are connected to and compatible with adjacent areas.

POLICY 33.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the Land Development Code that will foster sustainable commercial agricultural operations and support rural uses.

POLICY 33.1.5: In all discretionary actions, consider the effect on Northeast Lee County's commercial agricultural operations and rural character.

OBJECTIVE 33.2: RURAL PLANNING TOOLBOX. To develop and further the use of a rural toolbox of incentives, programs, and regulations that enhance and maintain Northeast Lee County's sense of place and provide for the long-term preservation of large tracts of contiguous ~~agricultural~~, natural resource, and open space areas, **while providing the regulatory flexibility needed to support commercial agricultural operations.**

POLICY 33.2.1: Work with Alva and North Olga to develop and refine rural planning tools including but not limited to: Transfer of Development Rights (TDR) and Purchase of Development Rights (PDR) programs, conservation and agricultural easements, farmland trusts, and Land Development Code regulations.

POLICY 33.2.2: The Northeast Lee County Planning Community may be a sending area for county-wide TDRs, but may only receive TDRs from within the Northeast Lee County Planning Community.

Objective 33.3: NATURAL RESOURCES. To enhance, preserve, protect, and restore the physical integrity, ecological standards, and ~~natural beauty rural character~~ of Northeast Lee County by focusing on:

1. Water basins;
2. Native vegetation;
3. Wildlife habitat and resources; and
4. Areas designated for long-term conservation.

POLICY 33.3.1: Identify opportunities for appropriate limited public access to and passive recreational use of the Bob Janes Preserve.

POLICY 33.3.2: Identify, maintain, and enhance appropriate public access to Northeast Lee County's public lands and surface waters, balanced with new and ongoing efforts to protect and enhance the community's water quality and natural resources.

POLICY 33.3.3: Lee County will work to identify areas suitable for public water-dependent/water-related recreation, such as canoe/kayak launches, boardwalks, jogging paths, fishing platforms, and waterside parks within Northeast Lee County.

OBJECTIVE 33.4: CONNECTIVITY. Enhance and maintain high levels of connectivity across the Northeast Lee County Planning Community.

POLICY 33.4.1: Work to preserve the rural character and scenic qualities of North River Road, and support multiple modes of travel for residents, businesses, visitors, and commercial agriculture within Northeast Lee County. **Implementation of this policy will not impact the function or operation of agricultural lands within the Planning Community for the purposes of scenic preservation.**

POLICY 33.4.2: Plan and implement alternatives to roadways—e.g., greenways, blueways, equestrian trails, and other pedestrian pathways—within Northeast Lee County connecting people to public lands, recreation areas, public facilities, and the rural mixed-use villages.

POLICY 33.4.3: Proactively plan for wildlife **corridors connections** within Northeast Lee County that support **the** habitat needs of native animals on public lands and waters. **The needs of wildlife habitat connections will be considered in the evaluation of proposed changes to private lands.**

POLICY 33.4.4: Work with Alva and North Olga to evaluate funding opportunities and feasibility of creating a multipurpose path to run the entire length of North River Road through the planning community.

OBJECTIVE 33.5: PUBLIC PARTICIPATION. To encourage and solicit public input and participation within Northeast Lee County on proposed amendments to county regulations, including the Land Development Code, Lee Plan, and zoning applications affecting the Northeast Planning Community.

POLICY 33.5.1: As a courtesy, register citizen groups, civic organizations, and interested individuals within Northeast Lee County who desire notification of pending amendments to the LDC, zoning actions, and Lee Plan amendments within Northeast Lee County. Upon registration, provide registrants with documentation regarding pending amendments. This notification is not jurisdictional. The county's failure to notify, or a registrant to receive notification, will not constitute a defect in the jurisdictional notice requirements or bar public hearings on an application.

POLICY 33.5.2: The owner or agent of a requested zoning action (planned development, conventional rezoning, special exception, or variance requests) or Lee Plan Amendment within the Northeast Lee County Planning Community must conduct public informational meetings with both the Alva and North Olga Communities where the agent will provide a general overview of the project for any interested citizens. This meeting must be conducted before the application can be found sufficient. The applicant is fully responsible for advertising, providing the meeting space, and security measures as needed. Subsequent to this meeting, the applicant must provide staff with a summary that contains the following information: the date, time, and location of the meeting; a list of attendees; a summary of the concerns or issues that were raised at the meeting; and a proposal for how the applicant will respond to any issues.

POLICY 33.5.3: The Alva and North Olga Communities will coordinate their planning activities to maintain and enhance the rural character, natural resources, agriculture, and connectivity of Northeast Lee County.

C. STAFF RECOMMENDATION:

Staff recommends that the Board of County Commissioners *adopt* the proposed amendment as identified in Part I(B) of this staff report.

**PART VI - BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: September 28th, 2011

A. BOARD REVIEW:

Staff made a brief presentation to the Board of County Commissioners about the changes made to the amendment since the Transmittal Hearing. The Board questioned why the language had been changed and staff explained it was to address issues raised by the community. Staff also presented an errata sheet to address concerns by the County Attorney's Office. A representative of the applicant also gave a brief presentation to the Board of County Commissioners stating that every effort had been made to get public input concerning the amendment.

The Chairman opened the floor for public comment and twenty-seven members of the public addressed the Board. Nineteen were in favor of the proposed amendment. Three members of the public discussed the issue without stating whether or not the amendment should be adopted. Five members of the public were not in favor of the proposed amendment. The concerns expressed by those opposed to the amendment were that the proposed bylaws did not represent the residents of the Alva and North Olga area.

The Commissioners asked staff questions concerning the proposed amendment, such as the ability to amend the community plan in the future based on recently submitted language. Staff replied that it would be possible to do so. A commissioner asked staff about the role of the bylaws on this proposed amendment. Staff said that the Board's decision should be based solely on the plan as proposed. A commissioner asked why the plan did not preclude the ability of residents to ask for increased density. Staff said that it would conflict with the Bert J Harris act. A motion was made to adopt the proposed amendment with the revised language proposed by staff but with the understanding that definitions for certain terms that are not currently included in the Lee Plan will be added at a later date. Following staff clarifications the Board of County Commissioners voted 3-2 to adopt the proposed amendment.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board voted to **adopt** the proposed amendment with the revised language proposed by staff.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:




The Board accepted the findings of fact as advanced by staff and the Local Planning Agency.

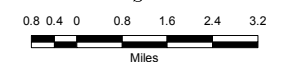
C. VOTE:

BRIAN BIGELOW	NAY
TAMMARA HALL	AYE
RAY JUDAH	AYE
FRANK MANN	NAY
JOHN MANNING	AYE

SPECIAL TREATMENT AREAS

Legend

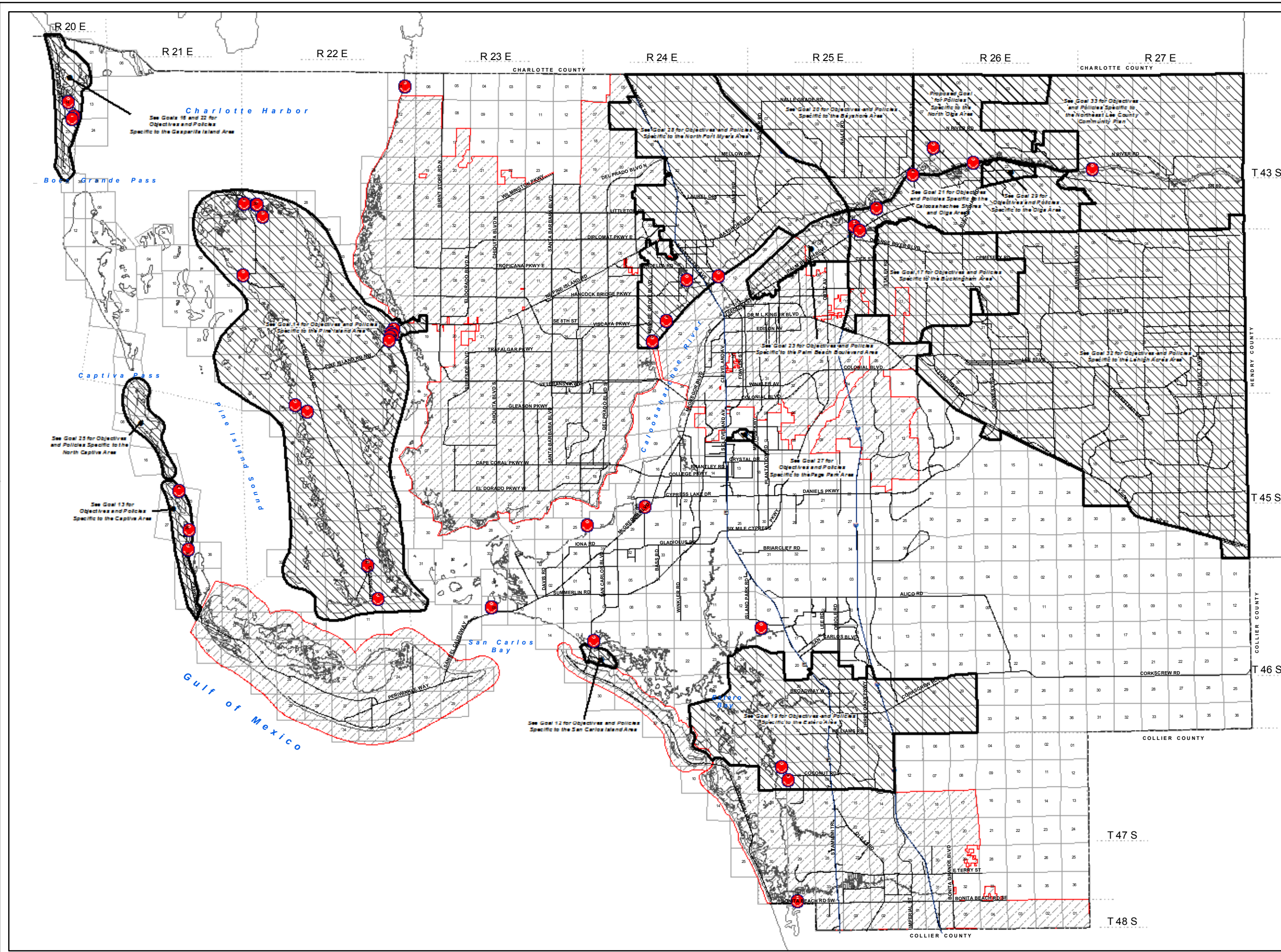
-  Water Dependent Overlay
See Maps 2 and 12 for Details
-  Community Planning Areas
-  City Limits



Map Generated: September 2011
 City Limits current to date of map generation

Last Amended: June 2, 2010
 Amended by Ordinance Nos.
 02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 08-05,
 09-07, 09-08, 09-09, 09-10, 09-11, 10-16

CPA2010-0005
Proposed Revision To
Lee Plan Map 1
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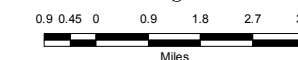
LEE COUNTY PLANNING COMMUNITIES

Year 2030
Planning Communities

- 1. Alva
- 1. Northeast Lee County
- 2. Boca Grande
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sanibel
- 15. South Fort Myers
- 16. Pine Island
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham
- 21. Estero
- 22. Bayshore

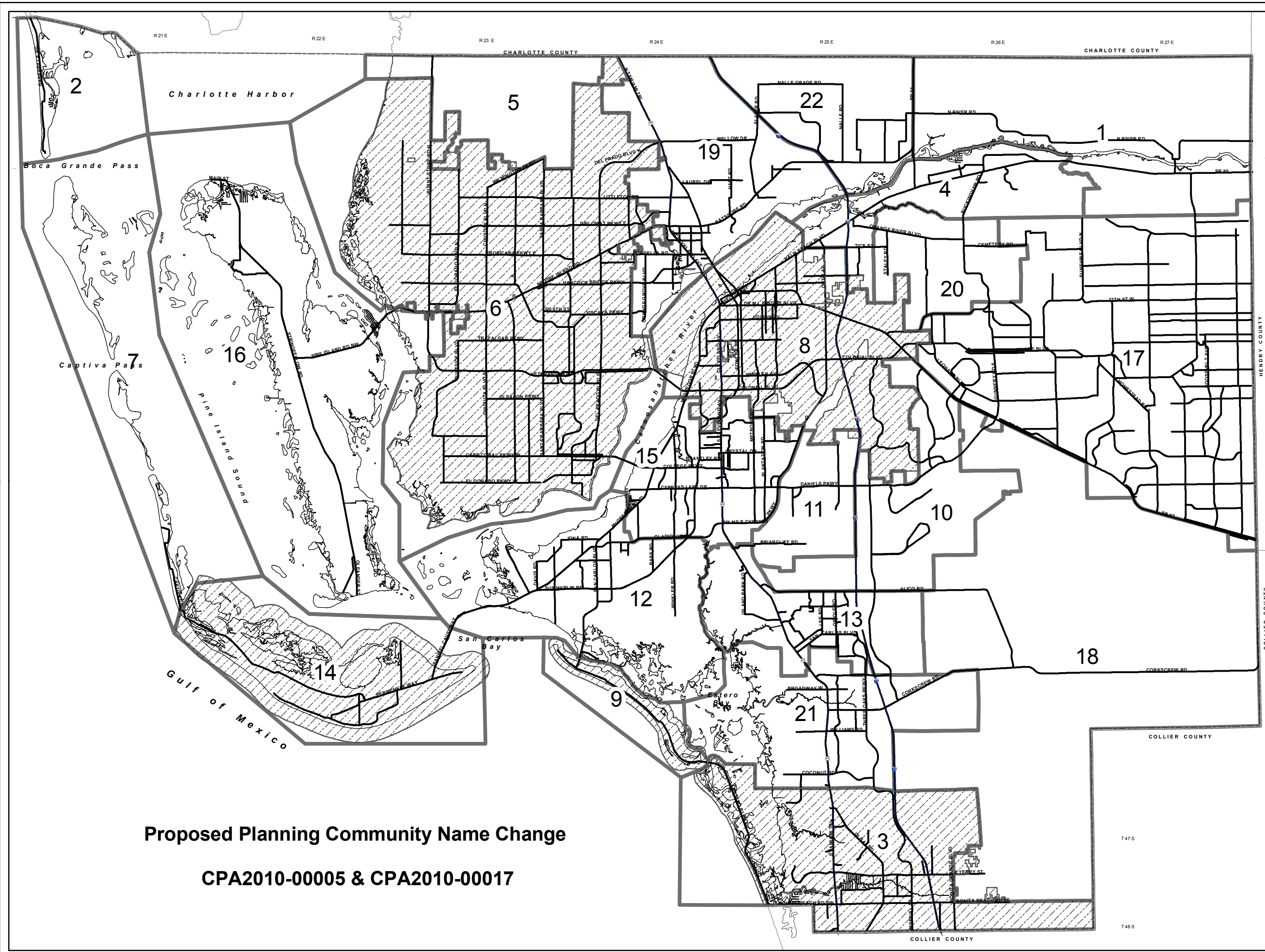
 City Limits

The Planning Communities Map and Acreage Allocation Table (see Table 1(b) and Policies 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.



Map Generated: October 2010
City Limits current to date of map generation
Adopted by Ordinance No. 98-09
Amended by Ordinances
02-02, 07-09, 07-13, 10-15, 10-16

Lee Plan Map 16



Proposed Planning Community Name Change

CPA2010-00005 & CPA2010-00017

**Errata Sheet
for CPA 2010-05
September 28, 2011 BoCC Adoption Hearing**

Revise Policy 33.1.4:

POLICY 33.1.4: Work with the residents and property owners of Alva and North Olga to establish amendments to the Land Development Code that will foster **sustainable** commercial agricultural operations and support rural uses.

Revise Objective 33.3

Objective 33.3: NATURAL RESOURCES. To enhance, preserve, **and** protect ~~, and restore~~ the physical integrity, ecological standards, and rural character of Northeast Lee County by focusing on:

1. Water basins;
2. Native vegetation;
3. Wildlife habitat and resources; and
4. Areas designated for long-term conservation.