

Matth. - FYI

**Lee County Board Of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20100996

1. ACTION REQUESTED/PURPOSE:

RUSH - WALK ON: Direct to public hearings 1) the approval of a Compliance Agreement with the Department of Community Affairs (DCA); and 2) adoption of Lee Plan amendments to effectuate the terms of the Compliance Agreement to October 23, 2010, at 9:30 a.m., and November 1, 2010 at 9:30 a.m., respectively.

2. FUNDING SOURCE:

N/A

3. WHAT ACTION ACCOMPLISHES:

Sets public hearings for County's approval of a Compliance Agreement to settle pending litigation with DCA on the recently adopted Lee Plan amendments for the Density Reduction/Groundwater Resource Area in Southeast Lee County. Also sets adoption hearing for Lee Plan amendments to implement the terms of the Compliance Agreement.

4. MANAGEMENT RECOMMENDATION:

5. Departmental Category: <DeptCategory>

6. Meeting Date: 10/26/2010

7. Agenda:

Walk-On

8. Requirement/Purpose: (specify)

- Statute 163.3184(16)
- Ordinance
- Admin Code
- Other

9. Request Initiated

Commissioner:
Department: COUNTY ATTORNEY
Division: Land Use
By: Donna-Marie Collins

10. Background:

A. COMPLIANCE AGREEMENT:

On March 3, 2010, Lee County adopted Lee Plan amendment CPA2008-06 pertaining to the Density Reduction/Groundwater Resource (DR/GR) Future Land Use Category in Southeast Lee County. The Plan amendments were found "not in compliance" with Part II of Chapter 163, F.S., by the DCA. Since that time, and prior to the initiation of a hearing before the Department of Administrative Hearings, Lee County, DCA, and numerous interveners have discussed possible resolution of the issues raised by the Department. Lee County staff and DCA have reached an agreement on the revisions necessary to address DCA's issues. The changes have been outlined in a Compliance Agreement that must be considered/approved by the Board at public hearing. Staff requests the Board to direct to public hearing the consideration of the Compliance Agreement so that the hearing may be advertised in the News-Press. The requested hearing date is October 26, 2010 at 9:30 AM or as soon thereafter as may be heard.

B. PLAN ADOPTION HEARING:

Staff requests the Board to direct to a single public hearing, the Lee Plan amendments contemplated in the Compliance Agreement for November 1, 2010, at 9:30 a.m., or as soon thereafter as may be heard.

11. Required Review:

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12. Commission Action: