

CPA2005-00017

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**Long Range Transportation Plan
BOCC SPONSORED EAR-BASED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

**THE LEE PLAN
(Policy 36.1.1 and Map 3)**

BoCC Adoption Document

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
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(239) 479-8585**

May 16, 2007

LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00017



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
√	Staff Review
√	Local Planning Agency Review and Recommendation
√	Board of County Commissioners Hearing for Transmittal
√	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
√	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND DEPARTMENT
OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation
Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners
adopt the proposed amendment as provided under Part IIC, the Staff
Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Currently, Map 3A of the Lee Plan Transportation Map series reflects the MPO's 2020 Financially Feasible Transportation Plan highway map as amended through June 20, 2003.
- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
- Maps 3A, 3B and 3H of the Lee Plan's Transportation Map series and Policy 36.1.1 all need to be updated to reflect the most recent version of the MPO's long range transportation plan highway map.

C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCES THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 needs to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreschan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: *The Lee County Metropolitan Planning Organization's ~~2020~~ 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO ~~2020~~ 2030 Financially Feasible Highway Plan Map, as adopted ~~December 8, 2000~~ December 7, 2005 and as amended through ~~June 30, 2003~~ March 17, 2006, is incorporated as Map 3A of the Transportation Map series, ~~with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR 951 Extension PD&E Study.~~ Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from ~~Koreshan Boulevard~~ Estero Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT:*

Intersection	Improvements
US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/ Koreshan Boulevard <u>Estero Parkway</u>	Southbound and Westbound Dual Left Turn Lanes

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes reflected in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE. July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

After a brief presentation by DOT staff, an LPA member sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Staff confirmed that, noting that for future roadways staff makes an assumption about which jurisdiction will maintain them, but those assumptions haven't changed from previous versions of the map. Another LPA member noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Staff explained that the MPO can amend its plan on a monthly basis, but the County's comprehensive plan amendment cycle is yearly, so staff was notifying the LPA and everyone else that the latest version of the MPO plan will be presented for Board consideration at the adoption hearing, even if it is slightly different than what the LPA reviewed, in order to maintain as much consistency as possible between the MPO plan and the Lee Plan.

There were no public comments on this item.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA unanimously recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Ryfell and second by Ms. Burr.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFELL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	ABSENT
(VACANT)	---

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board pulled this item from the consent agenda for discussion. Commissioner Judah expressed concerns about inclusion of a second bridge to Fort Myers Beach in the MPO's 2030 Financially Feasible Plan and consequently Map 3A. Staff noted that the MPO would be considering amendments to its plan in February, prior to the Board adoption hearing, and suggested the Board members work through the MPO's process to address any facilities of concern then. Whatever changes made by the MPO in February would be brought back to the Board for consideration in a revised Map 3A (and Maps 3B and 3H as necessary) at the adoption hearing.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners unanimously voted to transmit the proposed plan amendment, on a motion by Commissioner Judah and a second by Commissioner Hall.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: March 2, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs stated the following Objection and Recommendation in relation to CPA 2005-00017 as part of the March 2nd, 2007 ORC Report:

Objection:

The County is proposing to update Transportation Element Policy 36.1.1 and the Transportation Map series to reference the new 2030 Metropolitan Planning Organization's (MPO) Long Range Transportation Plan. However, the update is not supported by relevant data and analysis of the existing level of service standard deficiencies in the County upon which the MPO's plan was based, as well as, an identification of the improvements that are anticipated or projected to be needed to correct deficiencies and address the demands of growth for the short-term of 5 years and for the long-term (2030). In the absence of this information, it is not possible to determine the extent to which the County is using the comprehensive planning process to correct deficiencies and plan for anticipated impact of growth during the next planning horizon. [Chapter 163.3177(2), (6)(a), & (b), & (8) F.S., 9J-5.016(1)(a), & (4)(a), and 9J-5.019(3)(a) through (3)(i), & (4)(b)1. through (4)(b)3., FAC]

Recommendation:

Include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies, and the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based. Also, identify the improvements that are projected to be needed to address the demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements.

B. STAFF RESPONSE:

The requested amendment is to simply update 3 maps in the Transportation Map Series that are based on the Lee County MPO's 2020 Financially Feasible Plan map to reflect the MPO's new 2030 map, and to revise the Lee Plan policy that references the first of those maps. The objection that the MPO plan update (and subsequent incorporation into the Lee Plan) "is not supported by relevant data and analysis of the *existing* level of service standard deficiencies in the County upon which the MPO's plan was based (*emphasis added*)" is misplaced, because unlike the CIP, the MPO plan is not based on existing deficiencies, it is based on projected deficiencies in the year 2030. Although Lee County submitted documentation in the 2004 Evaluation and Appraisal Report (EAR) and the 2005 EAR sufficiency response that clearly demonstrated that Lee County has a handle on existing traffic conditions through its annual concurrency management report, the Department of Community Affairs continues to confuse the short term needs with the long term needs. The recommendations to "include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies", as well as to "identify the improvements that are projected to be needed to address the

demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements" is irrelevant to the update of Maps 3A, 3B and 3H and Policy 36.1.1, instead relating to the County's annual concurrency management process and five-year capital improvement programming process. The Department has requested similar information in the comments related to CPA 2005-00027, the annual update of the Capital Improvement Element, and it is being provided in response to that item.

Regarding the recommendation that the County provide "the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based", Lee County has not prepared a link-by-link level of service calculation for the major road segments in the 2030 condition based on the adopted MPO 2030 Financially Feasible Plan network. Instead, Lee County has relied on the MPO's standard plan development process, of which we are a part (along with FDOT and the cities within Lee County), and with which DCA should be familiar. If DCA is not familiar with the MPO's plan development process, the documentation for the development of the 2030 plan can be found at the MPO's website, at http://www.mpo-swfl.org/PLN_2030.shtml.

Of particular significance is Section D, the explanation of the development of the Highway Element of the MPO's plan. The very first paragraph of that section explains "(t)he process of updating the highway element of the Year 2030 Long Range Transportation Plan is divided into two phases. In the first phase, a highway network was developed that would accommodate the peak season weekday travel demand in 2030 if the MPO were not limited as to how much it could afford to do. This is commonly referred to as the *"Needs Plan"*. In the second phase, the *"Needs Plan"* highway network was scaled back to devise the best performing plan the MPO expects to be able to be affordable based on the financial resources forecasted to be available for transportation capital improvements through the year 2030."

The MPO plan documentation goes on to explain that the various network alternatives were tested using the FSUTMS computerized travel demand model, and that a number of network alternatives were tested to develop the final Needs Plan network. The MPO plan concludes that, after the iterative testing process, a final needs network was run, and "(t)his run showed those highway improvements that would be needed to adequately handle the amount of traffic that was to be expected by the Year 2030 on the Lee County highway system."

Moving on from the Needs Plan development, the MPO plan documentation then explains the development of the Financially Feasible Plan, by costing out the Needs Plan improvements, projecting expected available revenues, and cutting back the plan network to what is affordable. Table D-1 of the MPO plan highlights the costs of the road improvements in the Needs network and the available revenues, broken down by jurisdiction. The text indicates that the total County-wide shortfall between the cost of the improvements in the Needs Plan and the projected available revenues is \$3,811,248,922, but that was based on the

analysis done in the fall of 2005. The current MPO plan tables found on the web page now identify a total shortfall of \$4,163,736,771. The Lee County share of that shortfall is projected to be \$2,733,196,919. It is worth noting that the shortfall in funding for projects in Lee County that are the State's responsibility total \$1,022,267,180.

By its very definition, taking a plan that is expected to meet the travel demand needs in 2030 and cutting out \$4 billion worth of improvements is going to cause some areas to no longer meet those projected needs, leading to level of service deficiencies. That is the nature of the MPO's Financially Feasible Plan, which is the basis for Map 3A of the Lee Plan and has been for many years. This fully satisfies the requirements of S. 163.3177(2), F.S., which reads:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan *shall be financially feasible* (emphasis added). Financial feasibility shall be determined using professionally acceptable methodologies.

The goal of the MPO planning process, and for Lee County as part of that process, is to ultimately close the gap between the Needs Plan and the Financially Feasible Plan. However, the projection of available revenues is based on the revenues sources and amounts we know of today, and it is not possible to have all the answers about transportation funding 23 years into the future. This we do know: Lee County currently charges the maximum local option gas taxes allowed under State law, a total of 12 cents (which is shared with the cities). Lee County also charges road impact fees on new development, the rates for which are revisited every 3 years. The most recent update just completed in October led to a tripling of the road impact fee rates to one of the highest in the State, which actually hasn't yet been accounted for in the MPO's projections of revenues. Lee County also has 3 toll bridges, and some limited surplus toll revenues that help it meet its needs. Finally, Lee County has set aside \$60 million in ad valorem revenues the last two years to create a revolving loan fund to advance road projects and phases in an attempt to counter ever-increasing land and construction costs. The only other significant revenue source not currently implemented in Lee County is the 1-cent local option sales tax, which is required by State law to be approved by referendum, and which has been soundly defeated by voters in two previous attempts. Many of the projects that are expected to be Lee County's responsibility that make up its \$2.7 billion share of the deficit also have the potential to be toll projects, and an Expressway Authority was just created in 2005 to explore the possibility of tolling to add capacity on Interstate 75, so more tolls will likely be part of the effort to close the funding gap.

As a final note, the use of the MPO Financially Feasible Plan, developed through the MPO's process, as the basis for Map 3A of the Lee Plan, ensures consistency with two provisions of Rule 9J-5 of the Florida Administrative Code. Specifically, subsection 9J-5.019(3)(g) states:

The analysis shall consider the projects planned for in the Florida Department of Transportation's Adopted Work Program, *long range transportation plan* and transportation improvement program *of the metropolitan planning organization*, and the local transportation authority(ies), if any, and compatibility with the policies and guidelines of such plans. (Emphasis added)

Further, subsection 9J-5.019(4)(b)3. requires objectives in the plan which:

Coordinate the transportation system with the plans and programs of any applicable *metropolitan planning organization*, transportation authority, Florida Transportation Plan and the Florida Department of Transportation's Adopted Work Program. (Emphasis added)

Clearly, coordination with the MPO planning effort is the goal of the State requirements, which Lee County feels is addressed by incorporating the MPO's 2030 Financially Feasible Plan highway map into the Lee Plan as Map 3A of the Transportation Map series. Lee County also feels that a link-by-link identification of potential level of service deficiencies in the Financially Feasible Plan based on projected growth to 2030 is unnecessary, because the level of service is considered in development of the Needs Plan (as stated in the MPO plan documentation) and we know by definition that the Financially Feasible Plan isn't going to fully meet all of our projected needs, at least as long as the revenue projections don't fully fund the Needs Plan. The link conditions in 2030 are taken into consideration when privately-initiated plan amendments that intensify uses are proposed, but the more significant measure, the actual basis of concurrency, is the short-term, which Lee County addresses through its concurrency management regulations and annual monitoring report, and through its five-year capital improvement program.

C. RECOMMENDATION: Staff recommends that the Board of County Commissioners adopt the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

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

DATE OF ADOPTION HEARING: May 16, 2007

A. BOARD REVIEW:

The Board of County Commissioners received the staff presentation and discussed this item as part of the Administrative Agenda at their April 11, 2007 hearing, with final action at the continued hearing on May 16, 2007. Based on the FDCA ORC comments, Commissioner Hall asked if there was a change in FDCA policy to put more emphasis on the 5-year horizon instead of the long range horizon. Staff felt that was the case.

Under public comments, Mr. Sid Kitson, developer of Babcock Ranch, asked that the March 20th and April 6th letters from his attorney to the County be entered into the record. Those letters asked that the Lee County road improvements identified through the Charlotte County BROD be incorporated into Map 3 (the Transportation Map series) of the Lee Plan. Although he believed this action would help address some of the FDCA ORC comments on CPA 2005-00017, he acknowledged the staff suggestion that this was better handled through a separate Babcock Ranch plan amendment. While Kitson Associates had previously submitted a Babcock plan amendment request that was going to be tied to their AMDA and independent of the regular amendment cycle, it was withdrawn when the AMDA excluded any Lee County lands. Staff suggested to the Board that they could act to include the Babcock amendment in the regular 06/07 plan amendment cycle, which it did unanimously on a motion by Commissioner Judah and a second by Commissioner Hall. It was clarified that the Babcock amendment would only address the road impacts in Lee County from the Charlotte County portion of the project, and not any land use issues in Lee County.

There were no other public comments.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners adopted proposed plan amendment CPA 2005-00017, on a motion by Commissioner Judah and second by Commissioner Hall.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the facts advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	AYE
TAMMARA HALL	AYE
BOB JANES	AYE
RAY JUDAH	AYE
FRANKLIN B. MANN	AYE

LEE COUNTY ORDINANCE NO. 07-11
(Long Range Transportation Plan)
(CPA2005-17)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on July 24, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-17 pertaining to the amendment of the Transportation Element and Transportation Map Series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, the Board held public hearings on the adoption of the proposed amendment to the Lee Plan on April 11 and May 16, 2007; and,

WHEREAS, on May 16, 2007, the Board adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-17 Long Range Transportation Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-17. CPA 2005-17 amends the

Transportation Element and Transportation Map Series, Map 3, of the Lee Plan to reflect the new 2030 MPO Long Range Transportation Plan.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to

“section,” “article,” or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner Judah, who moved its adoption. The motion was seconded by Commissioner Hall. The vote was as follows:

Robert P. Janes	Aye
Brian Bigelow	Aye
Ray Judah	Aye
Tammy Hall	Aye
Frank Mann	Aye

DONE AND ADOPTED this 16th day of May 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: Marcia Wilson
Deputy Clerk

BY: Robert P. Jones
Robert P. Jones, Chair

DATE: 5-16-07



Approved as to form by:

Donna Marie Collins
Donna Marie Collins
County Attorney's Office

STATE OF FLORIDA

COUNTY OF LEE

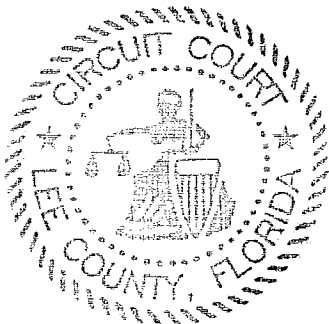
I Charlie Green, Clerk of Circuit Court, Lee County, Florida, and ex-Officio Clerk of the Board of County Commissioners, Lee County, Florida, do hereby certify that the above and foregoing, is a true and correct copy of Ordinance No. 07-11, adopted by the Board of Lee County Commissioners, at their meeting held on the 16th day of May, 2007 and same filed in the Clerk's Office.

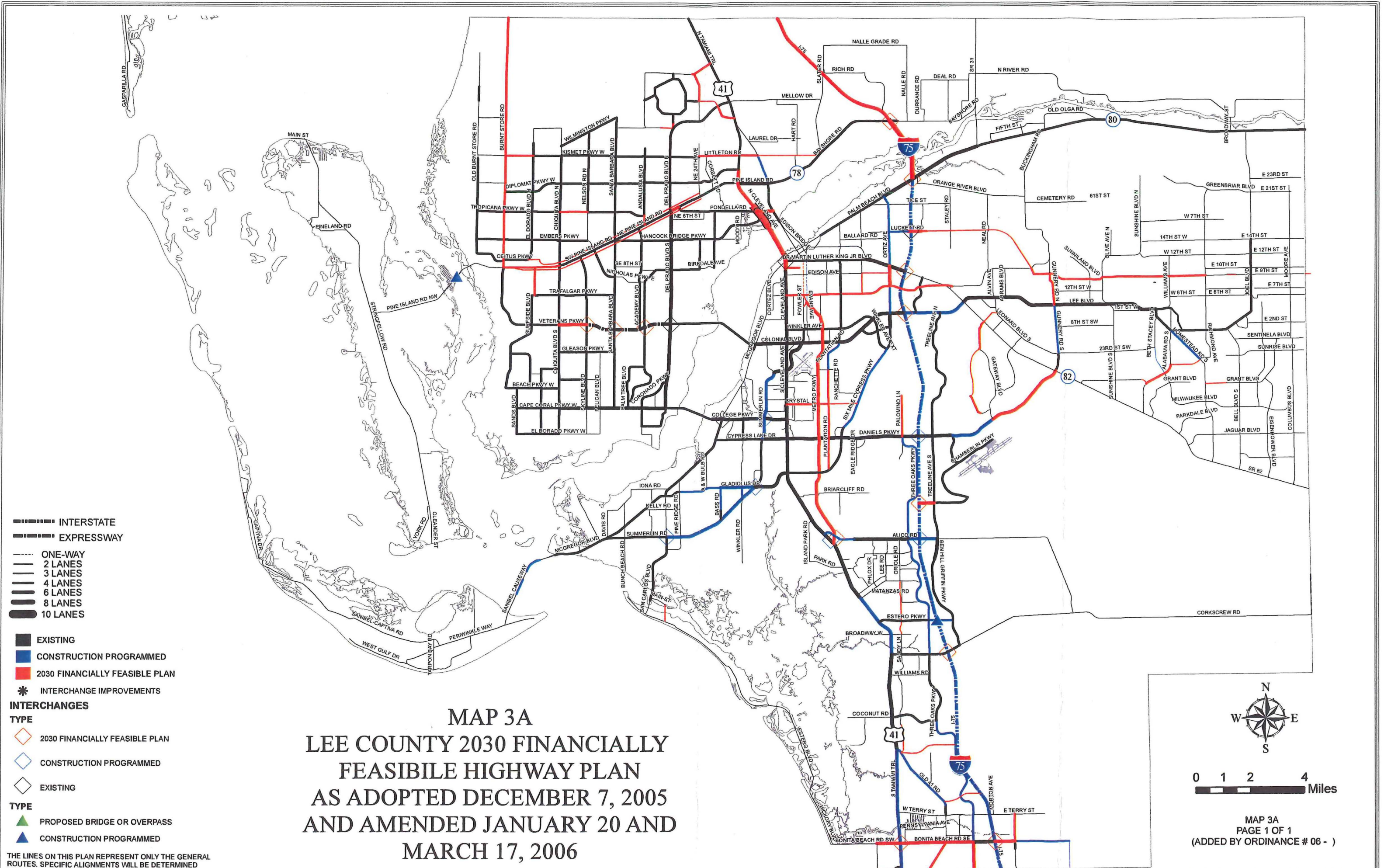
Given under my hand and seal, at Fort Myers, Florida, this 21st day of May 2007.

CHARLIE GREEN,
Clerk of Circuit Court
Lee County, Florida

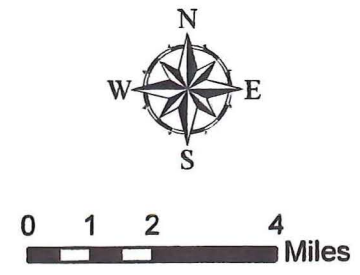
By:

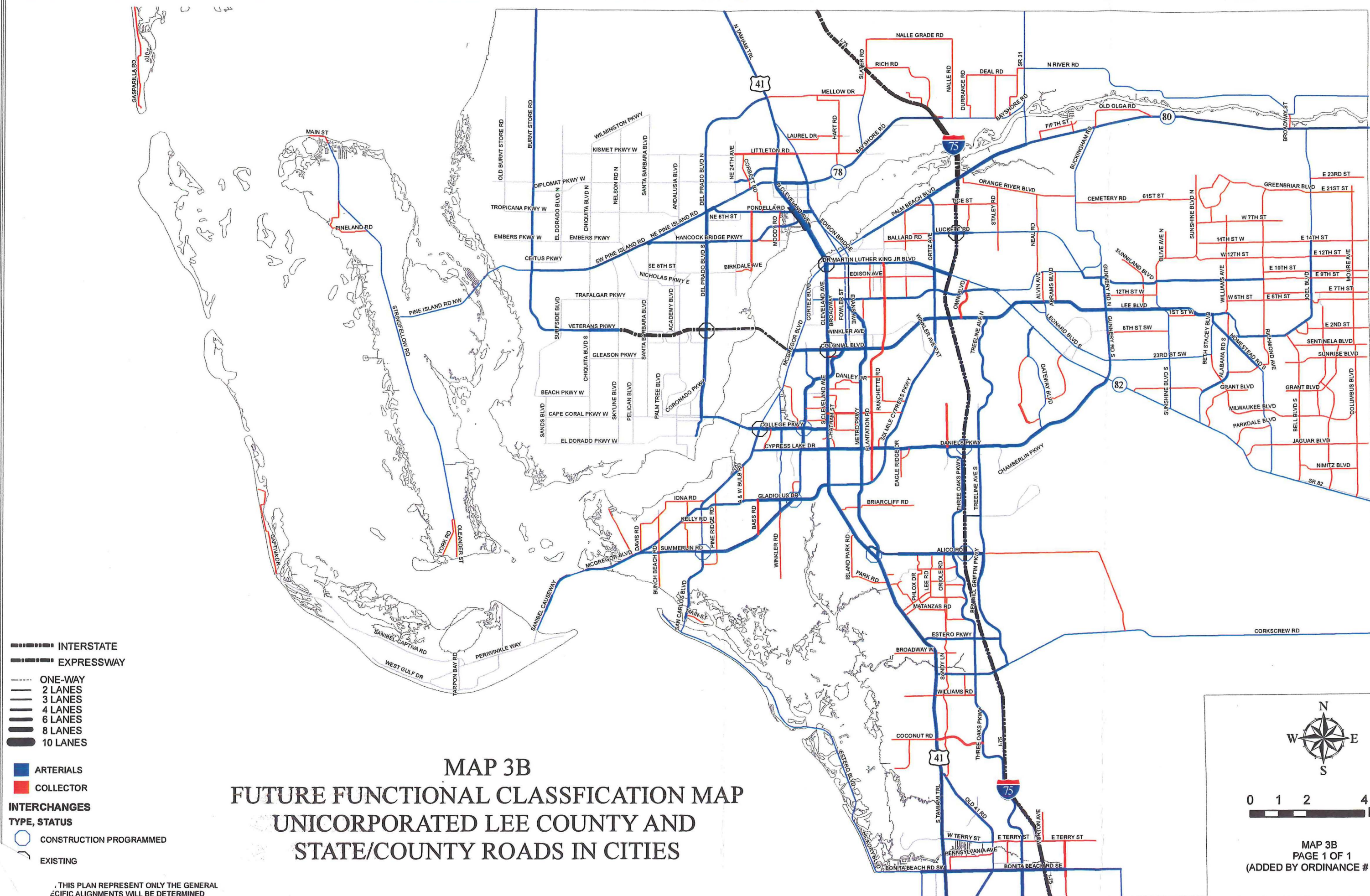
Marcia Wilson
Deputy Clerk





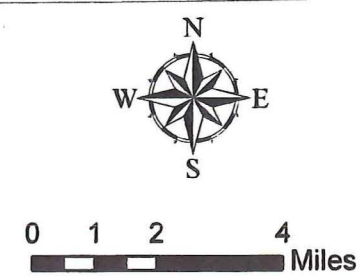
MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006



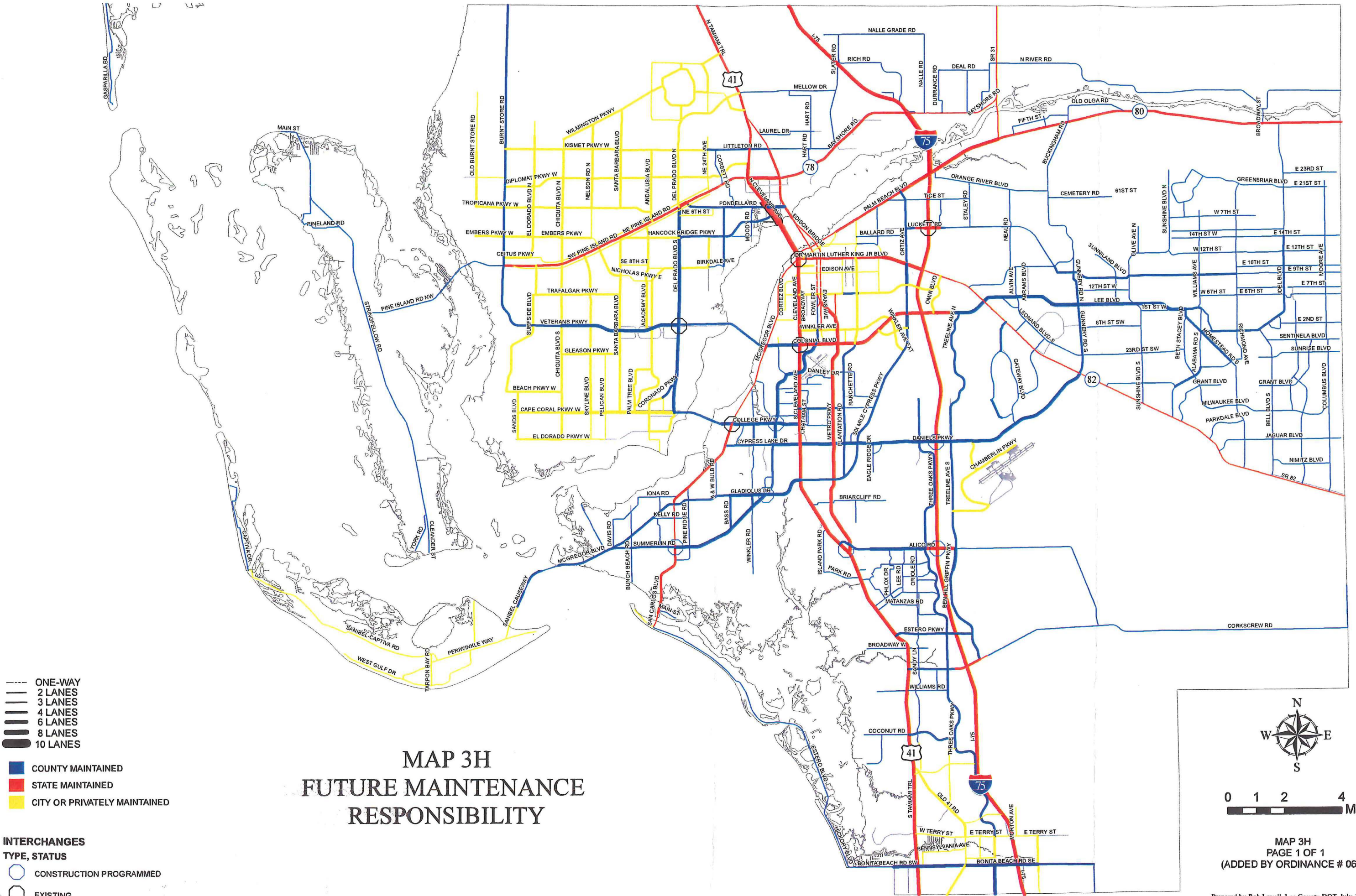


MAP 3B
FUTURE FUNCTIONAL CLASSIFICATION MAP
UNINCORPORATED LEE COUNTY AND
STATE/COUNTY ROADS IN CITIES

- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES
- ARTERIALS
- COLLECTOR
- INTERCHANGES
- TYPE, STATUS
- CONSTRUCTION PROGRAMMED
- EXISTING



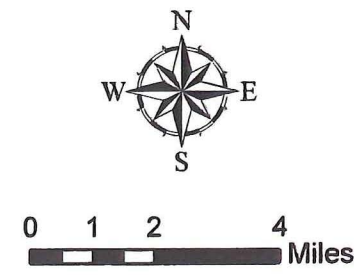
THIS PLAN REPRESENT ONLY THE GENERAL
SPECIFIC ALIGNMENTS WILL BE DETERMINED
CORRIDOR AND DESIGN STUDIES.



- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES
- COUNTY MAINTAINED
- STATE MAINTAINED
- CITY OR PRIVATELY MAINTAINED

- INTERCHANGES**
- TYPE, STATUS**
- CONSTRUCTION PROGRAMMED
 - EXISTING

MAP 3H
FUTURE MAINTENANCE
RESPONSIBILITY



CPA2005-00017
Long Range Transportation Plan
BOCC SPONSORED EAR-BASED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN
(Policy 36.1.1 and Map 3)

BoCC Public Hearing Document
for the
April 11th Adoption Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

March 2, 2007

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00017**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
√	Staff Review
√	Local Planning Agency Review and Recommendation
√	Board of County Commissioners Hearing for Transmittal
√	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND DEPARTMENT
OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners adopt the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Currently, Map 3A of the Lee Plan Transportation Map series reflects the MPO's 2020 Financially Feasible Transportation Plan highway map as amended through June 20, 2003.
- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
- Maps 3A, 3B and 3H of the Lee Plan's Transportation Map series and Policy 36.1.1 all need to be updated to reflect the most recent version of the MPO's long range transportation plan highway map.

C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCES THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 needs to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreshan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: *The Lee County Metropolitan Planning Organization's ~~2020~~ 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO ~~2020~~ 2030 Financially Feasible Highway Plan Map, as adopted ~~December 8, 2000~~ December 7, 2005 and as amended through ~~June 30, 2003~~ March 17, 2006, is incorporated as Map 3A of the Transportation Map series, ~~with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR 951 Extension PD&E Study.~~ Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from ~~Koreshan Boulevard~~ Esteros Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT:*

<i>Intersection</i>	<i>Improvements</i>
<i>US 41/Constitution Boulevard</i>	<i>Southbound Dual Left Turn Lanes</i>
<i>US 41/B & F Parcel</i>	<i>Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes</i>
<i>US 41/Sanibel Boulevard</i>	<i>Southbound Dual Left Turn Lanes</i>
<i>US 41/Koreshan Boulevard <u>Esteros Parkway</u></i>	<i>Southbound and Westbound Dual Left Turn Lanes</i>

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes reflected in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE. July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

After a brief presentation by DOT staff, an LPA member sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Staff confirmed that, noting that for future roadways staff makes an assumption about which jurisdiction will maintain them, but those assumptions haven't changed from previous versions of the map. Another LPA member noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Staff explained that the MPO can amend its plan on a monthly basis, but the County's comprehensive plan amendment cycle is yearly, so staff was notifying the LPA and everyone else that the latest version of the MPO plan will be presented for Board consideration at the adoption hearing, even if it is slightly different than what the LPA reviewed, in order to maintain as much consistency as possible between the MPO plan and the Lee Plan.

There were no public comments on this item.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA unanimously recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Ryfell and second by Ms. Burr.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFELL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	ABSENT
(VACANT)	---

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board pulled this item from the consent agenda for discussion. Commissioner Judah expressed concerns about inclusion of a second bridge to Fort Myers Beach in the MPO's 2030 Financially Feasible Plan and consequently Map 3A. Staff noted that the MPO would be considering amendments to its plan in February, prior to the Board adoption hearing, and suggested the Board members work through the MPO's process to address any facilities of concern then. Whatever changes made by the MPO in February would be brought back to the Board for consideration in a revised Map 3A (and Maps 3B and 3H as necessary) at the adoption hearing.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners unanimously voted to transmit the proposed plan amendment, on a motion by Commissioner Judah and a second by Commissioner Hall.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: March 2, 2007

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

The Department of Community Affairs stated the following Objection and Recommendation in relation to CPA 2005-00017 as part of the March 2nd, 2007 ORC Report:

Objection:

The County is proposing to update Transportation Element Policy 36.1.1 and the Transportation Map series to reference the new 2030 Metropolitan Planning Organization's (MPO) Long Range Transportation Plan. However, the update is not supported by relevant data and analysis of the existing level of service standard deficiencies in the County upon which the MPO's plan was based, as well as, an identification of the improvements that are anticipated or projected to be needed to correct deficiencies and address the demands of growth for the short-term of 5 years and for the long-term (2030). In the absence of this information, it is not possible to determine the extent to which the County is using the comprehensive planning process to correct deficiencies and plan for anticipated impact of growth during the next planning horizon. [Chapter 163.3177(2), (6)(a), & (b), & (8) F.S., 9J-5.016(1)(a), & (4)(a), and 9J-5.019(3)(a) through (3)(i), & (4)(b)1. through (4)(b)3., FAC]

Recommendation:

Include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies, and the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based. Also, identify the improvements that are projected to be needed to address the demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements.

B. STAFF RESPONSE:

The requested amendment is to simply update 3 maps in the Transportation Map Series that are based on the Lee County MPO's 2020 Financially Feasible Plan map to reflect the MPO's new 2030 map, and to revise the Lee Plan policy that references the first of those maps. The objection that the MPO plan update (and subsequent incorporation into the Lee Plan) "is not supported by relevant data and analysis of the *existing* level of service standard deficiencies in the County upon which the MPO's plan was based (*emphasis added*)" is misplaced, because unlike the CIP, the MPO plan is not based on existing deficiencies, it is based on projected deficiencies in the year 2030. Although Lee County submitted documentation in the 2004 Evaluation and Appraisal Report (EAR) and the 2005 EAR sufficiency response that clearly demonstrated that Lee County has a handle on existing traffic conditions through its annual concurrency management report, the Department of Community Affairs continues to confuse the short term needs with the long term needs. The recommendations to "include, with the plan update, relevant data and analysis of the existing level of service standard deficiencies", as well as to "identify the improvements that are projected to be needed to address the

demands of growth for the short-term of five years and schedule the improvements in the Five-Year Schedule of Capital Improvements" is irrelevant to the update of Maps 3A, 3B and 3H and Policy 36.1.1, instead relating to the County's annual concurrency management process and five-year capital improvement programming process. The Department has requested similar information in the comments related to CPA 2005-00027, the annual update of the Capital Improvement Element, and it is being provided in response to that item.

Regarding the recommendation that the County provide "the projected level of service standard deficiencies in the County upon which the Long Range Transportation Plan is based", Lee County has not prepared a link-by-link level of service calculation for the major road segments in the 2030 condition based on the adopted MPO 2030 Financially Feasible Plan network. Instead, Lee County has relied on the MPO's standard plan development process, of which we are a part (along with FDOT and the cities within Lee County), and with which DCA should be familiar. If DCA is not familiar with the MPO's plan development process, the documentation for the development of the 2030 plan can be found at the MPO's website, at http://www.mpo-swfl.org/PLN_2030.shtml.

Of particular significance is Section D, the explanation of the development of the Highway Element of the MPO's plan. The very first paragraph of that section explains "(t)he process of updating the highway element of the Year 2030 Long Range Transportation Plan is divided into two phases. In the first phase, a highway network was developed that would accommodate the peak season weekday travel demand in 2030 if the MPO were not limited as to how much it could afford to do. This is commonly referred to as the "Needs Plan". In the second phase, the "Needs Plan" highway network was scaled back to devise the best performing plan the MPO expects to be able to be affordable based on the financial resources forecasted to be available for transportation capital improvements through the year 2030."

The MPO plan documentation goes on to explain that the various network alternatives were tested using the FSUTMS computerized travel demand model, and that a number of network alternatives were tested to develop the final Needs Plan network. The MPO plan concludes that, after the iterative testing process, a final needs network was run, and "(t)his run showed those highway improvements that would be needed to adequately handle the amount of traffic that was to be expected by the Year 2030 on the Lee County highway system."

Moving on from the Needs Plan development, the MPO plan documentation then explains the development of the Financially Feasible Plan, by costing out the Needs Plan improvements, projecting expected available revenues, and cutting back the plan network to what is affordable. Table D-1 of the MPO plan highlights the costs of the road improvements in the Needs network and the available revenues, broken down by jurisdiction. The text indicates that the total County-wide shortfall between the cost of the improvements in the Needs Plan and the projected available revenues is \$3,811,248,922, but that was based on the

analysis done in the fall of 2005. The current MPO plan tables found on the web page now identify a total shortfall of \$4,163,736,771. The Lee County share of that shortfall is projected to be \$2,733,196,919. It is worth noting that the shortfall in funding for projects in Lee County that are the State's responsibility total \$1,022,267,180.

By its very definition, taking a plan that is expected to meet the travel demand needs in 2030 and cutting out \$4 billion worth of improvements is going to cause some areas to no longer meet those projected needs, leading to level of service deficiencies. That is the nature of the MPO's Financially Feasible Plan, which is the basis for Map 3A of the Lee Plan and has been for many years. This fully satisfies the requirements of S. 163.3177(2), F.S., which reads:

Coordination of the several elements of the local comprehensive plan shall be a major objective of the planning process. The several elements of the comprehensive plan shall be consistent, and the comprehensive plan *shall be financially feasible* (emphasis added). Financial feasibility shall be determined using professionally acceptable methodologies.

The goal of the MPO planning process, and for Lee County as part of that process, is to ultimately close the gap between the Needs Plan and the Financially Feasible Plan. However, the projection of available revenues is based on the revenues sources and amounts we know of today, and it is not possible to have all the answers about transportation funding 23 years into the future. This we do know: Lee County currently charges the maximum local option gas taxes allowed under State law, a total of 12 cents (which is shared with the cities). Lee County also charges road impact fees on new development, the rates for which are revisited every 3 years. The most recent update just completed in October led to a tripling of the road impact fee rates to one of the highest in the State, which actually hasn't yet been accounted for in the MPO's projections of revenues. Lee County also has 3 toll bridges, and some limited surplus toll revenues that help it meet its needs. Finally, Lee County has set aside \$60 million in ad valorem revenues the last two years to create a revolving loan fund to advance road projects and phases in an attempt to counter ever-increasing land and construction costs. The only other significant revenue source not currently implemented in Lee County is the 1-cent local option sales tax, which is required by State law to be approved by referendum, and which has been soundly defeated by voters in two previous attempts. Many of the projects that are expected to be Lee County's responsibility that make up its \$2.7 billion share of the deficit also have the potential to be toll projects, and an Expressway Authority was just created in 2005 to explore the possibility of tolling to add capacity on Interstate 75, so more tolls will likely be part of the effort to close the funding gap.

As a final note, the use of the MPO Financially Feasible Plan, developed through the MPO's process, as the basis for Map 3A of the Lee Plan, ensures consistency with two provisions of Rule 9J-5 of the Florida Administrative Code. Specifically, subsection 9J-5.019(3)(g) states:

The analysis shall consider the projects planned for in the Florida Department of Transportation's Adopted Work Program, *long range transportation plan* and transportation improvement program *of the metropolitan planning organization*, and the local transportation authority(ies), if any, and compatibility with the policies and guidelines of such plans. (Emphasis added)

Further, subsection 9J-5.019(4)(b)3. requires objectives in the plan which:

Coordinate the transportation system with the plans and programs of any applicable *metropolitan planning organization*, transportation authority, Florida Transportation Plan and the Florida Department of Transportation's Adopted Work Program. (Emphasis added)

Clearly, coordination with the MPO planning effort is the goal of the State requirements, which Lee County feels is addressed by incorporating the MPO's 2030 Financially Feasible Plan highway map into the Lee Plan as Map 3A of the Transportation Map series. Lee County also feels that a link-by-link identification of potential level of service deficiencies in the Financially Feasible Plan based on projected growth to 2030 is unnecessary, because the level of service is considered in development of the Needs Plan (as stated in the MPO plan documentation) and we know by definition that the Financially Feasible Plan isn't going to fully meet all of our projected needs, at least as long as the revenue projections don't fully fund the Needs Plan. The link conditions in 2030 are taken into consideration when privately-initiated plan amendments that intensify uses are proposed, but the more significant measure, the actual basis of concurrency, is the short-term, which Lee County addresses through its concurrency management regulations and annual monitoring report, and through its five-year capital improvement program.

C. RECOMMENDATION:

Staff recommends that the Board of County Commissioners adopt the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

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

DATE OF ADOPTION HEARING: April 11, 2007

D. BOARD REVIEW:

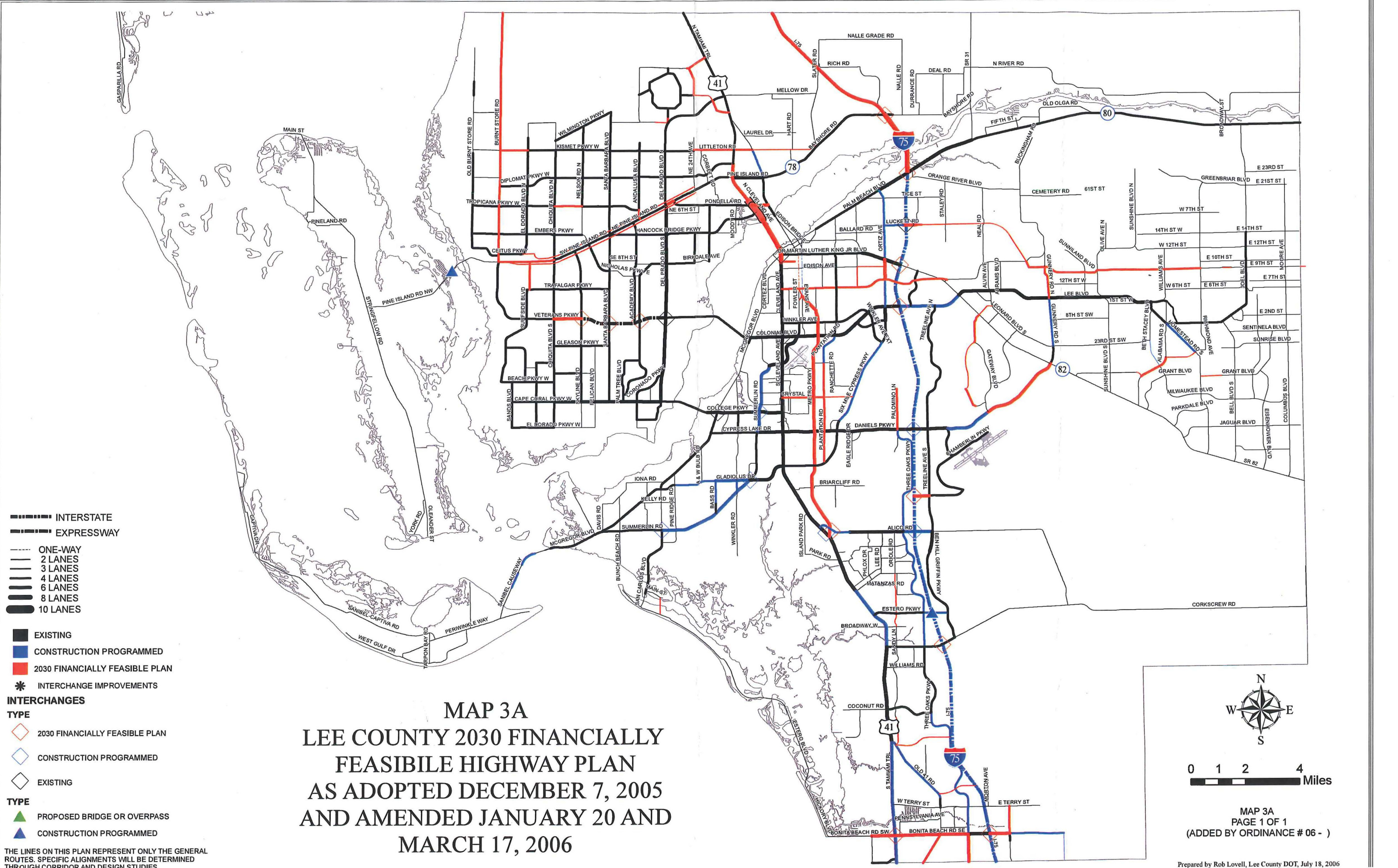
E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

**A. BRIAN BIGELOW
TAMMARA HALL
BOB JANES
RAY JUDAH
FRANKLIN B. MANN**



- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES

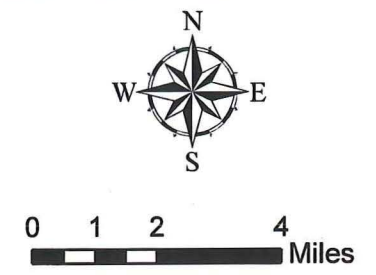
- EXISTING
- CONSTRUCTION PROGRAMMED
- 2030 FINANCIALLY FEASIBLE PLAN
- INTERCHANGE IMPROVEMENTS

- INTERCHANGES**
- TYPE
- 2030 FINANCIALLY FEASIBLE PLAN
 - CONSTRUCTION PROGRAMMED
 - EXISTING

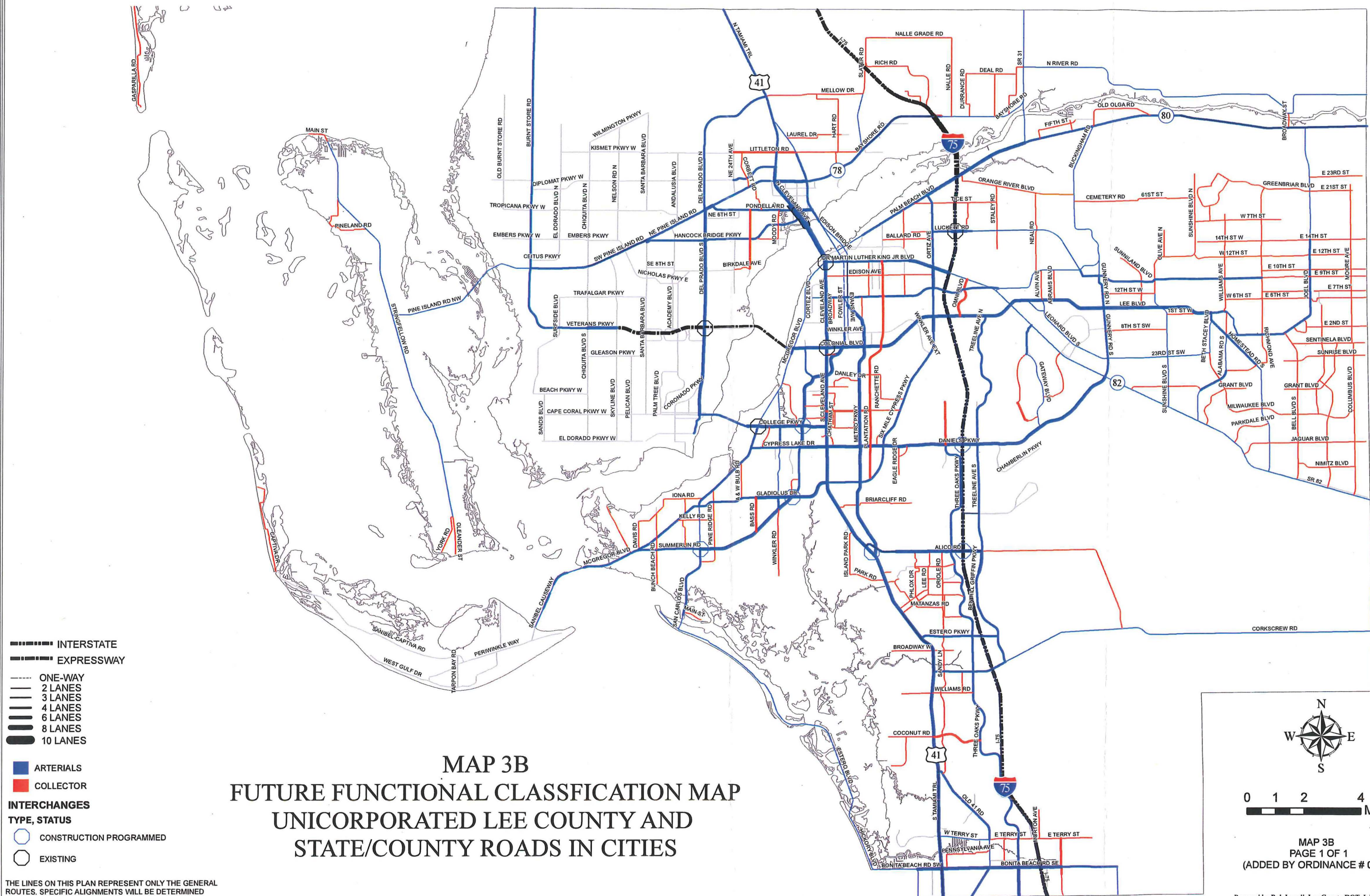
- TYPE**
- PROPOSED BRIDGE OR OVERPASS
 - CONSTRUCTION PROGRAMMED

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

MAP 3A
LEE COUNTY 2030 FINANCIALLY
FEASIBLE HIGHWAY PLAN
AS ADOPTED DECEMBER 7, 2005
AND AMENDED JANUARY 20 AND
MARCH 17, 2006

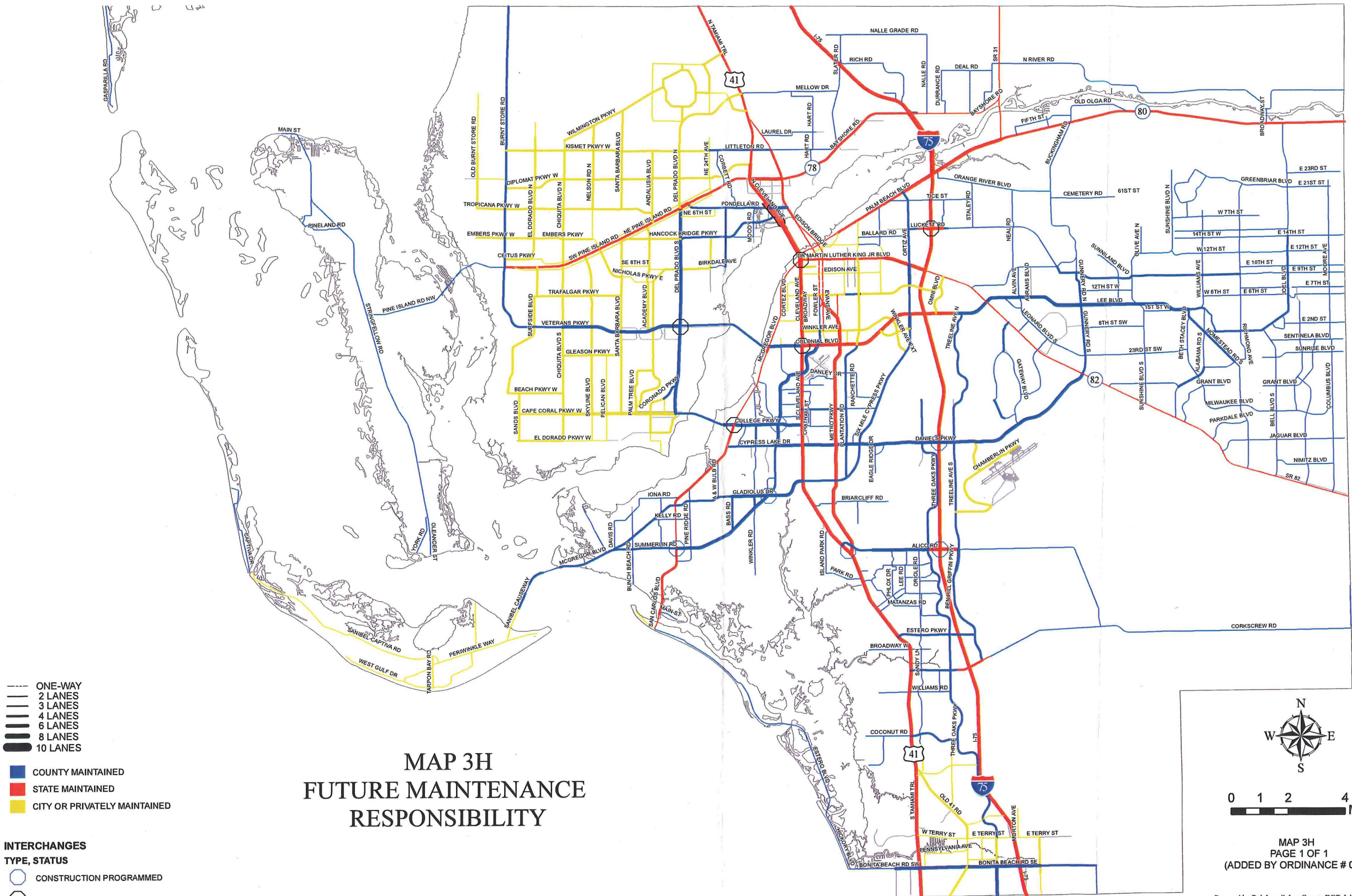


MAP 3A
PAGE 1 OF 1
(ADDED BY ORDINANCE # 06 -)



MAP 3B
FUTURE FUNCTIONAL CLASSIFICATION MAP
UNINCORPORATED LEE COUNTY AND
STATE/COUNTY ROADS IN CITIES

THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

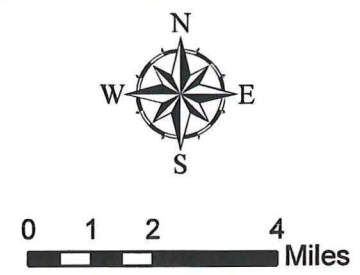


MAP 3H
FUTURE MAINTENANCE
RESPONSIBILITY

- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
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- COUNTY MAINTAINED
- STATE MAINTAINED
- CITY OR PRIVATELY MAINTAINED

- INTERCHANGES
TYPE, STATUS
- CONSTRUCTION PROGRAMMED
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MAP 3H
PAGE 1 OF 1
(ADDED BY ORDINANCE # 06-)

CPA2005-00017
Long Range Transportation Plan
BOCC SPONSORED EAR-BASED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN
(Policy 36.1.1 and Map 3)

DCA Transmittal Document

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

December 21, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00017**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
√	Staff Review
√	Local Planning Agency Review and Recommendation
√	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING AND DEPARTMENT
OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** Staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

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- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
- Maps 3A, 3B and 3H of the Lee Plan's Transportation Map series and Policy 36.1.1 all need to be updated to reflect the most recent version of the MPO's long range transportation plan highway map.

C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCES THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 needs to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreshan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: *The Lee County Metropolitan Planning Organization's ~~2020~~ 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO ~~2020~~ 2030 Financially Feasible Highway Plan Map, as adopted ~~December 8, 2000~~ December 7, 2005 and as amended through ~~June 30, 2003~~ March 17, 2006, is incorporated as Map 3A of the Transportation Map series, ~~with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR 951 Extension PD&E Study.~~ Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from ~~Koreshan Boulevard~~ Esteros Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT:*

<i>Intersection</i>	<i>Improvements</i>
<i>US 41/Constitution Boulevard</i>	<i>Southbound Dual Left Turn Lanes</i>
<i>US 41/B & F Parcel</i>	<i>Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes</i>
<i>US 41/Sanibel Boulevard</i>	<i>Southbound Dual Left Turn Lanes</i>
<i>US 41/Koreshan Boulevard <u>Esteros Parkway</u></i>	<i>Southbound and Westbound Dual Left Turn Lanes</i>

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes reflected in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE. July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

After a brief presentation by DOT staff, an LPA member sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Staff confirmed that, noting that for future roadways staff makes an assumption about which jurisdiction will maintain them, but those assumptions haven't changed from previous versions of the map. Another LPA member noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Staff explained that the MPO can amend its plan on a monthly basis, but the County's comprehensive plan amendment cycle is yearly, so staff was notifying the LPA and everyone else that the latest version of the MPO plan will be presented for Board consideration at the adoption hearing, even if it slightly different than what the LPA reviewed, in order to maintain as much consistency as possible between the MPO plan and the Lee Plan.

There were no public comments on this item.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA unanimously recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Ryfell and second by Ms. Burr.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFELL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	ABSENT
(VACANT)	---

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW: The Board pulled this item from the consent agenda for discussion. Commissioner Judah expressed concerns about inclusion of a second bridge to Fort Myers Beach in the MPO's 2030 Financially Feasible Plan and consequently Map 3A. Staff noted that the MPO would be considering amendments to its plan in February, prior to the Board adoption hearing, and suggested the Board members work through the MPO's process to address any facilities of concern then. Whatever changes made by the MPO in February would be brought back to the Board for consideration in a revised Map 3A (and Maps 3B and 3H as necessary) at the adoption hearing.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

- 1. BOARD ACTION:** The Board of County Commissioners unanimously voted to transmit the proposed plan amendment, on a motion by Commissioner Judah and a second by Commissioner Hall.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

C. VOTE:

A. BRIAN BIGELOW	<u>AYE</u>
TAMMARA HALL	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
FRANKLIN B. MANN	<u>AYE</u>

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

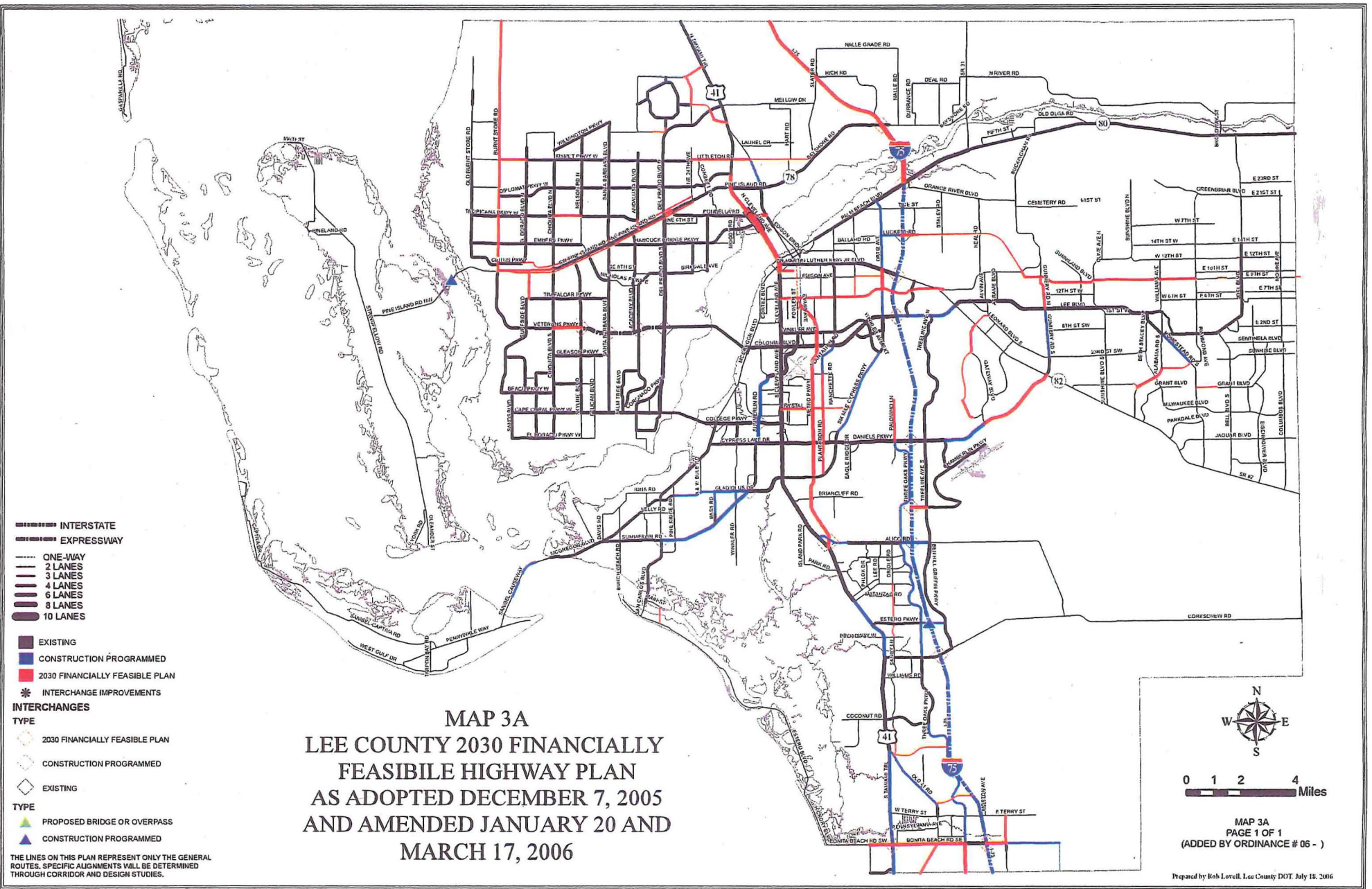
A. BRIAN BIGELOW

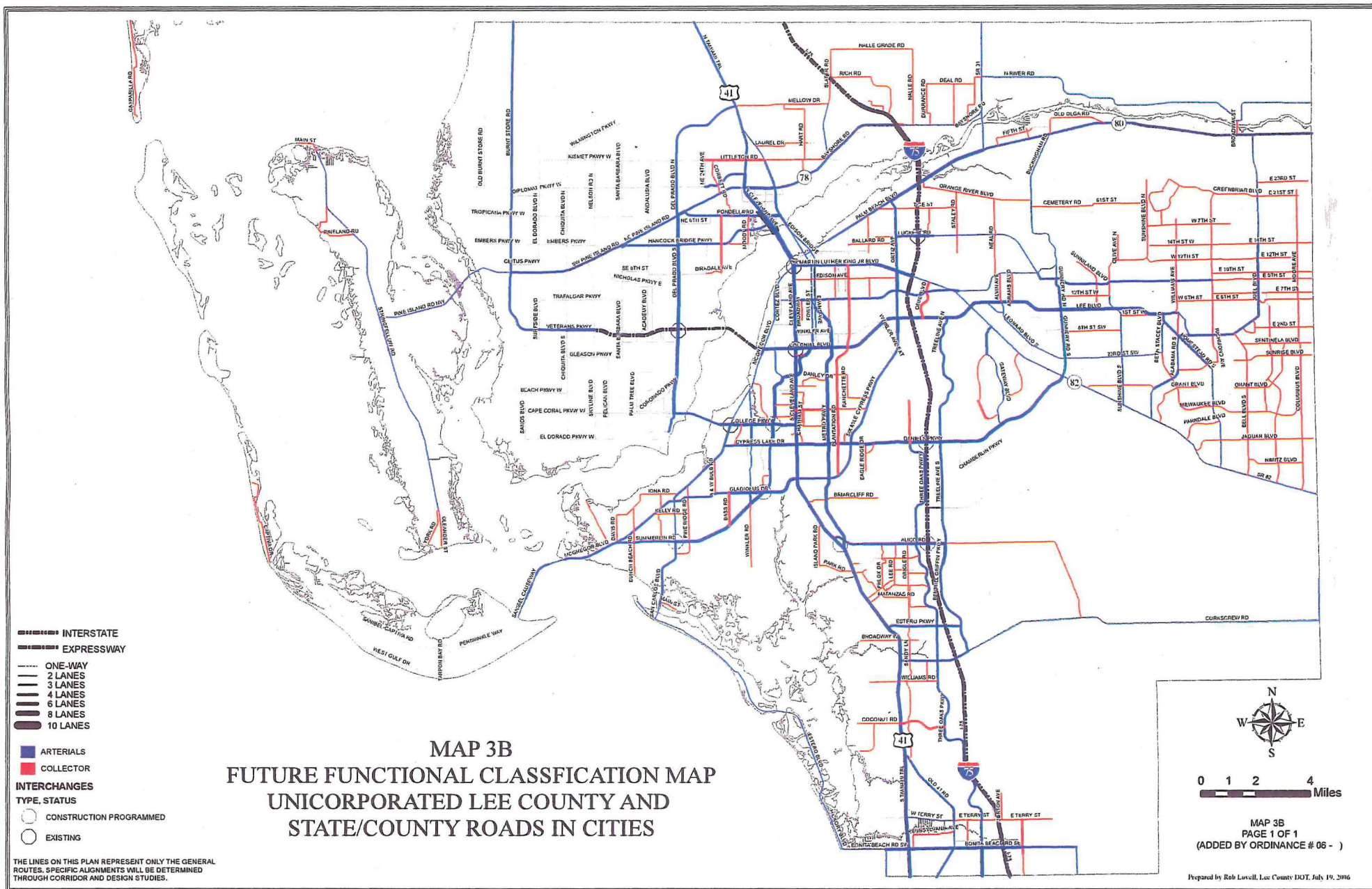
TAMMARA HALL

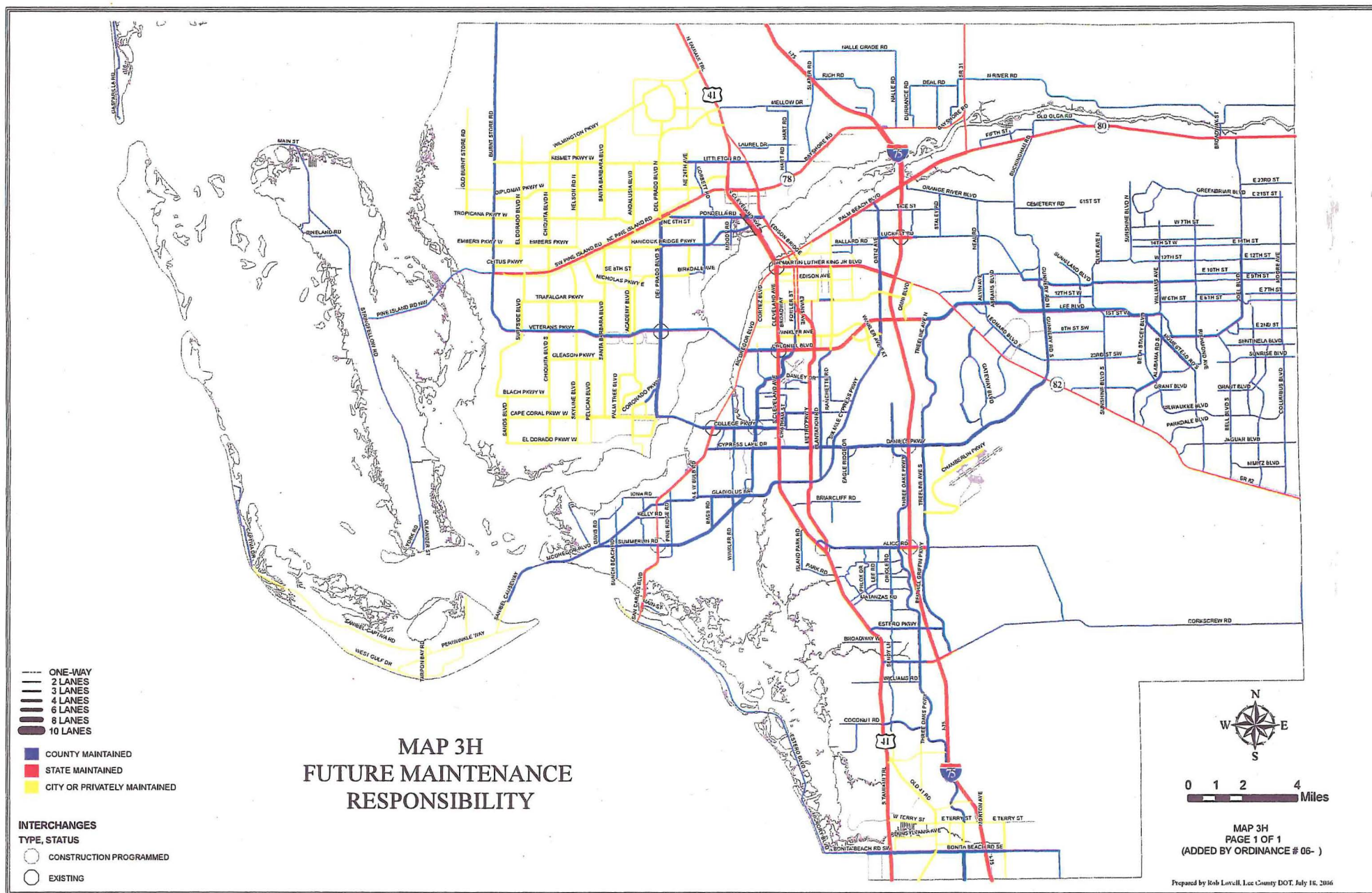
BOB JANES

RAY JUDAH

FRANKLIN B. MANN







CPA2005-00017
Long Range Transportation Plan
BOCC SPONSORED EAR-BASED
AMENDMENT
TO THE

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN
(Policy 36.1.1 and Map 3)

BoCC Public Hearing Document
for the
December 13, 2006 Transmittal Hearing

Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585

December 1, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00017**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
√	Staff Review
√	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS
REPRESENTED BY LEE COUNTY DEPARTMENT OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** DOT staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Currently, Map 3A of the Lee Plan Transportation Map series reflects the MPO's 2020 Financially Feasible Transportation Plan highway map as amended through June 20, 2003.
- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
- Maps 3A, 3B and 3H of the Lee Plan's Transportation Map series and Policy 36.1.1 all need to be updated to reflect the most recent version of the MPO's long range transportation plan highway map.

C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCES THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 need to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreshan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: *The Lee County Metropolitan Planning Organization's ~~2020~~ 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO ~~2020~~ 2030 Financially Feasible Highway Plan Map, as adopted ~~December 8, 2000~~ December 7, 2005 and as amended through ~~June 30, 2003~~ March 17, 2006, is incorporated as Map 3A of the Transportation Map series, ~~with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR 951 Extension PD&E Study.~~ Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from ~~Koreshan Boulevard~~ Esteros Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT.*

Intersection	Improvements
US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/ Koreshan Boulevard <u>Esteros Parkway</u>	Southbound and Westbound Dual Left Turn Lanes

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

DOT staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes shown in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

PUBLIC HEARING DATE: July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

After a brief presentation by DOT staff, Mr. Address sought clarification that the identification of future maintenance responsibility in Map 3H hadn't changed. Mr. Loveland confirmed that, noting that for future roadways staff makes an assumption about which jurisdiction will maintain them, but those assumptions haven't changed from previous versions of the map. Mr. Ryffel noted the comment in the report that the MPO plan may be changing and asked about LPA approval. Mr. Loveland explained that the MPO can amend its plan on a monthly basis, but the County's comprehensive plan amendment cycle is yearly, so staff was notifying the LPA and everyone else that the latest version of the MPO plan will be presented for Board consideration at the adoption hearing, even if it is slightly different than what the LPA reviewed, in order to maintain as much consistency as possible between the MPO plan and the Lee Plan.

There were no public comments on this item.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. **RECOMMENDATION:** The LPA unanimously recommended that the Board of County Commissioners transmit this proposed amendment, on a motion by Mr. Ryffel and second by Ms. Burr.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLETON RYFFELL	AYE
RAYMOND SCHUMANN, ESQ	AYE
RAE ANN WESSEL	ABSENT
(VACANT)	---

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

DATE OF TRANSMITTAL HEARING: December 13, 2006

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

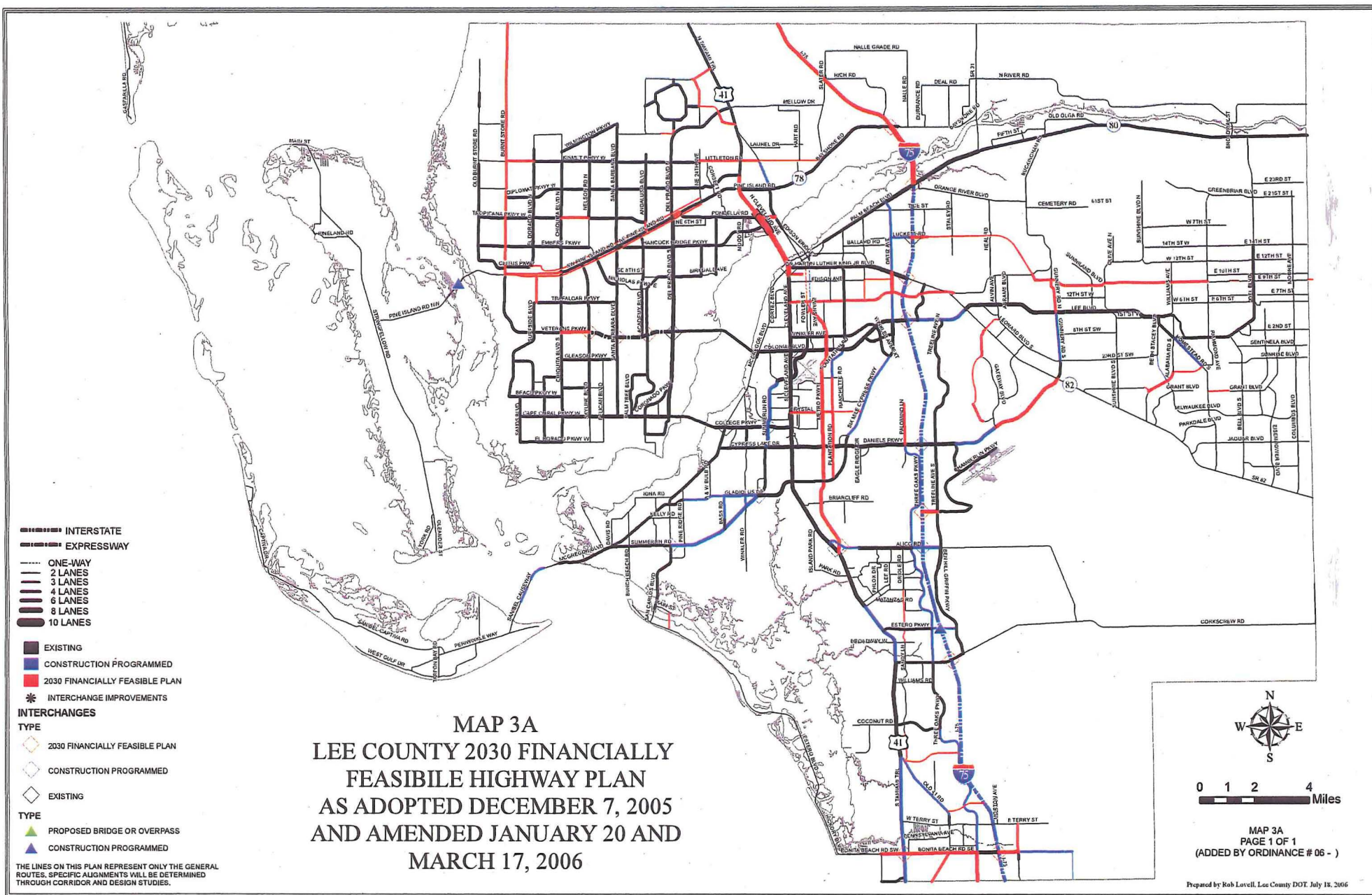
BRIAN BIGELOW

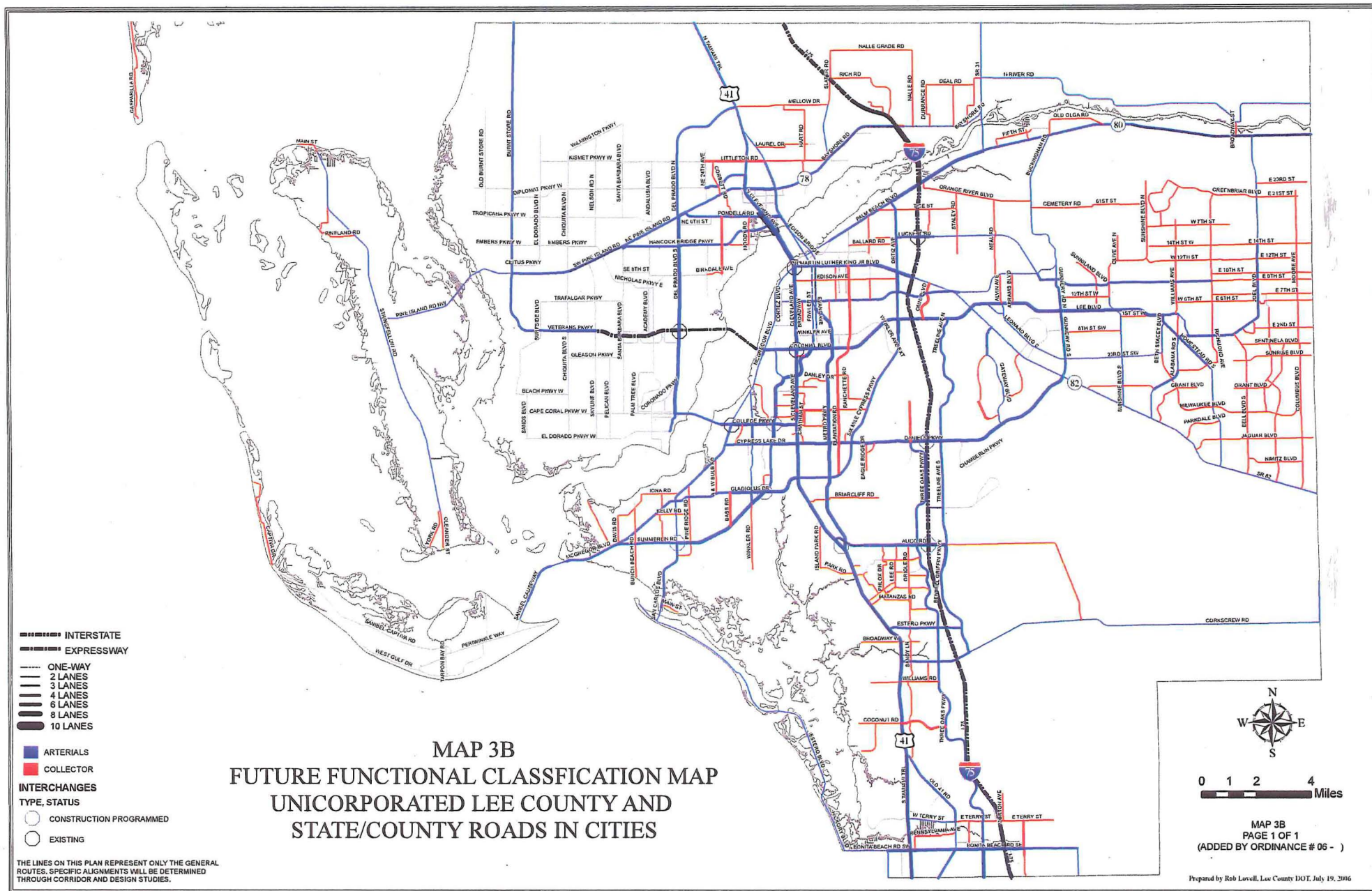
TAMMARA HALL

BOB JANES

RAY JUDAH

FRANK MANN





- ONE-WAY
 --- 2 LANES
 --- 3 LANES
 --- 4 LANES
 --- 6 LANES
 --- 8 LANES
 --- 10 LANES
- COUNTY MAINTAINED
 ■ STATE MAINTAINED
 ■ CITY OR PRIVATELY MAINTAINED
- INTERCHANGES**
 TYPE, STATUS
 ○ CONSTRUCTION PROGRAMMED
 ○ EXISTING

MAP 3H FUTURE MAINTENANCE RESPONSIBILITY



0 1 2 4 Miles

MAP 3H
PAGE 1 OF 1
(ADDED BY ORDINANCE # 06-)

Prepared by Rob Lovell, Lee County DOT, July 18, 2006

CPA2005-00017

**BOCC SPONSORED EAR-BASED
AMENDMENT
TO THE**

LEE COUNTY COMPREHENSIVE PLAN

**THE LEE PLAN
(Policy 36.1.1 and Map 3)**

**LPA Public Hearing Document
for the
July 24, 2006 Public Hearing**

**Lee County Planning Division
1500 Monroe Street
P.O. Box 398
Fort Myers, FL 33902-0398
(239) 479-8585**

July 19, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA2005-00017**



Text Amendment



Map Amendment

This Document Contains the Following Reviews:	
√	Staff Review
	Local Planning Agency Review and Recommendation
	Board of County Commissioners Hearing for Transmittal
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

STAFF REPORT PREPARATION DATE: July 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

LEE COUNTY BOARD OF COUNTY COMMISSIONERS

REPRESENTED BY LEE COUNTY DEPARTMENT OF TRANSPORTATION

2. REQUEST:

Amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan.

B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** DOT staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part IIC, the Staff Recommendation portion of this report.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- Currently, Map 3A of the Lee Plan Transportation Map series reflect the MPO's 2020 Financially Feasible Transportation Plan highway map as amended through June 20, 2003.
- Besides being directly reflected in Map 3A, the network on the MPO's highway map forms the basis for Maps 3B and 3H of the Transportation Map series, so network changes by the MPO also affect these maps.
- Policy 36.1.1 explains that the MPO's 2020 Financially Feasible Transportation Plan highway map is incorporated as Map 3A of the Lee Plan Transportation Map series, with one minor format difference (a shading to provide a visual indication of the entire study area under consideration for the CR 951 Extension). That policy currently refers to June 20, 2003 version of the MPO's highway map.
- The MPO has now adopted a new highway map with a new horizon year of 2030. The new map was adopted on December 7, 2005, and has been revised twice since then, on January 20, 2006 and March 17, 2006.
- The August, 2004 Lee Plan Evaluation and Appraisal Report noted that a new MPO plan was going to be adopted by December, 2005 and would have to be incorporated into the Lee Plan.
- At the time of this staff report preparation, additional amendments to the MPO's highway map have been proposed and will be considered within a couple of months, probably before the Board adoption hearing.
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C. BACKGROUND INFORMATION

Since the last update of the Transportation Map series in 2003, the Lee County MPO has completed a major update of its long range transportation plan, extending the horizon year another 10 years to 2030. Consistent with a federal deadline, the MPO adopted the new 2030 plan on December 7, 2005, and has since made a couple of minor amendments, on January 20, 2006 and March 17, 2006. In fact, at the time of this staff report preparation, additional amendments have been proposed and will be scheduled for MPO consideration in the near future. Map 3A of the Lee Plan Transportation Map series directly reflects the MPO's highway map, and Maps 3B (Future Functional Classification Map) and 3H (Future

Maintenance Responsibility) are based on the network identified in the MPO's highway map. Also, Policy 36.1.1 explains the connection between the MPO's highway map and Map 3A, as well as noting one format difference. Maps 3A, 3B and 3H and Policy 36.1.1 all currently refer to or reflect the June 20, 2003 version of the MPO's 2020 highway map, so they all need to be updated to reflect the newest version with a new horizon year. NOTE: WHILE THIS INITIAL DRAFT OF THE STAFF REPORT REFERENCE THE LATEST VERSION OF THE NEW MPO PLAN, AS AMENDED THROUGH MARCH 17, 2006, DOT STAFF EXPECTS THE MPO'S HIGHWAY MAP TO BE AMENDED AGAIN IN THE NEAR FUTURE, PROBABLY BEFORE THE BOCC ADOPTION HEARING. THE MOST RECENT VERSION AVAILABLE WILL BE PRESENTED FOR BOARD CONSIDERATION AT THE TRANSMITTAL AND ADOPTION HEARINGS, IN AN EFFORT TO ENSURE MAXIMUM CONSISTENCY.

PART II - STAFF ANALYSIS

A. STAFF DISCUSSION

Attached to this staff report are proposed updates of Maps 3A, 3B and 3H, reflecting the March 17, 2006 version of the MPO's 2030 Financially Feasible Transportation Plan highway map. In addition, the language in Policy 36.1.1 need to be updated to reflect the new MPO map, and changes since the last time the policy was updated. For example, the MPO's 2020 Financially Feasible Plan previously included the CR 951 Extension and identified a specific alignment, even though Lee County was moving forward with a PD&E study that encompassed a broad study area and was to consider a number of alignment options within that study area. Therefore, Lee County added some shading to Map 3A to reflect the entire study area within Lee County under consideration for the CR 951 Extension, and noted that difference from the MPO plan in the language of Policy 36.1.1. The PD&E Study has since moved forward and a number of alignment options considered and rejected, and the recommended alignment and supporting documentation has been submitted to FDOT for review, after which it will go to the Federal Highway Administration for review and comment and then be subject to a final public hearing before a specific alignment is adopted. The new MPO 2030 Plan does not include the CR 951 Extension as a financially feasible project, instead showing it as needed by 2030 but contingent on obtaining additional funding to make it feasible. The likely funding will be toll revenues, but some significant toll feasibility analysis will be necessary to determine that. Regarding the map, since the CR 951 Extension is not shown on the MPO's 2030 Financially Feasible Plan highway map, Lee County no longer needs to use shading to distinguish the study area and range of alignment options under consideration, and that language can be deleted from Policy 36.1.1. Also, the policy includes language that refers to Koreshan Boulevard, the name of which has now been changed to Estero Parkway. One final change simply notes that the intersection improvements might be addressed by FDOT as part of its widening efforts.

The proposed language revisions to Policy 36.1.1 are identified below, in strike-through/underline format.

POLICY 36.1.1: *The Lee County Metropolitan Planning Organization's ~~2020~~ 2030 Financially Feasible Plan Map series is hereby incorporated as part of the Transportation Map series for this Lee Plan comprehensive plan element. The MPO ~~2020~~ 2030 Financially Feasible Highway Plan Map, as adopted ~~December 8, 2000~~ December 7, 2005 and as amended through ~~June 30, 2003~~ March 17, 2006, is incorporated as Map 3A of the Transportation Map series, ~~with one format change as approved by the Lee County Board of County Commissioners on March 23, 1999. The format change is a visual indication (with shading) that alignment options for the County Road 951/Bonita Grande Drive extension are still under consideration, consistent with Note 2. The shaded area on the map identifies the limits of the alternatives analysis for the CR 951 Extension PD&E Study.~~ Also, the comprehensive plan amendment analysis for the Simon Suncoast (Coconut Point) DRI identified the need for improvements at key intersections on US 41 from ~~Koreshan Boulevard~~ Estero Parkway to Alico Road to address the added impacts from the project for year 2020, and a mitigation payment has been required as part of the DRI development order. Lee County considers the following intersection improvements to be part of Map 3A and will program the necessary funds to make these improvements at the point they are required to maintain adopted level of service standards on US 41 if they have not been addressed by FDOT:*

Intersection	Improvements
US 41/Constitution Boulevard	Southbound Dual Left Turn Lanes
US 41/B & F Parcel	Northbound, Southbound, Eastbound, and Westbound Dual Left Turn Lanes
US 41/Sanibel Boulevard	Southbound Dual Left Turn Lanes
US 41/ Koreshan Boulevard <u>Estero Parkway</u>	Southbound and Westbound Dual Left Turn Lanes

B. CONCLUSIONS

Maps 3A, 3B and 3H of the Transportation Map series should be amended as shown in the attachments and Policy 36.1.1 of the Transportation Element should be amended as shown above to reflect the most recent MPO plan and update outdated references.

C. STAFF RECOMMENDATION

DOT staff recommends that the Board of County Commissioners transmit the proposed plan amendment, reflecting the changes reflected in the attached updates of Maps 3A, 3B and 3H and in the language of Policy 36.1.1 as noted above.

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

PUBLIC HEARING DATE. July 24, 2006

A. LOCAL PLANNING AGENCY REVIEW

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT
SUMMARY**

1. RECOMMENDATION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS

DEREK BURR

RONALD INGE

CARLETON RYFFELL

RAYMOND SCHUMANN, ESQ

RAE ANN WESSEL

(VACANT)

TINA SILCOX (Non-Voting)

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

DATE OF TRANSMITTAL HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

JOHN ALBION

TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY

**PART V – DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

B. STAFF RESPONSE:

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

DATE OF ADOPTION HEARING:

D. BOARD REVIEW:

E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

F. VOTE:

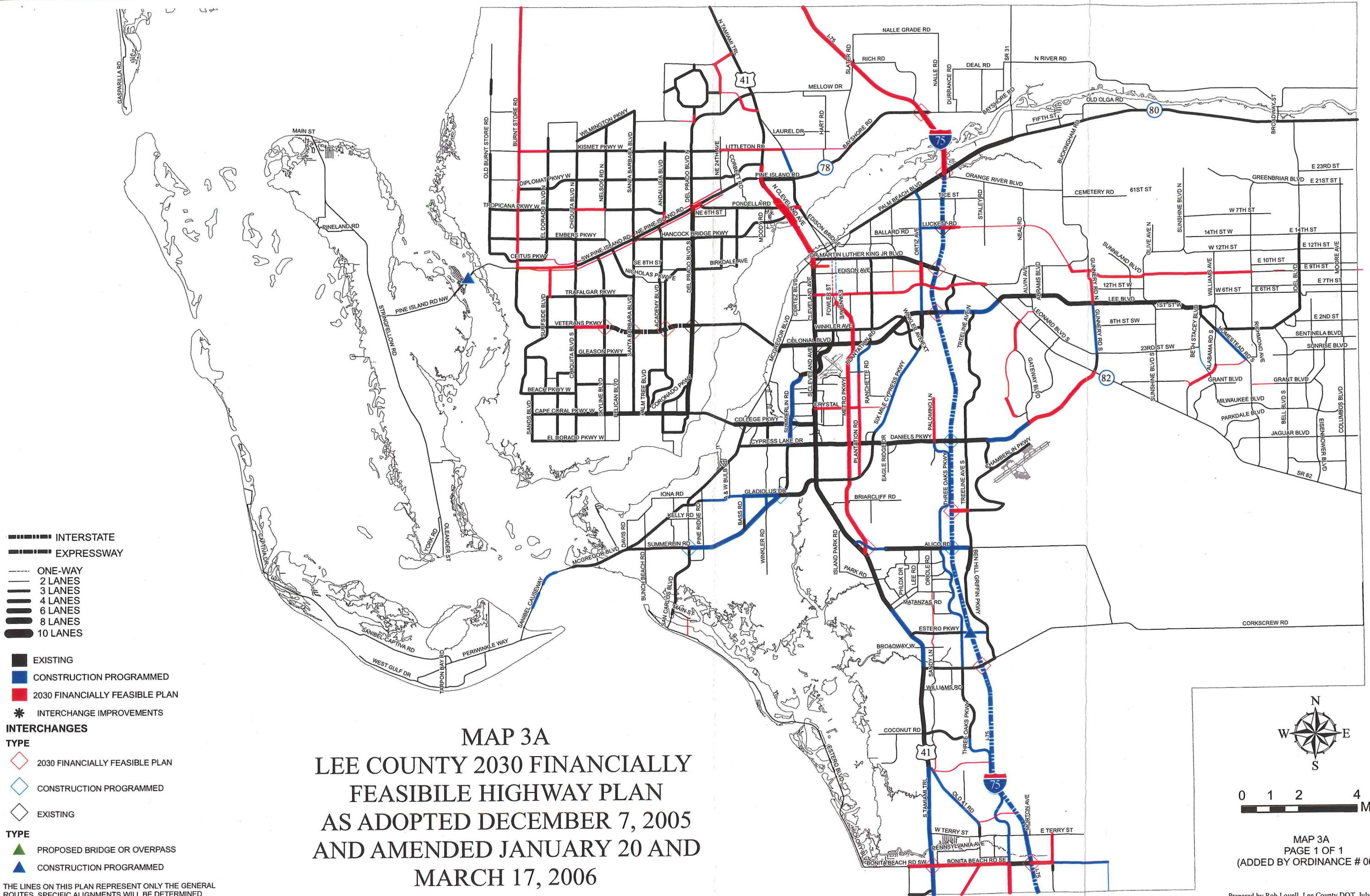
JOHN ALBION

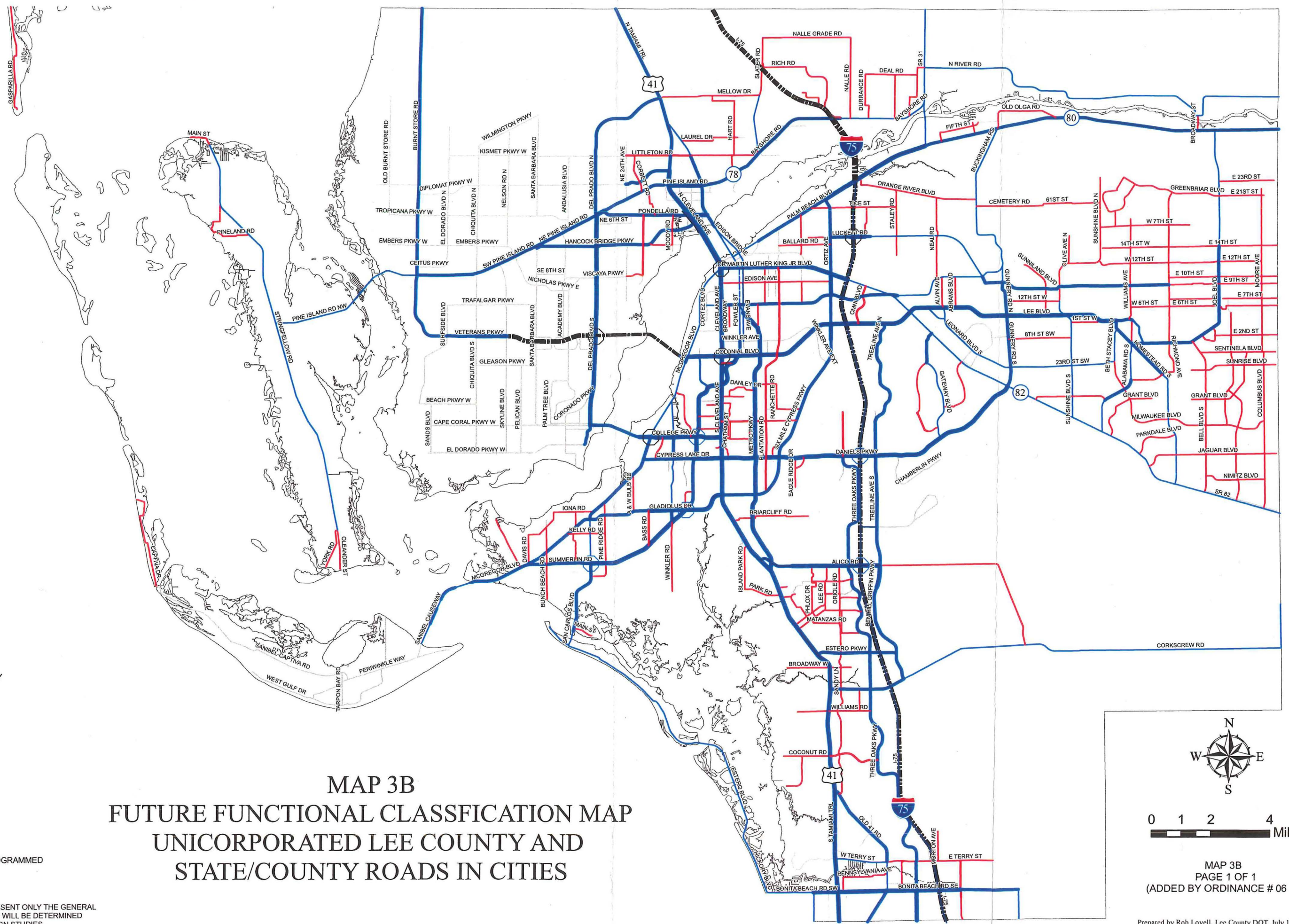
TAMMY HALL

BOB JANES

RAY JUDAH

DOUG ST. CERNY





- INTERSTATE
- EXPRESSWAY
- ONE-WAY
- 2 LANES
- 3 LANES
- 4 LANES
- 6 LANES
- 8 LANES
- 10 LANES

- ARTERIALS
- COLLECTOR

INTERCHANGES
TYPE, STATUS

- CONSTRUCTION PROGRAMMED
- EXISTING

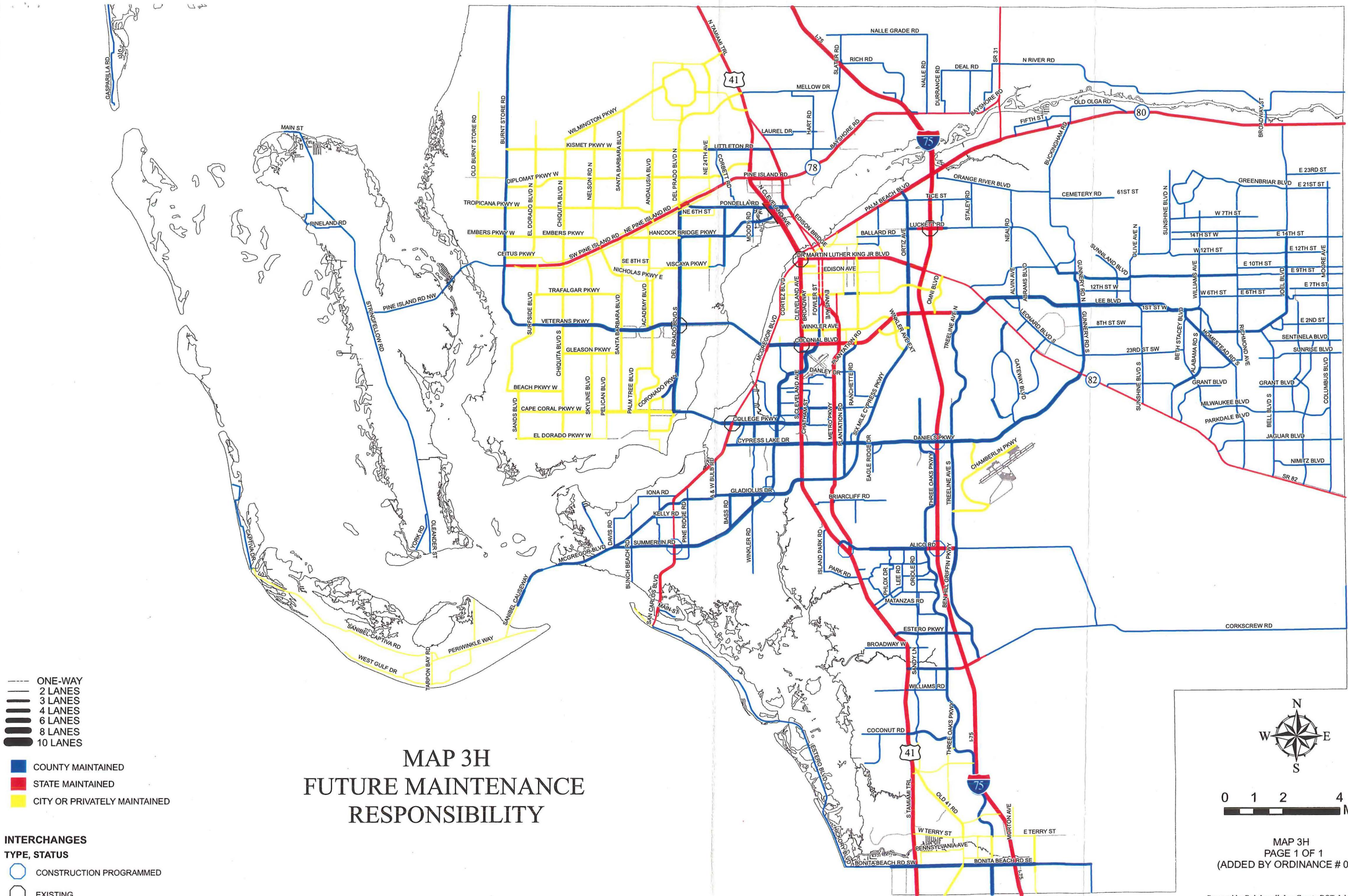
THE LINES ON THIS PLAN REPRESENT ONLY THE GENERAL ROUTES. SPECIFIC ALIGNMENTS WILL BE DETERMINED THROUGH CORRIDOR AND DESIGN STUDIES.

MAP 3B
FUTURE FUNCTIONAL CLASSIFICATION MAP
UNINCORPORATED LEE COUNTY AND
STATE/COUNTY ROADS IN CITIES



0 1 2 4
Miles

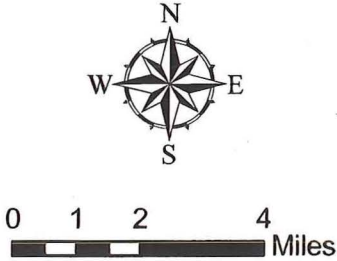
MAP 3B
PAGE 1 OF 1
(ADDED BY ORDINANCE # 06 -)



MAP 3H
FUTURE MAINTENANCE
RESPONSIBILITY

- ONE-WAY
2 LANES
3 LANES
4 LANES
6 LANES
8 LANES
10 LANES
- COUNTY MAINTAINED
STATE MAINTAINED
CITY OR PRIVATELY MAINTAINED

- INTERCHANGES
TYPE, STATUS
- CONSTRUCTION PROGRAMMED
EXISTING



LEE COUNTY ORDINANCE NO. _____
(Long Range Transportation Plan)
(CPA2005-17)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT CPA2005-17 (PERTAINING TO THE LONG RANGE TRANSPORTATION PLAN) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") Policy 2.4.1. and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on July 24, 2006; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on December 13, 2006. At that hearing, the Board approved a motion to send, and did later send, proposed amendment CPA2005-17 pertaining to the amendment of the Transportation Element and Transportation Map Series, Map 3, to reflect the new 2030 MPO Long Range Transportation Plan to the Florida Department of Community Affairs ("DCA") for review and comment; and,

WHEREAS, at the December 13, 2006 meeting, the Board announced its intention to hold a public hearing after the receipt of DCA's written comments commonly referred to as the "ORC Report." DCA issued their ORC report on March 2, 2007; and,

WHEREAS, at a public hearing on April 11, 2007, the Board moved to adopt the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt the amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "2005/2006 Regular Comprehensive Plan Amendment Cycle CPA2005-17 Long Range Transportation Plan Ordinance."**

SECTION TWO: ADOPTION OF LEE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, as revised by the Board on April 11, 2007, known as CPA2005-17. CPA 2005-17 amends the Transportation Element and Transportation Map Series, Map 3, of the Lee Plan to reflect the new 2030 MPO Long Range Transportation Plan.

The corresponding Staff Reports and Analysis, along with all attachments for this amendment are adopted as "Support Documentation" for the Lee Plan.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION FIVE: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SIX: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance

may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his or her designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION SEVEN: EFFECTIVE DATE

The plan amendments adopted herein are not effective until a final order is issued by the DCA or Administrative Commission finding the amendment in compliance with Section 163.3184, Florida Statutes, whichever occurs earlier. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status. A copy of such resolution will be sent to the DCA, Bureau of Local Planning, 2555 Shumard Oak Boulevard, Tallahassee, Florida 32399-2100.

THE FOREGOING ORDINANCE was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____. The vote was as follows:

Robert P. Janes

Brian Bigelow

Ray Judah

Tammy Hall

Frank Mann

DONE AND ADOPTED this 11th day of April 2007.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY
BOARD OF COUNTY COMMISSIONERS

BY: _____
Deputy Clerk

BY: _____
Robert P. Janes, Chair

DATE: _____

Approved as to form by:

Donna Marie Collins
County Attorney's Office