

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, ^{POC}AICP, Director
subject: Evaluation and Appraisal Report and Smart Growth Comprehensive Plan Amendments
date: Friday, December 1, 2006

Attached is your packet for the December 13th Comprehensive Plan Amendment Transmittal Hearing. This packet contains the amendments that were: recommended by the 2004 Evaluation and Appraisal Report (EAR); recommended by the Smart Growth Committee; initiated by the Board of County Commissioners; and, privately initiated. The agenda has been divided into a Consent Agenda and an Administrative Agenda.

The Consent Agenda contains those amendments which have both Staff and Local Planning Agency recommendations for transmittal to the Department of Community Affairs (DCA). These proposed amendments are minor, technical, or non-controversial in nature. There was little or no public participation on most of these items. Staff will follow this memorandum with a memorandum explaining the nature and intent of each of the Consent Agenda items.

The Administrative Agenda contains those amendments that have different recommendations between Staff and the Local Planning agency, contain unresolved issues, may receive additional public comment, or are privately initiated.

In addition to blocking out your calendars for Wednesday, December 13th, staff has reserved all day Thursday, December 14th as a backup day should the additional time be needed.

If you would like a briefing on the packet, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

**2005/2006 EVALUATION AND APPRAISAL REPORT AND SMART GROWTH
INITIATIVE LEE PLAN AMENDMENTS
ADOPTION HEARING**

**COMMISSION CHAMBERS, 2120 MAIN STREET
APRIL 11, 2007
9:30 A.M.**

AGENDA

- 1. Call to order; Certification of Affidavit of Publication**
- 2. Consent Agenda:**
 - **Public comment on Consent Agenda**
 - **Items to be pulled for discussion by the Board**
 - **Motion to approve the balance of items**
 - **Consideration of items pulled for discussion**
- A. CPA2005-08 - Caloosahatchee Shores Community Plan**

Adopt a new Policy 21.1.4. directing the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code.
Sponsor: Board of County Commissioners/The East Lee County Council.
- B. CPA2005-09 - Palm Beach Community Plan**

Amend the Future Land Use Element to add a Goal, Objectives, and Policies specific to the Palm Beach Community.
Sponsor: Board of County Commissioners/The East Lee County Council
- C. CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

Amend the Future Land Use Element Policies 1.2.2., 1.7.1., and 5.1.4. and the Community Facilities and Services Element Policy 66.3.11., and the Future Land Use Map Series, Map 1, Page 5 of 5, to reflect the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the number of gas pumps allowed from twelve (12) to twenty-four (24).
Sponsor: Board of County Commissioners/Port Board.
- D. CPA2005-11 - Greenways Recreational Trail Master Plan**

Incorporate the Lee County Multi-Propose Recreational Trails and Greenways Master Plan into the Lee Plan. Revise Goal 85, Objective 85.1., Policy 85.1.2., Policy 85.1.3., Policy 85.1.4., Policy 85.1.5., and Policy 107.1.1.(4)(d). Incorporate proposed new Policy 40.4.6., Policy 40.4.7., Policy 40.4.8., Policy 77.3.6., Policy 77.3.7., new Objective 85.4., Policy 85.4.1., Policy 85.4.2., new Goal 80, new Objective 80.1., Policy 80.1.1., Policy 80.1.2., new Objective 125.3., and Policy 125.3.1. Incorporate proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map).
Sponsor: Board of County Commissioners.

- E. CPA2005-12 – Captiva Community Plan**
Amend Goal 13, Policy 6.1.2, Chapter XIII Single-Family Residence Provision and the definition of Density specific to the Captiva Community to incorporate the recommendations of the Captiva Island Community Planning effort.
Sponsor: Board of County Commissioners/Captiva Community Planning Panel.
- F. CPA2005-13 – Community Planning**
Amend the Future Land Use Element to evaluate incorporating community planning policies into the Lee Plan.
Sponsor: Board of County Commissioners/Smart Growth Committee.
- G. CPA2005-16 – San Carlos/Estero Community Boundary**
Amend the Future Land Use Map Series, Map 16, Lee County Planning Communities, to adjust the boundary between the Estero and San Carlos Planning Communities west of U.S. 41.
Sponsor: Board of County Commissioners.
- H. CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**
Amend the Transportation Element to update Policy 37.1.1. to reflect new State LOS standards for SIS/FIHS/TRIP-funded roads.
Sponsor: Board of County Commissioners.
- I. CPA2005-19 – FDOT Quality LOS Handbook**
Amend the Transportation Element to update Policy 37.1.4. to refer to the 2002 FDOT Quality LOS Handbook.
Sponsor: Board of County Commissioners.
- J. CPA2005-20 – Deletion of Policy 38.2.3**
Amend the Transportation Element to delete Policy 38.2.3.
Sponsor: Board of County Commissioners.
- K. CPA2005-21 – Update Reference to the LeeScape Master Plan**
Amend the Transportation Element to update Objective 40.3. to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan.
Sponsor: Board of County Commissioners.
- L. CPA2005-22 – Mass Transit Update**
Amend the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.

- M. CPA2005-23 – Ports, Aviation and Related Facilities Update**
Amend the Transportation Element Ports, Aviation and Related Facilities Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report.
Sponsor: Board of County Commissioners.
- N. CPA2005-24 - Update Transportation Concurrency Policies**
Amend the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in State law.
Sponsor: Board of County Commissioners
- O. CPA2005-28 – Conservation Lands Update**
Amend the Future Land Use Map Series, Map 1, by updating the Conservation Lands land use categories.
Sponsor: Board of County Commissioners.
- P. CPA2005-29 – Public Facilities Update**
Amend the Future Land Use Map Series, Map 1, the Future Land Use Map, to update the mapped Public Facilities future land use category by adding and/or removing lands to more accurately identify publicly owned lands.
Sponsor: Board of County Commissioners.
- Q. CPA2005-33 – Police and Justice Sub-Element Update**
Amend the Community Facilities and Services Element Police and Justice Sub-Element Objective 69.1 to delete the referenced date and to acknowledge the ongoing nature of the objective. In addition, amend Policies 69.2.2. and 69.2.3. to reflect the existing status of substation facilities.
Sponsor: Board of County Commissioners.
- R. CPA2005-39 – Commercial FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table1(a), by adding a new "commercial only" future land use category.
Sponsor: Board of County Commissioners.
- S. CPA2005-40 – Sub-Outlying Suburban FLUM Category**
Amend Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a) and Table1(b), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre.
Sponsor: Board of County Commissioners.

- T. CPA2005-41 – Manatee Protection Plan**
Amend the Conservation and Coastal Management Element and the Future Land Use Element to incorporate the "boating facility siting element" of the Manatee Protection Plan required by F.S. 370.12.(2)(t)(3).
Sponsor: Board of County Commissioners.
- U. CPA2005-42 – Economic Element Update**
Amend the Lee Plan, Economic Element, for general updates as the element has not been updated since its creation in 1993.
Sponsor: Board of County Commissioners.
- V. CPA2005-43 – Single Family Residence Provision Update**
Amend the Procedures and Administration Element by updating the Single-Family Residence Provision.
Sponsor: Board of County Commissioners.
- W. CPA2005-45 – Beach and Dune Management Plans**
Amend Policy 113.3.1 in order to update the list of critical erosion areas under Beach and Dune Management Plans.
Sponsor: Board of County Commissioners.
- X. Adopt the following Ordinance, which incorporates the substance of the items on the consent agenda into the Lee Plan:**

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE LAND USE PLAN, COMMONLY KNOWN AS THE "LEE PLAN" ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENTS APPROVED ON THE CONSENT AGENDA DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT; GEOGRAPHICAL APPLICABILITY, SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. Administrative Agenda – Adoption of Lee Plan Amendments

- A. CPA2005-05 – Three Oaks North**
Amend the Future Land Use Map Series, Map 1, for 83+/- acres in the northwest quadrant of I-75 and Alico Road, Section 3, Township 46 South, Range 25 East, Lee County, Florida, lying west of I-75 from "Industrial Development" to "Industrial Commercial Interchange."
Sponsor: Paul H. Freeman, Trustee.

- B. Adopt the following Ordinance, which incorporates the contents of CPA2005-05 into the Lee Plan:

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 CPA2005-05 (PERTAINING TO THE FUTURE LAND USE MAP CHANGE FOR AN 83±-ACRE PARCEL NORTH OF ALICO ROAD FROM INDUSTRIAL DEVELOPMENT TO INDUSTRIAL COMMERCIAL INTERCHANGE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED MAPS; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- C. CPA2005-07 – Riverhall (fka Hawk's Haven)

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from "Rural" and "Suburban" to "Outlying Suburban" and "Public Facilities." Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

Sponsor: Hawks Haven Investment, LLC.

- D. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM "RURAL" AND "SUBURBAN" TO "OUTLYING SUBURBAN" AND "PUBLIC FACILITIES" AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND

TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

E. CPA2005-17 – Long Range Transportation Plan

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.

Sponsor: Board of County Commissioners.

F. Adopt the following Ordinance, which incorporates the contents of CPA 2005-17 into the Lee Plan:

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.

G. CPA2005-25 – Change Lee Plan Horizon to the year 2030

Amend the Lee Plan to change the references from the year 2020 to the year 2030 and update the Vision Statements to the year 2030.

Sponsor: Board of County Commissioners.

H. Adopt the following Ordinance, which incorporates the contents of CPA2005-25 into the Lee Plan:

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 CPA2005-25(PERTAINING TO CHANGING THE LEE PLAN HORIZON YEAR TO 2030) 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.

- I. **CPA2005-26 – Update BEBR Population Projections**
Amend the Lee Plan text and tables to reflect the latest BEBR population projections. Amend Map 16 to reflect current City boundaries and amend Map 8 to reflect updated potable wellfield cones of influence.
Sponsor: Board of County Commissioners.

- J. **Adopt the following Ordinance, which incorporates the contents of CPA2005-26 into the Lee Plan:**

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 CPA2005-26 (PERTAINING TO THE BEBR POPULATION PROJECTION AND MAPS 8 AND 16 UPDATE) 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.

- K. **CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4**
Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.
Sponsor: Board of County Commissioners.

- L. **Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:**

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- M. CPA2005-35 – New Urbanism Definitions**
Amend the Lee Plan Glossary to add new, and amend existing, definitions to incorporate the principles of New Urbanism.
Sponsor: Board of County Commissioners.

- N. Adopt the following Ordinance, which incorporates the contents of CPA2005-35 into the Lee Plan:**

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 CPA2005-35 (PERTAINING TO THE INCORPORATION OF THE PRINCIPLES OF NEW URBANISM INTO THE LEE PLAN GLOSSARY) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

- O. CPA2005-37 – New Urbanism**
Amend the Future Land Use Element to include and revise Goals, Objectives, and Policies to incorporate the concepts and principles of New Urbanism, Traditional Neighborhood Design, and Transit Oriented Development. Amend the Future Land Use Map Series to include an overlay depicting areas where mixed use development will be allowed to calculate residential density from commercial property when smart growth principles are applied.
Sponsor: Board of County Commissioners.

- P. Adopt the following Ordinance, which incorporates the contents of CPA2005-37 into the Lee Plan:**

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 CPA2005-37 (PERTAINING TO NEW URBANISM) 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.

Q. CPA2005-46 – Smart Growth Recommendations

Amend the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan

R. Adopt the following Ordinance, which incorporates the contents of CPA2005-46 into the Lee Plan:

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 CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) 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.

S. CPA2005-47 – Housing Element Update

Amend the Housing Element to reflect the findings of the most current Housing Needs Assessment.

Sponsor: Board of County Commissioners.

T. Adopt the following Ordinance, which incorporates the contents of CPA2005-47 into the Lee Plan:

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 CPA2005-47 (PERTAINING TO THE HOUSING ELEMENT UPDATE) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

In accordance with the Americans with Disabilities Act, reasonable accommodations will be made upon request. If you are in need of a reasonable accommodation, please contact Janet Miller at 479-8583.

**2005/2006 EVALUATION AND APPRAISAL REPORT
AND SMART GROWTH INITIATIVE LEE PLAN AMENDMENTS
ADOPTION HEARING**

COMMISSION CHAMBERS, 2120 MAIN STREET

**CONTINUED FROM APRIL 11, 2007 TO
MAY 16, 2007
9:30 A.M.**

AGENDA

1. Call to order; Certification of Affidavit of Publication

2. ADMINISTRATIVE AGENDA CONTINUED ITEMS

A. CPA2005-07 – Riverhall (fka Hawk’s Haven)

Amend the Future Land Use Map Series for specified parcel (approximately 1,727 acres) located in Sections 25, 26, 27, 34, 35, and 36, Township 43 South, Range 26 East, to change the Future Land Use classification shown on Map 1 from “Rural” and “Suburban” to “Outlying Suburban” and “Public Facilities.” Amend Table 1(a), Footnote 6, to limit development in the plan amendment area to two units per acre and place a specific cap on residential development of 2,800 dwelling units on the specified property.

Sponsor: Hawks Haven Investment, LLC.

B. Adopt the following Ordinance, which incorporates the contents of CPA2005-07 into the Lee Plan:

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 CPA2005-07 (PERTAINING TO AN AMENDMENT TO THE FUTURE LAND USE MAP SERIES FOR A PARCEL OF 1,727 ACRES TO CHANGE THE FUTURE LAND USE CLASSIFICATION SHOWN ON MAP 1 FROM “RURAL” AND “SUBURBAN” TO “OUTLYING SUBURBAN” AND “PUBLIC FACILITIES” AND ALSO AMENDING TABLE 1(a), FOOTNOTE 6, TO RESTRICT PERMISSIBLE DENSITY AND UNITS) APPROVED DURING THE COUNTY’S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT, MAPS, AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF “THE LEE PLAN”; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER’S ERRORS, AND AN EFFECTIVE DATE.

C. CPA2005-27 – Update Capital Improvement Element (CIE) Tables 3 and 4

Amend the Capital Improvement Element (Tables 3 and 4) to reflect the latest adopted Capital Improvement Program.

Sponsor: Board of County Commissioners.

D. Adopt the following Ordinance, which incorporates the contents of CPA2005-27 into the Lee Plan:

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 CPA2005-27 (PERTAINING TO TABLES 3 AND 4 OF THE CAPITAL IMPROVEMENT ELEMENT) APPROVED DURING THE COUNTY'S 2005/2006 REGULAR COMPREHENSIVE PLAN AMENDMENT CYCLE; PROVIDING FOR AMENDMENTS TO ADOPTED TEXT AND TABLES; PURPOSE AND SHORT TITLE; LEGAL EFFECT OF "THE LEE PLAN"; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

3. MOTION TO FINIALIZE ALL ACTIONS TAKEN AT THE APRIL 11, 2007 ANDTHE MAY 16, 2007 ADOPTION HEARINGS

4. ADJOURN

This meeting is open to the public and all interested parties are encouraged to attend. Interested parties may appear and be heard with respect to all proposed actions. Pursuant to Florida Statutes Section 163.3184(7), persons participating in the Comprehensive Plan Amendment process, who provide their name and address on the record, will receive a courtesy informational statement from the Department of Community Affairs prior to the publication of the Notice of Intent to find a plan amendment in compliance.

If a person decides to appeal a decision made by the Board with respect to any matter considered at this hearing, he or she will need a record of the proceedings, and, for such purpose, he or she may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based. Further information may be obtained by contacting the Lee County Division of Planning at 479-8585.

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ADMINISTRATIVE AGENDA ITEMS

CPA2005-46

**SMART GROWTH RECOMMENDATIONS
BoCC SPONSORED
AMENDMENT TO THE**

LEE COUNTY COMPREHENSIVE PLAN

THE LEE PLAN

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
(941) 479-8585*

April 4, 2006

**LEE COUNTY
DIVISION OF PLANNING
STAFF REPORT FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2005-46**

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

INITIAL STAFF REPORT PREPARATION DATE: October 17, 2006
 REVISED STAFF REPORT PREPARATION DATE: December 19, 2006

PART I - BACKGROUND AND STAFF RECOMMENDATION

A. SUMMARY OF APPLICATION

- 1. APPLICANT/REPRESENTATIVE:**
 BOARD OF COUNTY COMMISSIONERS
 REPRESENTED BY THE SMART GROWTH COMMITTEE
 REVIEWED BY DIVISION OF PLANNING

REQUEST:

Incorporate provisions of the Smart Growth Committee's recommendations, not otherwise included in other components of the 2005 cycle of amendments.

B.1. ORIGINAL SMART GROWTH COMMITTEE RECOMMENDATION

The following is the combined Planning Staff, Smart Growth Committee and Local Planning Agency recommendation for proposed Smart Growth amendments to the Lee Plan. It should be noted that these proposed amendments are not the only Smart Growth Committee's recommendations. They are the recommendations that did not dovetail into the other Board initiated amendments, such as the Mixed Use Overlay amendment or the Community Planning amendment, to mention two.

PROPOSED NEW OBJECTIVE AND POLICIES UNDER ELEMENT II - FUTURE LAND USE, GOAL 2: GROWTH MANAGEMENT

OBJECTIVE 2.11: Carrying Capacity. Understand the carrying capacity of the future land use map and integrate the concept into planning strategies.

POLICY 2.11.1: During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information.

POLICY 2.11.2: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

POLICY 2.11.3: Evaluate a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

POLICY 2.11.4: Evaluate science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

POLICY 2.11.5: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

PROPOSED NEW OBJECTIVE AND POLICIES UNDER ELEMENT II - FUTURE LAND USE, GOAL 4: DEVELOPMENT DESIGN - GENERAL

OBJECTIVE 4.3: Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

POLICY 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies.

POLICY 4.3.2: The permitting measures developed should improve the storage within existing natural and manmade flowways.

POLICY 4.3.3: The permitting measures should reevaluate the relationship of volume/area to stormwater management and storage.

POLICY 4.3.4: The permitting measures should link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

PROPOSED NEW POLICY UNDER ELEMENT III - TRANSPORTATION, GOAL 43: MASS TRANSIT SERVICE, OBJECTIVE 43.1: RIDERSHIP

POLICY 43.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

PROPOSED NEW POLICY UNDER ELEMENT III - TRANSPORTATION, GOAL 43: MASS TRANSIT SERVICE, OBJECTIVE 43.4: COORDINATION

POLICY 43.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

PROPOSED NEW POLICY UNDER ELEMENT IV-A - POTABLE WATER, GOAL 54: CONSERVATION, OBJECTIVE 54.1

POLICY 54.1.12: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

PROPOSED NEW POLICY UNDER ELEMENT IV-C - SURFACE WATER MANAGEMENT, GOAL 60: COORDINATED SURFACE WATER MANAGEMENT AND LAND USE PLANNING ON A WATERSHED BASIS, OBJECTIVE 60.5: INCORPORATION OF GREEN INFRASTRUCTURE INTO THE SURFACE WATER MANAGEMENT SYSTEM

POLICY 60.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all flowways and include incentives for private participation.

PROPOSED NEW POLICY UNDER ELEMENT IV-C - SURFACE WATER MANAGEMENT, GOAL 61: PROTECTION OF WATER RESOURCES, OBJECTIVE 61.1: WATER SUPPLY PLANNING

POLICY 61.1.6: Work with the appropriate agencies to pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

PROPOSED NEW POLICY UNDER ELEMENT IV-H - EDUCATION, GOAL 66: EDUCATION, OBJECTIVE 66.3: LAND USE COMPATIBILITY

POLICY 66.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

PROPOSED NEW OBJECTIVE AND POLICY UNDER ELEMENT IV-H - EDUCATION, GOAL 66: EDUCATION

OBJECTIVE 66.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area’s special environmental characteristics.

POLICY 66.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

PROPOSED NEW POLICY UNDER ELEMENT V - PARKS, RECREATION AND OPEN SPACE, GOAL 77: DEVELOPMENT DESIGN REQUIREMENTS, OBJECTIVE 77.3:

POLICY 77.3.6: Criteria for local monitoring and enforcement for native vegetation will also consider southwest florida specific needs, such as attention to irrigation water content of chlorides and conductance, and to low nutrient fertilizers.

REVISED POLICY 95.1.1A.2 UNDER ELEMENT VI - CAPITAL IMPROVEMENTS, GOAL 95:, OBJECTIVE 95.1: CAPITAL IMPROVEMENTS PROGRAM (CIP)

POLICY: 95.1.1.a.2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

PROPOSED NEW POLICIES UNDER ELEMENT VII - CONSERVATION AND COASTAL, GOAL 107: RESOURCE PROTECTION, OBJECTIVE 107.1: RESOURCE MANAGEMENT PLAN

Policy: 107.1.1.4.g. The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

POLICY 107.1.2: To increase protection of natural resources, the County will promote the formation of a public/private management team to coordinate area wide conservation easements.

POLICY 107.1.3: Pursue Mutual Aid Agreements to plan and pool resources and equipment.

PROPOSED NEW POLICY UNDER ELEMENT VII - CONSERVATION AND COASTAL, GOAL 107: RESOURCE PROTECTION, OBJECTIVE 107.2: PLANT COMMUNITIES

POLICY 107.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

POLICY 107.2.14: Coordinate and stay informed on exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

PROPOSED NEW POLICY UNDER ELEMENT VII - CONSERVATION AND COASTAL, GOAL 118: AIR QUALITY, OBJECTIVE 118.1:

POLICY 118.1.4: Research the use of bio diesel and other clean fuels in public vehicles.

PROPOSED NEW POLICY UNDER ELEMENT VIII - HOUSING, GOAL 135: MEETING HOUSING NEEDS, OBJECTIVE 135.1 HOUSING AVAILABILITY

POLICY 135.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

PROPOSED NEW POLICIES UNDER ELEMENT VIII - HOUSING, GOAL 135: MEETING HOUSING NEEDS, OBJECTIVE 135.4 AFFORDABLE HOUSING

POLICY 135.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

POLICY 135.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

PROPOSED NEW POLICY UNDER ELEMENT IX -HISTORIC PRESERVATION, GOAL 143:LOCAL PRESERVATION TECHNIQUES

POLICY 143.2.2: The County will encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

PROPOSED NEW POLICIES UNDER ELEMENT X - INTERGOVERNMENTAL COORDINATION, GOAL 152: GROWTH MANAGEMENT, OBJECTIVE 152.1EFFECTS OF NEW DEVELOPMENT

POLICY 152.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

POLICY 152.1.10: The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

POLICY 152.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

PROPOSED NEW POLICY UNDER ELEMENT XI - ECONOMIC ELEMENT, GOAL 158:, OBJECTIVE 158.1:

POLICY 158.1.11: Evaluate the current land development regulatory and fiscal structure to identify and remove where appropriate the unwanted impediments to ensuring development is fiscally beneficial.

IN ADDITION TO THE ABOVE, THE SMART GROWTH COMMITTEE IS RECOMMENDING THAT THE BOARD CONSIDER TRANSMITTAL OF THE FOLLOWING NEW OBJECTIVE AND POLICY UNDER ELEMENT VII - CONSERVATION AND COASTAL , GOAL 118: AIR QUALITY .

OBJECTIVE 118.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

POLICY 118.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

B.2. (ORIGINAL) SMART GROWTH COMMITTEE RECOMMENDATION AND FINDINGS OF FACT SUMMARY

The following report contains the original Smart Growth Committee's proposed language, findings of fact, and their original analysis. This section of the report is followed by Planning Staff's initial analysis and revised analysis.

Given the nature of the packaging of all the recommendations into one submission, alphabetic separations will be employed for changes in subject.

1. RECOMMENDATION:

The Smart Growth Committee recommends that the Board of County Commissioners transmit the proposed amendment as part of the 2004 EAR Amendment Cycle.

A. BUILDOUT AND CARRYING CAPACITY:

Objective 2.11: Carrying Capacity. Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN

Policy 2.11.2: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.3: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

Policy 2.11.4: Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

Policy 40.5.4: Improve the storage within existing natural and manmade flowways.

Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 41.1.6: Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

Policy 77.1.4: The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

Policy 77.1.7: Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida..

C. ENHANCED MOBILITY:

Policy 28.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 28.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT

Policy 46.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 46.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area’s special environmental characteristics.

Policy 46.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

Policy 34.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

Policy 87.1.9: As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

E. VI. CAPITAL IMPROVEMENTS ELEMENT

Policy 70.1.8: Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT

Policy 77.2.14: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.

Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

Policy 88.2.2: Research the use of bio diesel and other clean fuels in public vehicles.

Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

G. VIII. HOUSING ELEMENT

Policy 100.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 100.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 100.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

H. IX. HISTORIC PRESERVATION ELEMENT

Policy 104.2.2: The County will continue to encourage the preservation of archeological sites through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas

I. X. INTERGOVERNMENTAL COORDINATION

Policy 109.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

Policy 109.1.10: The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 109.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

J. XI. ECONOMIC ELEMENT

Policy 110.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- In April 2002, the Board of County Commissioners empowered an advisory committee, the Smart Growth Committee, to evaluate the results the County should be achieving through its management of population growth. After 20 months, four open full day workshops, three special issue workshops, and eighteen regular meetings, all advertised and with open invitation to the public, the Committee concluded its deliberations largely in support of current activities, but with greater focus on results, and with additions or expansions recommended to improve results.
- The Smart Growth initiative identified several key areas that are often considered in areawide planning, but lack the breadth of supporting policy for consistent evaluations. Further, a number of individual topics were recognized as issues within Lee County that need a policy established so that direction on the issue can be considered given.
- The key initiatives are infill and redevelopment (separate CPA); community planning (separate CPA); buildout and carrying capacity; master planning for the environment; and individual conclusions, grouped by LeePlan element.

- The incorporation of these recommendations into the LeePlan provides the appropriately complete policy framework to address the issues raised by the Smart Growth Committee, and raised by the Environmental Protection Agency in its several publications related to Smart Growth.
- August 26, 2004 the Lee County Board of County Commissioners adopted the Evaluation and Appraisal Report, identifying New Urbanism and Smart Growth as among the Major Issues, with support text.

C. **BACKGROUND INFORMATION**

The 2004 Evaluation and Appraisal Report included an assessment of the Smart Growth initiative, along with specific components that stemmed from the initiative. The background information for each initiative came from a series of workshops, each supported by its own book of information (Transportation Element, Land Use Element, Water and Environmental Quality Element, and Community Character Element, all dated 2003) and with an initial set of issues. These workshops, held from January to April, 2003, provided the basis for subsequent workshops and meetings of the Smart Growth Committee. The result of the workshops and meetings was a set of 190 recommendations provided to the Board of County Commissioners in December 2003. A number of those related in part or in whole to the Lee Plan. An initial total of 118 recommendations to the Lee Plan were subsequently reduced to 60 through subsequent deliberations of the Committee with assistance from all departments. This reduction was able to occur due to actions taken that fulfilled the recommendations, further identification of duplication, or a subsequent determination by the Committee that the recommendation had been superseded by events.

PART II - ANALYSIS

A. SMART GROWTH COMMITTEE DISCUSSION

INTRODUCTION

BUILDOUT AND CARRYING CAPACITY. “Buildout” is a concept that locally means the population that will be within Lee County once all approved development is built out. Lee County has committed to widespread development patterns through platting practices in the past, before the County had planning and zoning authority, as well as development approvals granted since such authority was provided. This level of development will have stresses upon infrastructure and natural systems beyond any current planning program. In order to get a better understanding of the long term consequences of such past decisions, an update of the estimated buildout population should be undertaken, along with an assessment of what our natural and build systems can support at current levels of service. Build out estimates have been provided in the past, the first in 1975. Past buildout estimates concluded Lee County (including the municipalities) had approved levels of development that totaled a population of 1.5 million people, which has been referred to as “buildout.” A more recent review of just the Lehigh Acres subdivision (Population Model to Forecast Population Growth of Lehigh Acres Over Time To Buildout) estimated in April, 2004, a buildout population 303,000 persons.

“Carrying Capacity” is the current ability to meet the population demand for services. This capacity varies for each type of infrastructure, and is capable of being altered to produce a population higher or lower, based upon the level of service and the expansion of the service. Each year Lee County Department of Community Development compiles reports from different County Departments and produces an annual Concurrency Report. This report addresses the current and short term conditions of a subset of County services for the unincorporated County. These services are water utilities, sewer utilities, solid waste, drainage, transportation, and parks and recreation. The current version is on the internet at this web address: <http://www.lee-county.com/dcd/AnnualReports/Concurrency.pdf>.

Different components of these services have reached their “capacity” in the past and at present, and have identified constraints to the provision of further service without expansions of service or reductions in per capita use. Further, certain services have constraints that cannot be expanded beyond certain levels without dramatic increases in per user cost of service. These points indicate the “carrying capacity” of the service has been reached under current paradigms, and policy makers need to be aware of such points before they are reached in order to prevent crisis. Examples are hurricane evacuation within set time periods; transitioning from at grade intersections to grade separated intersections; changing from traditional water sources to salt water sources; from landfills to incineration.

Interaction between the concepts of “build out” and “carrying capacity” will make the transitions smoother through better planning, and provide better assessments as to where expanding the ultimate buildout of the population results in unavoidable declines in current levels of service.

Objective 2.11: Carrying Capacity. Define carrying capacity and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

MASTER PLANNING FOR THE ENVIRONMENT. The condition of our natural systems is critical for our own sense of community, as well as the greatest contribution to our economic success. Lee County recognizes that the natural system needs to have its own planning program, interrelated to all of the other capital improvement programs and growth plans.

Given the high buildout numbers, it is critical for communities to recognize the resource base needed to support the population. It is also critical to protect the natural resources, or remedy the problems for those resources in order to maintain our tourism and retirement economy.

Recognizing the importance of managing towards the sustainability of our resources, Lee County commissioned the preparation of the Lee Master Mitigation Plan (August 2004). The Plan is based upon a county wide assessment of the remaining natural resources of the County and identified those which should have the highest priority for preservation, for remediation of current problems, and as most suitable for mitigation for the unavoidable consequences of the County public works program. The Plan was developed under contract through the Southwest Florida Regional Planning Council, and was assisted by the Charlotte Harbor National estuary Program, and a variety of Federal, State, and local agencies, and private persons from both the development and environmental sectors.

Policy 2.11.2: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.3: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

Policy 2.11.4: Identify and map and update, through a science based process, those lands with the environmental science based opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies.

Policy 40.5.4: Improve the storage within existing natural and manmade flowways.

Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 41.1.6: Pursue funding a "mixing model" (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements.

Policy 77.1.4: The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

Policy 77.1.7: Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida.

ENHANCED MOBILITY. The single occupancy vehicle is not affordable or usable by large components of the County population. For nearby trips and for many circumstances, the common automobile may be implausible or conflict with other priorities. Further, the focus on major arterials overlooks opportunities that satisfy travel with less expensive or intrusive approaches.

Community planning efforts should examine which aspects of the community need and should have provided improved mobility options. Further, land uses that can be added to reduce traffic burdens need examination for inclusion into the community. Finally, greenspace planning—trails and walkways-- that promotes nonmotor vehicle trips should be pursued between different parcels, within a community effort.

The current Lee Plan provides for opportunities for addressing mobility, and the recommendations contained herein focus on gaps in existing policy.

Policy 28.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 28.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

AMENDMENTS TO THE COMMUNITY FACILITIES AND SERVICES ELEMENT.

Different areas within the County have success in achieving water conservation measures. The areas with the most success are the ones with local—less than county wide—efforts in pursuing goals. The additional policies provide for greater coordination of community plans with localized efforts of environmental education, and with “less than county wide” water conservation measures.

Policy 46.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 46.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of our area's special environmental characteristics.

Policy 46.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

Policy 34.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

Policy 87.1.9: As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.

AMENDMENTS TO THE CAPITAL FACILITIES ELEMENT. Large public works projects often have issues raised by incorporated or informal groups. A formalized public involvement program can reduce the frequency and depth of concern of such issues.

Policy 70.1.8: Ensure that all large CIP projects include broad public education efforts and information exchange as a component for securing public support.

AMENDMENTS TO THE CONSERVATION AND COASTAL ZONE ELEMENT. Exotics management is becoming a greater issue, as the sensitivity of the remaining natural features to exotics and water management becomes better known. Everglades Restoration (Lee County is part of the area designated the western Everglades) has identified a number of exotic plant and animal species, which are in these web site reports:

<http://www.sfrestore.org/scg/documents/index.html>

<http://www.sfrestore.org/issueteams/exotic/documents/index.html>

<http://www.sfrestore.org/issueteams/fiatt/documents/index.html>

The reports indicate a strong need to have coordinated actions, and also that State and Federal efforts by themselves have only been applied to lands under their ownership. The nature of various exotics in Lee County are publicized, but there is no coordinated effort locally to get to the sources of the exotic propagation.

Regarding the recommendations for air quality, the MPO process addresses the system wide impacts of a road construction program on air quality. In the past, congestion was the leading contributor of concerns for diminishment of air quality; road and bridge improvements that reduced congestion resulted in immediate improvements in air quality. Inclusion of air quality

calculations in the alternatives review will give attention to the issue of air quality, as will the policy on inspections.

Tourism is affected by adverse air quality, as is our retirement industry.

Policy 77.2.14: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.

Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

Policy 88.2.2: Research the use of bio diesel and other clean fuels in public vehicles.

Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

AMENDMENTS TO THE HOUSING ELEMENT. Various housing reports commissioned by the County, through the Department of Community Development or through the Horizon Council, have emphasized how the current housing affordability disparity has existed, and has become more expanded by recent price elevations. On June 22nd Dr James Nicholas estimated that 70% of the working families cannot afford the 50 percentile home. Various approaches are being suggested, and the policies provided herein are additions recommended by the Smart Growth Committee through its own discussions of this issue.

Relevant websites are these:

<http://www.lee-county.com/dcd/AffordableHousing/HousingMain.htm>

<http://www.swflworkforcehousing.com>

Policy 100.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 100.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 100.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

AMENDMENTS TO THE HISTORIC PRESERVATION ELEMENT. The Smart Growth Committee, in its review of historic preservation, determined that a current practice and gap can be remedied through the policy referenced.

Policy 104.2.2: The County will continue to encourage the preservation of archeological sites through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

AMENDMENTS TO THE INTERGOVERNMENTAL COORDINATION ELEMENT. The coordination with cities, other counties, and other public agencies for our water resource issues—supply for natural system, utilities, domestic self supplied, and the quality of the system—has required the County to take a leadership role in regional forums. The supporting policy framework enables this to be a regular, budgeted, task in fulfillment of the Plan.

Specific activities include the Caloosatchee Basin's subcommittee of the SWFRPC; the Mayors/Chairman meetings, commonly held after the MPO; the 9 County Coalition; and the Estero Bay agency for bay management.

Policy 109.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program.

Policy 109.1.10: The County will enter into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 109.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

AMENDMENTS TO THE ECONOMIC ELEMENT. Legislation during the 2005 session called for local governments to analyze the fiscal impacts of growth, to pursue financial feasibility. The policy referenced provides for that support. The SWFRPC has draft fiscal impact models under analysis which should be the vehicle for the fulfillment of the policy. The model is accessed through this web address:

<http://www.swfrpc.org>

Policy 110.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

B. (INITIAL) PLANNING DIVISION ANALYSIS

The Division of planning has reviewed the recommendations of the Smart Growth Committee and offers the following comments, revisions, deletions and recommendations. Below is a staff discussion on the proposed Smart Growth Committee (SGC) language followed by a revised objective or policy in double underline and strike through format.

A. BUILDOUT AND CARRYING CAPACITY:

Planning staff concurs with the SGC discussion regarding Buildout and Carrying Capacity. The concept of the carrying capacity of the future land use map is one planning staff have utilized several times in the past. A new evaluation of the buildout of Florida comprehensive plans was recently completed by the Bureau of Economic and Business Research (BEBR). The figure for Lee County was established at 1.4 million people. This corresponds closely with the recent Planning staff calculation of 1.39 million. The location of flowways is not germane to the buildout calculation. This issue is more a matter of placement than unit generation, affording protection to the flowway through appropriate design. Staff offers the following revisions to the proposed Lee Plan language.

Objective 2.11: Carrying Capacity. Define Understand the carrying capacity of the Future Land Use Map and integrate the concept into planning strategies, with the assistance of area professionals.

Policy 2.11.1: During each Evaluation and Appraisal Report process, calculate an estimate of the carrying capacity information.

Policy 2.11.2: Utilizing carrying capacity information, determine the constraints to continual development as a quality of life characteristic.

Objective 4.2: Develop an up to date estimate, and revise for each EAR the County Build Out estimate.

Policy 40.5.8: The flowways plan should be integrated with the County Build Out estimate.

B. MASTER PLANNING FOR ENVIRONMENT, MASTER MITIGATION PLAN

The following 2 policies should be included under the carrying capacity objective to give further direction on the implementation of the concept of carrying capacity. Staff is renumbering these policies so they fit under the objective.

Policy 2.11.23: Prepare a general assessment (barometer of variables) that links the goal of (and) capacity of development (built environment) to environment (natural or green space).

Policy 2.11.34: Set science based goals to assess what is necessary to maintain desired environmental factors (i.e. panthers extant, Estero Bay health, etc.).

This policy has been implemented through the creation in the last 2 years of the Master Mitigation Plan. Staff is recommending to modify the policy to recognize the existence of the Master Mitigation Plan and to periodically update the plan and change the policy number.

Policy 2.11.45: Maintain a Master Mitigation Plan that will identify and map and update, through a science based process, those lands with the environmental science based

opportunities for mitigation, remediation, or preservation. Promote such areas for such uses through County programs.

The following policy is problematic. The term “optimal conditions” for the “natural system” could be interpreted as not allowing any conversion of open land to urban development. Staff recommends it not be adopted.

Policy 4.1.5: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning:

The following objective and 8 policies represent a major commitment of staff time and resources. Without further work defining the level of County commitment and the parameters to be addressed, staff can not recommend that the Board of County Commissioners agree to these policies.

Objective 4.3: Pursue a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions:

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for county waterbodies:

Policy 40.5.4: Improve the storage within existing natural and manmade flowways:

Policy 40.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation:

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance:

Policy 41.1.6: Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc:

Policy 41.3.15: To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same:

Policy 41.3.16: To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types:

Policy 77.1.2: To increase protection of natural resources, the County will create a public/private management team to coordinate area wide conservation easements:

The current Conservation 20/20 program relies on a willing seller. The following Policy

includes a new direction for the County to utilize the program as a more focused vehicle with targeted acquisition areas. The Lee Plan in Policy 107.1.1.4 already identifies a sensitive land acquisition program, staff recommends relocating the proposed Policy there.

Policy 77.1.4:107.1.1.4.g. The County will build upon the Conservation 20/20 program for funding a green infrastructure and natural functions program, which will be within the County CIP program.

The following Policy could be explored without inclusion in the Lee Plan. This proposed Policy could require substantial commitments of staff and resources. Staff does not recommend including this Policy in the Lee Plan.

Policy 77.1.7: ~~Create a formalized regional land management restoration collaboration to plan and pool resources and equipment.~~

This proposed new objective lacks policies to give guidance on its implementation.

Objective 77.13: Environmental Monitoring. Ensure criteria for local programmatic monitoring and enforcement are specific to Southwest Florida..

C. ENHANCED MOBILITY:

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives 43.1 and 43.4.

Policy 2843.1.14: The County will work to ensure that road ownership is not an impediment to transit or pedestrian service/facilities.

Policy 2843.4.4: Along with the School Board, the County will develop a joint plan for transporting students on public transportation and school buses, and utilize this planning during special events.

D. IV. COMMUNITY FACILITIES AND SERVICES ELEMENT

The county has little control over these issues. The Lee County School District has the authority to make these decisions. Including the following in the Lee Plan helps to convey the County's intentions to the District. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. These policies would now fall under objectives under Goal 66.

Policy 466.3.13: The County will promote smaller, geographically-diversified neighborhood school campuses, which are incorporated into relevant community plans.

Objective 466.5 Environmental Education. Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general

adult population, and newcomers to heighten awareness of our area's special environmental characteristics.

Policy 466.5.1: Support a coordinated community education and outreach program that fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 54.1.

Policy 354.1.13: Promote water conservation through the use of incentives and evaluate and apply a community based planning approach to water conservation, enabling more precision to be applied in achieving reduction targets.

The Lee County Land Development Code, in Section 10-417 Irrigation design standards states:

To improve the survivability of required landscaping, cultivated landscape areas must be provided with an automatic irrigation system. All required irrigation systems must be designed to eliminate the application of water to impervious areas, including roads, drives and other vehicle areas. Required irrigation must also be designed to avoid impacts on existing native vegetation.

All new developments that have required landscaping must be irrigated by the use of an automatic irrigation system with controller set to conserve water. Moisture detection devices must be installed in all automatic sprinkler systems to override the sprinkler activation mechanism during periods of increased rainfall. Where existing irrigation systems are modified requiring the acquisition of a permit, automatic activation systems and overriding moisture detection devices must be installed.

This policy has already been implemented.

~~**Policy 87.1.9:** As a component of water utility operations, require rain sensors, and provide for periodic inspection of irrigation systems.~~

E. VI. CAPITAL IMPROVEMENTS ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 95.1. Policy 95.1.1.a already contains language concerning public outreach and notification during the preparation of the CIP. Staff recommends adding this proposed language to paragraph a.2 as the second sentence.

Policy 70.1.8: 95.1.1.a.2. Staff and members of the Board of County Commissioners will communicate with the general public in this process to ascertain the perceived need for each kind of public facility in each commission district and planning district. Ensure that all large

CIP projects include broad public education efforts and information exchange as a component for securing public support.

F. VII. CONSERVATION AND COASTAL MANAGEMENT ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 107.2. Staff recommends adding this proposed language as a new policy under this objective.

Policy 77.2.14107.2.13: Pursue an exotic eradication, management, and compliance plan, and involve private land owners, with incentives for exotics removal.

The Land Development Code list of invasive exotics has been updated to the fullest extent allowed by Florida Statutes. LDC Section 10-420(h) provides that highly invasive exotic plants may not be planted, (ie. are prohibited) and must be removed from the development area. Methods to remove and control invasive exotic plants must be included on the development order plans. A statement must also be included on the development order that the development area will be maintained free from invasive exotic plants in perpetuity. Planning staff does not recommend that this policy be adopted.

Policy 77.2.15: Update current exotic priority list and evaluate current related education programs for need and expansion.

Lee County does not currently have a documented air quality issue. Through the MPO, the County is certified as an attainment area under federal Air Quality Guidelines. In fact, the County's major point source of emissions, the oil burning FP&L power plant, has been converted to natural gas. This conversion has substantially lowered emissions, positively affecting our air quality. The cost of establishing and enforcing county based vehicle emission standards would be prohibitive. Staff recommends that the objective and its first and last policy be deleted. The second policy should be located under Objective 118.1.

Objective 88.2: Vehicle Emissions. The County will evaluate the impact of vehicle emissions on air quality.

Policy 88.2.1: To improve air quality, consider county-based emission standards, with particular focus on heavy trucks.

Policy 88.2.2118.1.4: Research the use of bio diesel and other clean fuels in public vehicles.

Policy 88.2.3: Incorporate vehicle emission impacts into alternative analyses for the appropriate transportation projects.

G. VIII. HOUSING ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objectives 135.1 and 135.4.

Policy 10035.1.14: Encourage development regulations and incentives that provide a better mix of high income and low income housing.

Policy 10035.4.13: Pursue community wide, broad based participation in solving the problems of infrastructure and workforce/affordable housing.

Policy 10035.4.15: Through County housing programs, the County will promote diversity to increase integration, workforce housing, and economic development zones.

H. IX. HISTORIC PRESERVATION ELEMENT

The leasing of development rights involves the long term leasing of part of the bundle of rights inherent in fee simple property. This is a fairly new technique that should be further investigated. Staff recommends an evaluation of the technique prior to its implementation. The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 143.

Policy 1043.2.2: The County will ~~continue to~~ encourage the preservation of archeological sites and evaluate the preservation of these lands through Leasing of Development Rights (LDRs) and encourage historical tourism, sense of place, and natural areas.

I. X. INTERGOVERNMENTAL COORDINATION

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 152.1.

Policy 10952.1.9: Lee County will support and participate in the region's Natural Resources Conservation Service program:

Policy 10952.1.10: The County will consider entering into interagency cooperative programs to achieve mutual goals for the protection of the Caloosahatchee River.

Policy 10952.1.11: The County will utilize basin wide planning and work with sovereign local governments to promote greater protections for the Caloosahatchee River.

J. XI. ECONOMIC ELEMENT

The latest codification has renumbered much of the Lee Plan's goals, objectives and policies. This policy would now fall under objective 158.1.

Policy 11058.1.11: Evaluate the current land development regulatory and fiscal structure to identify the impediments to ensuring development is fiscally beneficial.

C. REVISED PLANNING DIVISION ANALYSIS

The initial staff report was reviewed by the Local Planning Agency at their September 19 Regular Meeting. At that time they requested that the necessary County staff meet to see if they could come to some compromise on the objectives and policies contained under the headings Master Planning for the Environment, Master Mitigation Plan, and Conservation and Coastal Management Element. Staff from the Office of Smart Growth, Parks and Recreation, Natural Resources, and Planning met to discuss these issues.

At that meeting compromises were reached on all of the proposed Objectives and policies except the Vehicle Emissions objective and policies. The compromise included some language changes and moving some of the policies to alternative locations. The following represents the agreed upon language and proposed location on the Lee Plan.

Policy 41.5107.2.13: Promote optimal conditions rather than minimum conditions for the natural system as the basis for sound planning.

Objective 4.3: Pursue Work with the appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions.

Policy 4.3.1: The permitting measures developed should aim towards rehydrating the region and attaining minimum flows and levels for County waterbodies.

Policy 40.5.44.3.2: The permitting measures developed should improve the storage within existing natural and manmade flowways.

Policy 41.3.154.3.3: The permitting measures should To ensure most effective treatment, the County will reevaluate the relationship of volume/area to stormwater management and storage, and promote permit agencies to do the same.

Policy 41.3.164.3.4: The permitting measures should To improve water quality in more impacted areas, the County will link Best Management Practices (BMPs) to impervious cover of the impacted sub-watershed and to runoff from various land use types.

Policy 460.5.5: Develop a capital improvements program to provide for the reconstruction and maintenance of all programmed flowways and include incentives for private participation.

Policy 40.5.6: The master flowways plan should be identified on a map and ground-truthed. It should incorporate opportunities for canal restoration and the creation of urban greenways that need restoration, preservation, and maintenance.

Policy 461.1.6: Work with the appropriate agencies to Pursue funding a “mixing model” (freshwater flow into saltwater) as a management tool that will benefit recreation, water quality, public health, etc.

Policy 7107.1.2: To increase protection of natural resources, the County will create promote the formation of a public/private management team to coordinate area wide conservation easements.

Policy 7107.1.7: Pursue Mutual Aid Agreements ~~Create a formalized regional land management restoration collaboration~~ to plan and pool resources and equipment.

Policy ~~77.2.14~~107.2.13: Coordinate and stay informed on ~~Pursue an exotic eradication,~~ management, and compliance plan, and involve private land owners, with incentives for exotics removal.

D. PLANNING DIVISION RECOMMENDATION

Planning staff recommends the above modified objectives and policies in part B and in part C be transmitted by the Board of County Commissioners. Planning staff is not recommending that the Vehicle Emissions objective and policies be transmitted. The Smart Growth Committee is recommending that those policies be transmitted.

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

DATE OF PUBLIC HEARING: October 23, 2006

A. LOCAL PLANNING AGENCY REVIEW

The Local Planning Agency initially reviewed this proposal on September 19th. At that meeting concern was expressed over staff's proposed deletion of several of the proposed Smart Growth policies. There was also some discussion about air quality and concern was expressed about a proposed power plant. A motion passed to continue CPA2005-00046 to the October 23, 2006 Local Planning Agency meeting to allow staff to work with the Smart Growth Committee to incorporate some of the policies that have been created.

The Local Planning Agency continued reviewing this amendment at its October 23rd meeting. They reviewed the compromise language proposed by planning staff and the Smart Growth Director. It was recommended that the word "Prepare" in Policy 2.11.3 be changed to "Evaluate." It was also recommended that the word "Set" in Policy 2.11.4 be replaced with "Evaluate."

It was recommended that proposed Policy 158.1.11 have the words "and remove where appropriate" included between the words "...to identify" and "the unwanted..."

It was also recommended that a policy be included that addresses high chloride waters entering into freshwater. Staff recommended the language proposed in new policy 77.3.6. to address this concern.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION:

The Local Planning Agency recommends that the Board of County Commissioners transmit the proposed objectives and policies as recommended by staff with the above modifications.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

As stated by the Smart Growth Committee in Part I, B.2.2.

C. VOTE:

NOEL ANDRESS	AYE
DEREK BURR	AYE
RONALD INGE	AYE
CARLTON RYFFEL	ABSENT
RAYMOND SCHUMANN	AYE
RAE ANN WESSEL	AYE
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 reviewed the proposed Lee Plan amendment on December 13, 2006. Following a brief presentation by the Director of the Office of Smart Growth, the Board deliberated. One commissioner asked about the proposed policy researching the use of bio diesel fuel. He was referred by staff to the proposed policy near the bottom of page 21. Two commissioners expressed concern about the proposed policies regarding vehicle emission. They believed this should be a function of the state government and agreed with the Local Planning Agency that this objective and policies should not be included. One commissioner raised the need for a policy creating an overlay in the Density Reduction/Groundwater Resource (DR/GR) land use category to utilize Transfer of Development Rights (TDR's) to save the more pristine areas of the DR/GR. Discussion ensued and consensus was reached that the current direction of the county should address the issues in DR/GR with out predetermining that TDR's are the solution. A motion to accept the Local Planning Agency's recommendation was made and seconded. The public were then invited to provide comments.

One member of the public spoke on this proposal. He spoke in favor of additional mapping of the DR/GR area. He also spoke in favor of creating a TDR program in the DR/GR. He also commented on using mining pits for additional water storage. No other members of the public spoke. The motion was called and approved unanimously.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

The Board of County Commissioners voted to transmit the proposed amendment as recommended by the Local Planning Agency. The proposed language is contained in Part I, B.1. of this report, less proposed Objective 118.2 and it's Policy 118.2.1 regarding Vehicle Emissions.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

The Board of County Commissioners accepted the findings of fact as advanced by the Smart Growth Committee, 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 provided the following comments concerning the proposed amendment.

The County is proposing to revise the plan to add several objectives and policies intended to facilitate the implementation of the Smart Growth Committee of the County. However, the objectives are not supported by relevant data and analyses that provide a basis for the proposed objectives and policies. For example, the proposed Policies 4.3.1 through 4.3.4 call for additional measures to protect flowways. However, there is no documentation of the problems associated with flowways in the County that necessitated these additional measures. Similarly, Proposed Policy 107.2.13 calls for a plan for the eradication of exotics; but no data and analyses are provided to support the policy.

Furthermore, several policies do not include guidelines and principles for their implementation. Examples include Policy 43.1.14, 54.1.13, 107.2.13, 35.1.14, 35.4.13, 52.1.9, 52.1 .lo, and 107.2.13. Also, Objective 4.3 states that the county will "work with appropriate permitting agencies to develop a common set of local permitting criteria, incentives, and regulatory measures specifically for Southwest Florida conditions"; however, no timeframe is specified within which to achieve this objective.

In addition, Policy 107.2.13 states that the County will "promote optimal conditions" rather than minimum conditions for the natural system as the basis for sound planning". However, the term "optimal conditions" is not defined; in the absence of a definition and relevant criteria, it would be difficult to implement the policy.

Recommendation: Please, include the relevant data and analysis to support the amendments and revise the objectives and policies to address the issues raised above.

B. STAFF RESPONSE

Comments are not grounds for a non-compliance finding. Staff recommends adopting the proposed amendment as transmitted. There are several volumes of information that were produced for the Smart Committee. Staff can attach those as backup and background when this amendment is sent to the Department of Community Affairs.

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

DATE OF ADOPTION HEARING: April 11, 2007

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

A. BRIAN BIGELOW

TAMMARA HALL

RAY JUDAH

BOB JANES

FRANKLIN B. MANN

LEE COUNTY ORDINANCE NO. _____
(Smart Growth Initiative)
(CPA2005-46)

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 CPA2005-46 (PERTAINING TO THE RECOMMENDATIONS FROM THE SMART GROWTH INITIATIVE) 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 public hearings on the proposed amendments in accordance with Florida Statutes and the Lee County Administrative Code on September 25, 2006, and October 23, 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 CPA2005-46 pertaining to the recommendations from the Smart Growth Initiative to the 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 CPA2005-46 Smart Growth Initiative 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 CPA2005-46. CPA2005-46 amends the Lee Plan to incorporate the recommendations from the Smart Growth Initiative.

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

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

S O U T H W E S T F L O R I D A

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director
subject: April 11, 2007 Adoption Hearing
date: April 9, 2007

Attached are the three remaining staff reports, including backup, for the April 11, 2007 Lee Plan Evaluation and Appraisal Report Amendments Adoption Hearing. All three amendments were objected to by the Department of Community Affairs (DCA) in their Objections, Comments and Recommendations Report (ORC Report).

The first report is **CPA 2005 - 05 - Three Oaks North**. This is a privately initiated future land use map amendment from Industrial Development to Industrial Commercial Interchange. The property is located in the northwest quadrant of the Alico Road Interstate Interchange. There are still concerns with long term roadway impacts and staff is recommending that the amendment not be adopted.

The second report is **CPA 2005-27 - Update the Capital Improvements Element Tables 3 and 4**. Staff has added additional background and discussion to resolve questions raised by the DCA in the ORC Report. Staff is recommending no changes to the Capital Improvement Tables 3 and 4 that were adopted by the Board in September of 2006 as part of the budget process other than adding a comments column to give further information to the DCA. Staff is recommending the amendment be adopted.

The third report is **CPA 2005-47 - Housing Element Update**. Staff has added additional discussion and amended and added objectives and policies to resolve questions raised by the DCA in their ORC Report. Staff is recommending that these revised objection and policies, along with the other materials that were transmitted in December, be adopted.

Also included with this supplemental packet is a memorandum to the Board discussing an objection that was included in the ORC Report that was not related to any of the proposed amendments. That memorandum should be self explanatory.

If you have any questions on this supplemental packet, or the original packets, I am more than happy to meet with you at your convenience.

cc: without attachments

Donald Stilwell, County Manager

David Owen, County Attorney

Mary Gibbs, Director, Department of Community Development

DIVISION OF PLANNING

MEMORANDUM



LEE COUNTY

SOUTHWEST FLORIDA

to: Board of County Commissioners
from: Paul O'Connor, AICP, Director ^{Poc}
subject: Objections, Recommendations and Comments Report
Objection No. 8
date: April 6, 2007

The Department of Community Affairs's (DCA) Objections, Recommendations and Comments Report (ORC Report) included an objection that was not associated with any of the amendments that were transmitted on December 13, 2006. The objection, included as number 8, states:

The County's comprehensive plan does not establish appropriate intensity standards for the industrial land use category. Pursuant to Rule 9J-5.006(3)(c)7, standards for density and intensity of use shall be established for each future land use category. The County is currently updating its comprehensive plan. It is during this periodic EAR-based amendment that situations like this are expected to be corrected.

[Chapter 163.3 177(6)(a), F.S., and 9J-5.003(90), & 9J-5.006(3)(c)1 & 7., F.A.C.]

Recommendation: *Revise the plan to include in the relevant policies pertaining to the industrial designation the appropriate intensity standards that shall apply. Please make similar changes to other non-residential land use categories where the applicable intensity standards were not previously established.*

The Evaluation and Appraisal Report (EAR) did not address the issue of intensity standards for non-residential land use categories. The DCA review of the EAR for sufficiency was also silent on the issue of intensity standards. No amendments were included in the December transmittal that proposed changes to the descriptions of already existing land use categories. The Lee County comprehensive plan, the Lee Plan, has undergone 2 previous EAR's and the plan was, eventually, found to be in compliance with all applicable statutory and rule requirements. The 1989 Lee Plan EAR was found to be not in compliance with the applicable statutes and rules. The County and the State entered into a settlement agreement that ended with a finding of compliance. The 1994 EAR was also found to be not in compliance with the applicable statutes and rules. This EAR was taken through the Administrative Hearing process, as well as subsequent remedial amendments, and did result with a finding of compliance.

Planning staff along with the staff of the County Attorney's Office have concluded that Lee County is not obligated to amend the non-residential land use categories of the Lee Plan to include additional intensity standards. The County Attorney's Office has opined that the judicial principle of res judicata applies in this circumstance. Simply stated this principle means that the matter of intensity standards has previously been decided by a court of competent jurisdiction, the Administrative Hearing process.