



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

kwiktag®

022 564 763



(239) 479-8585

Bob Janes  
*District One*

A. Brian Bigelow  
*District Two*

Ray Judah  
*District Three*

Tammy Hall  
*District Four*

Frank Mann  
*District Five*

Donald D. Stilwell  
*County Manager*

David M. Owen  
*County Attorney*

Diana M. Parker  
*County Hearing Examiner*

December 21, 2006

Ray Eubanks, Administrator, Plan Review and Processing  
Florida Department of Community Affairs  
Bureau of State Planning  
Plan Processing Section  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Transmittal Submission Package  
2005/2006 Evaluation and Appraisal Amendment Cycle

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2005/2006 Evaluation and Appraisal Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: May 22, 2006; June 26, 2006; July 24, 2006; August 28, 2006; September 25, 2006; October 23, 2006; and November 27, 2006. The Board of County Commissioners transmittal hearing for the plan amendments was held on December 13, 2006. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing in the Spring of 2006, after the receipt of the Departments ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(239)479-8585  
Fax (239)479-8319  
Email: [oonnops@leegov.com](mailto:oonnops@leegov.com)

Included with this package, per 9J-11.006, are three copies of the proposed amendments, and supporting data and analysis. By copy of this letter and its attachments, I certify that these amendments have been sent to: the Regional Planning Council; the Florida Department of Transportation (FDOT); the Florida Department of Environmental Protection; Florida Department of State; the Florida Fish and Wildlife Conservation Commission; the Department of Agriculture and Consumer Services, Division of Forestry; and, the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

David Burr  
Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

## **2005/2006 LEE PLAN EVALUATION AND APPRAISAL AMENDMENT CYCLE**

### **SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT**

#### **CPA2005-05 – Three Oaks North**

This privately sponsored amendment by Paul H. Freeman, Trustee, amends 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.”

#### **CPA2005-07 – River Hall (FKA Hawk’s Haven)**

This privately sponsored amendment by Hawks Haven Investment LLC amends the Future Land Use Map Series for a 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.” It also amends Table 1(a), Footnote 6 to limit development in the plan amendment area to 2 units per acre and places a specific cap on residential development of 2,800 dwelling units on the specified property.

#### **CPA2005-08 - Caloosahatchee Shores Community Plan**

This amendment, offered by the East Lee County Council and sponsored by the Board, proposes a new Policy 21.1.4 that directs the Caloosahatchee Shores Community to draft enhanced code enforcement standards for possible inclusion in the Land Development Code. The proposed code enforcement standards, once drafted, will be reviewed by staff and processed as Land Development Code amendments.

#### **CPA2005-09 - Palm Beach Community Plan**

This Board sponsored amendment amends the Future Land Use Element to add a Goal, Objectives, and Policies that are specific to the Palm Beach Community.

#### **CPA2005-10 – Airport Noise Boundaries and Number of Gas Pumps**

This Board sponsored amendment proposes to amend the Future Land Use Element, Policies 1.2.2, 1.7.1, and 5.1.4, the Community Facilities and Services Element, Policy 66.3.11, and the Future Land Use Map Series, Map 1, Page 5 of 5, to incorporate the new airport noise zones in compliance with the revised FAR Part 150 Noise Study for the Southwest Florida International Airport. In addition, the amendment proposes to amend Table 5, Southwest Florida International Airport Proposed Development Schedule, to increase the allowable number of gas pumps from the current twelve (12) gas pumps to twenty-four (24) gas pumps.

#### **CPA2005-11 – Greenways Recreational Trails Master Plan**

This Board sponsored amendment incorporates the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan into the Lee Plan. It revises 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). It incorporates 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. It also incorporates proposed new Map 22 (Lee County Greenways Multi-Purpose Recreational Trails Master Plan Map) into the Lee Plan.

#### **CPA2005-12 – Captiva Community Plan**

This amendment, offered by Captiva Community Planning Panel and sponsored by the Board, proposes to: amend the Future Land Use Element, by adding a new Objective 13.2, and Policy 13.2.1, and to amend Policy 6.1.2; amend the Procedures and Administration Element by adding a new standard to the Single Family Residence Provision; and, to amend the definition of Density.

The Captiva Planning Panel has identified the retention of existing commercial uses and the development of new commercial uses on the island as a priority. The high price of residential properties on the island has made the retention of existing commercial uses difficult and the creation of new commercial uses unlikely. The conversion over time of the commercial properties to residential on Andy Rosse Lane attests to this problem. These changes, which apply only to the Captiva Community, allow both commercial and residential uses on property that is currently commercially zoned, specifically in areas currently zoned C-1 and CT. These properties must be rezoned to Commercial Planned Development to take advantage of these provisions. The changes to the Single Family Residence Provision will allow those lots that are too small to meet Lee Plan density provisions to develop with a single residential unit along with commercial floor area.

#### **CPA2005-13 – Community Planning**

This amendment, offered by the Smart Growth Committee and sponsored by the Board, proposes to amend the Future Land Use Element to add a new goal, objective and two policies that address community planning activities. The new language supports both citizen and County initiated community planning efforts and assures coordination with County-wide and regional plans.

There was one contended proposed policy regarding water conservation issues. Staff contended that the policy should not be directed at community planning efforts because these plans are often driven by local community issues which may not include water conservation. The LPA recommended including the policy. At the LPA's review of a subsequent proposed amendment, CPA 2005-46, Smart Growth Recommendations, the same policy was included on a county-wide basis as Policy 54.1.13. The LPA recognized the duplicate policy and recommended that one of them should be eliminated, the Smart Growth Director agreed. This policy was kept as a county wide policy and dropped from CPA 2005-13.

#### **CPA2005-16 – San Carlos/Estero Community Boundary**

This Board sponsored amendment proposes to change 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. This amendment realigns the southern boundary of the San Carlos Planning Community to follow the fire district border between the Breckenridge neighborhood and the Estero Bay Buffer Preserve.

This change was initiated to address concerns raised by some San Carlos residents living along Pine Road.

**CPA2005-17 – Long Range Transportation Plan**

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 36.1.1 and the Transportation Map series, Map 3, to reflect the new 2030 Metropolitan Planning Organization (MPO) Long Range Transportation Plan. In keeping with the recommendations of the Evaluation and Appraisal Report and the MPO's federal mandates, this change incorporates text and maps that update the Lee Plan's Transportation Element to the new planning horizon of 2030. The 3 maps, the Lee County 2030 Financially Feasible Highway Plan, the Future Functional Classification Map, and the Future Maintenance were adopted by the MPO on December 7, 2005, and revised on March 17, 2006.

**CPA2005-18 – LOS Standards For SIS/FIHS/TRIP Funded Roads**

This Board sponsored amendment proposes to amend the Transportation Element to update Policy 37.1.1 to reflect new State Level of Service (LOS) standards for Strategic Intermodal System (SIS), Florida Intrastate Highway System (FIHS), and Transportation Regional Incentive Program (TRIP) funded roads. For the basic State and County arterials and collectors included in Policies 37.1.1 and 95.1.3, staff is proposing an expansion of facility types to reflect the categories included in the Country's existing roadway functional classification list.

**CPA2005-19 – FDOT Quality LOS Handbook**

This amendment, sponsored by the Board, amends the Transportation Element to update Policy 37.1.4 to refer to the 2002 Florida Department of Transportation (FDOT) Quality LOS Handbook. This changes updates the primary documents used by the County to calculate roadway level of service conditions to the current referenced FDOT handbook.

**CPA2005-20 – Deletion of Policy 38.2.3**

This board sponsored amendment amends the Transportation Element by deleting Policy 38.2.3. This action was first recognizes in the Evaluation and Appraisal Report. As currently written, Policy 38.2.3 requires that the Board make a finding of "overriding need" to include a County Roadway improvement within a municipality unless that municipality is a full participant in the County's road impact fee ordinance. Only the City of Fort Myers is a full participant in the County's road impact fee ordinance. All of the municipalities, except Sanibel, currently have enacted some form of road impact fees. Transportation staff believes this policy no longer serves its intended function and causes unnecessary Board action to maintain and improve the County's road system.

**CPA2005-21 – Update Reference to the LeeScape Master Plan**

This Board sponsored amendment amends the Transportation Element to update Objective 40.3 to refer to the latest version of the LeeScape (Lee County Roadway Landscape) Master Plan. The original LeeScape plan was adopted on October 27, 1998. A revised LeeScape plan was adopted on August 28, 2001. This amendment updates the referenced adoption date in the policy.

**CPA2005-22 – Mass Transit Update**

This Board sponsored amendment updates the Transportation Element Mass Transit Sub-Element's Goals, Objectives and Policies as identified in the most recent Evaluation and Appraisal Report. During the Evaluation and Appraisal Report process, mass transit staff identified a number of needed updates to the goals, objectives and policies of the Mass Transit Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's mass transit system. Staff concurs with the additional recommendation of the Local Planning Agency.

**CPA2005-23 – Ports, Aviation and Related Facilities Update**

This Board sponsored amendment updates 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. During the Evaluation and Appraisal Report process, Port Authority staff identified a number of needed updates to the goals, objectives and policies of the Ports, Aviation and Related Facilities Sub-Element. The updates correct outdated references and reflect current County practices regarding the County's ports and aviation systems. Staff concurs with the additional recommendation of the Local Planning Agency.

**CPA2005-24– Update Transportation Concurrency Policies**

This Board sponsored amendment amends the Transportation Element to update transportation concurrency related Objectives and Policies to reflect current County policy and recent changes in state law.

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

This Board sponsored amendment updates the Lee Plan to change the references from the year 2020 to the year 2030 and updates the Vision Statements to the year 2030. The Evaluation and Appraisal Report recommended that the planning horizon of the Lee Plan be extended to the Year 2030. Current text that references the 2020 planning horizon is being changed to the new planning horizon date of 2030. Additionally, the amendment proposed to delete any text that is date sensitive for which the time frame has passed or the intent of the text has been satisfied. The Local Planning Agency accepted the recommended changes, as proposed by staff.

**CPA2005-26 – Landuse Acreage Allocation**

This is a Board sponsored amendment that amends the Lee Plan text and tables to reflect the latest BEBR population projections. It also amends Map 16 to reflect current city boundaries.

**CPA2005-27 – Update CIE Tables 3 and 4**

This amendment, sponsored by the Board, amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program (CIP). Florida Statutes require that the CIP be adopted into the comprehensive plan on a yearly basis. The proposed tables reflect the CIP adopted by the Board this past September.

**CPA2005-28 – Conservation Lands Update**

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, by adding new conservation properties to, and removing erroneously designated properties from, the Conservation Lands future land use categories to more accurately identify conservation lands.

**CPA2005-29 – Public Facilities Update**

This Board sponsored amendment updates the Future Land Use Map Series, Map 1, the Future Land Use Map, by adding new publicly owned property to, and removing erroneous designated lands from, the Public Facilities future land use category to more accurately identify publicly owned lands.

**CPA2005-33 – Police and Justice Sub-Element Update**

This board sponsored amendment updates the Community Facilities and Services Element, Police and Justice Sub-Element Objective 69.1, Policies 69.2.2 and 69.2.3 to delete the referenced date and to acknowledge the ongoing nature of the objective and to reflect the existing status of substation facilities.

**CPA2005-35 – New Urbanism Definitions**

This Board sponsored amendment amends the Lee Plan Glossary to incorporate new and amend existing definitions in order to incorporate the principles of New Urbanism. Fifteen new definitions are being added and 3 existing definitions are being amended.

**CPA2005-37 – New Urbanism**

This Board sponsored amendment amends 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. This amends 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 can be applied.

**CPA2005-39 – Commercial FLUM Category**

This Board sponsored amendment amend Goal 1 of the Future Land Use Element, the Future Land Use Map Series, Map 1, and Table 1(a), by adding a new “commercial only” future land use category. In addition, a new definition is being added to the Glossary to define Floor Area Ratio, as a way to establish limitations on intensity. At this time there are no specific areas being proposed for the new category.

**CPA2005-40 – Sub-Outlying Suburban FLUM Category**

This amendment, sponsored by the Board, amends Goal 1 of the Future Land Use Element, the Future Land Use Map series, Map 1, and Table 1(a), Summary of Residential Densities, by adding a new future land use category having a maximum density of 2 dwelling units per acre. There are several areas on the Future Land Use Map that are designated Outlying Suburban that have an additional limitation reducing the density to a maximum of 2 dwelling units per acre. This new category will eliminate the need to look to Table 1(a) footnotes to see where this 2 unit per acre limitation applies.

**CPA2005-41 – Manatee Protection Plan**

This Board sponsored amendment amends the Future Land Use Element, Objective 8.2 and the Conservation and Coastal Management Element, Objectives 107.7, 128.5 and 128.6, and their subsequent policies to incorporate the "boating facility siting element" of the Manatee Protection Plan, as required by Florida Statute 370.12.(2)(t)(3).

**CPA2005-42 – Economic Element Update**

This Board sponsored amendment updates the Economic Element as the element has not been updated since its creation in 1993. Economic Development staff identified a number of needed updates to the goals, objectives and policies of the Economic Element. The updates correct outdated references and reflect current County practices regarding the County's efforts to promote economic development.

**CPA2005-43 – Single Family Residence Provision Update**

This Board sponsored amendment amends the Procedures and Administration Element by updating the Single-Family Residence Provision. Currently two different county offices are involved in approving applications for Minimum Use Determinations. The Department of Community Development performs the review if an application for a building permit is also being requested. The County Attorney's Office issues the determination, following an application for review and a recommendation from Community Development staff, if no building permit application has been requested. This amendment would move all reviews to the Department of Community Development. It also makes it clear that a future land use category's standard density is to be used for Minimum Use Determinations, not bonus density or some other means to increase density, i.e. Open Lands ability to increase density to 1 dwelling unit per 5 acres utilizing Residential Planned Development zoning. Staff concurs with the Local Planning Agency's recommendation to not alter the access and drainage requirements.

**CPA2005-45 – Beach and Dune Management Plans**

This Board sponsored amendment amends the Conservation and Coastal Management Element, Policy 113.3.1 to update the list of critical erosion areas identified in the Beach and Dune Management Plans. The Department of Environmental Protection (DEP) maintains a list of critically eroded beaches in Florida. This policy update is necessary to accurately reflect the DEP list of critically eroded beaches in Lee County.

**CPA2005-46 – Smart Growth Recommendations**

This Board sponsored amendments amends the Lee Plan to incorporate the recommendations from the County's Smart Growth Initiative into the Lee Plan.

**CPA2005-47 – Housing Element Update**

This Board sponsored amendment updates the Housing Element by reflecting the findings of the most current Housing Needs Assessment. In August 2005, Lee County updated the 1997 Housing Needs Assessment. These changes are based on the analysis of existing Goals, Objectives and Policies and further the recommendations of the 2005 Housing Needs Assessment included in the Evaluation and Appraisal Report.



**CPA2005-46**

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

---

**LEE COUNTY COMPREHENSIVE PLAN**

---

**THE LEE PLAN**

---

**DCA Transmittal Document**

---

*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**December 21, 2006**

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

☒ **Text Amendment**                      ☐ **Map Amendment**

|                                     |   |
|-------------------------------------|---|
|                                     | <b>This document contains the following reviews:</b>                                    |
| <input checked="" type="checkbox"/> | <b>Staff Review</b>   |
| <input checked="" type="checkbox"/> | <b>Local Planning Agency Review and Recommendation</b>                                  |
| <input checked="" type="checkbox"/> | <b>Board of County Commissioners Hearing for Transmittal</b>                            |
|                                     | <b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b> |
|                                     | <b>Board Of County Commissioners Hearing for Adoption</b>                               |

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 12<sup>th</sup> 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 12<sup>th</sup> 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 12<sup>th</sup> 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 22<sup>nd</sup> 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 Caloosahatchee 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 2.11.12:** 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 12<sup>th</sup> 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 14058.1.11:** 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 in 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 19<sup>th</sup>. 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 23<sup>rd</sup> 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 158.1.1 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     | <u>AYE</u>    |
| DEREK BURR       | <u>AYE</u>    |
| RONALD INGE      | <u>AYE</u>    |
| CARLTON RYFFEL   | <u>ABSENT</u> |
| RAYMOND SCHUMANN | <u>AYE</u>    |
| RAE ANN WESSEL   | <u>AYE</u>    |
| VACANT           | <u></u>       |

**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:**

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

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

**DATE OF ORC REPORT:** \_\_\_\_\_

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**
- B. STAFF RESPONSE**

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

**DATE OF ADOPTION HEARING:** \_\_\_\_\_

**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**

\_\_\_\_\_

programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22)

**POLICY 135.4.8:** The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), ~~the elderly, developmentally disabled, physically disabled, mentally ill, substance abusers, large families, farmworker, and other very-low,~~ low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)

**POLICY 135.4.9:** Give priority to special needs populations as defined in Rule 67-37.002(30) ~~the homeless, elderly, disabled and large families~~ with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

**POLICY 135.4.10:** Seek to stimulate the production of housing affordable for very-low, low and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. ~~an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.~~

**POLICY 135.4.11:** In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. ~~to strengthen the family unit, and to provide increased opportunities for housing for the elderly, accessory apartments will be provided for in the Land Development Code by the end of 1993.~~ (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)

**OBJECTIVE 135.5: MOBILE HOMES MANUFACTURED HOUSING.** The county will provide adequate locations and standards for ~~manufactured housing and mobile homes, which are defined as residential units constructed to standards promulgated by HUD,~~ through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 135.5.1:** The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. ~~and manufactured housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing.~~ (Amended by Ordinance No. 94-30, 00-22)

**OBJECTIVE 135.6: SPECIAL NEEDS.** Locations for housing for special needs populations as defined in Rule 67-37.002(30) ~~group homes or homeless shelters or transitional housing for the homeless~~ will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

**POLICY 135.6.1:** The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. ~~The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities.~~ (Amended by Ordinance No. 00-22)

**POLICY 135.6.2:** In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities) ~~group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County.~~ (Amended by Ordinance No. 00-22)

**POLICY 135.6.3:** Other community-based residential care service providers facilities needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) ~~serve group homes~~ and the clients of other programs will be encouraged to locate, ~~through the zoning process,~~ at convenient, adequate, and non-isolated sites throughout ~~within the residential areas of the county.~~ (Amended by Ordinance No. 94-30, 00-22)

**POLICY 135.6.5:** The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) ~~group homes~~ and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 135.6.6:** Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. ~~The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed.~~ (Amended by Ordinance No. 00-22)

**POLICY 135.6.7:** The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), ~~congregate living facilities, including group and foster care homes and homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in Rule 67-37.002(30).~~ ~~, disabilities, and handicaps for a community residential environment and de-institutionalization.~~ (Amended by Ordinance No. 00-22)

**OBJECTIVE 135.7: DISPLACEMENT.** Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity. ~~through the Department of Human Relations.~~ (Amended by Ordinance No. 98-09)

**POLICY 135.7.1:** Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or county policy, including those relating to equal provision of services, through the county's Voluntary Relocation Program.

~~**POLICY 135.7.2:** The county will support the efforts of local private non-profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)~~

**POLICY 135.8.1:** Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. ~~Consider the incentives of property tax relief or abatement, transfer of development rights, and below market interest rate loans, consistent with the Historic Preservation element. (Amended by Ordinance No. 94-30, 98-09)~~

~~**POLICY 135.8.2:** The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 00-22)~~

**POLICY 135.9.2:** Designate appropriate areas of the county as Neighborhood Districts CDBG Target areas and Neighborhood Strategy Areas, and carry out the Department of Human Services Neighborhood District program activities in a timely and efficient manner.

**POLICY 135.9.3:** Plan and implement safe neighborhood programs in designated Neighborhood ~~Improvement~~ Districts. (Added by Ordinance No. 94-30, 98-09)

## **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

- In August 2005, Lee County updated the 1997 Housing Needs Assessment. With the exception of two new Policies, these changes are based on the analysis of existing Goals, Objectives and Policies and further the recommendations submitted to DCA with the 2005 Housing Needs Assessment in the Lee County EAR.
- On August 29, 2006, the Affordable Housing Committee approved these changes.

## **C. BACKGROUND INFORMATION**

The 2004 Lee County Evaluation and Appraisal Report (EAR) identified Affordable Housing as Major Issue #12. The County agreed to include the full housing needs assessment with the EAR-based amendment and to revise the Lee Plan based on the results of the assessment. The 2005 Housing Needs Assessment summarizes and compares housing data from The Shimberg Center's Florida Housing Data Clearinghouse (Shimberg), the 1990 and 2000 Census (as well as for more recent years when available) and locally generated data. A majority of the tables show a comparison from the data provided in the previous 1997 Housing Element Update to the most current data available, mostly from Shimberg. Data from the years 2000 and 2002 are the most current data available, and the 2005 Housing Needs Assessment used 2002 as the base year, with projections for the years 2005 to 2025.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

On August 29, 2006 the Affordable Housing Committee reviewed and voted to recommend approval of the amendments to the Housing element as shown in this document. Most of the proposed changes are summarized below:

Two new policies are proposed:

- Ongoing affordability for subsidized housing – Policy 135.1.6 calls for achieving ongoing affordability of subsidized housing by encouraging the establishment of one or more community land trusts(s) and/or encouraging housing providers to design alternative measures to assure ongoing affordability. This policy is already being implemented as the county is facilitating the establishment of a non-profit community land trust by providing funding and technical assistance.
- Workforce housing initiative-- Policy 135.4.11 calls for the development of a workforce housing initiative. This policy is already being implemented as the Local Housing Assistance Plan of the SHIP program has been amended to include a workforce housing strategy.

Three policies are proposed for elimination:

- Accessory apartments – Policy 135.4.11 called for the allowance of accessory apartments in the Land Development Code. This policy has been implemented and therefore no longer needed.
- Homelessness – Policy 135.7.2 is not relevant to its objective. Objective 135.7 deals with displacement by state and local programs but Policy 135.7.2 deals with all homeless persons not just displaced by public action.
- Historic buildings – Policy 135.8.2 calls for assisting owners of historically significant housing in applying for and utilizing state and federal assistance programs, however for the most part state and federal historic preservation programs, are not designed to provide assistance for the rehabilitation of privately held residential buildings.

Other changes proposed fall into the following broad categories:

- Changes identifying very low income households as a separate category – previously very low income households were not identified but just assumed to be part of the low income households category (Policies 135.1.2, 135.1.8, Objective 135.4, Policies 135.4.1, 135.4.2, 135.4.5, 135.4.8, 135.4.10)
- Changes updating terminology --changes have been made to delete organizations, programs and terminology that no longer exist and as appropriate replace them with the current terminology and organizational and program titles (Objective 135.1, Policies 135.1.7, 135.1.12, 135.1.13, 135.3.2, 135.3.4, 135.3.8, 135.4.1, 135.4.4, Objective 135.5, Policies 135.5.1, 135.6.2, 135.6.3, 135.6.7, 135.7.1, 135.9.2). Specific changes have been made to update the terminology referring to persons with special needs and special needs populations (Policies 135.1.8, 135.4.8, 135.4.9, Objective 135.6, Policy 135.6.7).
- Changes updating references of housing programs to make them more current (Policies 135.1.4, 135.1.6, 135.1.11, 135.4.5, 135.4.10, 135.6.1, 135.6.6, Objective 135.7, Policy 135.8.1).

**Staff recommends transmitting the following Objectives and Policies as revised:**

**OBJECTIVE 135.1: HOUSING AVAILABILITY.** Work with private and public housing providers to ensure that the ~~approximately 48,562~~ additional dwellings needed by ~~2010~~ 2025 are provided in types, costs, and locations to meet the needs of the Lee County population. It is estimated that by 2025, 114,927 additional dwelling units will be needed in all of Lee County and 39,637 will be needed in unincorporated Lee County. Lee County will update this forecast of additional dwelling units using state mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report. (Amended by Ordinance No. 94-30, 98-09)

**Staff comments:** Objective 135.1: Housing availability was changed to reflect the forecasted housing construction need in Lee County from 2010-2025, projecting an estimated 114,927 additional dwelling units will be need, and of that, 39,937 will be in unincorporated Lee County.

**POLICY 135.1.2:** The county will continue efforts to form public-private partnerships to produce affordable housing for very-low, low and moderate-income households with local private non-profit housing agencies, local for profit developers, local lenders, the Lee County Housing Authority, and the Lee County Housing Finance Authority. (Amended by Ordinance No. 00-22)

**Staff comments:** Scriveners correction

**POLICY 135.1.4:** Provide for housing bonus density as set forth in the Land Development Code (LDC), Sections 34-1511 to 34-1520, to stimulate the construction of very-low, low and moderate income affordable housing in Lee County. Amend the Housing Density Bonus Ordinance by April, 1999 to increase its effectiveness in providing affordable housing. Revisions will be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30, 98-09, 00-22)

**Staff comments:** Policy 135.1.4 was rewritten to show that the housing density bonus program has been amended and is consistent with the Local Housing Assistance Plan (LHAP). The Housing Density Bonus Program, Section 34-1511 to 34-1520 of the Lee County Land Development Code, provides increased densities for housing affordable housing. The program has two options: site built or cash. Under the site built option the developer is required to build the affordable units (for very-low and low-income households). Under the cash options the developer makes a cash contribution (currently in 2006 the cash contribution is \$11,429 per bonus units approved) to the affordable housing trust fund. In any given fiscal year, at least 75% of the bonus density portion of the affordable housing trust fund must be used to assist very-low and low-income families.

**POLICY 135.1.6:** Implement ways to achieve ongoing affordability for subsidized homeowner and rental housing by encouraging the establishment of one or more community land trust(s) and/or encouraging housing providers to design mechanisms to assure ongoing affordability of subsidized units and implement mechanisms to monitor and enforce such ongoing affordability mechanisms. ~~Continue the operation of the publicly owned land bank with the purpose of providing land for affordable housing for low and moderate income households in conjunction with local private non profit and for profit housing providers.~~ (Amended by Ordinance No. 94-30)

**Staff comments:** Policy 135.1.6 eliminated the public owned land bank because Lee County does not maintain a land bank of county owned properties. This policy was changed to reflect the County's Community Land Trust initiative.

**POLICY 135.1.7:** Site selection criteria will be used in the location of housing for special needs populations as defined in Rule 67-37.002(30) ~~the elderly, transitional housing for the homeless, and institutional housing~~ which will consider accessibility, convenience, and infrastructure availability. Favorable sites include one or more of the following characteristics:

1. Located within the Intensive Development, Central Urban, Urban Community, or New Community categories on the Lee Plan's Future Land Use Map;
- ~~2. Located in a designated Community Redevelopment Area;~~
- ~~2.3.~~ Located where central water/sewer service is available and within comfortable walking distance of mass transit;
- ~~3.4.~~ Located on land previously converted for urban purposes; and
- ~~4.5.~~ For farm worker housing, a rural site located near active cropland or groves is also acceptable.

(Amended by Ordinance No. 94-30, 00-22)

**Staff comments:** Policy 135.1.7 eliminated reference to a "designated Community Redevelopment Area" since the county no longer has CRA designations.

**POLICY 135.1.8:** The county will provide through the rezoning process for the location of adequate sites for very-low, low- and moderate-income residential development including mobile homes, and housing for special needs populations as defined in Rule 67-37.002(30) ~~migrant worker housing, and transitional housing for the homeless.~~ (Amended by Ordinance No. 00-22)

**Staff comments:** Policy 135.1.8 was changed to reference persons with special needs as defined in F.A.C. 67-37.002(30) since special needs is defined in Rule 67-37.002(30) Florida Administrative Code as persons with developmental disabilities, persons with mental illness/substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

**POLICY 135.1.11:** The Lee County will cooperate with the Office of Equal Opportunity will be responsible for compliance with the county's Fair Housing Ordinance to assure compliance with the Lee County Fair Housing Ordinance. (Amended by Ordinance No. 94-30, 00-22)

**Staff comments:** Policy 135.1.11 was rewritten to show that the Lee County Office of Equal Opportunity is responsible for conducting an Analysis of Impediments to fair housing choices in communities that are direct recipients of HUD Community Development Block Grant (CDBG) funds in compliance with the county's fair housing ordinance.

**POLICY 135.1.12:** The county will coordinate its activities and cooperate with other affected public and private interests, including consumers and producers of housing, ~~and the Affordable Housing Committee, Community Action Agency, and the Neighborhood District Committee(s) and the Housing and Community Development Committee,~~ to ensure effective public participation in the housing planning process. (Amended by Ordinance No. 94-30, 98-09, 00-22)

**Staff comments:** Policy 135.1.12 has been changed to update the names of committees with current information.

**POLICY 135.1.13:** Lee County will implement initiatives to assist the homeless. ~~The county will provide adequate staff support for the Department of Human Service's Homeless Coalition and for a new service, an affordable housing hotline.~~ (Amended by Ordinance No. 98-09, 00-22)

**Staff comments:** Policy 135.1.13 has been changed to clarify the county's intent to assist the homeless without limiting itself to one program.

**OBJECTIVE 135.2: RURAL AND FARMWORKER HOUSING ~~SEASONAL AND MIGRATORY HOUSING NEEDS.~~** By the year ~~2025~~ 2005, Lee County will ~~provide have an additional 619 units of~~ affordable housing that is suitable and affordable for rural and farm worker ~~farm labor~~ housing by increasing the stock of standard affordable housing and the removal of substandard conditions. (Amended by Ordinance No. 94-30, 98-09)

**Staff comments:** Objective 135.2 was changed to show there is an increasing need for year-round farm workers, and references to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

**POLICY 135.2.1:** Assist private agricultural businesses to develop and manage housing for rural and farm workers ~~migrant farm workers~~ through information, technical assistance, and financial incentives programs.

**POLICY 135.2.2:** Assist non-profit agencies and other support groups to plan and coordinate arrangements for low-cost rental housing and other non-housing support services for rural and farm workers and their families through the Lee County Housing Authority.

**POLICY 135.2.4:** Lee County will set aside 10% of its SHIP housing subsidy for funding the development of special needs housing, which will include rural and farm worker housing. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

**POLICY 135.2.5:** Lee County will promote the location of rural and farm worker housing close to needed services such as transportation to and from employment, medical facilities,

social services, schools and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process. (Added by Ordinance No. 98-09)

**Staff comments:** Policies 135.2.1 - 135.2.2 and 135.2.4 - 135.2.5 references to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

~~**POLICY 135.2.6:** By January, 1999, Lee County will form partnerships with local vocational training schools and other appropriate agencies to foster job training and economic development opportunities which would enable migrant farmworkers to find employment off-season and therefore become year-round employees. (Added by Ordinance No. 98-09)~~

**Staff comments:** Policy 135.2.6 was deleted because agriculture has become a year-round activity.

**POLICY 135.3.2:** The Lee County Community Improvement Office will continue to identify homes eligible for various housing rehabilitation programs. (Amended by Ordinance No. 94-30, 98-09, 00-22)

**Staff comments:** The name of the department has been deleted as this responsibility is shared with several departments within the County.

**POLICY 135.3.4:** The county will ~~vigorously~~ enforce its housing code to assure that housing will remain habitable. (Amended by Ordinance No. 00-22)

**Staff Comment:** Policy 135.3.4 removed “vigorously” from the policy since it is a priority of the county’s to keep housing habitable and that Lee County Code Enforcement has a dedicated staff person working with home owners to rectify issues on a proactive basis.

**POLICY 135.3.5:** The county will continue to enforce minimum standards of housing and sanitation and require prompt action in the identification of abandoned or dilapidated property which may need demolition, including mobile homes and rural and farm worker housing. (Amended by Ordinance No. 00-22)

**Staff Comment:** Reference to seasonal, migratory or migrant farm worker was changed to rural and farm worker.

**POLICY 135.3.8:** Lee County will coordinate efforts to perform restoration and replacement of damaged housing during the aftermath of natural disasters such as hurricanes. ~~Continue to operate the Urban Homesteading program.~~

**Staff Comment:** Policy 135.3.8 has been rewritten since the Urban Homestead program no longer exists to reflect restoring or replacing damaged housing after a natural disaster such as a hurricane.

**OBJECTIVE 135.4: AFFORDABLE HOUSING.** Additional locations for housing for very-low, low- and moderate-income persons will be available to meet their housing needs. Very low and low income housing needs will be a priority. (Amended by Ordinance No. 94-30, 98-09, 00-22)

**Staff Comment:** Scriveners correction

**POLICY 135.4.1:** Support the efforts of the Lee County Housing Finance Authority, Florida Housing Finance Corporation, Lee County Housing Authority, the Lee County Department of Human Services, ~~the Lee County Community Redevelopment Agency~~, the Lee County Department of Community Development, and local private for profit and private non-profit agencies, and assist in their efforts to determine and develop sites and programs for housing for very-low, low and moderate-income persons, including the homeless, through referrals and staff support. (Amended by Ordinance No. 94-30, 98-09)

**Staff Comment:** Policy 135.4.1 was changed to eliminate the Community Redevelopment Agency since the county no longer has CRA designations.

**POLICY 135.4.2:** Publicly assisted housing will be provided in a dispersed rather than a concentrated manner so that, to the maximum extent feasible, all geographic areas will provide very-low, low-and moderate-income housing opportunities. (Amended by Ordinance No. 94-30)

**Staff Comment:** Scriveners correction

**POLICY 135.4.4:** Support the Lee County Department of Human Services, and the Human Services Information Network ~~the Lee County Coalition of Emergency Assistance Providers, and the Homeless Coalition~~ in assisting very-low, low- and moderate-income persons, including the homeless, to find adequate housing and support services such as day care, emergency shelter, food and clothing, and coordination with employment services. (Amended by Ordinance No. 98-09)

**Staff Comment:** Policy 135.4.4 was changed to update the names of committees with current information.

**POLICY 135.4.5:** The ~~cCounty Department of Human Services~~ will provide counseling services to very-low, low- and moderate-income participants in any of the Department's housing programs, including the homeless. The counseling may include financial guidance, housing maintenance information, and consumer advice to assist households seeking affordable, standard housing. Lee County will continue to offer home buyer training to program beneficiaries. (Amended by Ordinance No. 98-09, 00-22)

**Staff Comment:** Policy 135.4.5 was changed to show that the county coordinates with non-profit housing developers to provide counseling services to participants in any of the county's housing programs.

**POLICY 135.4.8:** The county will participate in state and federal housing assistance programs to aid special needs populations as defined in Rule 67-37.002(30), ~~the elderly, developmentally~~

~~disabled, physically disabled, mentally ill, substance abusers, large families, farmworker, and other very-low, low and moderate-income households to secure suitable, affordable housing, housing rehabilitation, home buyer training, down payment and closing cost assistance, rental assistance, and new construction home ownership programs. (Amended by Ordinance No. 98-09, 00-22)~~

**POLICY 135.4.9:** Give priority to special needs populations as defined in Rule 67-37.002(30) ~~the homeless, elderly, disabled and large families~~ with inadequate housing in recognition of the even greater problems faced by the private sector in providing this needed type of housing. (Amended by Ordinance No. 98-09)

**Staff Comment:** Policies 135.4.8 and 135.4.9 were amended to include the term “special needs populations” as defined in Rule 67-37.002(30) Florida Administrative Code, which characterizes special needs as persons with developmental disabilities, persons with mental illness and substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

**POLICY 135.4.10:** Seek to stimulate the production of housing affordable for very-low, low and moderate-income households through the creation of such institutions as a Community Land Trust which provide ongoing affordability. ~~an affordable housing trust fund, an independent private non-profit local housing development corporation, land banking and land acquisition.~~

**Staff Comment:** Policy 135.4.10 reflects the county’s support for the establishment of a local non-profit Community Land Trust.

**POLICY 135.4.11:** In order to facilitate the provision of affordable housing for workers and maintain a viable economy, Lee County will develop a workforce housing initiative. ~~to strengthen the family unit, and to provide increased opportunities for housing for the elderly, accessory apartments will be provided for in the Land Development Code by the end of 1993. (Added by Ordinance No. 93-25, Amended by Ordinance No. 94-30, 00-22)~~

**Staff Comment:** Policy 135.4.11 has been rewritten to direct the development of a workforce housing initiative. The original intent was deleted since Section 34-1177 of the Lee County Land Development Code (LDC) allows accessory apartments by right in certain areas, e.g. permissible by right in duplex-zoned areas where bonus units are allowed, or in RS-1 zoned areas by special exception.

**OBJECTIVE 135.5: MOBILE HOMES MANUFACTURED HOUSING.** The county will provide adequate locations and standards for ~~manufactured housing and~~ mobile homes, which are defined as residential units constructed to standards promulgated by HUD, through implementation of Chapter 34 of the Land Development Code. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 135.5.1:** The Land Development Code will continue to designate zoning categories for mobile home parks and to implement the requirements set forth in F.S. 773.083 Governmental Action Affecting the Removal of Mobile Home Owners. ~~and manufactured~~

~~housing parks and subdivisions sufficient to meet the future land requirements for manufactured housing. (Amended by Ordinance No. 94-30, 00-22)~~

**Staff Comments:** Objective 135.5 and Policy 135.5.1 were changed to refer only to mobile homes, which are defined as residential units constructed to standards promulgated by HUD. According to data from the 2005 update for the Housing Element, the number of spaces in mobile home and RV parks has declined since 1997. A mixture of more stringent building regulations in coastal high hazard areas and rising land prices has led to a decreasing number of mobile homes.

**OBJECTIVE 135.6: SPECIAL NEEDS.** Locations for housing for special needs populations as defined in Rule 67-37.002(30) ~~group homes or homeless shelters or transitional housing for the homeless~~ will be available at suitable sites to ensure that the needs of persons requiring such housing are met.

**Staff Comment:** Objective 135.6: Special Needs was changed to reference persons with special needs as defined in F.A.C. 67-37.002(30).

**POLICY 135.6.1:** The Lee County Office of Equal Opportunity will continue to enforce nondiscriminatory standards and criteria addressing community residential homes (e.g. group homes or foster care facilities) or assisted living facilities for persons and households with special needs. ~~The county will continue to enforce non-discriminatory standards and criteria addressing the location of group homes and foster care facilities. (Amended by Ordinance No. 00-22)~~

**Staff Comment:** Policy 135.6.1 was changed to reflect the county's Fair Housing Ordinance to provide for equal housing opportunity throughout Lee County and to show that the Lee County Office of Equal Opportunity takes complaints regarding this type of discrimination.

**POLICY 135.6.2:** In order to serve persons with special needs, disabilities, or handicaps, the county will provide for the location of adequate sites for community residential homes (e.g. group homes or foster care facilities) ~~group homes and foster care facilities through the approval of appropriate zoning districts dispersed among the residential neighborhoods of Lee County. (Amended by Ordinance No. 00-22)~~

**POLICY 135.6.3:** Other community-based residential care service providers facilities needed to assist residents living in community residential homes (e.g. group homes or foster care facilities) ~~serve group homes~~ and the clients of other programs will be encouraged to locate, ~~through the zoning process,~~ at convenient, adequate, and non-isolated sites throughout within ~~the residential areas of the county. (Amended by Ordinance No. 94-30, 00-22)~~

**POLICY 135.6.5:** The county will monitor the development and distribution of publicly-assisted community residential homes (e.g. group homes or foster care facilities) ~~group homes~~ and residential care facilities to insure that adequate sites and infrastructure are provided and that over-concentration in any residential area is avoided. (Amended by Ordinance No. 94-30, 00-22)

**Staff Comment:** Policy 135.6.2, Policy 135.6.3, and Policy 135.6.5 use the term “community residential homes” (rather than congregate living facilities, group homes or foster care facilities) which are dwelling units licensed to serve clients of the state department of rehabilitative services to provide a living environment for one to six unrelated resident who operate as the functional equivalent of a family, including supervision and care by a supportive staff as may be necessary to meet the physical, emotional and social needs of the residents (to include the aged, physically disabled, developmentally disabled, mentally ill or children).

**POLICY 135.6.6:** Lee County will provide competitive local funding opportunities to non-profit organizations to ensure that scattered site housing is provided for persons and households with special needs. The county will institute local programs providing assistance to private and non-profit sponsors to insure that adequate group homes, transitional homeless housing, and foster care facilities are developed. (Amended by Ordinance No. 00-22)

**Staff Comment:** Policy 135.6.6 was changed to providing competitive local funding for non-profits to reflect the 10% of SHIP funds set aside by the county for special needs housing and the Continuum of Care program that assists non-profits that create transitional and other housing for the homeless.

**POLICY 135.6.7:** The county will cooperate with appropriate agencies in order to provide adequate sites for community residential homes (e.g. group homes or foster care facilities), ~~congregate living facilities, including group and foster care homes and~~ homeless shelters and transitional housing, to meet the requirements of persons with special needs as defined in Rule 67-37.002(30). ~~, disabilities, and handicaps for a community residential environment and de-institutionalization.~~ (Amended by Ordinance No. 00-22)

**Staff Comment:** Policy 135.6.7 uses the term “community residential homes” (rather than congregate living facilities, group homes or foster care facilities) which are dwelling units licensed to serve clients of the state department of rehabilitative services to provide a living environment for one to six unrelated resident who operate as the functional equivalent of a family, including supervision and care by a supportive staff as may be necessary to meet the physical, emotional and social needs of the residents (to include the aged, physically disabled, developmentally disabled, mentally ill or children). Policy 135.6.7 was also amended to include the term “special needs populations” as defined in Rule 67-37.002(30) Florida Administrative Code, which characterizes special needs as persons with developmental disabilities, persons with mental illness and substance abuse, persons with AIDS and HIV disease, runaway and abandoned youth, farm workers, the homeless, the elderly and persons with disabilities.

**OBJECTIVE 135.7: DISPLACEMENT.** Uniform and equitable treatment for persons and businesses displaced by state and local government programs will be provided. Complaints that such efforts and/or assistance were administered in a discriminatory manner may be filed with the Lee County Office of Equal Opportunity. ~~through the Department of Human Relations.~~ (Amended by Ordinance No. 98-09)

**Staff Comments:** Objective 135.7: Displacement was changed to show the Lee County Office of Equal Opportunity will investigate an allegation of displacement made by persons and businesses displaced by state and local government in an advisory capacity.

**POLICY 135.7.1:** Lee County will ensure that reasonably located standard housing at affordable costs is available to persons displaced through public action prior to their displacement and will follow all obligations imposed by law or county policy, including those relating to equal provision of services, through the county's Voluntary Relocation Program.

**Staff Comments:** Policy 135.7.1 was changed because there is no Voluntary Relocation Program in Lee County.

~~**POLICY 135.7.2:** The county will support the efforts of local private non-profit agencies to provide standard, affordable housing for Lee County's homeless through staff support, referrals, and financial assistance where applicable. (Amended by Ordinance No. 00-22)~~

**Staff Comments:** Policy 135.7.2 was removed because it is not relevant to its objective. Objective 135.7 deals with displacement by state and local programs but Policy 135.7.2 deals with all homeless persons not just those displaced by public action.

**POLICY 135.8.1:** Assist the rehabilitation and adaptive use of historically significant housing through technical and economic assistance programs such as Community Development Block Grant and HOME funding, State Housing Initiatives Partnership eligibility, and emergency weatherization. ~~Consider the incentives of property tax relief or abatement, transfer of development rights, and below market interest rate loans, consistent with the Historic Preservation element. (Amended by Ordinance No. 94-30, 98-09)~~

**Staff Comments:** In Policy 135.8.1, the county continues to provide technical and financial assistance through its HOME, CDBG and the historic preservation grant assistance programs, and historic preservation grant assistance is also available through the municipalities of Ft. Myers Beach and Bonita Springs. With regard to the last sentence in Policy 135.8.1, the Historic Preservation Board (HPB) has discussed the possibility of a tax relief or abatement program for historic properties that are rehabilitated. However, the HPB decided against the implementation of such a program as it is most successfully implemented in an area with larger historic buildings that need massive rehabilitation, such as downtown Ft. Myers or the Art Deco District in Miami Beach.

~~**POLICY 135.8.2:** The county will assist property owners of historically significant housing in applying for and utilizing state and federal assistance programs. (Amended by Ordinance No. 00-22)~~

**Staff Comments:** Policy 134.8.2 was removed as state and federal historic preservation programs, for the most part, are not designed to provide assistance for the rehabilitation of privately held residential buildings.

**POLICY 135.9.2:** Designate appropriate areas of the county as Neighborhood Districts ~~CDBG Target areas and Neighborhood Strategy Areas~~, and carry out the Department of Human Services Neighborhood District program activities in a timely and efficient manner.

**POLICY 135.9.3:** Plan and implement safe neighborhood programs in designated Neighborhood Improvement Districts. (Added by Ordinance No. 94-30, 98-09)

**Staff Comments:** Policy 135.9.2 – 135.9.3 were changed to update the names of programs and district titles with current information.

## **CONCLUSIONS**

Based on the information in Lee County's 2005 Housing Needs Assessment, it is recommended to change selected objectives and policies in the Housing Element to reflect current conditions as delineated in Section A, above.

## **B. STAFF RECOMMENDATION**

Planning staff recommends the Board of County Commissioners transmit these proposed amendments to Objectives and Policies of the Housing Element of the comprehensive plan.

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

**PUBLIC HEARING DATE:** November 27, 2006

**A. LOCAL PLANNING AGENCY REVIEW:** Staff provided a brief overview concerning the proposed amendments. One member of the LPA questioned why the projections in the Housing Element only went to the year 2025 when the Plan horizon is proposed to go to the year 2030. Staff explained that the Housing Element is required to use projections provided by the Shimberg Center for Affordable Housing which only go to the year 2025. These figures have been reviewed by DCA as part of the EAR and found to be sufficient.

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

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit the proposed amendments to the Housing Element.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by staff.

**C. VOTE:**

|                       |        |
|-----------------------|--------|
| NOEL ANDRESS          | AYE    |
| DEREK BURR            | AYE    |
| RONALD INGE           | AYE    |
| CARLETON RYFFELL      | ABSENT |
| RAYMOND SCHUMANN, ESQ | 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 of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

**C. VOTE:**

**BRIAN BIGELOW**

AYE

**TAMMARA HALL**

AYE

**BOB JANES**

AYE

**RAY JUDAH**

AYE

**FRANK MANN**

AYR

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

**DATE OF ORC REPORT:**

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS:**

**B. STAFF RESPONSE:**

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

**DATE OF ADOPTION HEARING:**

**D. BOARD REVIEW:**

**E. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:**

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

**F. VOTE:**

**BRIAN BIGELOW**

**TAMMARA HALL**

**BOB JANES**

**RAY JUDAH**

**FRANK MANN**

|       |
|-------|
| _____ |
| _____ |
| _____ |
| _____ |
| _____ |
| _____ |