

AUGUST 26, 2004

A [Meeting of the Board of Lee County Commissioners](#) was held this date to conduct a Public Hearing to consider the adoption of a Resolution Adopting the 2004 Lee Plan Evaluation and Appraisal Report, with the following Commissioners present:

John E. Albion, Chairman
Douglas R. St. Cerny, Vice-Chairman
Ray Judah
Robert P. Janes

COMMISSIONER COY WAS ABSENT FOR THE ENTIRE MEETING DUE TO PREVIOUS COMMITMENTS.

ON FILE IN THE MINUTES OFFICE: THE [2004 LEE PLAN EVALUATION AND APPRAISAL REPORT](#).

1. Call to Order; Certification of Affidavit of Publication

The Chairman called the meeting to order at 9:33 a.m. Assistant County Attorney Donna Marie Collins approved as to legal form and sufficiency, the [Affidavit of Publication](#) regarding this item; and emphasized that Board adoption of the Evaluation and Appraisal Report (EAR) would not constitute an amendment to the Lee Plan.

2. Presentation of the 2004 Evaluation and Appraisal Report proposed for adoption by the Board of County Commissioners.

Overview

Community Development Planner Matt Noble stated that the EAR satisfied statutory requirements for assessment of the success and/or failure of the Lee Plan; and that the purpose of the public hearing was to adopt the EAR and direct staff to transmit it to the Florida State Department of Community Affairs (DCA). He explained that, following review of the EAR, the DCA would issue sufficiency comments and/or findings of insufficiency, to which staff would respond; and that the DCA comments could be brought back to the Board for additional direction. He clarified that the accepted EAR would be the basis for Lee Plan amendments during the following amendment cycle, and that a list of the amendments would be provided to the Board within the next month. He briefly reviewed various sections of the EAR, including the discussion of statutory context, the summary of public participation, the analyses and discussions of the major issues facing the County, and the statutorily required discussions of issues such as the Coastal High Hazard Area. He further reported that the Local Planning Agency (LPA) had recommended that the Board transmit the document to the DCA for review, and that several pending Lee Plan amendments were dependent upon EAR approval. Mr. Noble then distributed [copies of suggested language](#) (copy is on file in the Minutes Office) to be added to the Transportation Section, pages 28-29 of the EAR, to state that: "The new concurrency system would not override specific measures adopted into the Lee Plan that tie allowable growth to road capacity, such as Policy 14.2.2., which applies to Greater Pine Island." He added that, because the statement reflected the current status, staff believed the additional language was not necessary and could remain unstated.

Major Issue #1 - Transportation

DOT Transportation Planning Manager David Loveland explained that the current EAR differed from previous reports, because the DCA had requested a focus on major issues instead of point-by-point discussions of all objectives and policies; noted that public hearings had been held to quantify the general issues; and reviewed the material on pages 9-41 of 155 of the EAR. Among the specific items presented on the topic of "Levels of Service" were: the difference between the public issue of current road conditions and the objectives of the long-range transportation plan, the method used to plan for needed improvements and to evaluate specific public concerns based on the long-range plan, the change in 1999 from an area-wide to a link-by-link concurrency approach, the County-wide changes in traffic conditions and surplus traffic capacity between 1996 and 2002, the expenditure of \$350 million for road improvements and the addition of over 200 lane-miles during that time, and the plans to address DCA concerns regarding state and federal facilities. In reply to Commissioner Albion's question, Mr. Loveland confirmed that DOT staff had no objection to the additional wording presented by Mr. Noble.

Major Issue #2 - Lehigh Acres

Mr. Noble mentioned that the information presented on pages 42-50 of 155 of the EAR was based on the current status of Lehigh Acres, that a faction in that area was pursuing incorporation, and that staff was working with a Community Planning Panel for the area. He added that staff was investigating several options to improve the situation there, including the possibility of increased density along specific corridors to provide incentive for transit and other services.

Major Issue #3 - Intergovernmental And Interdepartmental Coordination

Mr. Noble stated that the recent annexations of unincorporated County property by the municipalities had presented major concerns, reported that agreement had been reached with the City of Fort Myers on a proposed Urban Reserve Boundary, and noted that annexations by the City of Cape Coral were continuing. Commissioner Albion suggested that, if temporary "annexation-free" zones were established in areas considering incorporation, fear of annexation would result in hasty incorporations that would not be in the citizens' best interests. Commissioner Janes commented that the County should have a greater voice in annexation issues, and that County support of legislative changes could be required to accomplish that purpose.

Major Issue #4 - Density Reduction/Groundwater Resource (DR/GR) Areas

Mr. Noble stated staff's belief that the ongoing scientific study of mining in the DR/GR areas should be completed prior to further evaluation of land uses in those areas; and mentioned the concerns of some environmental groups that the County was not doing enough to protect those areas. Commissioner Janes remarked that the ongoing study was supposed to have been comprehensive, not just limited to mining; and requested a status report. Smart Growth Task Force Executive Director Wayne Daltry clarified that mining was only one component of the DR/GR study, which was intended to determine the current long-term needs for groundwater resources and the effectiveness of the DR/GR designation in promoting those resources; that the data analysis portion should be completed by October 2004, when the management assessment would be presented to allow the Board to decide whether the hydrogeology and land use management components should be completed by a management consultant or in-house. Commissioner Albion suggested the creation of a technical advisory committee, and Mr. Daltry responded that the report would be reviewed by the standing technical committee on environmental water issues, a component of the Lee Master Mitigation Plan. He added that the Mitigation Plan would be presented to various agencies to encourage their cooperation with the County's effort to attain goals in the County's Comprehensive Plan that were not included in the other agencies' management plans. Mr. Daltry and Commissioner Albion briefly discussed the advantages and disadvantages of a separate review committee made up of professionals from within the County. After Commissioner Janes emphasized the need for a stronger link between Smart Growth efforts and Comprehensive Planning efforts, Mr. Daltry pointed out that the Smart Growth recommendations were an appendix to the EAR; that a commentary from the Smart Growth Initiative was included in each applicable section of the EAR; and that the approval of the EAR would allow the implementation of the recommendations. Community Development Planning Director Paul S. O'Connor commented that the Smart Growth based Lee Plan amendments would be brought forward in the amendment cycle following adoption of the EAR.

Other Major Points

Mr. Noble described some of the other major points of the EAR:

- Revision of the County's population projections.
- Amendment of the planning horizon, from 2020 to 2030, for consistency with federal requirements.
- Amendments to incorporate the provisions of the Manatee Management Plan.

COMMISSIONER JUDAH LEFT THE MEETING BRIEFLY DURING MR. NOBLE'S PRESENTATION, AND RETURNED DURING THE PUBLIC COMMENT PORTION OF THE MEETING.

3. Public Comment

The Chairman called for public input and the following concerned citizens came forward:

Conservancy of Southwest Florida Environmental Policy Specialist [Matt Bixler](#) referred to a [letter from the Conservancy](#) to the Commissioners (copy is on file in the Minutes Office), requested a more comprehensive DR/GR study with additional environmental components, and suggested a moratorium on land-use changes in DR/GR areas pending completion of the study.

Responsible Growth Management Coalition representative [Sharon Kuchinskas](#) also requested the more comprehensive DR/GR study, suggested an investigation into the impact of annexations and density increases on County-wide growth management and infrastructure development, and expressed concerns about the area-wide concurrency system proposed for transportation issues.

Collier County Audubon Society (CCAS) Environmental Policy Analyst [Bradley Cornell](#) presented a [letter](#) (copy is on file in the Minutes Office), describing members' concerns

about wildlife, natural resources, and planning issues in DR/GR areas; and requesting a comprehensive DR/GR study. In response to Commissioner Albion's inquiry, Mr. Cornell confirmed the request of the CCAS that the suggested comprehensive study be included in the EAR.

Bonita Bay Group representative [Daniel DeLisi](#) commended staff for their efforts on Major Issue #10, New Urbanism, Smart Growth; mentioned that mixed use developments were important to the creation of enjoyable living spaces; and remarked on the need for pedestrian-oriented development.

Community Development Planning Director Paul S. O'Connor addressed the request of the CCAS by stating that, although he concurred as a planner with much of what was requested, the EAR was not the appropriate approach; that the current DR/GR study, which should be complete within a few months, would provide information about the effectiveness of existing regulations; and that the study had been intentionally limited to science without regard to planning or political considerations. He mentioned that state legislation provides little for the County to work with in an annexation dispute, if the property meets the simple legal requirements; and described staff's discussions with the City of Fort Myers regarding Urban Preserve areas. He mentioned conversations with the City of Cape Coral about the pending annexation of several thousand acres of County-designated wetlands and open lands; opined that proposed legislation to provide more continuity in the annexation process would be re-introduced this year; and mentioned that the County Charter could be amended to require County approval of voluntary annexations. Commissioner Judah indicated his agreement with the comments regarding the DR/GR, and emphasized the need for baseline data for the comprehensive analysis. Commissioner Albion requested that staff report at a future Management and Planning Meeting regarding the possibility of dovetailing the more comprehensive study with the current study. Commissioners Albion and Judah briefly discussed the Board's commitment to avoid any land use changes in the DR/GR until the studies are complete, the need for additional discussion of the studies, and the Board's obligations under the 1989 settlement agreement with the DCA.

4. Consideration of Resolution Adopting the 2004 Evaluation and Appraisal Report.

Assistant County Attorney Timothy Jones pointed out an apparent mathematical error in the second column of the table on page 93 of 155 of the EAR, which indicated "Additional Population 2008" as 576,124, which was actually the projected total population for 2008; and which would significantly overstate the hurricane shelter deficit and the costs to correct that deficit. He requested that the motion include authorization for staff to correct the table as needed before transmittal to the DCA. The Chairman called for a motion to adopt the EAR to include the additional language for pages 28 and 29, as submitted by Mr. Loveland; and to include the authorization to correct any scrivener's error on page 93. Commissioner Judah so moved, seconded by Commissioner Janes. The Commissioners expressed their appreciation for the diligent efforts of staff and for the inter-departmental coordination required to produce such an excellent report. In reply to Commissioner Judah's question, Attorney Collins and Mr. O'Connor clarified that a statutory limit existed on the time allowed for the DCA to provide sufficiency comments. Mr. O'Connor added that staff was aware of one or two issues on which the DCA would most likely require additional discussion. Commissioner Janes commended staff's work on Issue #10, and cited the concise definitions provided for the complex concepts of "New Urbanism" and "Smart Growth". Mr. O'Connor acknowledged that Planning Division Principal Planner Rick Burris was responsible for most of the discussion on that issue. The motion was called and carried, with Commissioner Coy absent. [RESOLUTION NO. 04-08-84](#)

The Chairman adjourned the meeting at 10:25 a.m.

ATTEST:
CHARLIE GREEN, CLERK

Deputy Clerk

[Chairman, Lee County Commission](#)