

BOARD MANAGEMENT AND PLANNING COMMITTEE AGENDA

MONDAY, MAY 2, 2005

1:30 PM - 4:00 PM

COUNTY COMMISSION CHAMBERS

1. MID-YEAR BUDGET REVIEW AND PROJECTIONS

PRESENTER: Donald D. Stilwell, County Manager

TIME REQUIRED: 10 Minutes

2. COMMUNITY PLANNING ORGANIZATIONS

PRESENTER: Wayne Daltry, Smart Growth

Mary Gibbs, Community Development

TIME REQUIRED: 15 Minutes

**3. USE OF MITIGATION ON CONSERVATION 20/20
PARCELS**

PRESENTER: Wayne Daltry, Smart Growth

TIME REQUIRED: 15 Minutes

BOARD COMMENTS/DISCUSSION

ADJOURN

FOR MORE INFORMATION ABOUT THIS AGENDA CONTACT THE
PUBLIC RESOURCES OFFICE - (239) 332-2737

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Time Warner Cable	Channel 16

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Donald D. Stilwell **REQUESTED BY:** County Manager
County Manager

TITLE OF ITEM FOR AGENDA: Mid-Year Budget Review and Projections

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

To update the Board of County Commissioners on mid-year and future budget impacts, and fiscal projections.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

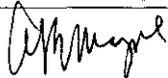
Back-up materials to be provided under separate cover.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

4. FINANCIAL IMPACTS/FUNDING SOURCE

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		05/02/05	10 minutes

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Wayne Daltry and Mary Gibbs _____ **REQUESTED BY:** Dist. 4 Comm. _____

TITLE OF ITEM FOR AGENDA: Community Planning Organizations

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Community Planning Organizations have derived from geographically oriented civic and business organizations. Through time, the Board of County Commissioners have funded such organizations (detailed in Administrative Code 13-3) to prepare community plans, either to amend the LeePlan or to guide county capital and program investment activities within the specific community. The purpose of this item is to review the progress of this evolving program, which has a great deal of emphasis through the Smart Growth initiative.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

None, but various adjustments are provided for Board evaluation, discussion, and direction.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

Provided in attached discussion paper.

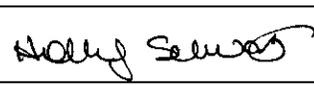
4. FINANCIAL IMPACTS/FUNDING SOURCE

Certain of the topics, if pursued, would add a staff position for more involved support of CPOs.

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

None at this time. Any issue areas the Board requests more evaluation would be brought back to the Board with recommendations for action.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		05/2/05	15 minutes

COMMUNITY PLANNING WITHIN THE CONTEXT OF THE LEE PLAN

Background

Community Planning at the “subcounty” level has been a slowly evolving practice, inspired by neighborhood or community interest. With limited assistance from the county, several communities established community plans for their areas in the late 1980's and 1990's. These included Bonita Springs, Fort Myers Beach, Greater Pine Island, and Buckingham. With more such efforts expected, the BoCC in 2000 established a grant fund line item to provide monetary support for these planning efforts that come from community organizations. This was further expanded in 2001 with a staff position, and the adoption of an administrative code item, AC 13-3, which provides administrative procedures governing Community Planning Efforts receiving Financial Support from the county.

Recent Community Planning Efforts

Since the addition of the staff position, planning staff has assisted the following communities in modifying or completing community plans:

- Buckingham*
- Bayshore*
- Estero*
- Pine Island*
- Captiva*
- Caloosahatchee Shores*
- Alva
- Palm Beach Boulevard
- Boca Grande

* These community plans resulted in amendments to the Lee Plan

Planning staff has also assisted the communities of Estero and Pine Island in developing Land Development Code regulations and will continue to assist those two communities in the coming months with the incorporation of those proposed regulations into the county's code.

Proposed amendments to the Lee Plan for the Boca Grand Community Plan have been submitted and are currently being reviewed by staff. These proposed plan amendments will be included in the public hearing process for the current round of Lee Plan amendments that should be completed later this year. Community Planning projects that staff is currently working on include Lehigh Acres and Page Park.

The Board of County Commissioners has provided public funding to several community planning efforts over the past years. The following table summarizes these expenditures along with the dates these funds were made available and the consultants who assisted the communities with their planning efforts.

Community	Funding Amount	Date Funded	Consultant
Pine Island Community Plan	\$ 5,000.00	December 4, 2001	Spikowski and Associates
Alva	\$25,000.00	Sept. 25, 2001	Carol Cunningham
Palm Beach Boulevard	\$25,000.00	December 11, 2001	Vanasse Daylor
Caloosahatchee Shores	\$25,000.00	December 11, 2001	Vanasse Daylor
Captiva	\$25,000.00	Jan. 8, 2002	Morris Depew
Estero LDC	\$25,000.00	Feb. 26, 2002	Vanasse Daylor
Pine Island LDC	\$20,000.00	May 27, 2003	Spikowski and Associates
Boca Grande	\$25,000.00	Dec. 21, 2004	Morris Depew
Lehigh Acres	\$25,000.00	January 18, 2005	TBD

EAR Process, Smart Growth, and other potential Updates and Reforms

The County now has considerable experience in the Community Planning Process, and some experience in successes and failures in such approaches. The County also has been evaluating its common growth management needs, through the EAR process, and the outcomes it expects through growth, through the Smart Growth initiative. The County has also received a critique of AC 13-3 from several of the practicing planning professionals that are engaged in the Community Planning Process. The opportune time these points were going to be brought up for discussion was the carry-through from the County EAR process to the Comprehensive Plan Update, and subsequent LDR/AC reforms. Because of the interest in the subject, the Community Planning issues are being previewed now for discussion and potential action.

There are three aspects to community planning that have been brought up for discussion: the actual substance community plans should address AT A MINIMUM; how such plans and planning organizations should be considered after the plan is received and approved; and, a host of administrative and operational aspects we expect of such groups.

The Substance

1. The Regional/County Need. The LeePlan sets forth the “regional” growth we are to accommodate, and the supportive facilities growth demands. At the onset of each new Community Plan, and at each update process, the growth and service demands (and related land use demands) need to be introduced into the Community Planning process. Community Plans cannot be used as a vehicle to REJECT fair shares of population based services. This is not a common component of community plans, but such discussions do occur, and it is much

better that such needs and demands are introduced at the beginning and kept before the community planning forum, rather than introduced at the end and be a reason for community plans to not be accepted by the BoCC, the approving authority.

2. **Redevelopment, Aging and Blight.** Even though we are a rapid growth area, aging and blight conditions occur when land use markets change, and private investment in operations and maintenance drops off, even to the level of the individual home. Community Planning should identify such areas at their earliest occurrence, and indicate the community supported response that can be accommodated—such as increased code enforcement, redevelopment options, or higher than “core” level of service expectations (the latter including funding options.) Given the role that redevelopment has for fixing existing problems and for better balancing of land uses, early identification of places where redevelopment (and infill) can be pursued can reduce time and costs.
3. **County Functions:** What is the desired level of county functions. This will vary dramatically, given the nature of the different neighborhoods—Captiva, Alva, South Fort Myers. The level of function (not service, but that can be a component) and the public investment that brings, can help stimulate community “centers” that serve to stimulate desirable private investment.

The Use of the Plan and Organization.

1. **First Forum for Review of Change.** The County has been encouraging developers/development proposals to make presentations to standing Community Planning panels. The stature of the Panels would be enhanced through reduction of administrative issues, a more common framework in presentation delivery, and a recognized process by which Community Planning recommendations are accommodated (or debated) by the County formal review process of development proposals.
2. **Feedback loop.** The County EAR issue list was presented in workshops throughout the County. Such workshops were coordinated with standing Community Planning Organizations. However, a presentation TO them, nor a formal request for them to take a role in identifying EAR issues was not made. Consequently, it is fair to note that the County has placed such groups in ambivalent positions for the County’s own work plan. It is a fairly simple task to recognize or give such groups a level of empowerment in the periodic update of the County’s master plan by such presentations and invitations for review. It would simplify their own update process, if there is an organization in place that pursues such updates.

Administration and Operations:

1. **Coverage.** The boundaries for community plans have been locally derived. Some are inherently clear cut (Captiva, Boca Grande), others have some nebulous border—Alva, Estero. There should be some geographical framework for the different named areas, so that there is a start point for community based plans. It

should be noted that there is no real set rule for such boundaries, “walkable” being envisioned as half mile diameters, “sense of community” often defined as populations of 5-7 thousand people, and of course “rural” communities based on shared densities and intensities. This gives us some context to understand the ultimate or likely number of such plans, which in turn helps define any staffing support (etc) discussed below.

2. Administrative Commonality. Some of the community plans were sponsored by established groups, others by organizations created just for that purpose. AC 13-3 is extensively, and perhaps excessively, demanding. While such plans were few in number, this may not have been of concern countywide. If Community Planning is to be the valuable expression by which neighborhoods keep their area current with regional needs, and regional planning (a.k.a, the LeePlan) is to recognize the unique circumstances of each community, there should be some reliable processes common to all such Community Planning efforts.
3. Degree of Staff and professional support. Community Planning Organizations now receive a one time grant of up to \$25,000 for hiring a one time effort professional consultant, and staff participates in meetings and helps with certain administrative set ups, which varies from place to place. This is appropriate when CPOs are looked upon as one time efforts. If CPOs are in fact also being looked at as “Local Planning Agency Lite”—a first forum for growth and change in a discrete area, then the staffing model should be reexamined. This is particularly true if there evolves a number of STANDING CPOs with regular meetings.

**MANAGEMENT & PLANNING COMMITTEE
AGENDA REQUEST FORM
COMMISSION DISTRICT #**

PRESENTED BY: Wayne Daltry, **REQUESTED BY:** County
Smart Growth Administration
Name/Department

TITLE OF ITEM FOR AGENDA:
Use of Mitigation on Conservation 20/20 parcels

1. DESCRIPTION AND OBJECTIVE OF THE ISSUE

Staff has worked with the Conservation Land Acquisition and Stewardship Advisory Committee (CLASAC) in recommending to the Board of County Commissioners that the County update the Conservation 2020 Ordinance, 96-12, to allow mitigation for public sector projects to take place on Conservation 20/20 parcels to be approved by CLASAC on a case-by-case basis.

2. PROPOSED POLICY, PROCEDURE OR PLAN OF ACTION

Staff proposes and CLASAC concurs that a change be made to Ordinance 96-12 to allow the public sector to mitigate specific projects on Conservation 20/20 parcels. The mitigation requirements of all the federal, state and local agencies must be met before mitigation on 20/20 parcels would be considered.

3. OPTIONS (List Advantages/Disadvantages of Each Option Listed)

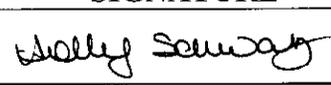
1. Allow for change to Ordinance 96-12 to allow public sector entities to mitigate certain projects on Conservation 20/20 parcels.
2. No change to ordinance, which would only allow mitigation for County projects.

4. FINANCIAL IMPACTS/FUNDING SOURCE

5. STAFF RECOMMENDATION AND JUSTIFICATION FOR RECOMMENDATION

Recommend Ordinance 96-12 be updated to allow the public sector to mitigate specific projects on Conservation 20/20 parcels.

6. MANDATED? Y N BY WHAT AUTHORITY?

DEPARTMENT DIRECTOR SIGNATURE	COUNTY MANAGER SIGNATURE	MEETING DATE	TIME REQUIRED
		5/2/05	15 minutes

- Attachments: 1. Staff's request letter to CLASAC
2. Preliminary minutes to the 4/14/05 CLASAC meeting with unanimous approval, and 2 abstentions, of staff's recommendation.

Dear CLASAC Members,

At the last CLASAC meeting, staff presented you with a lengthy description of why we would like your support to allow public sector mitigation (i.e. Cities, School Board, Florida DoT, Port Authority or East County Water Control District) to take place on Conservation 20/20 properties in addition to just mitigation for County projects as the ordinance currently allows. Conservation 20/20 is a countywide program with millage that applies in all of our Cities. The program was passed with the support of those citizens that send their tax dollars and their children to our public schools. Given that City, School Board, even State DoT money is all public tax dollars we feel that the opportunity exists for those public entities to meet their environmental obligations in an efficient and an effective means as possible by being afforded the same opportunity as the County by participating in the Conservation 20/20 mitigation process. We realize that the Committee will be discussing this issue again at your meeting on Thursday, April 14th. Included in this memo are some bullet points to hopefully facilitate that discussion.

Reasons to support Public Sector mitigation on 20/20 Parcels:

- Additional funding available to properly, fully and more quickly restore 20/20 parcels and help fulfill the approved land stewardship plans already in place.
- Mitigation would take place in watersheds where impacts occur rather than in completely different geographic locations.
- Assists local governments in meeting mitigation requirements and ultimately community needs.
- Supports County wide Master Mitigation Plan which helps the County meet the mitigation requirements of regional projects.
- The less 20/20 management money needed to restore 20/20 parcels the more that could be spent on acquisition.
- Promotes the foundation of public sector joint water quality projects to help meet National Pollutant Discharge Elimination System (NPDES) responsibilities.
- Supports Lee County's long-term commitment to restoration of degraded habitats. While the initial funding for restoration would come from mitigation from another agency, the perpetual commitment through the Conservation 20/20 stewardship program is well established.
- Provides a comprehensive approach to restoring the "Green Infrastructure" of Lee County which supports the economy and quality of life.

These are just a few of the reasons we feel that the current mitigation policy could be expanded to include the public sector. We do not recommend expanding the policy to include the mitigation needs of the private sector. We also agree that each public mitigation request could be reviewed for approval by the CLASAC Committee.

In conclusion, we are asking for the Committee's support in recommending to our Board that mitigation for Public sector projects be allowed to take place on Conservation 20/20 parcels to be approved by CLASAC on a case by case basis. Staff will be presenting this proposal in conjunction with CLASAC's recommendation to the Board of County Commissioners at their May 2nd Management and Planning meeting.

Respectfully Submitted,

Holly Schwartz, County Administration

Wayne Daltry, Smart Growth

John Yarbrough and Roger Clark, Parks and Recreation

Jim Lavender, Public Works

Karen Forsyth, County Lands

Subcommittee's recommendation is that CLASAC recommend that the BoCC amend the governing ordinance to allow consideration of off-site mitigation from other government agencies. RESTATEMENT OF MOTION: CLASAC recommend to the BoCC to amend the governing ordinance to allow consideration of off-site mitigation from other government agencies for projects within Lee County's boundaries. Vote: 5 in favor (Wiley Parker, Bill Hammond, John Cassini, Bill Burdette, Rick Barber; 6 opposed (Kate Gooderham, Erick Lindblad, Joanne Fowler, George Wheaton, Gary Tasman and Alex LePera; 2 abstentions. Motion failed. Erick Lindblad moved that mitigation for public sector projects be allowed to take place on Conservation 20/20 parcels to be approved by CLASAC on a case-by-case basis for projects taking place in Lee County. 2nd by Rick Barber. Eleven in favor, none opposed, 2 abstentions.

Leslie Erschen

Public Works Administration