

**MINUTES REPORT
LOCAL PLANNING AGENCY
December 10, 2012**

MEMBERS PRESENT:

Noel Andress (Vice Chair)
Wayne Daltry
Jim Green
Mitch Hutchcraft

Ron Inge (Chair)
Ann Pierce
Roger Strelow

STAFF PRESENT:

Donna Marie Collins, Asst. Cty. Atty.
Dave Loveland, DOT
Janet Miller, Recording Secretary
Paul O'Connor, Planning Director

Rob Price, Development Services
Dan Rudge, Lee Tran
Don Scott, Lee County MPO

Agenda Item 1 – Call to Order, Certificate of Affidavit of Publication

Mr. Inge, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street in downtown Fort Myers.

Ms. Collins, Assistant County Attorney, certified the affidavit of publication and stated it was legally sufficient as to form and content.

Agenda Item 2 - Pledge of Allegiance

Agenda Item 3 - Public Forum – None

Agenda Item 4 – New Horizon 2035: Plan Amendments

A. CPA2011-00013 – Transportation Element

Mr. Inge stated that at the conclusion of the November 26th LPA meeting, the Board made a motion to end public input. However, since that time, several members of the public have asked for the LPA to reconsider.

Mr. Andress made a motion to take additional testimony from the public, seconded by Mr. Green. The motion was called and passed 7-0.

Public input was taken by William Williams, Jim Love, Dr. Margaret Banyan, Dan Moser, Stephan Pierce, Ruby Daniels, Steve Brodtkin, Don Scott (Lee County MPO), Bill Oliver, and Dale Johnson.

General questions and answers ensued between the LPA, Don Scott from Lee County MPO, and staff regarding switching to a mobility fee structure. It was indicated by Mr. Scott that discussions are currently taking place regarding looking at mobility fees in order to start arriving at a structure for switching to a new mobility fee structure.

Mr. O'Connor stated this element opens the door for mobility fees and staff intends to investigate this possibility. In addition, several of the speakers today have stated they reviewed the proposed transportation element and see good direction in it. However from discussions with the LPA today, he sensed an urgency for a shift in policy for staff to take things farther. He noted mobility fees would not solve all problems because we have an 811 square mile county with a lot of low density development spread throughout the 811 square miles. He stated staff had not yet hired a consultant for the mobility plan, which is the first step. It will show us our course and costs. At that point, the County can figure out how to address the cost part as the mobility fee does not typically address operations. He explained that the maintenance of roads is one thing, but operating a transit system is a completely different thing. All these factors need to be put into the evaluation of what needs the County has and how we will pay for those needs. Mr. O'Connor stated that a proposal to hire a mobility fee consultant would be part of the new document that gets presented to the Board of County Commissioners as they will be the ones to give direction to staff and come up with the funding. Mr. O'Connor stated it seemed to him, through comments received today, that some people want to urbanize Lee County, which is not going to happen. Some places within Lee County will be urbanized including cities and then it must be decided as to how we will interconnect those places. We will need to deal with our rural, suburban, and low density areas as part of this effort.

Ms. Pierce stated it was correct that the LPA is asking for more. Since this will ultimately be up to the Board of County Commissioners, staff must transmit a transportation element that states we want a county-wide mobility plan that is deeply coordinated through the MPO including all municipalities. From that, we expect to emanate a zoned or tiered mobility fee system. She stated this does not come across strongly in this transportation element as it is written today. She felt it needed to be re-written to express that clearly. She did not feel we should urbanize the whole county, but we need to stop the cannibalization of the urban areas that has occurred. We currently have vast areas in the municipalities and around the municipalities in the older neighborhoods where there are empty, derelict, declining, and decaying buildings while new green field development was being stamped out in a formula. She noted there are many people that are ready to go back to that same pattern of building. However, we do not want it to happen in that manner as we are looking for a more balanced system that does not ignore the 811 acres of low density but also does not prioritize them anymore.

Mr. O'Connor believed we were moving in the direction of what is being discussed today. It is part of the Local Planning Agency's job to make recommendations to the Board of County Commissioners. He noted that Mr. Daltry had previously requested a summary of other elements that touch upon transportation. It was distributed to the LPA at the beginning of today's meeting. He gave a brief overview of the document (attached).

Mr. Daltry noted there was approximately 400 square miles of water that is not included in the 811 square mile calculation. Regarding freight, we get 6,000 tons of protein brought in every year by boat. Although there is not a lot of commercial boat traffic, there is one boat for every 12 people in Lee County. He noted we tend to look towards that being handled by our relatively smaller number of recreational interfaces, but there are small communities on the islands that depend on water transportation for their survival. As we get further into the transportation discussion, we need to consider the integration with water born transportation especially since the opportunities for water mobility appear to be decreasing.

Mr. Strelow commended staff and expressed appreciation for the process. From participating in the Sustainability Advisory Committee, he validated that good participation had taken place with the Planning Division. In addition, productive discussions have been taking place which means the process is working well. He found it to be encouraging that we are moving in this direction and gathering different viewpoints. He also felt strong support was being exhibited by Mr. O'Connor's recognition of the LPA's urgency.

The LPA took a recess at 9:50 a.m. and reconvened at 10:05 a.m.

Mr. Rob Price referred the Board to Table 1 under Policy 2.1.2. He noted it was staff's first attempt at a multi-modal level of service standard. He reviewed this table with the LPA. He stated staff felt strongly that it is important to maintain automobile level of service standards while moving forward with multi-modal level of service. Some flexibility has been left in the policies. Staff does envision the current impact fee system to be the interim system while the mobility fees are being evaluated. He noted there was some concern from the Conservancy about transportation concurrency. Staff's recommendation is to eliminate transportation concurrency as we anticipate relying on new policies that will ensure we have adequate public facilities. Staff wants to develop policies specific to Lee County. He reviewed how staff envisioned level of service standards to be a measurement to determine whether there are public facilities that are adequate or not. Regarding intergovernmental coordination, he noted staff had been working with the Metropolitan Planning Organization (MPO) for years. Mr. Price noted there were policies in the document that require staff to work with the MPO as well as other municipalities. Staff fully expects to maintain those relationships as we move forward.

Ms. Pierce stated the LPA was aware staff has been working with the MPO, but are asking staff to do a lot of work to create a whole new system over a period of 12-18 months. She noted the MPO is in the process of a dynamic change of their own. As such, she did not want to see duplicative efforts. There needs to be a more detailed coordination than has taken place in the past especially since we both will require funds from the State.

Mr. Hutchcraft stated there was clearly a sense of support on a big goal; however, he had difficulty providing specific comments without understanding the land use component. He still had concerns and questions about how this will all be implemented. Another item of concern is that although a lot of great ideas are being expressed, they may not all be great ideas for Lee County specifically because it is a large county with a lot of low density. There may be places where mass transit and a multi-modal system would make perfect sense while there may be other areas where it would be more expensive to implement than expanding roads. He referred to a comment made earlier regarding Bonita Beach Road and how they have four-lanes leading to nowhere. He noted the reality is that this was a result of the regulations and concurrency that was in place. In order to do development, the applicants were told they were responsible for building these kinds of roads. Therefore, they built these roads far in advance of their being a demand for it. This lead to a waste in money that could have been spent more effectively on other things. Regarding mobility fees, Mr. Hutchcraft stated that essentially the County wants to encourage and incentivize development in urban areas. One possibility could be not to charge them anything if they develop in urban areas. Instead, the County could charge development activities that take place further away. The mobility fee is going to be a small component. Staff will need to create some revenue from another source. Another concern is that there are uses that are appropriate for rural areas such as a bio-fuel facility located in the middle of where you are growing alternative fuel, a processing facility, or a packing facility. They should not be unfairly impacted by those mobility fees. There needs to be an equity in how we pursue these goals.

Mr. Daltry felt we already had two mobility funding systems (gas tax and property tax). Regarding the water way issue, there are not many policies addressing this issue as well as maintenance of waterways. He noted sedimentation is a constant problem. There are outer islands where this is a critical need and also a critical piece for areas such as Boca Grande and Upper Captiva. If policies are not integrated in the land use element, they need to be integrated in the transportation element.

Due to a question by Mr. Andress, Mr. Rudge discussed ideas on how to get a larger percent of funds from passenger fares. He also discussed what has been learned from the City experimenting with a trolley service.

Ms. Pierce referred to a comment made by Mr. Hutchcraft on how do things balance out if we have lower fees in a rural area that is generating higher revenue and lower in an urban area. She felt it would be balanced out by the increase in property values and the tax revenue that is generated in the urban areas after the support of a very effective multi-modal system. The County can then decide if they are going to support transit operations with those funds.

Mr. Green felt it was a wonderful document with great direction from the entire community and staff, which is a shift from how things have taken place in the past. Given that staff does not have a lot of answers yet on how we will get from here to there, he asked how the plan will look like in the meantime. For instance, if someone comes in now with a project, will the County give them the old plan or something that helps us get towards where we want to go? The biggest challenge for staff in addition to making this the best document, will be how to get us from where we are today to when the document goes to the Board of County Commissioners.

Mr. Strelow stated what struck him from today's discussion is the great importance and challenge of dealing with the revenue issues. Although people do not like taxes, they are accustomed to paying them. There will need to be an education factor involved to educate the public on why they should pay more. We also need to determine whether "x" should pay more while "y" pays less. This is part of the Sustainability Committee's effort, which has led to greater public engagement. He related what happened in California when they were given Proposition 13.

Mr. Inge was in agreement with comments made by Mr. Hutchcraft. He noted that not only have our rules and regulations provided for the type of development we have, but our attitudes have further restricted us. Having been involved in a number of zoning proposals, he did not know of any that got the density allowed under the Comprehensive Plan because everyone was concerned with height and density. Because we were pushing things out and making things lower, we lost the ability to focus on that critical mass to make mass transit effective and economical in many areas of the community. He was encouraged to see that we are taking another look at this. It seemed to him that there was a lot of support by the LPA for the concept being presented even though there might be disagreements on how to get there. He concurred with a comment made by Mr. Oliver that we should proceed with haste but be deliberate. Staff needs to make sure they have fully analyzed everything and that they have received input from the public. Regarding switching from impact fees to mobility fees, this means moving from a funding devoted to roadway improvements to a funding source that is going to be spread among 3-4 levels of transportation improvements. This could mean the pot of money may not be large enough to accommodate the \$2 billion dollar need outlined in the staff report. If we have four different modes (i.e. automobiles, transit, bicycles, and walking paths), how will we charge those four groups of people to use those facilities so we can institute, implement, and provide for those facilities? The burden for this should not be solely up to the developers who have new development proposals. In order to have the funds to accommodate this, we must charge the users, which means using money from the general revenue. Impact fees/mobility fees will not be enough to accomplish what is needed.

Mr. Strelow stated that in all the reading he had done on mobility fees, it has been suggested that mobility fees can be and most likely would have to be broader than an impact fee. It would not just be imposed on developers. A mobility fee can have a number of revenue streams such as property taxes or other sources. It will inevitably fall upon tax payers who are not accustomed to making transportation payments. He reiterated this would require education programs for the public.

Mr. Daltry stated that to fund the user will need some innovation such as requiring licenses for bicycles. Each innovative idea comes with administrative costs which tends to absorb a good portion of the fee system. The County will need to determine exactly what they will fund and where. He referred to waterway transportation and noted it was the first means of transportation which still remains critical for much of the area who still depend on property taxes; however, they are never considered part of the mobility. Another consideration would be landing pads for helicopters because we have an emergency function and public health function, so some diversity needs to be built in so that they are included as part of the system that gets put in place.

Mr. Andress stated that when someone gets a permit for their bicycle shop, they should have to pay a mobility fee based on people using those bicycles and bicycle paths, etc. The same can be applied throughout all of the business sector so that it is more broad based in its revenue.

Ms. Pierce stated that part of the revenue for who is walking on the sidewalk and who will pay for that use, comes from the increased tax revenue. Studies have shown that urban areas that are pedestrian oriented have significant increases in property values and business tax revenues that are generated. The County will have to decide how to disburse those funds or how to use them for a transportation system. Transit itself will have to have a separate, reliable source of funding for operations. The Transit Task Force has worked long and hard on a proposal that will be presented to the Board of County Commissioners. Impact fees have never supported transit. Mobility fees will most likely not support transit either.

Mr. Andress stated that even though mobility fees will not solve all problems, the County is still moving towards more of a fair system. The current system has not been fair to smaller businesses in the community which end up creating most of the jobs.

Mr. Inge stated he still wanted to know the details of what the system will be and how it will be implemented.

Mr. Hutchcraft referred to comments from Ms. Pierce about increased tax revenue and tax base that is generated with an urban revitalization. Assuming that is correct, the development still has to get approved and built which means waiting up to 5-6 years before the County sees any revenue from that development. There will be a period during that transition when you will go from getting funding up front for infrastructure to approving something now and hoping to receive the increased revenues.

Ms. Pierce still felt this was the best time to do this because we have already experienced an extreme drop in impact fee revenue. We are not going from 48 million a year in impact fees to a five year hiatus.

Mr. Inge asked if staff felt they had received enough overall comments from the LPA or if they required the LPA go through all the policies.

Mr. O'Connor felt he had gotten clear direction from the LPA to strengthen the document and make it much clearer. He noted it would be coming back before the LPA along with recommendations from others such as the Transit Task Force. The Land Use Element will be presented at the January LPA meeting. A BOCC workshop will be held on January 16, 2013. He explained what would be discussed with the Board at that workshop. Staff hopes to bring a document for transmittal to the Board of County Commissioners in April or May. It will go through a review process where the State Land Planning Agency will be the lead agency and gather the comments from the other agencies. It will not be called an ORC report, but it will be something similar. Staff hopes to have an Adoption Hearing in the fall of 2013.

General discussion, questions, and answers ensued between the LPA, DCD staff, and Dave Loveland regarding level of service, DOT's perspective on some of the policies in the Transportation Element, DOT's perspective on a mobility fee, what would happen if Babcock gets developed with the density they propose, and the widening of State Road 31.

Mr. Daltry referred to comments made earlier by Dan Moser and Darla LeTourneau where they mentioned the carbon footprint. He asked if this would be discussed as part of the Land Use Element. He noted we were fifth in the nation.

Mr. O'Connor stated staff did not have a goal included in the plan that deals with the reduction of our carbon footprint. It is being discussed by the Sustainability Committee.

Agenda Item 5 - Other Business

Mr. Green stated there was a project taking place in Hendry County that might impact Lee County at some point. There is a small airport located near Clewiston called "Air Glades." There is an effort taking place to turn it into a large air cargo. Miami Airport is saturated with no place to expand. They make more money on people than cargo. Because of this, they thought of bringing it to Clewiston.

Mr. Andress stated that Hendry County is reviewing a 19,000 acre development located on the Lee/Hendry County line.

Mr. O'Connor stated he did not have any information on this project at this time, but that he intended to attend the kick-off meeting taking place this Friday, December 14, 2012.

Mr. Hutchcraft stated he was involved in this project and to describe it as a 19,000 acre development was inaccurate. It is resource planning for the long range that will involve preservation of agriculture and natural resources and the ability for Hendry County to plan into the future. There is no application at this time, but he would be willing to review it further with the LPA at the appropriate time.

Mr. O'Connor stated that even though he cannot comment on this project at this time, it will come under the statutory requirements for sector planning that occurred two years ago in the legislation. Lee County will have an opportunity to review the application and comment on it.

Agenda Item 6 – Adjournment – Next Meeting Date: Monday, January 28, 2013

The meeting adjourned at 11:25 a.m.

The next Local Planning Agency meeting is scheduled for Monday, January 28, 2013, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.