

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
January 27, 2014**

**MEMBERS PRESENT:**

Noel Andress (Chair)  
Dennis Church  
Jim Green  
Mitch Hutchcraft

Jim Ink  
Rick Joyce (Vice Chair)  
David Mulicka

**STAFF PRESENT:**

Laura Belflower, Hearing Examiner  
Peter Blackwell, Planning  
Neysa Borkert, Asst. Cty. Atty.  
Brandon Dunn, Planning  
Kathie Ebaugh, Planning  
John Fredyma, Asst. Cty. Attorney

Dana Kasler, Parks & Recreation  
Michael Jacob, Managing Asst. Cty. Atty.  
Tessa LeSage, Sustainability Manager  
Janet Miller, Recording Secretary  
Paul O'Connor, Planning Director  
Rob Price, Development Services  
Mikki Rozdolski, Zoning

**Agenda Item 1 – Call to Order, Review of Affidavit of Publication/Pledge of Allegiance**

Mr. Green, Chair, called the meeting to order at 8:30 a.m. in the Board Chambers of the Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

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

**Agenda Item 2 – Introduction of Local Planning Agency Members**

Mr. Green welcomed the new members. All LPA members introduced themselves and gave background information on their professional career and experience.

**Agenda Item 3 – Sunshine Law Presentation**

Mr. Jacob, Mr. Fredyma, and Ms. Borkert gave the LPA a Sunshine Law Presentation including: 1) The role of the LPA with Comp Plan and Land Development Code amendments; 2) County Attorney legal advice is offered for the LPA only, not individual members; 3) Roberts Rules of Order; 4) Standard of Conduct; and, the various required forms LPA members are required to complete and submit (i.e. Form 1 Financial Disclosure, Form 8B Voting Conflict, and Quarterly and Annual Gift Disclosures).

General questions, answers, and discussion ensued between the LPA and staff.

**Agenda Item 4 – Election of Officers**

The LPA discussed keeping someone who had been on the LPA for a while as the Chair and a new member as Vice Chair.

Mr. Green opened the floor on nominations for Chair.

## **Chair**

**Mr. Church nominated Mr. Green as Chair, seconded by Mr. Ink. The motion was called and failed 5-2.**

## **Chair**

**Mr. Hutchcraft nominated Mr. Address as Chair, seconded by Mr. Address. The motion was called and passed 7-0.**

At this point, Mr. Address chaired the remainder of the meeting.

## **Vice Chair**

Mr. Address opened the floor on nominations for Vice Chair.

**Mr. Address nominated Mr. Joyce as Vice Chair, seconded by Mr. Green. The motion was called and passed 7-0.**

**Agenda Item 5 – Public Forum** - None

**Agenda Item 6 – Approval of Minutes – December 4, 2013 and December 11, 2013**

### **December 4th Minutes**

**Mr. Hutchcraft made a motion to approve the December 4th meeting minutes, seconded by Mr. Green. The motion was called and passed 7-0.**

### **December 11th Minutes**

**Mr. Green made a motion to approve the December 11th meeting minutes, seconded by Mr. Hutchcraft. The motion was called and passed 7-0.**

**Agenda Item 7 – Land Development Code Amendments**

#### **A. Code Enforcement Process**

Ms. Rozdolski stated staff was seeking a motion of consistency with the Lee Plan. She asked that the LPA vote separately for each item.

Ms. Laura Belflower, Hearing Examiner, gave an overview of the amendments dealing with the Code Enforcement process.

Mr. Hutchcraft asked about an instance where a new buyer acquires a foreclosed property, fixes whatever the violation was, and submits a request for the penalty to be waived or reduced. He asked if there were standards to determine whether that happens or not.

Ms. Belflower stated there was criteria against which it is evaluated. There is some slight "tweaking" of that criteria included in the proposed amendments such as returning the property to an economic benefit. She reviewed this section with the LPA.

Mr. Joyce referred to the violation notices that are sent to the managers and tenants. He felt it was critical that the owners also get notified as part of that process particularly where the tenant is the violator. There are many instances where the owner may not know these illegal activities are taking place.

Ms. Belflower explained that these notices always get sent to the property owner. The County is allowed to use the address provided by the Property Appraiser's office or the Tax Collector's office, but they choose to use the addresses from the Property Appraiser's office since it is the most current address. If a property owner receives their tax notices, then they should receive these notices. She noted there are instances where property owners do not update their tax information and, as a result, do not receive the notice. She also clarified that this proposed amendment deals with Commercial only.

Mr. Andress opened this item for public comment. No public input was received.

**Mr. Green made a motion to find Chapter 2 Administration consistent with the Lee Plan, seconded by Mr. Church. The motion was called and passed 7-0.**

**B. Chapter 34 Zoning**

Ms. Rozdolski reviewed these proposed amendments with the LPA.

Mr. Church referred to Page 2 of 15, Chapter 10, Table 1. His understanding was that the amendments would change the procedure needed for taking fill offsite. He asked if this was a substantial change or if staff was simply clarifying language.

Ms. Rozdolski stated this was a minor amendment to clarify language.

Mr. Price explained that staff changed the Limited Development Order (LDO) types in our previous round of amendments. Staff is attempting to clean up where some old LDO types were still listed. Staff chose to remove the Excess Spoil Removal Plan because typically they are handled as part of a Type D LDO because of the large amount of spoil being removed from the site.

Due to a question by Mr. Mulicka, Mr. Price explained the difference between a Type A and D LDO application.

Mr. Mulicka referred to the \$100 fee associated with the Type A application and asked if this was a new cost versus the Notice of Intent to Commence Water Retention application that was stricken through.

Mr. Price stated he did not know the fee for the Notice of Intent to Commence Water Retention application. Staff decided on the \$100 fee for Type A applications. He noted it was the lowest fee that Development Services has besides the Concurrency Renewal. He also clarified that staff was not adding any costs as part of this amendment.

Mr. Green noted there were a lot of references to RV parks in the document. He asked if these amendments involved significant changes to RV Parks and if these amendments were properly vetted with the RV Park community.

Ms. Rozdolski explained there were four different RV Park Zoning Districts. Staff reviewed all the use tables and property development regulations for each of these districts. Instead of having four of them, staff has combined them into two (RV-2 and RV-3) because there were no RV-1 or RV-4 zoning districts in all of Lee County. This was a way to condense the code. It will have no impact on any of the existing parks.

Mr. Green asked if a new RV Park developer would be impacted.

Ms. Rozdolski stated new RV Park developers would be required to apply for an RVPD. She explained these were old zoning districts that would most likely get phased out over time and would not have an impact on any new development.

Due to a question by Mr. Church, Ms. Rozdolski confirmed that all existing uses are grandfathered in so no one will be negatively affected by this consolidation.

Mr. Ink referred to Section 10-329 Excavations where it talks about 10,000 cubic yards. He asked for clarification that if someone was in a conventional zoning district and wanted to move more than 10,000 cubic yards off-site, they would be required to rezone to a planned development since staff has eliminated the other option such as an administrative relief.

Mr. Price stated this was correct. Staff's sentiment is that once you get over 10,000 cubic yards, it is more of a mining type use.

Mr. Andress felt staff left out the AG community because an instance could arise where a farmer may want to build a pond on his property. He may want to use that dirt on another one of his AG properties that is nearby. It appears they will no longer be able to do that with this proposed change. He felt there should be some relief for people in the AG industry.

Mr. Price stated that 10,000 cubic yards is a lot of material to take off site and there needed to be some way to take another look at it besides an Excess Spoil Removal Plan.

Mr. Andress stated he had read an article in the paper where the Lee County 20/20 program is removing dirt from property they purchased near Highway 82. They are building a large shallow water retention area and creating berms for more water retention. He felt the county would benefit by having an Excess Spoil Removal Plan even for amounts over 10,000 cubic yards.

Mr. Price stated staff would require the Excess Spoil Removal Plan as a part of the Development Order application and felt these types of applications required additional review; however, staff would be open to any suggestions made by the LPA and would see if there is a way to amend the code to address any of those concerns.

Mr. Hutchcraft stated he understood the intent; however, as written, the only alternative is a Planned Development. He did not believe a Planned Development would always be the appropriate solution. He suggested there be a process where there can be some additional internal review that would not necessarily trigger a Planned Development.

Ms. Rozdolski stated that although this has not been an issue in the past, staff could review the conventional districts to see whether it is permitted or not. Staff can consider adding it as a Special Exception.

Mr. Hutchcraft stated if staff moves forward with these amendments there will be a period of time where the only option will be a Planned Development. If that is the plan of action, he suggested this portion be deferred until staff has had a chance to look into that other section.

Ms. Rozdolski stated that based on the LPA's recommendation/motion, staff would be able to amend this language to include a Special Exception provision.

Mr. Church referred to the topic of RV Parks and noted there were several layers of restrictions such as 40 foot wide buffers, 16 trees per 100 feet, sizes of decks, materials you can use on screened porches, etc. He asked if those items were already in the existing code. He also stated that the existing RV parks would eventually have to come in for a Planned Development zoning. He asked if they would all become nonconforming.

Ms. Rozdolski stated they would not become nonconforming because the County adopted an ordinance in 1986 (Ordinance 86-36). This ordinance grandfathers in most of the RV parks existing today and allows them to continue to develop based on their current regulations or how they were grandfathered in back in 1986. She clarified that staff did not put in any additional language or restrictions in the document regarding this issue.

Mr. Church asked who else reviews these amendments before it goes to the Local Planning Agency for review.

Ms. Rozdolski stated the Land Development Code changes are reviewed by both the Land Development Code Advisory Committee and the Executive Regulatory Oversight Committee. Both committees reviewed this language and made a motion to proceed.

Mr. Andress opened this item for public comment. Public comment was received by Neale Montgomery regarding Section 34-2024 dealing with dogs in outdoor seating areas of restaurants.

Mr. Joyce referred to this same section and noted there were two pages of narrative including permits, and people attending the restaurant being required to wash their hands, etc. He felt much of it would not be enforceable and that there should be a simpler way to handle this.

Ms. Rozdolski stated staff agreed with that statement but that this was driven by the State. The State requires an ordinance be in place if dogs are allowed in outdoor seating areas. They provided staff with a model ordinance. This ordinance will prevent the Health Department from citing restaurants.

Mr. Church referred to the provision on the top of Page 13 that says if an owner sells his business the new owner has to go through this whole process again.

Ms. Rozdolski stated it would not be a long procedure. It will only involve them coming in and getting a USE permit. The State is requiring the County to send them all the owner names. Therefore, if there is a turnover, staff must meet the state's requirements. The new owner will only be required to fill out a form that the County submits to the Health Department. The fee is only \$50.00 for the application.

**Mr. Mulicka made a motion to approve Chapter 10 (Excavation Table), but to un-strike the option for the Director to make decisions. He would still like the options available that are currently stricken out and to find the rest of the revisions consistent with the Comprehensive Plan, seconded by Mr. Green.**

Mr. Ink referred to previous discussion on the excavation portion. He felt the decision on whether or not something needs to go to public hearing should remain being the Department Director's decision. He was not comfortable with staff's solution of adding a Special Exception option because it still would have to go to the Hearing Examiner. This could be a decision made by the Department Director.

Mr. Hutchcraft noted the motion included leaving that language in and that he wanted both to happen. He preferred to leave the flexibility of that language in but also clarify that staff should do an evaluation of the conventional zoning districts to see if that offsite removal is a listed use in any of the conventional districts.

Mr. Mulicka stated he had no problem with those amendments to his motion. **The motion was called and passed 7-0.**

### **C. Park Impact Fee Districts**

Mr. Dana Kasler, Deputy Director of Parks and Recreation, gave background information as well as an overview of these amendments.

Mr. Joyce asked for specifics on the Gateway District.

Mr. Kassler stated it has been a services district on its own as well as its own financial district. Mr. Andress opened this item for public comment. No public input was received.

**Mr. Green made a motion to find it consistent with the Lee Plan, seconded by Mr. Joyce. The motion was called and passed 7-0.**

## **Agenda Item 8 – 2013 Regular Lee Plan Amendment Cycle**

### **A. CPA2013-09 Capital Improvement**

Mr. Blackwell gave an overview of this item and noted that Mr. Dunn was distributing an Errata sheet. He explained that when the staff report was mailed it contained tables approved by the Board in September. The tables being distributed today are the latest adopted Capital Improvement tables that were adopted by the Board in November.

Mr. Andress asked if the LPA was supposed to review the CIP and determine if it demonstrates financial feasibility.

Mr. O'Connor explained that two years ago the Growth Management Legislation was amended to be the Community Planning Legislation. The requirement to demonstrate financial feasibility on the County's CIP was removed from the Statutes. There is no longer a requirement to show financial feasibility for the first 5 years and for the succeeding 5 years for the 10 year outlook of the Capital program.

Mr. Blackwell stated that even though this is the case, the final number for Table 4 (the revenue table) does match the last number for Table 3. In other words, the revenues do match the expenditures as shown on these tables.

Mr. Andress stated he had a couple of specific concerns. The first is that at the November 19th Board of County Commission meeting it was stated that there was over a 14 million dollar shortfall in transportation needs. The second is that he was also informed by Roland Ottolini, Director of Natural Resources, in a workshop last week that there was going to be a requirement of about 7 to 10 million dollars a years to remove nitrogen from the river for the next 13 years. Mr. Andress noted he did not see any provisions in this CIP to cover those items. He was concerned with the LPA making a finding of consistency with the Lee Plan without those items in the document.

Mr. O'Connor stated that at this point in time what is before the LPA is the adopted Capital Improvement Program by the BOCC. There is a requirement in the Statutes that these tables are updated by the Board and be incorporated into the Plan. Staff is complying with that portion of it. At this point, staff is not asking the LPA to find it consistent with the Lee Plan. That will be handled prior to the item being presented to the BOCC for adoption in September. Staff is asking that the LPA recommend that this be adopted by the BOCC as a Comp Plan Amendment so the correct Capital Improvement tables can be included in the Lee Plan.

Mr. Andress opened this item for public comment. No public input was received.

**Mr. Hutchcraft made a motion to adopt CPA2013-09 to incorporate the recently approved Capital Improvement Element tables, seconded by Mr. Joyce. The motion passed 7-0.**

#### **B. CPA2013-06 Concurrency**

Mr. Dunn and Mr. O'Connor reviewed this item with the LPA.

Mr. Andress opened this item for public comment. No public input was received.

Mr. Ink referred to the policies beginning on Page 3 of 11 under the Transportation Element Chapter III section and noted there were a lot of references that say, "*Lee County will*" while other policies have that removed. He felt there should be consistency.

Mr. O'Connor stated it was the County Attorney's recommendation to delete those references because it is Lee County's plan. Staff will go over this element again to make sure all of those references are removed as well as other elements that will be finalized and brought before the LPA.

Mr. Ink asked what the process would be if there is a deficiency in the level of service since we no longer have concurrency.

Mr. O'Connor noted there were still some regulatory concurrency requirements for potable water, waste water, sanitary sewer, and surface water management. Those will remain regulatory concurrency items and the County will maintain that level of service. From a planning perspective, staff still plans to keep a level of service in the plan. It will not be regulatory, but staff feels it is important to keep track of this concurrency information and they will continue to produce a Concurrency Report. There may be two separate reports: regulatory and non-regulatory. It is staff's intention to remain diligent by looking at our facilities to see how they are operating and if there are any problem areas.

Mr. Hutchcraft made the following comments/suggestions:

- He referred to Mr. Ink's comment about removing "*Lee County will*" references. To staff, it might seem apparent, but he was concerned that at some point it might become a developer requirement. If those references are removed, he suggested a provision be added in this document that states, "*These policies are a direction to the County in how they administer the concurrency plan.*" Although he might not have a problem with the removal of those references from this particular element, he may have a problem with them being removed from other elements.
- The Community Planning Act of 2011 removed transportation as a concurrency item. However, in Policy 37.3.1 on Page 3 of 11 there is a reference at the bottom of that policy that says, "*Transportation for Pine Island will be governed by the policies under Objective 14.2 of this comprehensive plan.*" The Community Planning Act says you cannot deny a permit based on transportation measures. If you are going to do that, then you are required to adopt certain mitigating or alternative analysis. He noted staff had deleted Policy 37.4 which had some alternatives. Therefore, he did not feel this was consistent with the Community Planning Act of 2011.
- Policy 37.5.2 on Page 4 of 11 references concurrency vesting related to DRI's. Mr. Hutchcraft noted it was written in a future tense. He suggested changing the verb tense. Although staff wants to protect existing vesting, the way it is currently written gives the impression that someone can come in for a DRI and ask for concurrency vesting when there is no concurrency.
- Objective 83.1 (Community Park Standard) on Page 5 of 11: Since parks are no longer regulatory, he recommended removing the sentences that say: "*By 1996 this standard will be increased to 1.75 acres per 1,000 population (desired future level of service, see Policy 95.1.4). By 1998 the county will provide 2 acres per 1,000 population (desired future level of service, see Policy 95.1.4), unincorporated county only.*" He noted it was already covered under Objective 95.1.3, subparagraph 6.
- Objective 84.1 on Page 5 of 11 does not have a heading. He suggested adding "*Regional Park Standard*" as the heading.
- Under Regulatory Standards, subparagraph 4 on Page 6 of 11 the word "INTERIM" is in caps. If it is a policy, then the word "INTERIM" should be deleted.
- Under paragraph 7 (Roadway Facilities) on Page 8 of 11 there is a note on the bottom of the page that says "*LOS "E" is the minimum acceptable LOS...*" Mr. Hutchcraft noted this sounded regulatory and that this terminology had been deleted from other locations. Staff may want to say "*LOS "E" is the targeted level of service,*" but "*minimum acceptable*" sounds regulatory.
- The second paragraph on Page 9 of 11 references Policies 14.2.1 and 14.2.2 as an exception to the non-regulatory standards of transportation. He did not feel this was consistent with the Community Planning Act of 2011.
- On page 10 of 11, under paragraph 2.b. (Community Parks), there is a reference to 1998. If it is a prospective provision, Mr. Hutchcraft suggested listing it with the year 2028 instead of 1998.



Mr. Ink made a grammatical correction to the heading for Objective 83.1 on Page 5 of 11. He thought it should be plural such as "*Community Parks Standards.*"

**Mr. Hutchcraft made a motion to recommend transmittal of CPA2013-06 (Concurrency Update) with the following modifications: 1) that we bring the reference to 14.2 and 142.1 and 14.2.2 in compliance with the Community Planning Act of 2011; 2) that we make Policy 37.5.2 past tense rather than future tense; 3) that on Objective 83.1 we delete the sentence starting "By 1996" and ending with "unincorporated county only;" 4) that we add Regional Park Standards to Objective 84.1; 5) that we delete the word INTERIM on paragraph 4 (Stormwater Management Facilities) on Page 6 of 11; 6) that we delete "minimum acceptable level of service" at the note on the bottom of Page 8 of 11; 7) that the "1998" reference on Page 10 of 11 be changed to some date in the future; and, 8) that we include the grammatical change referenced by Mr. Ink, seconded by Mr. Green for discussion.**

Mr. Green asked for clarification on Mr. Hutchcraft's comment regarding the Pine Island issue.

Mr. Hutchcraft stated he felt there should be some clarification as to whether it is or is not a regulatory standard. In addition, he wondered to what extent it was consistent with the Community Planning Act. Therefore, the motion is that it be reconciled with the Community Planning Act. He asked that this conversation and evaluation be done prior to the BOCC hearing so that the Commissioners will have the full facts.

**The motion was called and passed 7-0.**

## **Agenda Item 9 – New Horizon 2035: Plan Amendments**

### **A. CPA2011-03 Community Facilities and Services**

Ms. Ebaugh gave an update on this item from when it was last reviewed. She gave an overview of which items have already been moved forward and which items are still pending. She reviewed the schedule for the pending elements.

Mr. Green stated that this process has been taking place for a number of years and he felt it was a very healthy process. He commended Ms. Ebaugh and other staff members for their time and effort with the various elements.

Mr. Blackwell gave an overview of the Community Facilities and Services amendment.

Mr. Andress opened this item for public comment. Public input was received from Jennifer Hagen representing the Community Sustainability Advisory Committee (CSAC). She reviewed their recommendations (attached).

Mr. Green asked staff if these recommendations had been provided to them previously, and, if so, did staff have any comments in response to CSAC's recommendations.

Ms. Ebaugh stated this was CSAC's second review which was only completed on January 15<sup>th</sup>. Staff's due date to have the drafts ready for mailing to the LPA was January 17<sup>th</sup>. Therefore, staff has not had an opportunity to completely review the recommendations. This will be done before these elements are brought to the BOCC for transmittal.

Mr. Green asked if staff saw any significant divergent.

Mr. Blackwell referred to the suggestion by CSAC on the Solid Waste item (Recommendation 9). He stated this item had been going back and forth between Solid Waste staff and CSAC. At this time, staff has decided to go with what Solid Waste staff has suggested. The other issue was regarding CSAC's recommendations to Objective 5.1, Basin Program (Recommendation 8) dealing with low impact development for basin wide scheme. In speaking with Natural Resources' staff, they indicated that much of the low impact development is done on a site level meaning interior to a site whereas their focus is on the basin wide level, a wider level. Natural Resources' staff also pointed out that many low impact development techniques revolve around digging and underground storage. Lee County does not generally have a landscape that would support that kind of work so they felt that the language was better left as it appears in the staff report. Other than these two items, he did not see any issues with the remaining recommendations, although he had not had a chance to completely review them.

Mr. Mulicka noted CSAC's recommendations were on a memo that indicates it is from the County Manager's office. He asked if that meant the County Manager was endorsing these changes.

Ms. Tessa LeSage, Sustainability Manager, explained that CSAC is a board appointed committee and the Office of Sustainability reports to the County Manager. Ms. LeSage stated she was the staff liaison to that committee. They have been in the process of reviewing these elements for the past three years because a key community issue that came from the Evaluation and Appraisal Report was that the community was concerned with the long term sustainability of our community. As a result, CSAC has been reviewing these elements in advance of the LPA meetings, but because of the timing of the CSAC meetings, the recommendations only get to staff a few days before the LPA packets get mailed. Because of this, the Committee has added to the volunteer responsibilities and appointed someone to attend the LPA meetings to review the recommendations.

Mr. Mulicka referred to CSAC's recommendation to Policy 7.2.7. If the LPA chooses to adopt the recommended language that says, "through certified vendors," would this mean that Waste Management will be obligated to hire some outside vendor?

Mr. O'Connor believed this particular language would put an obligation on the Solid Waste Department.

Mr. Joyce referred to CSAC's recommendation under Objective 7.1 dealing with Lee County initiating an effective county-wide compost operation for horticultural-debris. He stated that Lee County already has one of the state of the art composting facilities in the state and nationally. They have taken two waste products (sewage treatment bio solids and composted horticultural waste) to make a magnificent soil. He suggested it say "*Lee County will continue to have an effective county-wide compost operation...*" instead of using the word "*initiate*."

Mr. Hutchcraft had a comment relating to the school concurrency item. Although there is an interlocal agreement that requires us to have it regulatory until the ending date of the interlocal agreement, staff stated at the last LPA meeting that the County was investigating other alternatives. He suggested there at least be a policy in this document that indicates staff is looking for different alternatives at the end of the interlocal agreement. On a separate issue, he asked if there would be a definition in the Lee Plan for "*Sustainability*" since it is referenced in several objectives and policies. He recommended listing the definition once in the beginning of the document and then removing it anywhere else that it is referenced such as Objectives 1.1 and 1.2 as well as Policy 1.1.4.

Ms. Ebaugh stated staff was in the process of working on the Glossary, which will be the last element for the LPA to review since every other element is going to feed into the Glossary. Although staff is reviewing several words and definitions to be included in the Glossary, “*Sustainability*” and “*Sustainable*” will be two of them. She invited the LPA to notify staff of any other words/definitions they would like incorporated into the Glossary element.

Mr. Hutchcraft made the following comments/suggestions:

- Policy 1.1.4 on Page 8 of 64: He referred to two statements in this policy. The first is “*Incorporate sustainable practices as far as practicable...*” The second is “*...use recycled or “green” products to the greatest extent possible...*” He stated he was uncomfortable with those two statements because they were high standards. He preferred the language proposed by CSAC, “*Based on an analysis of community needs, project goals, and economic return on investment, incorporate sustainable practices in the design and operation of community facilities.*”
- Policy 1.1.5 on Page 9 of 64: The proposed language includes green standards, which is not defined. He preferred the recommendation by CSAC that states, “*best management practices and building performance standards.*”
- Objective 1.2 on Page 9 of 64: He suggested listing the word “*sustainable*” at the beginning of the element and deleting it from other sections so that it is not redundant.
- Policy 1.3.3 on Page 11 of 64 says, “*...with **full** consideration of...*” He suggested deleting the word “*full*” as was done in Policy 4.1.1. The word “*full*” adds an extra obligation.
- Objective 2.1 on Page 12 of 64 references the accessibility of libraries. He felt this Objective needed more clarity as to whether they are referring to physical accessibility, accessibility of books, or on-line accessibility.
- Policy 2.1.1 on Page 12 of 64 says, “*Ensure there is an equitable distribution of libraries based on an identified average travel distance for residents and area population.*” This could cause the County to make site decisions that only work for that factor and may not work for other factors. As currently written, it is a rigid standard. He suggested saying “*based on a multitude of factors including or deleting equitable distribution.*”
- Policy 2.1.4 on Page 12 of 64 says, “*Bicycle and pedestrian facilities and access to the street networks and transit routes will be required for future facility site design where practicable.*” He noted it used to be “*considered*” and is now “*required.*” He was concerned with “*where practicable*” in the context of Policy 2.1.1 that talks about “*equitable distribution.*” It could mean that someone who is trying to build a facility in a certain location would be required to meet equitable distribution. In order for them to do that, they might have to build five miles of sidewalks because now it is a required element. It may make more sense to move the library. These two policies combined might force the County to make decisions that do not make sense economically.
- Policy 3.2.1 on Page 15 of 64 says, “*Prohibit school sites that will be exposed to physical constraints, hazards, or nuisances detrimental to the health and safety of students and to the operation of the school.*” He suggested replacing “*Prohibit*” with “*Discourage.*”

- Policy 3.2.5 on Page 16 of 24 states, “*Require new residential developments to provide pedestrian and bicycle access for school children.*” In Policy 3.2.6 it says, “*Remove or reduce existing barriers to pedestrian and bicycle access for school children.*” He felt this sounded like a mandate to developers. There might be an instance where there is a barrier that is 4 miles away that has nothing to do with the development. He had concerns with what this language means and who it is an obligation on.
- Policy 3.2.7: He stated there was some duplication because it says “*Reduce hazardous walking conditions and improve walkability to schools.*”
- Policy 3.2.7, Paragraph 3 on Page 17 of 64 says, “*Evaluate schools zones to consider safe crossing of children walking along transportation facilities and prioritize areas for sidewalk and walkability improvements...*” “*...wherever possible show preference for routes that do not run along transportation facilities and have high visibility.*” He had a concern that this verbiage will cause the County to make bad decisions because most of the time we are co-locating those facilities. This language shows the County’s strong preference for routes that do not run along transportation faculties yet we have been investing in putting routes along transportation facilities. Are we going to have to build parallel facilities somewhere off the roads? In addition, we have deleted “*Lee County*” from the element so it is not clear who this is an obligation on.
- Policy 3.4.9, on Page 26 of 64 says, “*Support a three-tiered program of land use education including environmental issues targeting Pre-K through 12<sup>th</sup> grade...*” He preferred it say “*community education.*” Land use, environmental, or service might be a part of that, but this language makes the education focus on land use. He was not sure it was appropriate to focus on land use in our schools. The County should be well rounded in anything they present to students.
- Policy 3.5.1 on Page 27 of 64 says, “*By December 2008, the county will adopt school concurrency provisions...*” If the County has done this, then this policy should be deleted. If it has not been accomplished yet, then the date should be changed.
- Policy 6.1.2 on Page 35 of 64 says, “*Define excess surface water runoff as water not required to maintain or restore estuarine waters or other valued wetlands systems.*” He was not sure the County could independently do this. It might be the County’s role to identify it, but it has to be done in cooperation with other agencies. He had a concern that the county might overstep their authority.
- Policy 6.2.5 on Page 36 of 64 says, “*Maintain regulations to permit Lee County inspectors to monitor water quality on construction sites with an active development order.*” There might be an instance where there is bad water quality in a development but it is contained wholly on their site due to a big flow of rain and it is not impacting anyone else. It is a code enforcement issue, so he did not want the County to overreach.
- Policy 8.1.6 on Page 40 of 64: Mr. Hutchcraft thought this might overlap with the Water Management District as it talks about the availability of water supplies. It might be within the County’s ability to identify, but it should be done in conjunction with the Water Management District.

- Policy 8.2.3 on Page 43 of 64 talks about requiring review and comment by a staff hydrogeologist on all development applications near public utility potable water wellfields. He wanted to make sure this staff person is certified and appropriate to do this type of work. If not, there should be an allowance for an independent third party to present a report on that.
- Policy 9.1.1 on Page 45 of 64 protects the county's ability to provide water and sewer service within their franchise area. Mr. Hutchcraft was in support of this, but in an instance where the county cannot provide these services, state law says there should be an opportunity for someone else to meet that service. Below that there is an indication that staff feels a more flexible policy may be worked out, but for now it will be left as is. If it needs more flexibility, Mr. Hutchcraft felt it should be put in place now because this policy does not fully contemplate what the PSE typically says.

Mr. Mulicka thanked CSAC for putting the language on Policy 1.1.4 for economic return on investment being one of the criteria because some things that are more sustainable are not cost effective and may not be in the best interest of the tax payer. He also shared Mr. Hutchcraft's concern with the word "equitable" as it is difficult to define and regulate terms like "equitable" and "fair." His last concern was on Policy 7.2.7 for certified vendors. He felt the original county language was more appropriate because we are not defining who a certified vendor is or what those qualifications would be.

Mr. Church suggested two separate motions. The first would deal with the CSAC recommendations and the second would cover the detailed analysis from Mr. Hutchcraft.

**Mr. Church made a motion to accept CSAC recommendations with the exception to Policy 7.2.7 and Objective 5.1 since staff prefers alterative language, seconded by Mr. Hutchcraft for discussion.**

Mr. Hutchcraft referred to Policy 3.4.9 and asked if we could delete the words "land use" and "environment" and replace it with the word "community." Mr. Church had no objection to that amendment.

Due to a question by Mr. Green, staff stated they had no problem with the amendment proposed by Mr. Hutchcraft. **The motion was called and passed 7-0.**

**Mr. Hutchcraft made a motion to approve all comments he made earlier (outlined by bullet points in the minutes), seconded by Mr. Ink. The motion was called and passed 7-0.**

### **B. CPA2011-14 Vision Statement**

Ms. Ebaugh reviewed this element.

Mr. Church referred to the last sentence and noted the word "be" should be removed so that the sentence reads "This future vision will overcome...."

Mr. Andress opened this item for public comment. Public input was received from Jennifer Hagen representing the Community Sustainability Advisory Committee (CSAC). She reviewed their recommendations (attached).

Mr. Ink referred to the introductory statement that says “*Lee County will be a highly desirable place to live, work, and visit.*” To him, it made it seem as if we are not those things now and that we are only trying to be those things. He suggested it say “*Lee County will continue to strive*” or “*continue to be*” because the current language will not make a good impression to new businesses that might consider locating here.

Mr. Joyce commented that he was glad to see Agriculture becoming a more prominent item in this document.

**Mr. Mulicka made a motion to recommend transmittal of CPA2011-14 with the change proposed by Mr. Ink at the beginning of the document, seconded by Mr. Church. The motion was called and passed 7-0.**

**Agenda Item 10 – Other Business** - None

**Agenda Item 11 – Adjournment**

Mr. Andress thanked all the new members for being at today’s meeting and donating their time to the County. He also thanked staff for doing a great job in bringing all these amendments and elements together.

The next Local Planning Agency meeting is scheduled for Monday, February 24, 2014, at 8:30 a.m. in the Board Chambers, Old Lee County Courthouse, 2120 Main Street, Fort Myers, FL 33901.

The meeting adjourned at 11:11 a.m.

Memorandum  
FROM THE  
COUNTY MANAGER'S OFFICE  
COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE  
239-533-2221  
Fax 485-2262

Date: January 27, 2014

To: Local Planning Agency

From: Community Sustainability Advisory  
Committee

**RE: Lee Plan Elements: Vision Statement Element & Community Facilities Element**

The Community Sustainability Advisory Committee has reviewed all the elements in the proposed Lee Plan. On January 15, 2013 the Committee reviewed the Vision Statement and Community Facilities elements to provide final comments and recommendations related to the committee's goal of promoting community sustainability. Most of the committee's previous recommendations for both elements were incorporated into current documents.

**Vision Statement**

This was the Committee's third review of the Vision Statement. The Committee recommends incorporating the vision statement recommended in the Evaluation & Appraisal Report (EAR). The vision statement from the EAR articulates the ideal attributes of Lee County in the year 2035 and the language has already been vetted and adopted by the community through the EAR process. Additionally, this language is incorporated into parts of the Land Use Element. The Committee suggests it read, "Lee County will be a highly desirable place to live, work, and visit—recognized for its commitment to a sustainable future characterized by a healthy economy, environment, and community. Because of its commitment, Lee County will be a community of choice valued for its quality of life; varied natural environment; distinct urban, suburban, coastal, and rural communities; healthy economy and diverse workforce; and unique sense of history and place." The Committee also suggests removing similar language in the first sentence on the third paragraph that reads, "Because of its commitment, Lee County will be a community of choice..." to remove redundancy.

The Committee recommends removing the term 'local' where unnecessary. These changes can be read verbatim in the attached document.

Additional, minor deletions and additions are suggested to add to clarity and cohesion to the document. These suggestions can be reviewed in the memo packet.

**Community Facilities**

Many of the Committee's recommendations in this element were to further define the word 'sustainability' and 'green'.

Under *Objective 1.1* the Committee suggests clarifying the Provision of Services to read, "Provide community facilities and services in a way that meets public needs while ensuring future social and economic viability and environmental protection."

*Policy 1.1.4* addresses Lee County's operational practices for community facilities. The Committee notes 'practicable', 'green principles', and 'environmentally-friendly' to be loose terms. The Committee suggests changing *Policy 1.1.4* to read: "Based on an analysis of community needs, project goals, and economic

return on investment, incorporate sustainable practices in the design and operation of community facilities. These facilities will implement design principles of energy efficiency, best practices in construction techniques, waste reduction, and healthy indoor/ outdoor environments.”

Again under *Policy 1.1.5* the Committee recommends replacing the term ‘green standards’ with “best management practices and building performance standards”.

Under *Policy 2.1.1*, the Committee suggests the policy read “Ensure there is an equitable distribution of library services, in their varied forms based on evolving trends in technology, and the needs of its patrons.” The Committee noted that this broader definition acknowledges changing technology, how information and media services may become available in the future, and the changing needs of people using those services. For example, virtual services may be extended to an existing recreation center, without necessary constructing a new facility.

The Committee suggests breaking *Policy 2.1.4* into two separate policies; one that addresses bicycle/pedestrian access to libraries and one that addresses transit access to libraries. The proposed transit *POLICY 2.1.5* would read: “Libraries should be sited with strong consideration of existing or planned transit routes and the long range transportation plan.” The Committee believes it would behoove the County to coordinate future library sites with long term transit plans and existing infrastructure. Separating bike/ped. facilities from transit acknowledges their different associated costs.

Under *Policy 3.4.9*, the Committee suggests streamlining to read, “Support a three-tiered program of land use and environmental education. Programs will target Pre-K through 12th grade school children, adult residents, newcomers and visitors. This includes coordinated community education and outreach programs that foster the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.”

Under *Objective 5.1: Basin Program*, the Committee recommends creating a new Policy 5.1.1 to read, “Encourage stormwater management by augmenting natural assets and land characteristics through the use of biophysical techniques to capture rainfall runoff and enhance groundwater recharge.” The Committee suggests adding this policy in order to address the macro level issue of basin and watershed management through LID principles. The Committee suggests Community Planning staff work with the Natural Resources Department to review this addition.

Under *Objective 7.1* the Committee recommends adding ‘horticultural debris for composting’ and ‘glass, as practicable’ to the list of solid waste collection. The Committee also recommends adding, “Initiate effective county-wide compost operations for horticultural-debris.” to the objective.

Under *Policy 7.2.7*, this policy was originally recommended for adoption at the request of the CSAC, however, portions of the language were subsequently deleted at the request of Solid Waste staff in order to allow more efficient and cost effective practices. With this in mind, the recommended policy has been changed to read: “Provide and verify responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection through certified vendors.”

Attached you will find the previous and current recommendations made by the Community Sustainability Advisory Committee. A Committee member will attend upcoming LPA meeting to discuss remaining elements in the coming months.

Please let us know if you have questions.

**Cc: Holly Schwartz; Mary Gibbs; Paul O’Connor**



**COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE  
RECOMMENDATIONS**

**WEDNESDAY, JANUARY 15, 2014**

The Sustainability Committee has reviewed the *Community Facilities Element* in 2012 and the *Vision Statement Element* and in 2012 and September 2013. The following are recommendations to the LPA:

**1.) Vision Statement Element**

Staff explains the third revision of this element is the same basic format as the second revision.

**Recommendation 1:** In paragraph one, use the suggested Vision Statement in the Evaluation & Appraisal Report for incorporation in the first paragraph of the Vision Statement Element in review. The Committee believes the proposed vision statement from the EAR articulates the ideal attributes of Lee County in the year 2035 and the language has already been vetted by the community through the EAR process, and is incorporated into parts of the Land Use Element.

“Lee County will be a highly desirable place to live, work, and visit—recognized for its commitment to a sustainable future characterized by a healthy economy, environment, and community. Because of its commitment, Lee County will be a community of choice valued for its quality of life; varied natural environment; distinct urban, suburban, coastal, and rural communities; healthy economy and diverse workforce; and unique sense of history and place. Since its first planning efforts in the 1970’s...”

In addition to suggesting this adopted language, the Committee removed similar language in the first sentence on the third paragraph that reads, “Because of its commitment, Lee County will be a community of choice...”

**Recommendation 2:** Remove the term “local” before the following:

On the first page, in the first paragraph:

- “distinct local communities”
- “...population to the county’s local-communities...”
- “...the county’s diverse local communities and populations...”

On the first page, in the third paragraph:

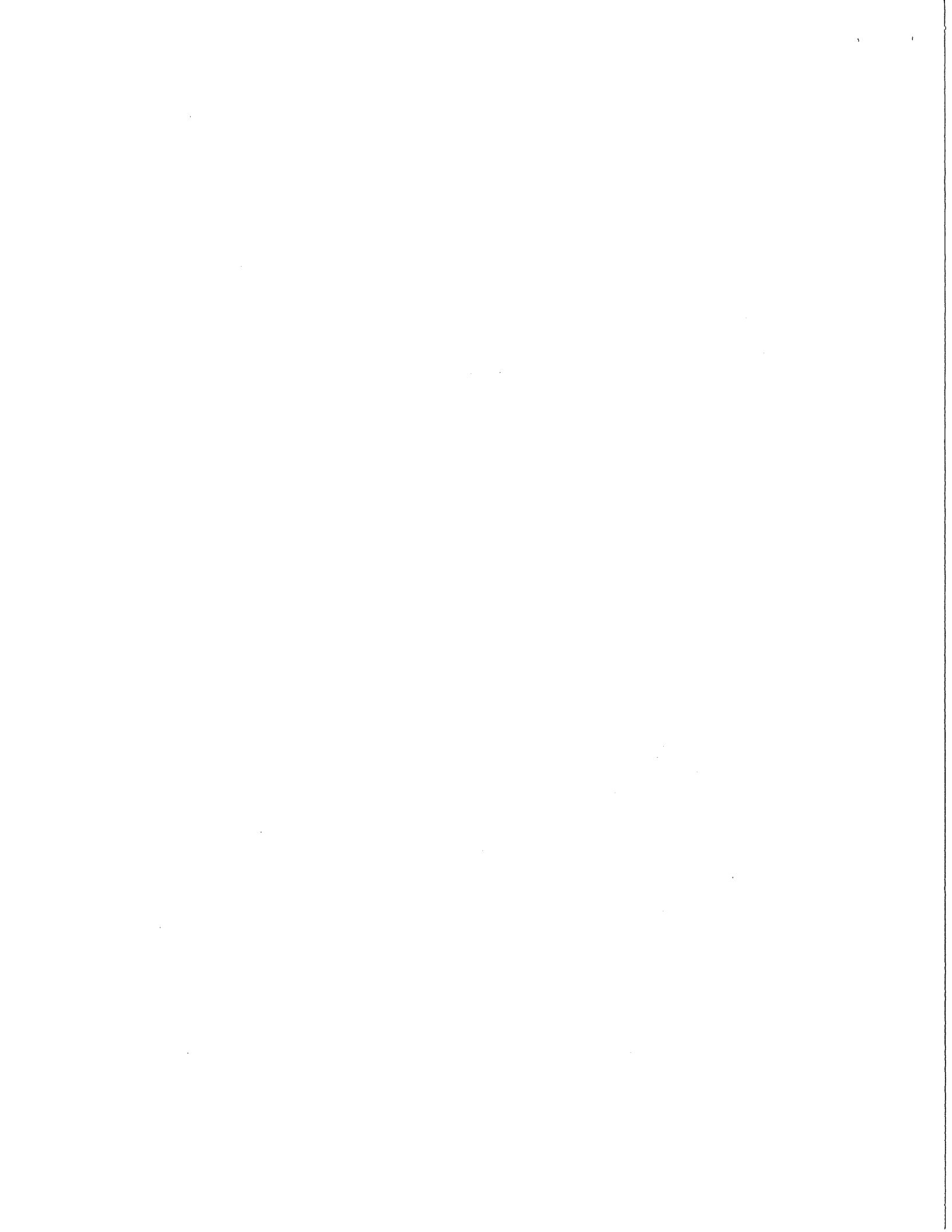
- “...promoting its distinct local communities...”

On the last page, first paragraph:

- “...community planning efforts that fully engage local communities...”
- “...for meaningful interaction between the county and local community planning panels.”

**Recommendation 3:** On the first page, in the second paragraph, changes are as followed:

“Lee County will maintain the urban-rural boundary while accommodating the diverse growth that is anticipated over the coming decades ~~within its urban areas. In addition to~~ by promoting its distinct local communities, preserving its unique natural resources and critical ecological values, and supporting its agricultural features. [Period] The county is also committed to growing its



employment base by supporting existing businesses, attracting new businesses ~~the attraction of new businesses, support for existing businesses, and redevelopment of its~~ and redeveloping its urban areas into higher quality living and working spaces.”

**Recommendation 4:** In the first page, third paragraph, change to:

“These three central themes include the following” to “These three central themes are”

**Recommendation 5:** On the last page, first paragraph change to:

“Lee County will achieve these central themes by continuing to support localized community planning efforts that fully engage citizens and the business sector ~~local communities and their residents, business people, and interested citizens~~ in the overall planning process and provide opportunities for meaningful interaction between the county and local community planning panels.”

**Recommendation 6:** On the last page, last paragraph add the following:

“The primary challenge to achieving this future vision is to establish a community planning and development strategy that balances competing interests and results in positive outcomes for all citizens, business people, and property owners within all of Lee County.”

## 2.) Community Facilities Element

The following are recommendations for the committee’s review:

**Recommendation 1:** Under new **OBJECTIVE 1.1**, change to read:

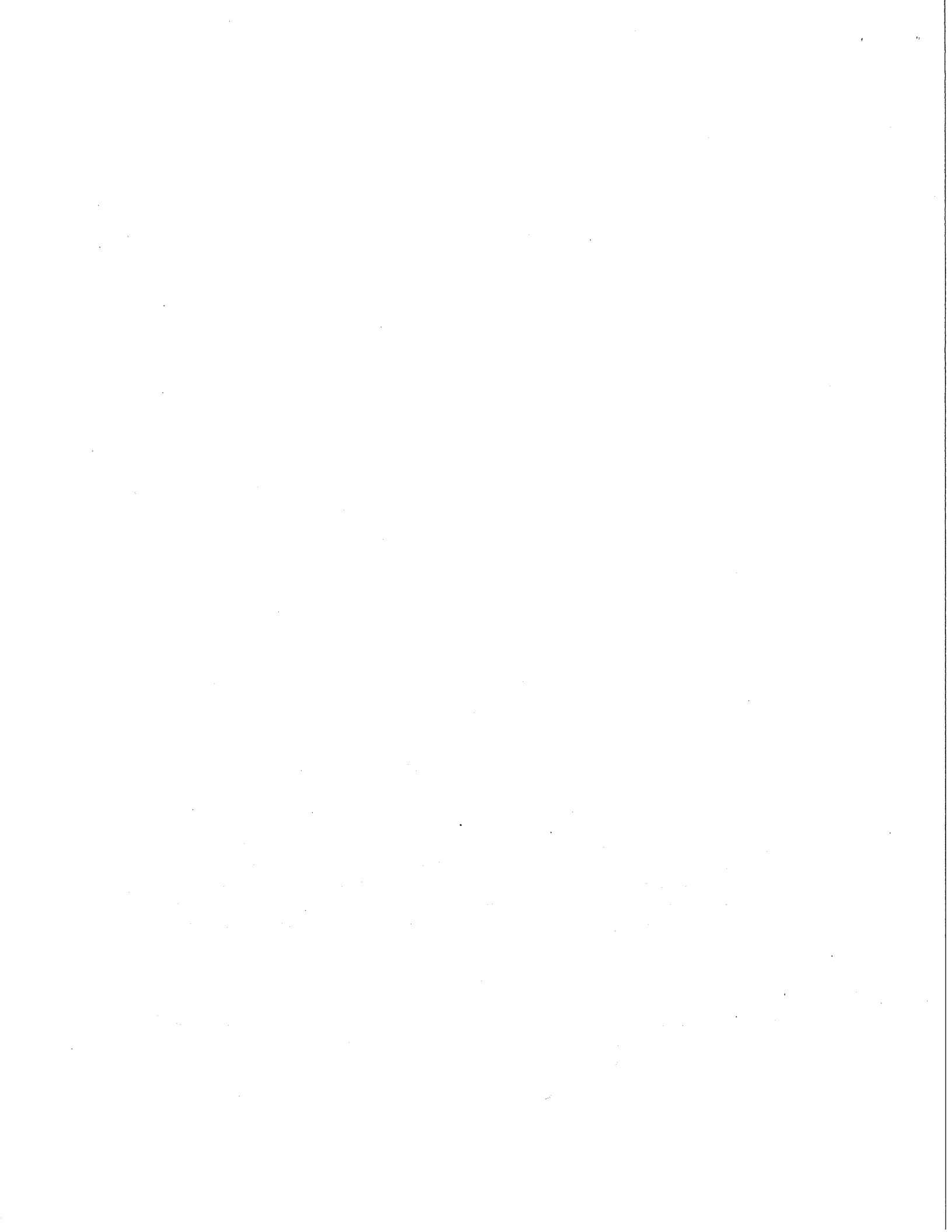
“**OBJECTIVE 1.1: PROVISION OF SERVICES:** Provide community facilities and services in a way that sustainably meets public needs while ensuring future ~~including~~ social and economic viability and environmental protection.”

**Recommendation 2:** under **POLICY 1.1.4**, change to read as followed:

“**POLICY 1.1.4:** Based on an analysis of community needs, project goals, and economic return on investment, incorporate sustainable practices in the design and operation of community facilities. ~~incorporate sustainable practices as far as practicable in the design and operation of community facilities.~~ These facilities will implement design principles of energy efficiency, best practices in construction techniques, waste reduction, and healthy indoor/ outdoor environments. ~~green principles and use recycled or “green” products to the greatest extent possible and will use environmentally friendly construction techniques which emphasize recycling and waste reduction.~~”

**Recommendation 3:** Under **POLICY 1.1.5**, change to:

“**POLICY 1.1.5:** By ~~2015~~ 2016, develop and maintain regulations to define and determine best management practices and building performances standards ~~green standards~~ for future community facility development and redevelopment.”



**Recommendation 4** **“POLICY: 2.1.1: Ensure there is an equitable distribution of libraries library services, in their varied forms sizes, based on evolving trends in technology, and the needs of its patrons, an.”**

The committee noted that this broader definition acknowledges changing technology, how information and media services may become available in the future (for example virtual services), and the changing needs of people using those services. For example, if there is an existing recreation center, library services could be extended to that facility without necessary building a new facility.

**Recommendation 5:** Under **POLICY 2.1.4**, group suggests creating two separate policies. One that focuses on bicycle/pedestrian facilities and one that focuses on transit.

Proposed transit *POLICY 2.1.5* would coordinate with long term plans of transit. Example, “Libraries should be sited with strong consideration of existing or planned transit routes and the long range transportation plan.”

The Committee believes it would behoove the County to coordinate future library sites with long term transit plans and existing infrastructure. Separating bike/ped. facilities from transit acknowledges their different associated costs.

**Recommendation 6:** Under **POLICY 3.4.9**, change to the following:

**“POLICY 3.4.9: Support and promote a three-tiered program of land use and environmental education including environmental education issues. [Period] Programs will target targeting Pre-K through 12th grade school children, the general adult population, and adult residents, newcomers and visitors. to heighten awareness of the County’s special land use issues such as economic and environmental characteristics. Support a This includes coordinated community education and outreach programs that to fosters the construction and implementation of environmental projects, such as the filter marshes, land acquisition, and local mitigation opportunities.”**

**Recommendation 7:** Under **POLICY 4.1.6**, change the year 2015 to 2016

**Recommendation 8:** Under **OBJECTIVE 5.1**, Basin Program, create new *Policy 5.1.1* to read:

**“POLICY 5.1.1: Encourage stormwater management by augmenting natural assets and land characteristics through the use of biophysical techniques to capture rainfall runoff and enhance groundwater recharge.”**

The committee suggests adding this policy in order to address the macro level issue of basin and watershed management through Low Impact Development (LID) principles.

**Recommendation 9:** Under **OBJECTIVE 7.1**, change to:

**“OBJECTIVE 7.1: SOLID WASTE COLLECTION.** Continue programs to segregate construction and demolition debris, horticultural debris for composting, and to separate newspaper, aluminum cans, and glass bottles for recycling glass as practicable, and other appropriate recycling commodities using economical resource recovery practices. Initiate effective county-wide compost operations for horticultural-debris.”

**Recommendation 10:** Under **POLICY 7.2.7** this policy was originally recommended for adoption at the request of the CSAC, however, portions of the language were subsequently deleted at the request of Solid Waste staff in order to allow more efficient and cost effective practices. The policy has been changed to read:

**“POLICY 7.2.7:** Provide and verify ~~Maintain a program of~~ responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection ~~Prohibit exportation of electronic waste (ewaste).~~ through certified vendors.”

**COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE  
NEW HORIZON 2035 WORKING GROUP  
RECOMMENDATIONS  
SEPTEMBER 16, 2013**

Working Group asks staff to reiterate in the next Community Sustainability Advisory Committee that the point of sending Working Group supporting documents to the entire committee is so that the larger committee may respond with questions, suggestions, or discussion points before the Working Group meets. The task of the Working Group is to address those comments to reduce discussion time at the scheduled committee meetings.

In the future, staff will send all the previous element recommendations to the Working Group for clarity.

Staff asks the Working Group to review the following elements and suggest additional recommendations. The Working Group and the Committee have addressed these elements last year. This is the Working Group's final review before the elements go to the LPA for final review.

**1.) VISION STATEMENT**

Staff notes the Vision Statement is different compared to last year's Vision Statement. Changes were made from the Horizon Council and LPA recommendations.

**RECOMMENDATION:** Working Group notes minor grammatical changes and no additional contextual changes.

**2.) HISTORIC PRESERVATION**

Staff and Working Group review the element. Working Group notes that most of their previous recommendations were not incorporated.

**RECOMMENDATION:** Staff will resend comments from Working Group meeting dated June 6, 2012 to Planning.

**3.) PARKS, RECREATION, & OPEN SPACE**

Staff and Working Group reviewed the element. It is noted that the Sustainability Committee has already incorporated a number of recommendations.

**RECOMMENDATION:** Working Group suggests minor grammatical changes and no additional contextual changes.

#### 4.) ADDRESSING THE LPA

Several committee members expressed desire to attend the 2<sup>nd</sup> Budget Public Hearing on Wednesday, September 18<sup>th</sup> scheduled at 5:05 PM. This conflicts with the regularly scheduled committee meeting. Therefore, the group agrees to cancel Wednesday, September 18<sup>th</sup> Sustainability Committee meeting. The group will plan to meet on Wednesday, October 16<sup>th</sup>.

**RECOMMENDATION:** Without providing a new recommendation, the Working Group feels confident that further explaining the Sustainability Committee's previous element recommendations is sufficient for the LPA meeting, specifically highlighting Historic Preservation element recommendations.

Working Group members are unable to attend the LPA, therefore staff will reach out to the committee to see who can speak on behalf of the committee.

Staff will prepare a memo that notes previous committee recommendations for these elements as well as notes from this meeting. The Committee is encouraged to attend the LPA meeting on Monday, September 23<sup>rd</sup>.



COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE

RECOMMENDATIONS

2012

THE FOLLOWING SUMMARY OF RECOMMENDATIONS IS FORMATTED TO INCLUDE THE POLICY LANGUAGE EXACTLY AS IT APPEARS IN THE ELEMENT REVIEWED. ACCORDINGLY, THE POLICY LANGUAGE INCLUDES THE STRIKETHROUGH UNDERLINE PREPARED BY PLANNING STAFF. THE COMMITTEE'S RECOMMENDATIONS ARE IDENTIFIED AS "RECOMMENDATIONS".

STRUCTURE AND MEETING FACILITATION

- 1) Given the Community Sustainability Advisory Committee's broad agenda and the desire to have the working group address the details of Lee Plan Elements, the working group proposes the following meeting structure intended to allow everyone opportunity to participate within the given agenda item timeframe:
  - a. The Lee Plan Elements will be sent to the entire committee at the time the working group receives them to allow interested committee members to review the elements and provide comments to the working group in advance of the working group meeting.
    - i. The working group meets the first Wednesday of every month
    - ii. Comments should be sent to staff no later than the Monday before the working group meeting
    - iii. Comments should focus on sustainability issues (the content of the Sustainability Assessment provides guidance)
    - iv. Grammar and detailed comments should be sent directly to Kathie Ebaugh [KEbaugh@leegov.com](mailto:KEbaugh@leegov.com) (these will not be discussed in meetings of the Community Sustainability Advisory Committee)
  - b. During meetings of the Community Sustainability Advisory Committee, the working group would recommend the committee avoid rehashing what the working group already recommended, so long as there is not disagreement. This way, the committee can focus on other information/recommendations the working group may not have conveyed.

ELEMENT RECOMMENDATIONS

- 1) **RECOMMENDATION:** In general, the committee appreciates the more direct language used in the revised elements. Many of the recommendations made are intended to further remove language that is difficult to measure or quantify.

VISION ELEMENT

- 1) **RECOMMENDATION:** Approval

COMMUNITY SAFETY AND WELL-BEING ELEMENT

- 1) Change "healthy lifestyles" to "community wellness" throughout the element to avoid misinterpretation of the intent of the element
- 2) **POLICY 1.3.2:** Shoreline development in ~~V-Zones~~ Coastal A Zone will be protected from coastal erosion, wave action, and storms by vegetation, setbacks, and/or beach re-nourishment, rather than by seawalls or other hardened structures which tend to hasten beach erosion (see also policies under Objective 113.2). Repairs of lawfully constructed, functional, hardened structures as defined in F.S. Chapter 161 may be allowed subject to applicable state and local review and approval. (Formerly Policy 105.1.3)

- **RECOMMENDATION:** Consider whether V Zones (currently struck through) should be included along with Coastal A Zone
- 3) **POLICY 1.6.2.3:** Mandatory on-site shelters for new residential developments (including mobile home and recreational vehicle parks) over a specified size threshold and outside ~~Category 1 areas of the Hurricane Vulnerability Zone~~ the Coastal High Hazard Areas
- **RECOMMENDATION:** Identify the “specified size threshold” or direct readers to that information
- 4) **POLICY 1.7.2:** The County will not permit new or expanded mobile home or recreational vehicle development on barrier islands or in ~~V-Zones~~ Coastal A Zones as defined by the Federal Emergency Management Agency (Formerly Policy 110.1.2)
- **RECOMMENDATION:** Consider whether V Zones (currently struck through) should be included along with Coastal High Hazard Area
- 5) **OBJECTIVE 2.4:** AIR QUALITY In order to maintain the best possible air quality, meeting or exceeding state and federal air quality standards, The Lee County will prepare a plan to promote measures for preserving and improving current air quality to maintain the present attainment status. (Formerly Objective 118.1)
- **RECOMMENDATION:** Remove “the best possible”
- 6) **OBJECTIVE 3.1: FIRE PROTECTION.** ~~Improve ISO ratings of the independent fire services throughout the unincorporated County. Assist fire districts in providing appropriate levels of high-quality cost-effective fire prevention and suppression services throughout the unincorporated County in order to improve ISO ratings of the independent fire services, throughout the unincorporated County.~~ (Formerly Objective 65.1)
- **RECOMMENDATION:** Remove “high quality cost-” (leave “effective”)
- 7) **OBJECTIVE 3.3: POLICE AND JUSTICE.** To ensure the effective and efficient provision of facilities and services in support of law enforcement and justice for the growing population of Lee ~~the County,~~ Lee County will regularly evaluate the effects of both private development and public service provision of services on law enforcement. (Formerly Goal 70 and Objective 70.1)
- **RECOMMENDATION:** Remove “ensure the effective and efficient”, replace with “improve the”
- 8) **GOAL 4: HEALTHY LIFESTYLES.** Promote the health of Lee County residents and visitors through healthier urban environments, providing increased active recreational opportunities, and alternative modes of transportation.
- **RECOMMENDATION:** Change title to “Community Wellness” and remove the word “urban”
    - i. In general the goal should focus on recreation and alternative modes of transportation
- 9) **POLICY 4.1.3:** The County will promote the creation of community gardens within new development and redeveloped areas.
- **RECOMMENDATION:** Change to be more broad promoting opportunities to “expand access to local food”, which will address food deserts, community gardens, establishment of food taskforce, etc.

10) **POLICY 4.1.8:** Promote the creation of outdoor activity space within built-up or urban areas in both public projects and private developments.

- **RECOMMENDATION:** Remove "within built-up urban areas" because this will be addressed in the form and character element

**ECONOMIC ELEMENT**

1) **RECOMMENDATION:** Add language that strongly supports agriculture, arts and culture as economic drivers in this element.

2) **RECOMMENDATION:** Add titles to the objectives in this element

3) **OBJECTIVE 158.1:** ~~Lee County will e~~Encourage the conservation and enhancement of those natural and cultural resources that represent the foundation of the county's existing retirement, recreation, and tourist oriented economy in order to place Lee County in a competitive position to enable the retention and expansion of these and other business opportunities.

- **RECOMMENDATION:** Remove "existing retirement, recreation, and tourist oriented" and "these and other"; Here or elsewhere, consider adding language that supports the desire to attract businesses and employment opportunities that align with the county's sustainability goals/clean economy

4) **OBJECTIVE 158.1.4:** ~~Lee County will w~~Work with the sheriff, fire districts, municipalities, and other appropriate entities to provide a strong public safety program capable of protecting the citizens of Lee County and their property.

- **RECOMMENDATION:** Replace "strong" with "effective"

5) **OBJECTIVE 158.1.5:** ~~Lee County will m~~Maintain a publicly sponsored recycling program as well as "Keep Lee County Clean," "Adopt a Road," and "Adopt a Beach" programs to ~~maintain~~provide a positive public image.

- **RECOMMENDATION:** Broaden to bring up to date (recycling is now status quo) and better convey desire to promote the beautification and stewardship

6) **POLICY 158.1.9:** ~~Lee County, i~~n response to current and projected needs of ~~Lee C~~ounty residents, Lee County will encourage a diverse mix of housing types, sizes, prices, and rents by maintaining mixed use land use categories in the Future Land Use Element.

- **RECOMMENDATION:** This element should speak to the economic value added by implementing complete streets and promoting mixed use centers. This policy could be broadened or this could be added elsewhere as appropriate

7) **POLICY 158.2.4:** ~~Lee County, i~~n coordination with the Tourist Development Council and other appropriate entities, Lee County will promote the development of ecotourism ~~in Lee County~~.

- **RECOMMENDATION:** Broaden to promote sustainable tourism (eco-, agritourism, etc.) opportunities that promote the distinction of our unique environment and communities.

COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE

RECOMMENDATIONS

AUGUST 2012

COMMUNITIES ELEMENT

- 1) Policy 6.1.7. - Berms only for the purpose of visual screening are prohibited. Berms required for surface water management by an appropriate state agency should not obstruct off site surface water that could exacerbate flooding and should be no higher than the minimum required. New development must submit a storm water management plan that demonstrates the proposal will not exacerbate flooding. (New Policy)
  - RECOMMENDATION: Consider working with the community to revise this policy. As written it is unenforceable. The Water Management District does not allow berms to be built lower than the minimum and the policy is stating they cannot be built higher than the minimum.

COMMUNITY FACILITIES ELEMENT

GENERAL COMMENTS

- RECOMMENDATION: Consider removing the quotation marks around various words throughout the document.
  - RECOMMENDATION: Review for consistency in referencing the School District by name and with regard to capitalization.
  - RECOMMENDATION: Review for grammatical errors.
- 1) Objective 1.1. - SUSTAINABILITY. Provide community facilities and services in order to serve both the needs of the public and to address environmental issues. (ADDED)
    - RECOMMENDATION: Consider revising as follows: Resource Allocation and Service Provision. Provide community facilities services in a way that sustainably meets public needs, including environmental protection and economic and social livability.

Policy 1.1.4. - Incorporate sustainable practices in the design and operation of community facilities. These facilities will use recycled or "green" products to the greatest extent possible and shall use environmentally-friendly construction techniques which emphasize reduction of waste and recycling. (ADDED)

    - RECOMMENDATION: Incorporate sustainable practices in the design and "ongoing" operation . . .
    - RECOMMENDATION: Remove "and recycling".
    - RECOMMENDATION: Should incorporate efforts to be operationally sustainable, e.g. conserve energy and the associated costs, promoting worker health and productivity, etc. This may be accomplished by adding an additional policy addressing operations that promote healthy and efficient building.
    - RECOMMENDATION: Consider adding a policy that directs staff to develop an administrative code that outlines "green" standards with a 2015 deadline.
  - 3) Objective 1.2. - NEEDS OF THE PUBLIC. Community facilities and services will meet the needs of the public in an efficient manner. (ADDED)
    - RECOMMENDATION: Add . . . meet the needs of the public in an efficient and sustainable manner.
    - RECOMMENDATION: This policy should be enhanced to reiterate need to balance efficiency while still prioritizing meeting the needs of the community. Consider adding " . . . but also ensure the needs of the public remain the county's priority."
  - 2) Objective 1.3. - ENHANCE COMMUNITIES. Use community facilities and services to enhance the community character of the urban, suburban, rural and coastal contexts. (ADDED)

- **RECOMMENDATION:** Revise policy to also ensure facilities and services promote efficiency, health, and long-term cost savings in addition to enhancing community character.
  
- 3) Policy 2.1.4. - Bicycle and pedestrian facilities and access to the street networks and transit routes will be considered for future facility site design. Libraries will connect to bicycle and pedestrian facilities in mixed-use, urban, and suburban areas. (ADDED)
  - **RECOMMENDATION:** Replace "considered" with "required". Bike/pedestrian facilities and access should be required in future facility design.
  
- 4) Policy 3.1.6. - ~~To the maximum extent possible, Lee County will~~ Seek opportunities to collocate for adjacent school sites or the collocation of public facilities, such as parks, libraries, and community centers, with public schools. (Formerly Policy 66.1.6)
  - **RECOMMENDATION:** Add language that acknowledges the need to consider sharing resources, which is a critical part of collocation.
  
- 5) Policy 3.4.9. - Support and promote a three-tiered program of environmental education targeting Pre-K through 12th grade school children, the general adult population, and newcomers to heighten awareness of the County's special environmental characteristics. ~~Support a~~ This includes coordinated community education and outreach programs ~~that~~ to fosters the construction and implementation of environmental projects, such as ~~the~~ filter marshes, land acquisition, and local mitigation opportunities. (MODIFIED) (Formerly Policy 66.4.1)
  - **RECOMMENDATION:** Limit to support or promote a three-tiered program . . . Both words are not necessary.
  
- 6) Policy 4.1.6. - ~~The County will,~~ Through appropriate regulations, continue to provide standards for construction of artificial drainageways compatible with natural flow ways and otherwise provide for the reduction of the risk of flood damage to new development. (EDITED) (Formerly Policy 59.1.6)
  - **RECOMMENDATION:** This is ambiguous. If the goal is to promote Low Impact Development, then that should be clearly articulated. The policy is very specific, which may make be a detriment to its application.
  - **RECOMMENDATION:** Revise to read "By 2015, develop standards to provide for construction of . . .
  - **RECOMMENDATION:** Add a reference directing the reader to the Coastal Element for more information.
  
- 7) Objective 5.1. - **BASIN PROGRAM.** Promote water management permitting on a basin-wide basis, as opposed to the current individual-site approach, ~~used by Lee County and the South Florida Water Management District.~~ (EDITED) (Formerly Objective 60.2)
  - **RECOMMENDATION:** Revise to state "Promote water management planning and design on a basin-wide basis . . .
  - **RECOMMENDATION:** This policy needs to work for public and private development.
  
- 8) Goals 6 & 8 –
 

**GOAL 6: PROTECTION OF WATER RESOURCES.** ~~To p~~Protect the County's water resources through the application of innovative and sound methods of surface water management and by ensuring that the public and private construction, operation, and maintenance of surface water management systems are consistent with the need to protect receiving waters. (EDITED) (Formerly Goal 61)

**GOAL 8: GROUNDWATER. WATER SUPPLY.** To protect the County's groundwater supplies from those activities having the potential for depleting or degrading those supplies. Provide an adequate water supply to meet the County's need for potable water and protect this supply from depletion or degradation. (Formerly Goal 63) (MODIFIED)

- **RECOMMENDATION:** Review objectives and policies for redundancies.
- 9) Policy 6.2.4. - Identify, monitor and reduce non-point source pollution influences such as failing septic systems, misapplied fertilizer products, or other ground and surface water impacts. (ADDED)
- **RECOMMENDATION:** Working septic systems and properly applied fertilizer can pollute. Remove the words "failing" and "misapplied".
- 10) Policy 7.2.7 - (this policy was further amended in a memo from Solid Waste) – Provide and verify responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection. Prohibit exportation of electronic waste (e-waste). (ADDED)

**AMENDMENT** - ~~Provide and verify~~ responsible recycling of electronic waste and ensure dismantling procedures that promote proper health, environmental, worker, and data protection. ~~Prohibit exportation of electronic waste (e-waste).~~

- **RECOMMENDATION:** Do not remove "verify". Otherwise, the additional revisions proposed in the memo are acceptable.
- 11) Goal 9 - **POTABLE WATER AND SANITARY SEWER INFRASTRUCTURE.** ~~To ensure the public health, welfare, and safety by the provision of~~ Provide high-quality central potable water service, sanitary sewer service, and wastewater treatment and disposal throughout the future urban areas of unincorporated Lee County, and ~~to ensure that the costs of providing facilities for the supply provision of potable water these services are~~ is borne by those who benefit from them. (MODIFIED) (Formerly Goals 53 and 56)
- **RECOMMENDATION:** Reword as follows "Provide high-quality potable water and sanitary services, including wastewater treatment and disposal . . .
- 12) Goal 10 - **REGULATORY STANDARDS.** Provide and maintain utility systems that meet or exceed federal, state and local exceed regulatory standards. (ADDED)
- **RECOMMENDATION:** Remove the second "exceed".
- 13) Policy 10.1.4. - Consider programs to reduce the time and cost to treat wastewater ~~will be considered,~~ including discouraging excessive use of garbage grinders or toxic discharges ~~which may stop or that~~ inhibit the treatment process. (EDITED) (Formerly Policy 57.1.2)
- **RECOMMENDATION:** Can this policy be strengthened beyond just considering programming?
- 14) Policy 11.1.4. - Require ~~Development regulations will continue to require that any development will to~~ pay the appropriate fees and connect to a reuse reclaimed water system if ~~such a~~ system is near or adjacent to the development and has sufficient surplus to supply the development (EDITED) (Formerly Policy 57.1.5)
- **RECOMMENDATION:** Remove "surplus to".

**MOTION: TO ACCEPT THE RECOMMENDATIONS MADE BY THE COMMUNITY SUSTAINABILITY ADVISORY COMMITTEE AND FORWARD TO THE BOARD OF COUNTY COMMISSIONERS AND PLANNING STAFF FOR INCORPORATION.**