

**MINUTES REPORT  
LOCAL PLANNING AGENCY  
January 28, 2013**

**MEMBERS PRESENT:**

Noel Andress	Mitch Hutchcraft
Steve Brodtkin	Ann Pierce
Wayne Daltry	Roger Strelow
Jim Green	

**STAFF PRESENT:**

Donna Marie Collins, Asst. Cty. Atty.	Janet Miller, Recording Secretary
Brandon Dunn, Planning	Matt Noble, Planning
Kathie Ebaugh, Planning	Paul O'Connor, Planning Director
Mary Gibbs, DCD Director	Tony Palermo, Zoning

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

Mr. Andress, Vice 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 – Election of Officers**

**Chair**

**Mr. Hutchcraft made a motion to nominate Noel Andress as Chair, seconded by Mr. Daltry.**

**Ms. Pierce made a motion to nominate Jim Green as Chair, seconded by Mr. Brodtkin.**

**Mr. Andress called the motion nominating Jim Green as Chair. The motion passed 4-3. Mr. Strelow, Ms. Pierce, Mr. Brodtkin, and Mr. Green were in favor. Mr. Hutchcraft, Mr. Andress, and Mr. Daltry were opposed.**

**Vice Chair**

**Mr. Daltry made a motion to nominate Ann Pierce as Vice Chair, seconded by Mr. Strelow.**

**Mr. Hutchcraft made a motion to nominate Wayne Daltry as Vice Chair. Mr. Daltry declined.**

**Mr. Green called the motion nominating Ann Pierce as Vice Chair. The motion passed 7-0.**

**Agenda Item 4 – Public Forum** - None

## **Agenda Item 5 – Approval of Minutes**

**November 26, 2012**

**Mr. Daltry made a motion to approve the November 26, 2012 meeting minutes, seconded by Ms. Pierce. The motion was called and passed 6-0.**

**December 10, 2012**

**Mr. Daltry made a motion to approve the December 10, 2012 meeting minutes, seconded by Mr. Strelow. The motion was called and passed 6-0.**

## **Agenda Item 6 – Amendments to the Land Development Code**

### **A. North Fort Myers Neighborhood Centers/Lehigh Acres Compact Community Developments**

Mr. Palermo reviewed this item with the Board. He noted that in North Fort Myers there were a number of neighborhood centers created through an ordinance approved in 2012. The amendment before the LPA today is to amend the neighborhood centers (approximately 7) in North Fort Myers. This amendment makes it clear that if you rezone in these neighborhood centers in North Fort Myers you can use the Compact Communities Code, but it is a voluntary option. If you want to rezone those properties, you may use the planned development process or get a special exception or a variance in the North Fort Myers Neighborhood Centers. Mr. Palermo noted this language had been presented to the North Fort Myers Planning Panel. He stated that Mr. Daltry is active in the North Fort Myers Planning Panel and he thanked him for his support. He also stated that this amendment received the support of the Executive Regulatory Oversight Committee and the Land Development Code Advisory Committee.

Mr. Green asked if staff would be commenting on the Lehigh Acres Compact Community Developments since it is included in the title on the agenda.

Mr. Palermo replied no and that it was only on the agenda because it will be on the same ordinance that implements the North Fort Myers Town Center and the Lehigh Acres Activity Centers.

Mr. Hutchcraft referred to Section 32-603 Figure 1 and noted it was an illustrative development plan for one of the targeted areas. He asked for clarification that it was the preferred implementation of the Compact Community Code.

Mr. Palermo stated this was correct.

Mr. Hutchcraft asked if this design/plan had been reviewed and discussed with the owners of the land and whether they were actively involved.

Mr. Palermo stated the owners of the land were actively involved in the process and that he, as well as the consultant, Jim LaRue, had met on several occasions with the property owners including one-one-one meetings.

Mr. Hutchcraft asked for clarification that if the conventional zoning remains intact that an applicant would not be able to rezone to a new conventional zoning category.

Mr. Palermo stated this was correct. Under the neighborhood centers and the Town Center, an applicant could not rezone to a conventional zoning category. They would have to use a planned development which they have already and they could rezone to Compact Communities if they wanted to.

Mr. Hutchcraft asked for clarification that this was already designated as a Compact Community Overlay.

Mr. Palermo stated this was correct and that it was the same case with the two activity centers in Lehigh.

Ms. Pierce asked for clarification that if they opted to rezone to Compact Communities, the process would go fairly rapidly.

Mr. Palermo stated it would be much more of a rapid process.

Ms. Pierce referred to Section 32-225 Design of Blocks on Page 3 where it references alleys and lanes. She noted that in the long run the alleys benefit the residents, individual business owners, utility, and infrastructure providers. However, it is an appreciable upfront cost for the original developer, so there would need to be some tangible incentives in place so they will be willing to go the extra mile by putting in an alleyway system.

Mr. Palermo stated staff had the same concerns, which is why they are moving forward with designing one activity center in Lehigh. It will allow staff to look at what the costs are, how we can share the costs, and how we can work on the cost with the developer and the public sector. He noted this would be one of the challenges in all of these communities.

Mr. O'Connor stated that one of the tasks being undertaken in Lehigh Acres is an analysis of the cost benefit of these types of changes to both the county through its tax base and the property owner through what kind of rents they can expect as opposed to what they might expect without this type of development. Staff is looking at a different way of expending the County's infrastructure dollars as we go through the adoption of the modifications to the Lee Plan. Staff is actively looking for alternative ways to fund this type of development in order to promote the infill development and hopefully stop the sprawl.

Mr. Hutchcraft felt staff was headed in a positive direction. The format for the development being looked at is 10%-25% more expensive because of the alleys and the design types. We are trying to redevelop an underutilized community through more expensive development patterns, particularly for those smaller landowners. Accelerating the approval process will not be enough. There needs to be an investment on the public sector. The County will miss the mark if they merely make this another developer requirement causing the costs of development to increase. The government needs to help implement this by facilitating land owners, providing infrastructure, facilitating the movement of parking requirements, and helping with water quality.

Mr. O'Connor stated staff realizes everything mentioned and noted this proposal was only a first step towards that. Staff needs to identify the development pattern first followed by analyzing the infrastructure needs, cost, and benefit of those costs. Once that data is accumulated, staff will be able to present this to the Board showing why it would be a good investment for the County to make.

Mr. Daltry stated that the North Fort Myers Planning Panel recognizes those points as well. He said it is not just about zoning, but that it is a redevelopment process as well. Targeting areas, such as this, makes more sense than trying to address the whole community all at once. You need different approaches when you try to implement.

Mr. Brodtkin referred to Page 3 of the ordinance where it says, “All streets proposed for acceptance for County maintenance must comply....” He asked why this section was crossed out.

Mr. Palermo stated it was being replaced with the language directly below it.

Mr. O’Connor clarified it was covered elsewhere in the Land Development Code and will be part of the Development Order process. It was taken out because it was redundant.

Mr. Brodtkin referred to Page 7 of the ordinance where it says, “This process may also create additional TDR receiving areas (See Article III) and asked why it was crossed out.

Mr. Palermo stated it was taken out because it was understood that this could be a TDR receiving area because that is where the additional density could go. It was not necessary to put this language in the Purpose and Intent section. It can still be a TDR receiving area.

Mr. Strelow noted that the cover memo dated January 2, 2013 says the actual purpose of this change is to make clear that the special type of plan is voluntary. However, it goes on to say that the proposed language would permit planned developments and other zoning actions in those areas while conventional zoning would not be permitted. He asked for clarification that if this is enacted, applicants would not be required to follow this option. However, they will most likely do so as the County’s follow-up work takes place and other incentives are given.

Mr. Palermo confirmed this was staff’s understanding.

Mr. Green welcomed aboard and introduced Steve Brodtkin. Mr. Green noted that Mr. Brodtkin is from the Bayshore community and has always been an active citizen. He is now a new member of the Local Planning Agency.

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

**Mr. Daltry made a motion to find this ordinance consistent with the Lee Plan, seconded by Ms. Pierce. The motion was called and passed 7-0.**

## **B. Chapter 2 – Impact Fees**

Ms. Gibbs gave an overview of information the LPA received in their packets and by e-mail dealing with a possible two year suspension of impact fees. She noted the Board of County Commissioners held a public meeting on January 22<sup>nd</sup> and would have another one on February 12<sup>th</sup>. Ms. Gibbs stated that the Horizon Council took a vote and recommended a two year suspension and that the Sustainability Committee also reviewed it and suggested that if the fees are suspended that the County should look into a mobility fee in the interim as a replacement.

Ms. Pierce referred to the recommendation made by the Sustainability Committee regarding having a mobility plan with a tiered or zone mobility fee structure. She asked if the LPA would have an opportunity to learn more about that.

Ms. Gibbs stated staff will be providing additional information to the Board related to questions they had at the last hearing. The additional information will relate to mobility fees, revenues, credits and the effects it will have on the Cities. Another issue the Board is considering is whether they should have a consulting firm that has experience with mobility fees around the State come and speak at the February 4<sup>th</sup> Management and Planning meeting.

Mr. Andress stated that impact fees originally came into existence to fund infrastructure that the community needed because it was growing faster than what its capital projects could accommodate. However, in looking at the summary of impact fee loans, there are several items that are not critical infrastructure needs. He was concerned that we spent the impact fees on projects in the community that were never intended to be funded by impact fees. Although he did not believe suspending impact fees would cause a big burst in economic activity, he felt we need to find a more sustained funding source other than impact fees and that it is not right to balance the budget on the people that own infill property. He suggested that impact fees be eliminated or reduced in areas with adequate existing infrastructure to encourage infill development.

Ms. Gibbs noted the LPA had not seen the Land Use Element yet, but that staff was looking into how we can encourage infill through a combination of efforts. She gave an overview to the LPA.

During discussions, it was noted that the mobility fees did not include schools, EMS, Parks, or fire. It only addresses transportation.

Mr. Hutchcraft stated this was a multi-faceted issue that would be difficult to pull apart and only focus on one section. Although we want to do a better job of developing our community, the current system (Land Development Code regulations, Lee Plan, and impact fee structure) has not facilitated that. If we want to encourage redevelopment in core areas and our impact fees are preventing us from doing that, we need to set those aside until we have a better answer. Suspending impact fees will not discourage development in urban core areas and will allow us to evaluate a more equitable approach to generating revenues where everyone can participate. Since we are talking about community benefits, it should not be borne solely on new development. He noted there was a significant amount of population whose homes were built before impact fees were collected, so they have never had an opportunity to participate in impact fees. He was not against mobility fees, but did not believe they would be the only solution.

Mr. Green opened this item for public input. Input was received from Darla LeTourneau (Bike Walk Lee), Paul Moreno (Bike Walk Lee, Morse Shores Civic Association, Russell Park Civic Association, and Palm Beach Boulevard Planning Council), Howard Levitan (Citizen of Estero), Ami Desamours (Lee County School Board), Tom Scott (Lee County School Board), Heather Mazurkiewicz (Building Industry Association), and Russell Schropp (Horizon Council).

Mr. Andress stated for the record that commercial and industrial properties are the job creators in the community. Their impact fees are astronomical compared to residential impact fees. Most input received is regarding residential fees whereas the problem is commercial and industrial fees because they are so high.

General questions and answers took place between the LPA, Mr. Levitan, Ms. Desamours, and Tom Scott on the following: 1) phasing down the fees over a period of time as an incentive rather than suspending them immediately; 2) why should the County incentivize the construction of new commercial space when there is still a large volume of vacant commercial space available; 3) why the School District would have a dilemma with a suspension of impact fees when they are not planning any land acquisitions and already have a surplus of land; 4) the Dunbar expansion; 5) the School District's existing revenue and debt

projections; 6) the possible liquidation of the School District's surplus of land; 7) the School District's taxing authority; and 8) what it would take for the Lee County School District to be ranked number 1 in the State.

Mr. Strelow referred to a comment made by Ms. Mazurkiewicz about the unreliability of impact fees. He felt this was true of any revenue source such as property taxes and the gas tax. He did not feel it was accurate to imply that impact fees are any more unreliable than any other source.

Mr. Schropp, representing the Horizon Council, noted one additional recommendation made by the Horizon Council. There are impact fee credits already issued by the County from previous years. The second part of the Horizon Council's recommendation is that the Board suspend impact fees for a two year period and that the life of the impact fee credits be suspended for two years as well since those credits would not be usable during the suspension.

Questions and answers ensued regarding the following: 1) what would happen to impact fee credits if the suspension turns into an elimination; 2) what is Lee County's benchmark for success in competing with other communities; 3) the lack of data available showing that suspending impact fees improves our competitive position; 4) vacant commercial/industrial space; and, 5) land development not being the only means to attract businesses.

Mr. Andress asked if applicants must pay impact fees if they rent existing commercial space but use it for a different business from what was there previously.

Ms. Gibbs replied no.

Mr. Andress asked what the LPA was tasked to do.

Ms. Collins clarified that the LPA's task would be to make a finding on whether the proposed suspension of impact fees for two years is consistent or not consistent with the plan. The plan authorizes the County to impose impact fees, but does not require them to do it. It is a tool in the funding of infrastructure options.

Mr. Daltry stated he did not see consistency with the proposal without supplementing any recommendation with ways to resolve the big shortfall in the 2030 plan. He mentioned several policies and Objectives that he felt there would be conflicts with if the impact fees were suspended such as Policy 95.1.1 (CIP), Policy 95.1.3 (Minimum Acceptable Level of Service Standards), Objective 95.3 (Other Financing Policies) and its related policies (Policy 95.3.1 and Policy 95.3.2), and Objective 151.2 (Level of Service Standards from the Intergovernmental Coordination Element).

Mr. Brodtkin also had difficulty with this compliance issue as to whether this proposed ordinance is in compliance with the Lee Plan. He referred to the 2030 Plan and read the conflicts there could be due to language in Goal 2 (Growth Management), Policy 2.3.2, Goal 38 (Capital Improvements Programming), Policy 38.1.1, Goal 65 (Fire Protection), Policy 65.1.5, Policy 66.1.3, Goal 87 (Capital Planning), and Policy 87.1.3. He did not understand how we can suspend impact fees for two years and be consistent with the Lee Plan.

Ms. Collins stated the Plan would need to be amended if we were going to abolish impact fees, but we are only suspending them for two years.

Mr. Hutchcraft stated we need to look at this from a comprehensive perspective. It is a question about whether our current system is aligned with where we want to be. If we continue with the system we have, we will not get a different outcome. We need to align our densities, vision, investment in infrastructure, and our revenue streams. We need different types of investment, such as tax increment financing or an MSBU. We need to ensure that improvements in infrastructure are in the right locations, and then build a revenue system that supports that.

Mr. Andress agreed with Mr. Hutchcraft's comments. He felt we needed to have a community conversation about this. If we suspend the fees, it will give us better incentive to have this conversation.

Ms. Pierce asked if Lee County could be made into a CRA. If this was done, she asked if we would be allowed to start moving impact fee monies/expenditures in some targeted zones. She explained how this is working in Osceola County.

Ms. Gibbs stated she believed the CRAs, per the statute, have to be in a blighted area. As a result of this, they are normally targeted to smaller areas.

Mr. Daltry stated we were in the process of recommending a complete overhaul of the 2030 plan. If this is done, he thought the ordinance before the LPA might have a premature termination because the Board adopts a plan that has a different funding approach and a different ordinance would be needed to carry out that funding.

Ms. Gibbs stated that the Plan is not going to involve a total re-write. There are a lot of different ideas discussed throughout the document, but in terms of funding, the areas the County is looking to target or prioritize in the CIP funding would not affect the impact fee issue. The suspension of impact fees is a separate issue.

Mr. Strelow referred to comments made earlier about Estero and he noted that Estero's growth is not just residential. He reviewed several commercial projects in the Estero area. He suggested the County Commission consider suspending impact fees in select targeted areas to help spur development in those areas.

Ms. Collins stated that if the County took this route, they may need to identify another funding source to subsidize the fees that they would ordinarily pay; otherwise, we would have an equal protection issue.

Mr. Green stated there seemed to be a strong consensus that change is appropriate and that a comprehensive look at what the change should be is appropriate. Another observation is that the impacts seem to be far reaching and need to be coordinated decisions with the School Board, fire, and other things that are tangential to the Commissioners purview. The question is what do we do right now. Do we suspend impact fees and try to come up with a new plan, or hold where we are and continue to work on coming up with a new plan? His personal opinion was that we have been working on it and staff is intimately involved.

Mr. Daltry felt the current books balance. If we suspend impact fees and the books no longer balance, we create a hole that anyone who opposes the Board's action could go after. He felt the ordinance before the LPA was incomplete unless there is another sheet showing direction to staff on preparing the 2013/2014 budget, developing financing tools, a review of what the level of service would be, what roads would be affected, and change the regulatory or non regulatory level of service. There needs to be further discussion with the School Board and fire districts to make sure their level of service does not go down or we find another revenue source for them.

Mr. Brodtkin still questioned how there could be consistency with the plan if you suspend the fees when several objectives and policies specifically say the County will maintain an effective and fair system of impact fees.

Ms. Collins clarified that the Plan anticipates a number of funding mechanisms to address infrastructure needs. Impact fees are one of them and may even be preferred, but they are not the only mechanism and they are not required. For these reasons, a temporary suspension is not inconsistent with the Plan. They are not being terminated. They are only being temporarily suspended, and it is within the Board's power to suspend them.

Mr. Strelow noted the LPA previously recommended suspension of the impact fees. He still had the same concern, which is that there is a lack of data showing that a suspension will work. The only studies done suggest there is no discernible relationship between suspending impact fees and stimulating economic growth. There have even been some counter examples.

Mr. Green stated that previously he was in favor of a suspension of impact fees, but felt we were in a different situation now than last year. He felt we were starting to see growth again. In talking to different builders, they are indicating that they are starting to have projects again. In addition, the resale market is going up.

**Mr. Hutchcraft made a motion to recommend to the Board of County Commissioners that a temporary suspension of impact fees is consistent with the Comprehensive Plan while performing an evaluation of alternative revenue changes through balancing amendments to level of service and other Lee Plan and Land Development Code requirements, seconded by Mr. Address. The motion was called and failed 2-5. Mr. Hutchcraft and Mr. Address were in favor. Mr. Strelow, Mr. Daltry, Mr. Green, Mr. Brodtkin, and Ms. Pierce were opposed.**

**Ms. Pierce made a motion to adopt an alternative ordinance where impact fees would be phased out over a two year period during which time an alternative set of systems will be explored and be ready for adoption and implementation at the end of that two year period, seconded by Mr. Strelow.**

Mr. Green asked if Ms. Pierce would consider an amendment to her motion clarifying that the revenue level must at least stay the same or be equal to during this two-year period.

Ms. Pierce stated she would agree to that.

Mr. Brodtkin stated he was fine with having an overhaul of the system, but had difficulty with reducing the impact fees in the interim until something new is in its place because, otherwise, it will leave a hole.

Mr. Daltry stated he hesitated on a motion when we have a more coherent approach before us, which are in the proposed EAR-based amendments to the Lee Plan. He felt the EAR itself had enough flexibility to address the issue of appropriate revenues for the appropriate expenditures. He preferred to have this recommendation included in the Lee Plan. This would help make sure that the appropriate revenues apply to the activities that can bear the tax rate.

**Ms. Pierce's motion was called and failed 1-5-1. Ms. Pierce was in favor. Mr. Daltry, Mr. Green, Mr. Brodtkin, and Mr. Address were opposed. Mr. Strelow abstained.**

**Mr. Daltry made a motion that we forward the ordinance to the Board with a finding that it is not consistent with the Lee Plan unless and until it includes direction to staff to replace the impact fee revenues for transportation, parks, and EMS from some other source and that school and fire impact fee reduction discussions be held with the School Board and the fire districts so that the school board and fire districts can put on the record the continued need for impact fees at this or some other level, seconded by Mr. Strelow.**

Mr. Brodtkin stated he was not clear as to the timing on the suspension of the impact fees relative to the replacement. In other words, would this ordinance take effect and suspend the impact fees and then later on we will look at how we are going to do this?

Mr. Strelow clarified that the impact fees would only be suspended once these questions were answered and appropriate actions taken. They would have to be replaced before they were suspended in some way. A decision would have to be made.

Mr. Daltry stated that once the Board directs it, it becomes an internal staff operation. He was under the presumption there are still reserves that would address this point.

Due to a question by Ms. Pierce, Mr. Daltry clarified that his motion is that the Board of County Commissioners would leave it up to staff to find alternative revenues.

Mr. Hutchcraft stated he could not support this motion because it includes a finding of inconsistency. He felt it was within the Board's discretion to do a temporary suspension of impact fees.

Mr. Address stated he concurred with Mr. Hutchcraft's comments.

**The motion was called and passed 4-3. Mr. Strelow, Mr. Daltry, Mr. Green, and Ms. Pierce were in favor. Mr. Hutchcraft, Mr. Brodtkin, and Mr. Address were opposed.**

### **C. Proposed Horizon Council Amendments**

Ms. Gibbs presented this item and noted that the Horizon Council has a Business Issues Task Force, which is a smaller group of the Horizon Council. Since last year, they have been reviewing a few items that relate to zoning and ways that they can help streamline the process. Staff has been participating as well since last year on the amendments being proposed today. The purpose is to streamline the sufficiency process for zoning. There are also a few items relating to Master Concept Plans in an effort to put us in the competitive arena. She noted that Michael Jacob was available to discuss the Errata sheet distributed at today's hearing. In addition, Russell Schropp, representing the Horizon Council, is available to give a brief explanation of the amendments.

Mr. Green asked if staff agrees with this proposed ordinance.

Ms. Gibbs confirmed that staff was in agreement and had been working on the language with all parties in various meetings over several months time.

Mr. Jacob asked that if the LPA decides to approve this item, they include the Errata sheet distributed today as part of that approval.

Mr. Green opened this item for public comment.

Mr. Schropp, representing the Horizon Council, stated he was available for any questions.

Ms. Pierce referred to Number (1) on Page 10. She asked for clarification that if a master concept plan has been approved for a piece of property, but it is never executed, the validity or operability of that plan is to remain forever on that piece of property despite any changes in the county such as infrastructure needs, traffic, knowledge of new condition factors, new standards, and new best practices.

Mr. Jacob stated that the Errata sheet replaces that section except for the strikeouts.

Ms. Gibbs clarified that if someone's development did not have any activity for several years, they would still have to be consistent with the Comprehensive Plan when they finally come in to activate their project again. Staff is trying to handle the planned developments similar to a rezoning. If you rezone a piece of property, the zoning is there and is good in perpetuity unless you change it.

Mr. Brodtkin stated this could potentially reduce public participation. Currently, if an applicant has a master concept plan, they have to go through a public process. If it is inactive for 5 years, unless they got an extension, they would have to reapply and go through a public process again. In the proposal today, it seemed as if 10 years go by, they can just move ahead without new public input. He was concerned because with several community plans, the communities want more public input and participation.

Ms. Gibbs stated that in most instances there is no issue with these cases. They are normally inactive because the economy is bad. When applicants come in to reactivate their project, they normally want to do something that is essentially the same as what they had. Staff ends up approving a lot of these administratively. There are times when they have to go back to the Board to get reinstated, which seems to be an unnecessary process. Staff is trying to streamline by not having to do extensions on these planned developments. Ms. Gibbs also noted that the community plans will be included in the Comprehensive Plan, which will be brought before the LPA. At that time, there may be some proposed changes that affect public input, but the amendment today does not deal with that.

Mr. Brodtkin referred to number (8) on Page 10 where it says, "If the applicant makes a minimum of two attempts to submit supplemental or corrected documents in response to the County's insufficiency notices and the applicant disputes that additional supplemental documents or information is required, the Applicant may submit a written notice seeking to terminate the sufficiency review process and the County has to proceed with its review." He asked what the purpose was for the County to move ahead with the review when it has already been determined that the application is insufficient.

Ms. Gibbs explained that over the last year or two, there have been a lot of prolonged sufficiencies. When staff met with the Task Force, one of the biggest complaints is that the sufficiency process takes too long. A mandatory meeting is scheduled with the applicants after the first sufficiency to go over all issues and try to figure out how to resolve issues as opposed to back and forth letter writing and responding. This should all be resolved by the second sufficiency review. If the applicant cannot wait any longer and needs to be scheduled for a hearing, staff will still be able to talk to the applicants during the substantive review and at the Hearing Examiner hearing. This has been implemented administratively and seems to be working well as staff has been receiving positive feedback.

**Mr. Daltry made a motion to find this ordinance consistent with the Lee Plan, seconded by Mr. Address. The motion was called and passed 6-1. Mr. Brodtkin was opposed.**

## **Agenda Item 7 – 2012/2013 Lee Plan Amendment Cycle**

### **A. CPA2011-00022: Port Authority Hazardous Wildlife Attractant Update**

Mr. Dunn reviewed the staff report and recommendations.

Mr. Daltry asked where the term “loafing” comes from.

Ms. Laura DeJohn from Johnson Engineering, representing the Lee County Port Authority, stated that language was directly from the Federal Aviation Administration’s Advisory Circular, which addresses how airport operators should go about minimizing those impacts associated with wildlife.

Mr. Brodtkin asked if the primary problem was birds or if this refers to all kinds of wildlife.

Ms. DeJohn stated there was a Wildlife Hazardous Management Plan in place for the International Airport and a Wildlife Hazardous assessment is expected to be needed eventually at Page Field. It addresses all kinds of wildlife. Birds are typically the most frequent wildlife hazard strikes that occur so there is more discussion about them than other species. However, there are other types of wildlife that can interfere with aviation activity as well.

Mr. Brodtkin asked if this plan allowed panthers to continue on the property or if they would be excluded from the property. He also asked if we were excluding the entire airport property or only dealing with the runway areas and if the runway areas are sufficiently fenced.

Ms. DeJohn stated there was fencing around the entire runway. There is no eradication effort for all wildlife on the Airport property. It is specific to the Management Plan that is in place that defines how interactions with aircraft could occur and to minimize those interactions.

Mr. Brodtkin stated that when the Airport was originally planned and they did these mitigation lands, the original plan was to leave the wetlands. Now, it is determined that they should not be kept because they are a hazard as they attract birds. He asked if additional mitigation would be needed based on this change.

Ms. DeJohn stated that any activity at the airport will go through permitting, district, and core mitigation process. Whether or not additional mitigation is needed will be determined at the time of a Development Order.

Mr. Brodtkin asked for clarification on whether or not we have enough mitigation lands on hand.

Ms. DeJohn stated we do not have those calculations yet because there is not a major development plan in place to impact all the wetlands on the property at this time.

Ms. Pierce stated there was quite a bit of development extensively planned for these airport areas, industrial/commercial in particular, and that will generate a lot of stormwater runoff. She noted there was language talking about the shape being rectangular or linear, which sounds like they will be long narrow trenches. She asked how stormwater would be addressed.

Mr. Dunn stated he did not believe the term “linear” meant a trench. It could mean a square or rectangle or something with a straight side to it.

Ms. DeJohn stated there was no provision for trenching. Stormwater ponds are mitigated to prevent wildlife hazard by having steeper side slopes and rip rap, but the pond shape does not need to be long and narrow. These will continue to be designed by engineers who get them permitted through the Water Management District in the shape and fashion that is acceptable to the District.

Mr. Andress stated he was the Chairman of the Airport Special Management Committee. He reviewed security measures at the Airport including fencing, security clearance, and 24 hour TV surveillance. He also stated that when the Airport has a project, it must get the same stormwater permit as anyone else through the South Florida Water Management District. The Airport only deals with infill in the areas that are directly impacted by the runway. Some of those areas are being filled, but an agreement has been made with the 20/20 program enabling them to use some 20/20 lands for the credits that the Airport needs to offset the wetland mitigation. He also noted that when it comes to Page Field, it encompasses a very limited amount of land so they are restricted in what they can do. He reviewed some development planned for both the Page Field and Southwest Florida International Airport. Mr. Andress noted that mitigation credits are needed for some of this work and that the Airport is not exempt from any permitting requirements.

Mr. Dunn referred the Board to Policy 1.2.1 which states that the physical design of the Airport expansion will minimize any degradation of the recharge capability of land being developed. He also noted a change to Page 2 of the staff report under Policy 1.2.1 where the term "shall" is used. Staff would like to replace that term with "will." He asked that any motion made would include that revision.

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

Mr. Andress asked for a legal determination on whether he would be able to vote on this issue.

Ms. Collins replied that he could.

**Mr. Hutchcraft made a motion to find CPA2011-00022 consistent with the Lee Plan and recommend the Board transmit it with the proposed modification as addressed by staff, seconded by Mr. Andress. The motion was called and passed 7-0.**

### **Agenda Item 8 - Other Business**

Mr. Daltry requested a Sunshine Ethics type of briefing by Ms. Collins at the next Local Planning Agency meeting.

Ms. Collins stated she would plan on presenting something at the next meeting.

Mr. Daltry noted that a lot of discussion took place under the Impact Fee item regarding mobility fees, alternative funding sources, and outcomes we are looking for. He hoped staff could summarize this so that the LPA could be reminded of what they were concerned about and ensure we carry through.

Ms. Pierce stated that even though Ron Inge was not present at today's meeting, she wanted to thank him for the job he did as Chairman. She valued his input and the perspective he gave to the Board.

Mr. Green felt he deserved special commendation for his great work on the EAR by keeping everyone focused and getting down the right words for the motions. He wanted some type of letter to be composed.

**Mr. Andress made a motion that we thank Mr. Inge for his 20 years of service on the Local Planning Agency and for his outstanding contributions, seconded by Mr. Daltry.**

The motion was not called as Mr. O'Connor stated he was already taking care of this.

**Agenda Item 9 – Adjournment**

The meeting adjourned at 12:11 a.m.