

**Lee County Board of County Commissioners
Agenda Item Summary**

Blue Sheet No. 20020976

1. REQUESTED MOTION:

ACTION REQUESTED: Adopt a resolution pertaining to SWFIA DRI in accordance with condition II.H.6.c of the Fourth DRI Amendment; direct staff to pursue incorporation of the Airport Master Plan Update into the Lee Plan Transportation Element as one of the two annual amendments allowed under F.S. §163.3187(1); approve and execute a Memorandum of Understanding between the County and Lee County Port Authority establishing interagency coordination for purposes of Airport Master Plan updates and Lee Plan amendments incorporating future Airport Master Plan Update.

WHY ACTION IS NECESSARY: Condition II.H.6.c. of the current SWFIA DRI allows the Board to adopt a resolution to provide relief from the requirement to submit a substantial deviation NOPC pertaining to the Midfield Terminal in the event Florida legislature adopts statutory amendments allowing airports to be excused from compliance with F.S. Ch. 380; the MOU provides the basis for interagency staff coordination necessary to amend the Lee Plan to fully incorporate the Airport Master Plan Update, which is a necessary precursor to extinguishing the SWFIA DRI DO in accordance with recent statutory amendments.

WHAT ACTION ACCOMPLISHES: It relieves Airport from compliance with immediate NOPC submittal requirement; establishes coordination guidelines for County and Airport staff regarding Airport Master Plan Updates and Lee Plan Amendment processes; recognizes Airport as an integral facet of Lee County's transportation infrastructure.

2. DEPARTMENTAL CATEGORY:

COMMISSION DISTRICT #

C12B

3. MEETING DATE:

09-10-2002

4. AGENDA:

- CONSENT
- ADMINISTRATIVE
- APPEALS
- PUBLIC
- WALK ON
- TIME REQUIRED:

5. REQUIREMENT/PURPOSE:

(Specify)

- STATUTE
- ORDINANCE
- ADMIN. CODE
- OTHER

6. REQUESTOR OF INFORMATION:

A. COMMISSIONER

B. DEPARTMENT County Attorney

C. DIVISION

BY: Dawn E. Perry-Lehnert
Assistant County Attorney

7. BACKGROUND:

On August 21, 2000 the Board adopted the Fourth Amendment to the SWFIA DRI DO providing for construction of the Midfield Terminal Complex. Condition II.H.6.c of the Fourth DRI DO provides that if the Florida legislature adopts statutory amendments excusing airports from compliance with the development of regional impact regulations set forth in F.S. Ch. 380,
CONTINUED

8. MANAGEMENT RECOMMENDATIONS:

9. RECOMMENDED APPROVAL:

A Department Director	B Purchasing or Contracts	C Human Resources	D Other	E County Attorney	F Budget Services				G County Manager
				<i>[Signature]</i>	<i>8/22/02</i>	<i>8/22/02</i>	<i>8/22/02</i>	<i>8/22/02</i>	<i>[Signature]</i>

10. COMMISSION ACTION:

- APPROVED
- DENIED
- DEFERRED
- OTHER

CO. ATTY.
FORWARDED TO:
ADMIN
8-22-02 11:30

RECEIVED BY
COUNTY ADMIN.
8-22 2:05 *[Signature]*
COUNTY ADMIN.
FORWARDED TO:
5/27/02

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Page No.: 2

Subject: SWFIA Memorandum of Understanding

the County would assist the Airport in extinguishing or abandoning the DRI DO while maintaining the Airport's ability to continue construction of the Airport consistent with the Airport Master Plan and local development order approvals.

Recent legislative amendments became effective on July 1, 2002 establishing integration of the Airport Master Plan into the local Comprehensive Plan Transportation Element as a precursor to extinguishing DRI review. This amendment was anticipated by the SWFIA DRI D.O. condition II.H.6.c and is the basis for the proposed resolution.

Under the proposed resolution the current SWFIA DRI DO, with the exception of the condition relating to submittal of an NOPC in August of 2002, will remain in full force and effect. The resolution provides for the integration of the Airport Master Plan Update, along with conditions and commitments of the current DRI, into the Lee Plan. The Lee Plan amendment is proposed as one of the two annual amendments allowed under F.S. §163.3187(1). Once the Lee Plan amendment integrating the Airport Master Plan is adopted, the Board agrees to support the Airport's request to extinguish or abandon the DRI DO.

The initial Lee Plan amendment incorporating the Airport Master Plan Update into the Transportation Element as well as all future amendments will require systematic and ongoing coordination between County and Airport staff. The draft MOU sets forth the basis for this coordination.

Staff recommends adoption of the resolution and execution of the MOU. Together these documents and the resulting activity in accordance with them, will serve to eliminate redundancies in the Airport Master Plan review process and result in potential interagency support in meeting the transportation needs in Lee County.

Attachment: Draft Resolution

Draft Memorandum of Understanding

RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

WHEREAS, on August 21, 2000, the Board adopted the 4th Amendment to Southwest Florida International Airport (SWFIA) Development of Regional Impact (DRI) Development Order; and

WHEREAS, the Legislature adopted Chapter 2002-20, Laws of Florida, which amends FS §163.3177(6) to create a new subsection (k) specifically allowing incorporation of an Airport Master Plan into the Comprehensive Plan as part of the transportation element; and

WHEREAS, the newly created FS §163.3177(6)(k) specifically provides, "Development or expansion of an airport consistent with the adopted airport master plan that has been incorporated into the local comprehensive plan...shall not be a development of regional impact"; and

WHEREAS, prior to the legislative amendment, Lee County Ordinance 99-15 incorporated references to the Airport Master Plan into the Lee Plan for specific future transportation and land use planning purposes; and

WHEREAS, Chapter 2002-20 also serves to amend FS Chapter 380 to provide, in part, as follows:

Nothing contained in this act abridges or modifies any vested or other right or any duty or obligation pursuant to any development order or agreement that is applicable to a development of regional impact on the effective date of this act. A development that has received a development-of-regional-impact development order pursuant to §380.06, Florida Statutes 2001, but is no longer required to undergo development-of-regional-impact review by operation of this act, shall be governed by the following procedures:

- (b) if requested by the developer or landowners, the development-of-regional-impact development order may be abandoned pursuant to the process in subsection 380.06(26); and

WHEREAS, condition II.H.6.c of the 4th Amendment to the SWFIA DRI Development Order states:

If the Florida Legislature adopts statutory amendments providing that airports are no longer required to undergo or be subject to development of regional impact review or compliance with Florida Statutes Ch. 380, then the County will work with the Airport to repeal or eliminate this DRI development order while maintaining the Airport's ability to continue construction of the Airport facility as set forth in the Airport Master Plan and local development order approvals. To the extent necessary to give full effect to the adopted Legislative amendments, conditions a. and b. as set forth above will be amended upon the mutual written consent of the County and Port Authority. Evidence of mutual agreement will consist of a Resolution, adopted by the Board of County Commissioners in the normal course of business. A recommendation of the Hearing Examiner is not required to reach the mutual agreement contemplated by this provision.

WHEREAS, the Lee County Port Authority (Airport) has requested that the County adopt a Resolution to amend the DRI development order to recognize the statutory change; and

WHEREAS, in conjunction with the adoption of this Resolution, the County and the Airport are also executing a Memorandum of Understanding to provide for ongoing coordination between the entities with respect to the Airport Master Planning process, including Airport Capital Improvement Program projects, as it relates to and becomes an integral part of the Lee Plan Transportation element; and

WHEREAS, the Department of Community Affairs conceptually agreed to the adoption of this Resolution and the manner in which development at SWFIA will be addressed in the future; and

WHEREAS, the Board finds it is in the best interest of the citizens of Lee County to incorporate the Airport Master Plan into the Lee Plan Transportation element.

NOW THEREFORE, be it ordained by the Lee County Board of County Commissioners as follows:

1. *Recitals.* The recitals set forth above are true and correct and incorporated herein.

2. *History.* The Southwest Florida International Airport currently operates under a Development of Regional Impact Development Order adopted pursuant to FS Chapter 380. The Airport amended the DRI Development Order a fourth time in December 2000. Condition II.H.6.c of the amended DRI Development Order provides that if the Florida

Legislature adopts statutory amendments excusing airports from compliance with the development of regional impact regulations set forth in FS Ch. 380, then the County would assist the Airport in terminating or abandoning the DRI Development Order while maintaining the Airport's ability to continue construction of SWFIA consistent with the Airport Master Plan and local development order approvals.

Chapter 2002-20, Laws of Florida (HB 261), revising FS Chapters 163 and 380, became effective on July 1, 2002. This legislation provides that development or expansion of an airport, consistent with an adopted master plan that has been incorporated into the local comprehensive plan, will not be considered a development of regional impact.

Lee County Ordinance 99-15 served to include references to the Airport Master Plan into the Lee Plan for the purposes of addressing issues related to economic growth, land use compatibility and roadway/access improvements.

3. *Purpose.* The purpose of this Resolution is to give effect to the statutory amendments and DRI Development Order condition II.H.6. This will be accomplished by incorporating the provisions of the Airport Master Plan into the Lee Plan and/or Airport zoning resolution as a precursor to extinguishing the Airport DRI Development Order.

The Airport and County will ensure that all commitments and conditions contained within the SWFIA DRI Development Order will remain intact and enforceable through either the Lee Plan process or the local zoning resolution applicable to development of the Airport.

4. *Memorandum of Understanding.* In conjunction with adoption of this Resolution, the Board is also executing a Memorandum of Understanding (MOU) to address the ongoing coordination necessary between the Airport and the County to incorporate and maintain the Airport Master Plan as part of the Lee Plan Transportation element.

5. *Filing of NOPC due August 2002.* Condition II.H.6.a and b., of the SWFIA DRI Development Order state as follows:

The Fourth Development Order Amendment is further conditioned as follows:

- a. The Port Authority must submit a Substantial Deviation Application for Development Approval by August 2002 that addresses issues precipitated by changes in Map H and the Airport Master Plan anticipated as part of the construction and planning needs to accommodate the revised Airport Master Plan approved or to be approved by the Florida Department of Transportation and The Federal Aviation Administration. The

cumulative impacts of the development approved as part of the Fourth Development Order Amendment will be included and addressed as part of the substantial deviation process.

- b. The Port Authority will diligently pursue the Substantial Deviation Application for Development Approval referred to above in order to assure that an amended DRI development order addressing any substantial deviation-related issues is adopted by the Board of County Commissioners prior to the issuance of a certificate of occupancy for any portion of the relocated terminal and gate facility. The Port Authority understands and agrees that the relocated terminal facility cannot be placed into use prior to adoption of an amended DRI Development Order addressing the revised Airport Master Plan.

In accordance with this Resolution, the Board hereby waives the Port Authority obligation to submit the Notice of Proposed Change or substantial deviation ADA required under DRI condition II.H.6. Instead, the Airport must submit the documentation necessary to fully integrate the Airport Master Plan (update 2001) into the Lee Plan Transportation element by December 31, 2003.

6. *Airport Master Plan process.* According to FAA Advisory Circular 150/5070-6A, "the Airport Master Plan is the planner's concept of the long term development of an airport. The goal of a master plan is to provide guidelines for future airport development that will satisfy aviation demand in a financially feasible manner, while at the same time resolving the aviation, environmental and socioeconomic issues existing in the community." The recent statutory amendment provides the County with an opportunity to work with the Airport through the Airport Master Plan Update process to ensure compatibility with surrounding uses and consistency with the Lee Plan. It also allows a means to coordinate review and potentially eliminate a great deal of the redundancy previously incurred as part of the Airport development process.

The MOU, executed in conjunction with this Resolution, serves to define the manner in which the County and Airport will work together to integrate the Airport Master Plan into the Lee Plan Transportation element and provide for future development of the Airport. In following the procedure set forth in the MOU, it will be possible to eliminate redundant document preparation and review while increasing the efficiency of the airport planning and development process.

7. *Comprehensive Plan Amendment.* The Airport will work with County staff to provide sufficient documentation, in accordance with established local procedures and the MOU, to amend the Lee County Comprehensive Plan to specifically integrate the Airport Master Plan (update 2001) into the Lee Plan Transportation element. It is the

Board's intent that this process will be complete on or before December 31, 2003. However, the Airport has agreed that the relocated terminal will not be placed into use until the contemplated Lee Plan amendment is adopted by the Board.

The Board hereby authorizes and directs County and Airport staff to pursue the Lee Plan Amendment contemplated by this Resolution as one of the two calendar year comprehensive plan amendments provided by FS §163.3187(1).

The amendment that integrates the Airport Master Plan into the Lee Plan must address the following:

- a. land use compatibility consistent with FS Chapter 333;
- b. provision of regional transportation facilities for the efficient use and operation of the transportation system and the airport;
- c. consistency with the Lee Plan Transportation Element and the Metropolitan Planning Organization long-range transportation plans;
- d. execution of any necessary interlocal government agreements for the purposes of providing public facilities and services to maintain the adopted level of service standard for Airport facilities and services subject to local concurrency requirements; and
- e. all development on Airport property whether airport-related, aviation-related or non-aviation-related.

The Airport will also provide documentation to include in the County's annual update of CIP projects prepared in compliance with the Lee Plan.

8. *Zoning Resolution.* Resolution Z-00-037 is the zoning resolution applicable to development of SWFIA . The Airport zoning resolution must be amended to incorporate the appropriate conditions necessary to support development in accordance with the Airport Master Plan Update 2001. This amendment must also comply with the County planned development amendment process.

9. *Extinguishing the DRI DO.* The terms and conditions of the SWFIA DRI Development Order, with the exception of condition II.H.6 and conditions incidentally related to this condition, will remain in full force and effect until specific action is taken by the Board to extinguish or abandon the DRI Development Order. The process used to extinguish or abandon the DRI Development Order will be determined through consultation between the Airport, the County and the Department of Community Affairs. The County will support the Airport's request to extinguish or abandon the DRI Development Order in accordance with this Resolution.

The foregoing Resolution was adopted by the Lee County Board of County Commissioners upon the motion of Commissioner _____, seconded by Commissioner _____

and, upon being put to a vote, the result was as follows:

Robert P. Janes	_____
Douglas R. St. Cerny	_____
Ray Judah	_____
Andrew W. Coy	_____
John E. Albion	_____

DULY PASSED AND ADOPTED this ___ day of _____, 2002

ATTEST:
CHARLIE GREEN, CLERK

BOARD OF COUNTY COMMISSIONERS
OF LEE COUNTY, FLORIDA

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman

APPROVED AS TO FORM

By: _____
Office of the County Attorney

**MEMORANDUM OF UNDERSTANDING
REGARDING AIRPORT MASTER PLAN
UPDATES AND RELATED ISSUES**

This Memorandum of Understanding (MOU) is between Lee County, a political subdivision of the State of Florida, and Lee County Port Authority, a special district duly established by the State of Florida (Airport).

1. Background

The Southwest Florida International Airport (SWFIA) is an integral component of the regional transportation infrastructure and as such must plan, develop and operate in conformity with its adopted Airport Master Plan. The Airport Master Plan, as well as all other Airport functions, are regulated by Federal, state and local requirements and must be consistent with adopted local, state and national transportation plans. As part of the Lee Plan Transportation element, the Airport Master Plan must also be consistent with the balance of County regulations, including the zoning resolution governing development of the Airport.

Lee County Port Authority has the responsibility of managing the planning, development and operation of SWFIA and Page Field to service the rapidly growing aviation needs of the region. The size, complexity and volume of projects planned and constructed at the airports, in addition to new statutory requirements relating to airport master plans and comprehensive plan elements, makes it prudent and appropriate to establish a system of coordinated review between the Airport and various County departments. This mandatory inter-agency coordination will provide an official means for scheduled review and comment regarding Airport Master Plan Updates, related Lee Plan amendments, annual updates of the Airport Plan and Capital Improvement Program, permitting for scheduled capital improvement projects, amendments to the Airport zoning approvals and compliance with the Lee County Land Development Code.

2. Development History.

The Southwest Florida International Airport currently operates under a Development of Regional Impact Development Order adopted pursuant to FS Chapter 380. The Airport amended the DRI Development Order a fourth time in December 2000. Condition II.H.6.c of the amended DRI Development Order provides that if the Florida Legislature adopts statutory amendments excusing airports from compliance with the development of regional impact regulations set forth in FS Ch. 380, then the County would assist the Airport in terminating or abandoning the DRI Development Order while maintaining the Airport's ability to continue construction of the Airport consistent with the Airport Master Plan and local development order approvals.

Chapter 2002-20, Laws of Florida (HB 261), revising FS Chapters 163 and 380, became effective on July 1, 2002. This legislation provides development or expansion of an airport, consistent with an adopted master plan that has been incorporated into the local comprehensive plan, will not be considered a development of regional impact.

3. Applicable Legislation- Florida Statutes §163.3177(k)

The amendment to FS §163.3177(k) sets forth the criteria to integrate the Airport Master Plan into the transportation element of the Lee County Comprehensive Plan (Lee Plan). This criteria is adopted as the benchmark for purposes of this MOU as follows.

Any Plan amendment that integrates the Airport Master Plan into the Lee Plan must address the following:

- a. land use compatibility consistent with FS Chapter 333;
- b. provision of regional transportation facilities for the efficient use and operation of the transportation system and the airport;
- c. consistency with the Lee Plan Transportation Element and the Metropolitan Planning Organization long-range transportation plans;
- d. execution of any necessary interlocal government agreements for the purposes of providing public facilities and services to maintain the adopted level of service standard for Airport facilities and services subject to local concurrency requirements; and
- e. all development on Airport property whether airport-related, aviation-related or non-aviation related.

4. Purpose of MOU

In response to recent statutory changes, the Board of County Commissioners adopted a Resolution, in conjunction with this MOU, providing for the incorporation of the Airport Master Plan into the Lee Plan Transportation element. Pursuant to the Resolution, once the Lee Plan amendment has been adopted, it will be appropriate to extinguish or abandon the SWFIA DRI Development Order.

This MOU is intended to provide the guidelines for future coordination between the County and the Airport with respect to the ongoing development of the Airport. Coordination is necessary to assure continuity and consistency between the Airport's proposed development plans and the Lee Plan, LDC and other supporting regulations.

The County and Airport recognize that integration of the Airport Master Plan into the

Lee Plan creates a mutual benefit. Consistent coordination is necessary to keep the County and Airport personnel fully apprised of the development plans and activities affecting the Airport Master Plan and the Lee Plan. This MOU will establish the framework for coordination between the parties with respect to Airport Master Plan Updates, CIP project planning and construction, Lee Plan Amendments and Airport zoning amendments. It is also intended to facilitate streamlining the Airport development process based upon the benefits to be obtained from a mutual sharing of information concerning the relevant issues affecting the Airport Master Plan and the Lee Plan.

5. **Coordinated Review and Comment/Status Updates**

a. *Ongoing status updates.* At least quarterly, the Airport will provide the Director of Community Development with the status of the Airport projects listed below. The Director will disseminate this information to the appropriate County departments, including the County Attorney's office.

The County will provide the Airport with comments within a reasonable time after receipt of the status update.

b. *Purpose of updates.* The primary purpose of the quarterly update is to apprise the County as to the status of projects in the construction, permitting or approval process. Additionally, the information will provide an opportunity for review and comment on development or legal issues that may require attention prior to implementation or approval of a proposed project. Projects that will be the subject of status updates include: Airport Master Plan Updates, Airport CIP projects, Lee Plan amendments, current leasing agreements, zoning amendments and other development related projects or studies supporting the airport operation.

c. *Review functions.* The Airport will submit and County staff will evaluate the following:

- (1) Scope and content of Airport Master Plan Updates, as established by the Federal Aviation Administration Advisory Circular 150/5070-6A and the Florida Department of Transportation Guidebook for Airport Master Planning.
- (2) Consistency of proposed Airport Master Plan with the Lee Plan, LDC and local zoning approvals.
- (3) Individual CIP projects with respect to compatibility and compliance with the Lee Plan, LDC regulations, zoning approvals and other applicable regulations.
- (4) Proposed Lee Plan Amendments necessary to support amendments

to the Airport Master Plan or CIP project list.

6. **Airport Master Plan Update Coordination Outline**

a. *Airport Goal.* The Airport desires to update the Airport Master Plan and the Airport Layout Plan every five years. Achieving this goal is dependent on available funding. The planning horizon for the Airport Master Plan and the Airport Layout Plan should be consistent with the planning horizon for the current Lee Plan.

b. *Master Plan Elements.* The Airport Master Plan will consist of the standard elements required by the Federal Aviation Administration (FAA) and the Florida Department of Transportation (FDOT) as outlined in FAA Advisory Circular 150/5070-6A concerning Airport Master Plans and the FDOT Guidebook for Airport Master Planning. The elements to be addressed in this process are generally described as follows.

- (1) *Issues and Existing Conditions:* Update available information on current conditions at the Airport and in the community by reviewing previous studies, pavement and building inspections, aerial photography and surveys.
- (2) *Aviation Demand Forecasts:* Update the demand for aviation facilities in Lee County by examining trends in aviation operations, passengers, based aircraft and number of instrument approaches.
- (3) *Demand Capacity and Facility Requirements:* Examine capacity for airspace, air fuel facilities and landside facilities (ie terminal capacity, fuel farm capacity, parking lot capacity etc.)
- (4) *Identification and Evaluation of Alternatives:* After determining the future demand for airspace, airfields and landside facilities, devise alternatives to meet future aviation needs. Airspace/airfield configuration, passenger terminal capacity, landside configuration, land use and land acquisition, general aviation configuration and surface access issues should be addressed in each alternative.
- (5) *Environmental Evaluation:* After determining appropriate alternatives, conduct an environmental evaluation pursuant to FAA Order 5050.4A, "Environmental Handbook".
- (6) *Airport Plans:* The final alternative selected and evaluated for environmental impact is then drawn in a 2-D Layout Plan.
- (7) *Plan Implementation:* Create a staging and financial plan for the airport. Base future capital costs and operating expenses on forecasted aviation demand and non-aviation related revenue generating potential. The financial

plan will guide the preparation of the Airport CIP.

c. *Documents Provided to Lee County.*

(1) *Airport Master Plan Update.* The Airport will provide the County with draft copies of the Airport Master Plan Update chapters, as they become available during the update process. The County and Airport staff will meet to review and discuss the documents as necessary. Due to the size and complexity of the Master Plan Update, review and discussion will be an ongoing effort. The Master Plan Update must address aviation-related and non-aviation related development proposed on Airport property.

(2) *Airport Layout Plan.* The Airport will provide the County with copies of the Airport Layout Plan for review and comment. The Airport Layout Plan is the exhibit to the Airport Master Plan Update that provides a technical graphic depiction of the approved Airport development program. This Airport Layout Plan should support the CIP project list for long-term, mid-term and short-term projects.

d. *Lee Plan Consistency Review.* The County and Airport will work together to ensure that the Airport Master Plan Update and resulting Airport Layout Plan is generally consistent with the Lee Plan and establishes sound public policy based upon generally accepted planning principals while addressing the following elements and actions.

(1) *Future Land Use Element and Map Series.* The Future Land Use Element and Map Series must reflect the on-airport land uses, possible expansion of airport property and land use compatibility issues.

(2) *Traffic Circulation Sub-Element.* Coordinate Special Generator Studies performed concurrent with the Master Plan Update with the local traffic circulation sub-element and MPO long range transportation plans.

(3) *Ports, Aviation and Related Facilities Sub-Element.* Ensure that the Master Plan Update is consistent with and advances the goals, policies and objectives of the Ports, Aviation and Related Facilities sub-element.

e. *Capital Improvement Program Projects.* The Airport will document the proposed capital improvement program to the County for review as to Lee Plan consistency.

f. *Formal Lee Plan Amendment.* The Airport will prepare a formal Lee Plan

Amendment application for incorporation of any proposed Airport Master Plan Update. This application must be on the form generally required by the County and accompanied by the applicable fee. Prior to submittal of the plan amendment application, the Airport will obtain an endorsement of the proposed plan amendment, including the Airport Layout Plan, from the Board of Port Commissioners. Written evidence of this endorsement will be included in the plan amendment application package. The Airport will advise County staff as to the date and time the endorsement request will be presented to the Port Commissioners so that County staff can attend the meeting and address the Port Commissioners as necessary.

Based upon the coordination required under this MOU, the parties anticipate that all issues with respect to Lee Plan consistency will be addressed during the review and comment stage of the Airport Master Planning process and prior to submittal of the Lee Plan amendment application. However, the Airport understands County staff may not recommend adoption of an amendment that is inconsistent with the Lee Plan or not based upon sound public policy.

For purposes of seeking Airport Master Plan approval from the FAA, FDOT and Board of Port Commissioners, the County's intent to adopt the proposed Airport Master Plan into the Lee Plan may be evidenced by the transmittal documents sent to the Department of Community Affairs.

g. *Airport Zoning Resolution Amendment.* If rezoning is necessary to support the Airport Master Plan Update, the Airport will prepare and file a rezoning application on the forms prescribed by the County. The application must be accompanied by the applicable fee.

7. Capital Improvement Program Coordination Outline

a. *Project Briefing.* The Airport will prepare a detailed briefing for all projects proposed for inclusion within its upcoming annual County CIP budget for presentation and review by the County staff. The CIP project information will include the following.

- (1) Detailed project description, schedule, cost estimate and location exhibits.
- (2) Documentation on project consistency with the approved Airport Master Plan, Lee Plan, LDC and Airport zoning resolution.
- (3) Explanation of local permit procedure to be followed to allow construction. Address issues with respect to deviations from the LDC.
- (4) Identification of the state and federal permits necessary to allow construction.

b. *Annual Lee Plan Update.* The Lee Plan requires an annual update of the CIP budget. The Airport agrees to coordinate with County staff and provide documentation to the Department of Community Development with respect to the annual and five year Airport CIP projects to ensure the Airport Master Plan and Airport CIP are consistent with the Lee Plan.

IN WITNESS of the above, the parties execute this Memorandum of Understanding on this ____ day of _____, 2002.

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, BOARD OF COUNTY
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman
Board of County Commissioners

APPROVED AS TO FORM

By: _____
Dawn E. Perry-Lehnert
Office of the County Attorney

ATTEST:
CHARLIE GREEN, CLERK

LEE COUNTY, BOARD OF PORT
COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Chairman or Vice Chairman

APPROVED AS TO FORM

By: _____
Office of the Port Attorney