

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

Blue Sheet No. 20101022

1. ACTION REQUESTED/PURPOSE:

Approve Ordinance adopting remedial amendments to the Lee Plan to settle issues cited in the Department of Community Affairs's Notice and Statement of Intent Finding the Lee County Comprehensive Plan Amendment Not in Compliance.

2. FUNDING SOURCE:

N/A

3. WHAT ACTION ACCOMPLISHES:

The ordinance implements terms of Stipulated Settlement Agreement with the Department of Community Affairs (DCA) approved by the Board on October 26, 2010.

4. MANAGEMENT RECOMMENDATION: Adopt Ordinance.

5. Departmental Category: 9:30 PH1

6. Meeting Date: 11/1/2010

7. Agenda:

Public

8. Requirement/Purpose: *(specify)*

- Statute 163.3184(16)
- Ordinance
- Admin Code
- Other

9. Request Initiated

Commissioner:

Department: COMMUNITY DEVELOPMENT

Division: Planning

By: Mary Gibbs

10. Background:

In March 2010, the County adopted an amendment to the Lee Plan pertaining to the Density Reduction/Groundwater Resource Future Land Use Category in Southeast Lee County (CPA2008-06). In May 2010, DCA issued a Notice and Statement of Intent contending portions of the amendment were "not in compliance" with Part II of Chapter 163, F.S. DCA initiated a formal Administrative Hearing proceeding challenging the amendment. Thereafter, ten entities sought permission to intervene in the proceeding that was set for hearing before the Division of Administrative Hearings in January.

The County, DCA and the intervenors engaged in settlement discussions. The result was a Stipulated Settlement Agreement (Compliance Agreement) ultimately joined by six of the ten intervenors. The Agreement was approved by the Board on October 26, 2010. Pursuant to the terms of the Agreement, the Board agreed to adopt remedial amendments to the Lee Plan within 60 days.

Thirty (30) days after receipt of the adopted remedial Plan amendments and support documents, DCA will issue a new Notice of Intent. The proposed remedial plan amendments will resolve the County's dispute with DCA. The challenge filed by four intervenors who did not join the settlement will proceed to hearing after a re-alignment of the parties to the lawsuit.

Ordinance will follow under separate cover.

11. Required Review:

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| <i>Mary Gibbs</i> | <i>Thelma Davis</i> | <i>David Harris</i> | <i>Donna-Marie Collins</i> | <i>Peter Winton</i> | |
| COMMUNITY DEVELOPMENT | Budget Analyst | Budget Services | County Attorney | County Manager | |
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12. Commission Action: