

**PAT 96-44  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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BoCC Adoption Document

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**June 3, 1998**  
**LEE COUNTY**  
**DIVISION OF PLANNING**  
**STAFF REPORT FOR**  
**COMPREHENSIVE PLAN AMENDMENT**  
**PAT 96-44**

<b>T</b>	<b>This Document Contains the Following Reviews:</b>
<b>T</b>	<b>Staff Review</b>
<b>T</b>	<b>Local Planning Agency Review and Recommendation</b>
<b>T</b>	<b>Board of County Commissioners Hearing for Transmittal</b>
<b>T</b>	<b>Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report</b>
<b>T</b>	<b>Board of County Commissioners Hearing for Adoption</b>

ORIGINAL STAFF REPORT PREPARATION DATE: May 20, 1997

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
 REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Housing Element goals, objectives and policies in accordance with the Lee Plan Housing Element 1997 Update.

**B. BACKGROUND INFORMATION**

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. This report contained the following:

***Recommendation:***

*Conduct a needs assessment utilizing methodology provided by the Shimberg Center for Affordable Housing and develop goals, objectives, and policies that reflect these needs as well as the available funding sources, regulatory incentives, and public-private partnerships that deliver affordable housing products. Seek to integrate the findings and data included in the Consolidated Plan (HUD) and the Local Housing Assistance Plan (SHIP) so that the Lee Plan reflects and enhances these resources. Consider the inventory of mobile homes and potential home sites with regard to changed conditions and evaluate whether or not the Lee Plan provides adequate siting for this form of housing. Develop an inventory of sites that are suitable for locating emergency housing units and provide policy guidance in the plan to maintain the inventory.*

## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

### **1. RECOMMENDATION:**

Adopt Needs Assessment and Housing Element revisions.

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

See Attached Needs Assessment and Housing Element revisions.

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

Staff concurs with attached Needs Assessment and Housing Element revisions.

### **B. CONCLUSIONS**

See attached Needs Assessment and Housing Element revisions.

### **C. STAFF RECOMMENDATION**

Adopt Needs Assessment and Housing Element revisions.

### **PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION**

DATE OF LPA HEARING: June 26, 1997

#### **A. LOCAL PLANNING AGENCY REVIEW**

Mr. Spikowski made a brief presentation on how the 1997 update of the Lee Plan Housing Element addresses affordable housing needs, and how the data can be used as a tool in addition to meeting the 9J-5 F.A.C. requirements.

The LPA asked that in Objective 100.1, if a new number could be provided if the time frame was changed from 2020 to 2010. The staff responded that since the Shimberg data is mandated by the DCA and only goes up to 2010, the new number is acceptable. The LPA asked what would happen if the proposed ten percent of SHIP money set aside for special needs housing, as specified in Policy 100.2.4, were not used? The staff replied that they hadn't had any problems fulfilling that requirement but that a revision could be made to allow for its use "as the need arises".

The LPA asked that based upon the difference between vacant seasonal housing units and the total number of housing units as shown in Table 1, if the eighteen percent seasonal factor was high enough for population projections. Mr. Spikowski indicated that based upon his computations, the eighteen percent seasonal factor was reasonable. He noted that he was struck by the incredible vacancy rate of Sanibel. He also stated that the Shimberg Center is aware of the weakness in their methodology in coastal counties, and considers seasonal vacancies their number one research need in improving their analysis.

The LPA asked if the "Value of Owner-Occupied Housing Units" as shown in Table 5 indicated assessed value or sales prices. Mr. Spikowski replied that it was neither. Table 5 is the self-reported estimate from the 1990 census. People were asked every sixth house, what they felt their house was worth. He stated that he puts very little faith Table 5 because the data is so subjective.

The LPA asked if the US Census included both RV's and mobile homes in the inventory of mobile homes. Mr. Spikowski replied that Table 18 is our information and not taken from the census. Table 19 is information taken from the census. He noted that the census information is somewhat unreliable because an RV park is counted as zero dwelling units, even if the park is full.

The LPA asked what the neighborhood districts, discussed on page 48, have accomplished. The staff replied that the Community Improvement Office, under the Department of Human Services, administers the program and reports all of their activities and expenditures in the consolidated plan. That plan is currently up for its annual review and evaluation. In general, they make physical improvements to all the neighborhoods. Some examples of the improvements are drainage and road improvements in Harlem

Heights, drainage improvements in Dunbar, new sidewalks on Henderson and Highlands and replacing some wells and septic systems in Charleston Park.

The LPA asked where the fifteen percent per year increase of the homeless population, noted on page 64, came from. The staff responded that the information came from the State's Affordable Housing Study Commission.

The LPA commented that the bonus density level, discussed on page 84, relates to the bonus density issue that was discussed at previous meetings. At these meetings, it was concluded that the LPA wanted further study on the potential increase in bonus densities in some parts of the County.

## **B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

- 1. RECOMMENDATION:** The LPA recommended approval of the goals, objectives, policies and the supporting data and analysis with the following two exceptions: (1) revise proposed policy 100.2.4 to allow for the ten percent set aside for special needs housing to be used as the need arises and (2) change the statement on page 84 of the housing element recommending that "No changes should be made to the bonus density level", to "No changes should be made to the bonus density level at this time, pending further study."
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

## **C. VOTE:**

<b>CARRON DAY</b>	<b>ABSENT</b>
<b>RICHARD DURLING</b>	<b>AYE</b>
<b>EARL HAMILTON</b>	<b>AYE</b>
<b>RONALD INGE</b>	<b>ABSENT</b>
<b>BILL SPIKOWSKI</b>	<b>ABSTAINED</b>
<b>GREG STUART</b>	<b>ABSENT</b>
<b>MATT UHLE</b>	<b>AYE</b>

**PART IV - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: November 5, 1997

**A. BOARD REVIEW:** During the hearing, there was no public testimony or Board discussion on this plan amendment. The Planning Division received letters of comment on this amendment; these are attached.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board of County Commissioners voted unanimously to transmit this amendment. (This amendment includes the recommendations made by the LPA)
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>AYE</b>

**PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS,  
RECOMMENDATIONS, AND COMMENTS (ORC) REPORT**

DATE OF ORC REPORT: February 5, 1998

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

**Objection:**

1. The planning timeframe proposed for the Housing Element is not consistent with the proposed planning timeframe for the Future Land Use Element. While in the Housing Element 2010 is the long range planning horizon, in the Future Land Use Element 2020 is the proposed long range planning horizon. Rule 9J-5.005(5), F.A.C.

**Recommendation:** Revise the amendment to provide a consistent planning timeframe.

2. Proposed Policy 100.2.5 states "that Lee County will promote the location of farmworker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools and shopping". However, the policy is vague because it uses the term "promote" and does not specify how it will promote the location of farmworker housing relative to these facilities. Rule 9J-5.010(3)(c)5., F.A.C.

**Recommendation:** Revise the policy to delete the vague term "promote" and specify the actions to be undertaken to ensure that farmworker housing units are located in proximity to the above mentioned facilities.

**B. STAFF RECOMMENDATION**

**Response to Objection #1:** This Affordable Housing Needs Assessment (AHNA) forecasts demand for new housing only through the year 2010, while other parts of the Lee Plan are based on a long-term "planning horizon" of 2020. This mismatch was not intentional; the year 2010 was used in this assessment because the AHNA uses a state-mandated methodology that was only designed to go that far into the future.

The Lee Plan's transportation element is based on planning for the year 2020 because the Metropolitan Planning Organization chose 2020 for its extensive travel modeling, which then formed the basis of Lee County's long-term transportation plan. The Lee Plan's future land use element is also based on the year 2020 to be consistent with the transportation element.

The Department of Community Affairs, in its review of proposed Lee Plan amendments, questioned the consistency of two different long-range planning horizons in a single comprehensive plan. This question was forwarded to the Shimberg Center for Affordable Housing, which created the AHNA methodology for the Department of Community Affairs. In response to similar requests, the Shimberg Center recently created a methodology to extend the AHNA further into the future than 2010, and hopes that upcoming tests of the methodology will prove successful. If that methodology had been available when Lee County's assessment was completed, it could have been used to completely synchronize the Lee Plan's planning horizons.

Given the timing, however, there would be little benefit in re-doing the complete AHNA at this time. There are several complications that would make an attempt very difficult and expensive, especially since the new methodology has not been tested by any other local government and it requires revised age-profile data for 2015, 2020, and 2025 that is not available from any official sources.

Lee County plans to update the AHNA to match the Lee Plan's long-term planning horizon the next time that the Housing Element is updated (no later than the next scheduled Evaluation and Appraisal Report). Lee County will place this commitment into Lee Plan Objective 100.1, which also contains the only numerical reference to the AHNA in the adopted plan. Planning staff met with DCA representatives who agreed to this solution to the problem.

The language previously proposed for OBJECTIVE 100.1 was the following:

**PROPOSED CHANGES PRESENTED AT THE TRANSMITTAL HEARING OBJECTIVE 100.1: HOUSING AVAILABILITY.** Work with private and public housing providers to ensure that the approximately ~~261,092~~ 48,562 additional dwellings needed by ~~2020~~ 2010 are provided in types, costs, and locations to meet the needs of the Lee County population. (Amended by Ordinance No. 94-30)

After discussions with DCA staff, Planning Division staff recommends incorporating the changes previously proposed during the transmittal hearing and adding the following new language:

**PROPOSED REWORDING TO OBJECTIVE 100.1: HOUSING AVAILABILITY.** Work with private and public housing providers to ensure that the approximately 48,562 additional dwellings needed by 2010 are provided in types, costs, and locations to meet the needs of the Lee County population. Lee County will update this forecast of additional dwelling units using state-mandated methodologies during the next update of this Housing Element, which will occur no later than the next scheduled Evaluation and Appraisal Report.

**Response to Objection #2:** Staff is reluctant to delete the word "promote," since most farmworker housing will be built by private non-profit agencies or agricultural interests, and Lee County's role will

be limited to issuing development permits and possibly providing funds. In either case, Lee County is not the lead agency and cannot “mandate” these criteria, yet it can (and should) “promote” or “encourage” them through its funding and regulatory decisions. Rather than deleting the word “promote,” Planning Division staff suggests removing the vagueness by describing in the policy how it will be carried out. Planning staff met with DCA representatives who agreed to this solution to the problem.

The language previously proposed for **POLICY 100.2.5** was the following:

**PROPOSED POLICY PRESENTED AT THE TRANSMITTAL HEARING      POLICY 100.2.5:** Lee County will promote the location of farmworker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools, and shopping.

After discussions with DCA staff, planning staff recommends incorporating the changes previously proposed during the transmittal hearing and adding to the following new language:

**PROPOSED REWORDING TO POLICY 100.2.5:** Lee County will promote the location of farmworker housing close to needed services such as transportation to and from employment, medical facilities, social services, schools, and shopping. Lee County will evaluate proximity to these services when county funds are requested for farmworker housing and during any rezoning process.

**ADDITIONAL CHANGES PROPOSED BY STAFF:**

In order to clarify some of the language in the Lee Plan Housing Element the following changes are proposed by planning staff. Planning staff met with DCA representatives who agreed to this solution to the problem.

**Proposed change by Lee County to Policy 100.1.4:** Lee County proposes two changes to Policy 100.1.4.

Proposed change #1 *change the date by which the Housing Density Bonus Ordinance will be amended from April 1998 to April 1999.* Amending the Housing Bonus Ordinance will require taking the proposed amendments at least one time (each committee could request an additional meeting to consider the matter) before: the Affordable Housing Committee, the Land Development Code Committee, the Regulatory Oversight Committee, the Local Planning Agency and finally for two public hearings before the County Commissioners. A year is a realistic time frame for this amendment and Lee County considers it prudent to recommend this change at this time.

Proposed change #2 delete the words low and moderate. For the sake of clarity, Lee County considers it prudent to delete the words “low and moderate” from the first sentence of the policy as the second sentence refers to affordability and income guidelines for “very low and low income households”.

The language previously proposed for **POLICY 100.1.4** was the following:

PROPOSED POLICY PRESENTED AT THE TRANSMITTAL HEARING      **POLICY 100.1.4:** Amend the Housing Density Bonus Ordinance by April 1998 to increase its effectiveness in providing low- and moderate-income housing. Revisions shall be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30).

After discussions with DCA staff, planning staff recommends changing the proposed 1998 date to 1999, incorporating the other changes previously proposed during the transmittal hearing and adding to the following new language:

PROPOSED REWORDING TO **POLICY 100.1.4:** Amend the Housing Density Bonus Ordinance by April ~~1998~~ 1999 to increase its effectiveness in providing ~~low- and moderate-income~~ affordable housing. Revisions shall be consistent with affordability and income guidelines for very low and low income households as defined by the Local Housing Assistance Plan. (Amended by Ordinance No. 94-30)

**PART VI - BOARD OF COUNTY COMMISSIONERS  
HEARING FOR ADOPTION OF PROPOSED AMENDMENT**

DATE OF ADOPTION HEARING: May 27, 1998

**A. BOARD REVIEW:** The Board provided no discussion on this amendment and there was no public input. This item was approved on the administrative agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

**1. BOARD ACTION:** The Board voted to adopt this amendment.

**2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>ABSENT</b>