

Naples Policy Consistency Analysis (PCA) and Issues

September 25, 2008

The County has not done enough to avoid or minimize policy conflicts associated with the NTS and Alt. 1B. Before appealing to Policy 2-13 and prevention of the grid development scenario, methods for achieving policy consistency must be evaluated and implemented where feasible.

The Alt. 1B Project violates numerous applicable policies including:

LCP Policy 8-2 prohibits the conversion of rural agricultural lands to non-agricultural use for non-priority uses. Alt. 1B violates this policy because all coastal zone parcels are designated for agricultural use, and are located in a rural area non-contiguous with the urban/rural boundary; residential use is not a priority use.

GP LU Development Policy 3 provides that “No urban development shall be permitted beyond boundaries of land designated for urban uses except in neighborhoods in rural areas.” Alt. 1B violates this policy because it includes urban development (defined as any residential structure on a lot less than 5 acres in size) and is beyond boundaries of land designated for urban use, and is not within a rural neighborhood. Specifically Alt. 1B includes residences on 14 lots of less than 5 acres¹ The PCA states that “Alternative 1B as proposed does not involve urban densities or uses...the average lot size for the new residences [excluding DP 11] would be over 13 acres.” P. 3. The PCA misstates the definition of urban development.

GP LU Visual Resources Policy 2 provides in part that “structures...shall be sited so as not to intrude into the skyline as seen from public viewing places. Alt. 1B violates this policy because at least five structures intrude into the skyline as seen from public viewing places².

Coastal Access policies including **LCP Policies 7-2** and **Coastal Act § 30212** requiring beach access (see Public Access document) and **LCP Policy 7-3** requiring lateral easements to allow for public access along the shoreline for all new coastal development. Alt. 1B violates these policies because it removes beach access and the coastal loop trail.

LCP Policy 10-1 provides that “All available measures, including purchase, tax relief, purchase of development rights, etc., shall be explored to avoid development on significant historic, prehistoric, archaeological, and other classes of cultural sites.” The Project violates this policy because all available measures have not been explored or required to avoid development on significant cultural sites, including extinguishing or relocating Lots DP-15, DP-16, DP-20 and Lot 12. **LCP Policy 10-3** prohibits construction on cultural sites when the project involves “sufficient planning flexibility” to avoid these sites.

LCP Policy 1-4 provides that “Prior to the issuance of a CDP, the County shall make the finding that the development reasonably meets the standards set forth in all applicable land use plans policies.” This finding cannot be made because of the above identified inconsistencies.

¹ Lot 50: 3.8 acres; Lot 104: 3.8 acres; Lot 105: 3.8 acres; Lot 107 A: 3.8 acres; Lot 134: 3.8 acres; Lot 205: 3.18 acres; Lot 206: 3.11 acres; Lot 207: 3.29 acres; Lot 208: 4.71 acres; Lot 213: 4.02 acres; Lot 215: 4.12 acres; Lot 216: 4.67 acres; Lot DP-05C: 3.67 acres; Lot 43: 4.69 acres

² lots 51, 107A, 134, 135, and 215 (see PCA p. 8)