

**LEE COUNTY
DIVISION OF PLANNING**

STAFF ANALYSIS AND RECOMMENDATION

**PROPOSED LEE PLAN AMENDMENTS
FOR SOUTHEAST LEE COUNTY**

**Planning for the Density Reduction /
Groundwater Resource Area (DR/GR)**

By: Dover, Kohl & Partners

Dated
May 2009

**COMPREHENSIVE PLAN AMENDMENT
CPA 2008-06**

Prepared for the
September 24, 2009
Board Transmittal Hearing

**LEE COUNTY
DIVISION OF PLANNING
STAFF ANALYSIS AND RECOMMENDATIONS FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2008-06**

Text Amendment

Map Amendment

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

ORIGINAL STAFF REPORT PREPARATION DATE: June 12, 2009

REVISED: September 11, 2009

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Lee County Board of County Commissioners/Lee County Division of Planning.

2. REQUEST:

Amend the Vision Statements for Planning Communities #10 (Gateway/Airport) and #18 (Southeast Lee County) so that these statements accurately reflect all of the following amendments to the Lee Plan. Amend the Future Land Use Element to incorporate the recommendations of the 2008 report entitled *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area*, including major revisions under Goal 10 (Natural Resource Extraction) and a new Goal 30 with policies applying primarily to Southeast Lee County, including Objective 30.1 (Limerock Mining), Objective 30.2 (Other Natural Resources), and Objective 30.3 (Residential Development). Amend the Groundwater Recharge sub-element of the Community Facilities and Services Element to modify Policy 63.1.2 on development applications near wellfields. Amend the Glossary to add definitions of aggregate, limerock, and public recreation facilities. Add a footnote to Table 1(a) of the Future Land Use Map Series (Summary of Residential Densities) to authorize potential density bonuses for transferring development rights from Southeast Lee County to “Mixed-Use Communities” along SR 82 or to land designated on the “Mixed-Use” overlay. Amend Table 1(b) of the Future Land Use Map Series (the acreage

allocation table) in Planning Community #18 only so that industrial acreage reflects the acreage of limerock mining pits needed to meet local and regional demand. Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Public Facilities” designation for the Corkscrew water treatment plant. Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Wetlands” and “Conservation Lands” (both uplands and wetlands) designations. Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County. Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only. Amend Map 4 of the Future Land Use Map Series to eliminate public lands and completed mining pits from the “Private Recreational Facilities” overlay. Amend Map 14 of the Future Land Use Map Series to designate a “Future Limerock Mining” overlay. Add a new Map 17 to the Future Land Use Map Series to designate new “Rural Residential” overlays in Planning Community #18 only. Amend Map 20 of the Future Land Use Map Series, the “Agricultural” overlay, to correctly reflect the current extent of contiguous agricultural parcels in Planning Community #18 only. Add a new Map 24 to the Future Land Use Map Series, the “Historic Surface and Groundwater Levels” overlay (Planning Community #18 only). Add a new Map 25 to the Future Land Use Map Series, the “Priority Restoration” overlay, to suggest potential acquisition patterns in Planning Community #18 only.

3. **BACKGROUND DISCUSSION:**

The Density Reduction/Groundwater Resource future land use category was incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida Department of Community Affairs (DCA). The Settlement Agreement required that the Future Land Use Map be amended to lower the allowable density in a new water resource category to one dwelling unit per ten acres in three specified areas of the County. The three areas were described as: most non-urban land east of Interstate 75, southeast of the airport, and south of State Road 82; all non-urban land located north of the City of Cape Coral between Burnt Store road and U.S. 41; and, all non-urban land lying east of U.S. 41 and bounded on the south by a line lying two miles south of the Charlotte County line.

There were two underlying reasons for the inclusion of this new future land use category. The first was a desire to protect the County’s shallow aquifers. The second was part of the response to reduce the carrying capacity of the County’s overall Future Land Use Map.

Prior to the adoption of the Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. This amendment, Plan Amendment Map/Text 89-19 (PAM/T 89-19), was initiated by the Board of County Commissioners on May 3, 1989. The staff proposal was for the creation of a new future land use category called “Groundwater Resource.” In order to protect the shallow aquifers, the amendment proposed a reduction in density to one dwelling unit per five acres. The new future land use category was to be applied to “most uplands now designated Rural and Open Lands that lie north of the future urban areas of Bonita Springs, east of I-75, southeast of the Airport Commerce [Tradeport], Airport, and New Community and south of S. R. 82.” The Local Planning Agency reviewed the proposal on September 14, 1989 and recommended that the Board of County Commissioners adopt the proposed map amendment. This amendment, along with others, was scheduled to go to Board of County Commissioners public transmittal hearings on October 24 and 25, 1989. Prior to those public hearing the terms of the Stipulated Settlement Agreement were reached. The pending round of amendments was put on hold and the County began the process of implementing the agreement.

The portion of the Stipulated Settlement Agreement that addressed this issue was drafted utilizing the substance of PAM/T 89-19. There were, however, several changes to the original proposal included in the settlement. The allowable density was further reduced to one dwelling unit per ten acres. Additional lands were also added, the area north of the City of Cape Coral and the non-urban area east of U.S. 41 within two miles of the Charlotte County line. These changes were included to partially address the carrying capacity problem of the Future Land use Map. These additional changes ultimately lead to the inclusion of the words “Density Reduction” in the title of the Policy. The Board of County Commissioners adopted the Stipulated Settlement Agreement plan amendment in September of 1990. The DCA issued its Notice of Intent to find the amendment in compliance in late October 1990.

Since that time, there have been several studies and analyses of the DR/GR Future Land Use Category. These investigations were documented and verified in the “Review and Summary of Studies Containing Information Relating to Density Reduction / Groundwater Resource (DR/GR) Lands Southeastern Lee County, Florida” prepared for Board of County Commissioners by: McLane Environmental, LLC, Princeton, New Jersey; Amy S. Greene Environmental Consultants, Inc., Flemington, New Jersey; and, Head First, Inc., Jacksonville, Florida, in May of 2007.

Following the McLane Report, in the fall of 2007, the Board of County Commissioners initiated a 14 point Action Plan addressing critical mining, traffic, and land use issues in the DR/GR area. As part of this Action Plan, the Board decided to undertake a comprehensive analysis of the remaining DR/GR area in the southeast portion of the County. A consulting team was established and the first comprehensive planning analysis, entitled “*Prospects for Southeast Lee County, Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*” was completed in July of 2008. This study recommended a balance of uses for the DR/GR’s future.

In May of 2009, the first document intended to implement the “*Prospects for Southeast Lee County*” was released by the consulting team, entitled “*Proposed Lee Plan Amendments For Southeast Lee County, Planning for the Density Reduction /Groundwater Resource Area (DR/GR)*”. This Division of Planning “Staff Analysis and Recommendation” analyzes the proposals contained in this document and provides the staff’s recommendation to the Local Planning Agency and to the Board of County Commissioners.

PART II - STAFF ANALYSIS AND RECOMMENDATIONS

A. STAFF DISCUSSION

1. INTRODUCTION

The *Proposed Lee Plan Amendments for Southeast Lee County* document was preceded by several studies that provide the data and analysis that supports the proposed amendments. The most recent of these studies include *Prospects for Southeast Lee County Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*, *Ecological Memorandum of The Density Reduction/Groundwater Resource Area (DR/GR)*, and *Lee County Truck Impact Evaluation*. Following the release of the *Proposed Lee Plan Amendments for Southeast Lee County* three additional studies have been produced as data and analysis to further support the proposed amendments. These include *Transferable Development Rights in Southeast Lee County*, *Natural*

Resource Strategies for Southeast Lee County, and Comprehensive Hydrological Study of the Lee County's Southeastern Density Reduction/Groundwater Resource Area.

Prospects for Southeast Lee County Planning for the Density Reduction/Groundwater Resource Area (DR/GR) contains a discussion concerning the origins of the DR/GR land use category, as well as describing the process utilized to generate three different scenarios for the future of the DR/GR area. The study document also includes a brief summary of the relevant previous plans and studies of the southeast DR/GR land use category. The Board of County Commissioners also appointed a 15-member DR/GR Ad Hoc Advisory Committee. The committee generated a 4th recommended scenario.

Ecological Memorandum of The Density Reduction/Groundwater Resource Area (DR/GR) provides detailed ecological mapping and evaluation of the DR/GR area. The memorandum includes maps generated from historic aerials and other sources and provides findings and conclusions to support a proposed restoration plan for the DR/GR area. The restoration plan is based on the potential for restoring impacted natural systems by identifying restorable land and prioritizing restoration activities that would be most beneficial to natural resources, with an emphasis on water resources (surface and groundwater).

Lee County Truck Impact Evaluation provided an evaluation of the impacts of mining operations' heavy truck traffic on the County's roadways, specifically Alico Road and Corkscrew Road. While mainly used to determine an appropriate maintenance fee, the study provides an overview of existing traffic data as well as the collection of additional data in these corridors.

Transferable Development Rights in Southeast Lee County analyzes the feasibility of a transferable development rights program and provides detailed designs for potential Rural and Mixed-Use Communities. The study also includes a proposed TDR regulatory structure and lists the top ten success factors of leading TDR programs nationwide.

Natural Resource Strategies for Southeast Lee County addresses best farming practices, land acquisition, land restoration, mine reclamation standards, and innovative mining approaches. The study also includes recommended amendment to the county's land development code regulating mining activities.

Comprehensive Hydrological Study of the Lee County Southeastern Density Reduction/Groundwater Resource Area documents the creation of an integrated surface and groundwater model and analyzes land-use alternatives for this area from a hydrological perspective.

All of these documents are attached and together these studies represent the data, analysis, and planning support for the proposed comprehensive plan amendments.

2. STAFF REPORT FORMAT

As noted above, the Dover, Kohl & Partners team submitted proposed plan amendments in the May 2009 document "*Proposed Lee Plan Amendments for Southeast Lee County.*" Division of Planning staff, along with other County staff, has reviewed the recommendations contained in that document and concurs with many of the proposals.

In this report, staff will address the proposed amendments in the order they appear in the Dover, Kohl & Partners document. In that regard, this staff report is a supplement to the Dover, Kohl & Partners document. If staff concurs with a proposed amendment, that concurrence will be stated. If staff has concerns or disagrees with a particular proposal, the proposal will be further discussed and staff's recommended changes will be identified.

Also attached to this analysis is a document that indicates, in strikethrough/underlined format, a version of the proposed amendment language for the Southeast Lee County DR/GR plan amendment. The document is referred to as the Composite Recommendations and is formatted as follows:

- Where Planning Staff and the consultant Dover, Kohl & Partners agree, the proposed language is shown across the entire page;
- Where there were differences of opinion on the proposed language, the page is split into two columns. The left hand column contains the Dover, Kohl & Partners' proposal. The right hand column contains Staff's proposal; and,
- Under the two columns, and sometimes under the agreed-to policies, is a dialog box or boxes that contain a Staff discussion, explanation, modified revision, update, or clarification, often followed by the consultant's concurrence.

As you will see in reviewing the document, there are only a few areas where Staff and the consultant differ on their recommendations. The remaining issues are:

- Policy 1.4.5, how to utilize the historic hydroperiod analysis for new development;
- Policy 1.1.7, Mining in the Industrial Development Future Land Use Category;
- Policy 1.2.2, Inclusion of mining in the Tradeport Future Land Use Category (please see the discussion under sections (b) and (m));
- Policy 30.1.3, The elimination of residential density on land zoned for limerock mining pits;
- Section (h) map amendment of Public Facilities near the County's water plant;
- Section (m) "Future Limerock Mining Areas;" and,
- Section (n), Easterly Rural Communities locations.

The Dover, Kohl & Partners recommended amendments begin on page 4 of their report, starting with the text amendment identified as A.3.C.(a), and continuing on to A.3.C.(g). Map amendments follow with the identification A.3.D.(h) through A.3.D.(q).

3. TEXT AMENDMENTS ANALYSIS AND RECOMMENDATIONS

(a) AMEND VISION STATEMENTS

The first amendments proposed are text amendments to the Vision Statement for Planning Community #10, the Gateway/Airport Planning Community, and Planning Community #18, the Southeast Lee County Planning Community. Staff concurs with these changes as proposed.

(b) AMEND THE FUTURE LAND USE ELEMENT

Beginning on page 6 of the Dover, Kohl & Partners document there are several proposed amendments to the Future Land Use Element. The first changes are to Policy 1.1.7, the Industrial Development descriptor policy. The change proposes to eliminate the words “natural resource extraction (mining) activities and” from the policy.

Limerock mining is a land use that is already allowed in the Industrial Development category. There are few areas, if any, currently designated Industrial Development that have a real potential for limerock extraction. Only one area of designated Industrial Development, the land north of Alico Road, between Interstate 75 and U.S. 41, has been mined to date and then only for fill dirt. Staff recommends the proposed deletion occur, but that the phrase “limerock mining and” be inserted.

Staff concurs with the second proposed change to the policy, replacing Industrial for Mine Excavation to identify the proper Planned Development process.

The next proposed amendment is to Policy 1.2.2, the Tradeport descriptor policy. The proposed change is to add limerock mining as an allowable use in this future land use category, if identified on the Future Limerock Mining Map. Staff originally disagreed with this proposal and originally recommended that the proposed phrase not be added to the policy.

Under section(m) you will see a discussion about a property owner in the Tradeport category who may be desirous of mining their property. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff sees this proposal as a compromise on this issue and no longer objects to the inclusion of this portion of the Tradeport being included in the Future Limerock Mining overlay on Map 14. Staff is therefor in agreement with the Dover, Kohl language and now recommends that it should be transmitted.

On page 9 of the *Proposed Lee Plan Amendments for Southeast Lee County*, the Rural descriptor policy, Policy 1.4.1 is proposed to have a new phrase added to reference policy 10.1.4. Staff concurs with the proposed change.

Several changes to Policy 1.4.5, the descriptor policy for the Density Reduction/Groundwater Resource future land use category, are proposed. These changes include breaking the current policy into three numbered paragraphs. The first paragraph utilizes existing language requiring compatibility with maintaining surface and groundwater levels at their historic levels and establishes the proposed Map 24, Historic Surface and Groundwater Levels, as the historic target. The second paragraph refers to permitted uses and includes four lettered sub-paragraphs. Sub-paragraph a. refers to the proposed Objective 30.3, Residential and Mixed-Use Development. The third paragraph includes the existing language for Private Recreational Facilities.

The historic surface groundwater level map is based on interpretation of 1953 aerials and establishes a reference for use when determining compatibility. Staff understands that returning all or even a majority of this area to the actual 1953 conditions is an impossibility. Staff does not interpret the intent of paragraph 1 as requiring the recreation of those conditions. Staff also understands that it is not lawful to cause hydrological changes that may harm upstream downstream or adjacent properties. Rather, the intent is to allow development that, through use of hydrologic models and design elements can mimic natural

water functions. These elements may include such things as increased storage capacity and incorporation of green infrastructure such as wetlands and flowways.

In order to make this intent clear, staff recommends that the language be modified to state:

1. Land New land uses in these areas that require rezoning or a development order must be demonstrate compatibility compatible with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 30.1.3 and 30.3.3) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to upstream, downstream, and adjacent property. Offsite mitigation can be utilized, and may be required, to demonstrate this compatibility. Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes.

Staff agrees with the proposed changes in paragraph 2 except for the changes proposed in paragraph 2.c. The text regarding Private Recreational Facilities is unnecessary as residential density is currently not permitted. Post mine residential use is an issue more properly addressed under the provisions of Land Development Code (LDC) Chapter 12. Chapter 12 addresses post mine uses for new and existing mines. The Chapter requires a post mining plan that can be reviewed on a case-by-case basis. The appropriate post mining uses can be determined through this review. Staff recommends inclusion of paragraph 2 and 3 with the provisions of paragraph 2.c. deleted.

The next text changes affect Policy 1.7.6, the Planning Communities Map and Acreage Allocations Table policy. Staff concurs with these proposed changes.

Four new policies are proposed under OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. These Policies establish new overlays to the Lee Plan. Staff agrees with the additional overlays, but recommends a modification to proposed Policy 1.7.13 sub-paragraph 1. The Policy should be re-worded to state that the “Existing Acreage Subdivisions” are the rural residential neighborhoods deserving of protection from adverse impacts due to natural resource extraction. Staff recommends the following specific modification showing additional language in a double underlined fashion and proposed deletions struck-through:

1. “Existing Acreage Subdivisions”: existing rural residential subdivisions that ~~are reasonably distant from~~ should be protected from adverse external impacts, such as natural resource extraction.

Dover, Kohl & Partners have agreed to this revision to the proposed language.

On page 13 of the *Proposed Lee Plan Amendments for Southeast Lee County*, two changes are proposed to Policy 2.2.2. The first corrects an obsolete and non-factual statement about the growth capacity of Map 1. Staff concurs with the proposed revision to this portion of the policy. The second revision provides a policy reference to a new exception to application of the “acreage allocation table” (Table 1(b)) that is being created by these amendments through Policy 30.1.4. Staff recommends transmittal with a minor modification to sub-paragraph 3 to make the last sentence read as follows: “Additional provisions related to mining are provided in Policy 30.1.4. Dover, Kohl & Partners have agreed to this suggested revision.

Proposed Lee Plan Amendments for Southeast Lee County proposes some grammatical improvements and a new exception area under Policy 6.1.2. Staff agrees with the proposed changes.

On page 15, the Dover, Kohl & Partners document proposed to revise several agricultural policies, Policy 9.1.2, 9.1.4, 9.1.5, and 9.1.6, and add a new policy, Policy 9.1.7, to incorporate the conservation of water resources and to emphasize the value of agriculture in providing connectivity for water and wildlife resources. Staff concurs and recommends transmittal of the language as presented by Dover, Kohl & Partners.

Proposed Lee Plan Amendments for Southeast Lee County includes numerous changes and additions to Lee Plan GOAL 10: NATURAL RESOURCE EXTRACTION, and its subsequent objectives and policies. Staff agrees with these proposed amendments and recommends transmittal.

Consistent with existing Lee Plan formatting, the Dover, Kohl & Partners document is proposing a new GOAL 30: SOUTHEAST LEE COUNTY, which will contain objectives and policies that are specific to the Southeast Lee County Planning Community. These additions to the Lee Plan contain much of the substance of the proposed text changes to the plan. This proposed Goal number, 30, will be changed if these amendments are eventually incorporated into the Lee Plan. For this review, staff will utilize the numbering as proposed in the *Proposed Lee Plan Amendments for Southeast Lee County*.

Objective 30.1 and Policy 30.1.1 set forth the concept of a “Future Limerock Mining” overlay map. This map, Map 14, proposes to designate more than sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the planning horizon of 2030. While staff does agree with the concept and proposed language for Objective 30.1 and Policy 30.1.1, staff does not concur with all the lands currently identified by the consultant on the proposed Map 14. Staffs recommended Map 14 is included in the Composite Recommendations document and staff’s rational is discussed below in Section (m) of this analysis.

Policy 30.1.2 through Policy 30.1.7:

- Provides references to other plan requirements that also apply to limerock mining;
- Allows mitigation in place of the strict standard of “maintaining surface and groundwater levels at their historic levels;”
- Describes the integration with the Year 2030 Allocations;
- Clarifies that mines producing only fill dirt should be sited as close as possible to locations of high demand;
- Commits Lee County to supporting the use and processing of recycled aggregate; and,
- Notes the impracticality of protecting many agricultural activities from mining impacts.

Staff concurs with the proposed language and recommends transmittal of the policies with the deletion of the word “or extinguishing” in the last sentence of proposed Policy 30.1.3 in order to be consistent with the staff recommendation concerning Policy 1.4.5.2.c.

Objective 30.2 and its associated policies propose guidance on how to protect and restore water resources and native ecosystems within the Planning Community.

Policy 30.2.1 through Policy 30.2.7:

- Emphasizes the importance of large-scale ecosystem protection and maintenance;
- Adopts Map 25, a “Priority Restoration” overlay into the Lee Plan;
- Explains how to interpret the land acquisition tiers;
- Explains the phasing of the physical restoration of land;
- Recognizes agricultural operations as an important component of managing water resources; and,
- Emphasizes the necessity of evaluating the impacts of proposed land uses on surface and groundwater by utilizing an integrated surface and groundwater model.

In response to public input and to incorporate changes resulting from the staff recommendation in Section (q) below, numerous changes to Policies 30.2.1 through 30.2.6 have been recommended. These changes are contained in the Composite Recommendation document attached. Both staff and Dover, Kohl & Partners concur with these changes.

Proposed Objective 30.3 and its associated policies establish a new “Rural Residential” overlay map, Map 17, that would designate three different types of residential land uses in the DR/GR area. Staff concurs with this proposed objective and recommends transmittal.

Policy 30.3.1 proposes to establish an “Existing Acreage Subdivisions” overlay on proposed Map 17. The policy states that these areas “are not in or near Future Limerock Mining areas shown on Map 17.” Staff is proposing to add Willowbrook Farms/Sunnybrook Farms and Timber Trails to the “Existing Acreage Subdivisions” overlay. Staff agrees with this concept, but recommends transmittal of a modified Policy 30.3.1 as shown in the paragraph below to be consistent with the staff proposed modifications to Policy 1.7.13 sub-paragraph 1. Dover, Kohl & Partners concur with the proposed staff revisions. In addition, please see further discussion of this concept under the discussion in Section (n) below.

POLICY 30.3.1: Existing acreage subdivisions that are not in or near Future Limerock Mining areas are shown on Map 17. These subdivisions should be protected are reasonably distant from adverse external impacts such as natural resource extraction.

Policy 30.3.2 discourages the creation of additional acreage (ranchette) subdivisions. Staff generally agrees that discouraging ranchettes and encouraging clustered development is a preferred development pattern. The policy also encourages the clustering of development in Rural Communities and Mixed-Use Communities. Staff does have concerns with the proposed number of Rural Communities; please see the discussion in Section (n) later in this analysis. The current location for the Mixed-Use Communities, adjacent to S.R. 82, is problematic. S.R. 82 has level of service issues that may prevent the actual development of these properties in the short-term planning horizon of five years. Please see the discussion of this and other issues in the discussion of proposed Map 17 in Section (n) of this analysis.

Proposed Policy 30.3.3 described a new program for transferable development rights (TDR). These right can be transferred into the newly established Mixed-Use Communities. During the public hearing process, staff proposed additional areas to be considered for the Mixed-Use Community designation. If these expanded or additional Mixed-Use Communities are added to Map 17 as proposed by staff, as discussed in Section (n) below, two changes are needed to Policy 30.3.3:

The opening sentence would state: “Owners of major DR/GR tracts without the ability to ~~provide direct access to SR 82~~ construct a Mixed-Use Community on their own land are encouraged to

transfer their residential development rights to future Mixed-Use Communities ~~along SR82~~ (see on land so designated areas on Map 17).”

The second sentence of subparagraph 2 would be reworded to state: “Under this exception, Mixed-Use Communities may be constructed ~~along SR-82~~ on land so designated on Map 17 provided the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.”

Dover, Kohl & Partners concurs with staff’s language change and the proposal to expand the Mixed-Use Community between Alico and Corkscrew Roads.

Proposed policy 30.3.4 and policy 30.3.5 require changes to the LDC to establish the TDR program and establish a “TDR bank” for the new DR/GR TDR program. The parameters and function of this program are deliberately being left open ended. The companion study analyzing TDR’s should help in establishing the proper regulations in the Land Development Code.

Staff notes that an important part of this program may be the conversion of TDR dwelling units into non-residential uses in the Mixed-Use Communities. The commercial floor area needed to make the Mixed-Use Communities satisfy both their own need and the needs of the adjacent Lehigh Acres community should not just be created. The DR/GR TDR’s should be used as a means to attain the non-residential floor area in the Mixed-Use Communities. This conversion program will give considerable additional market value to the TDR’s, helping to assure a successful TDR program.

(c) AMEND THE GROUNDWATER RECHARGE SUB-ELEMENT OF THE COMMUNITY FACILITIES AND SERVICES ELEMENT

The Dover, Kohl & Partners document proposed a new Policy 63.1.3 under OBJECTIVE 63.1: WELLFIELD PROTECTION. The new policy requires a hydrologic review of all development applications in the Density Reduction /Groundwater Resource area by the County’s hydrogeologist. Staff concurs with the new language.

(d) AMEND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT

Proposed Lee Plan Amendments for Southeast Lee County proposes modifications to policies under OBJECTIVE 114.1. The modifications to Policy 114.1.1 allow impacts to wetlands that are located in the Future Limerock Mining Area, provided proper mitigation occurs in the Southeast Lee County Planning Community. This proposal realizes that the protection of isolated wetlands in and immediately adjacent to large mine pits is impractical. Staff concurs with the proposal which allows Lee County to relax the current Lee Plan policies protecting wetlands. To achieve this outcome, cooperation from the wetland permitting agencies will be required.

As referenced in proposed Policy 30.1.3 and the last sentence of the proposed modifications to Policy 114.1.1, the wetland impacts must be offset through appropriate mitigation within Southeast Lee County. The appropriate mitigation efforts required from the mines and the criteria to provide the proper amount of mitigation is not sufficiently delineated in the policy. Appropriate standards and criteria will be established through subsequent LDC amendments.

The amendment to Policy 114.1.2 is more controversial, although staff does not agree with the criticisms that have been raised against this proposed change. Paragraph 1 under Policy 114.1.2 refers to a specific

citation in the Florida Statutes, Section 163.3184 (6) c. This particular citation instructs the State Land Planning Agency, the Department of Community Affairs, to establish by rule a schedule for receipt of comments from the various government agencies. The citation has nothing to do with the context of the subject Lee Plan Policy. Dover, Kohl & Partners recommends removing sub-paragraph 1 and renumbering the rest of the sub-paragraphs accordingly.

Staff concurs with the removal of the citation. Misinterpretation of the intent of the revised policy by several members of the public led them to believe the Dover, Kohl & Partners proposal was intended to put Lee County back into the wetland permitting process. This is not the intent, and Dover, Kohl & Partners has submitted the following alternate language for paragraph 1 under Policy 114.1.2. Staff agrees that this proposal should be transmitted and has included this language in the attached Composite Recommendations document.

1. Lee County supports a more lenient wetland protection standard for limerock mines within the Future Limerock Mining overlay (Map 14). Lee County's overall wetland protection goals are better served by concentrating mining activity than by preserving isolated wetlands on mining sites.

(e) AMEND THE GLOSSARY

The Dover, Kohl & Partners document proposed three new definitions for the Lee Plan Glossary. The new terms are, Aggregate, Limerock, and Public Recreation Facilities. Staff agrees with the proposed definitions and recommends that they be transmitted.

(f) ADD A FOOTNOTE TO TABLE 1(a) OF THE FUTURE LAND USE MAP SERIES

In order to implement the proposed TDR concept, additional density needs to be given to DR/GR lands that opt to participate in the program. Dover, Kohl & Partners propose a new footnote to Table 1(a) that allows an increase in density for DR/GR, in accordance with the TDR program described in new Policy 30.3.3.

Staff agrees with the establishment of the TDR program, with the density being transferred to the proposed Mixed-Use Communities. Staff recommended that a maximum allowable density transfer be added to the footnote. Staff discussed this issue with Dover, Kohl & Partners and we both agree that a maximum density transfer number needs to be included. Dover, Kohl & Partners researched this issue and concluded that a maximum of 6,000 total transfer units be included in the proposed new footnote 11. The additional language is included in the Composite Recommendations document.

(g) AMEND TABLE 1(b) OF THE FUTURE LAND USE MAP SERIES

The *Proposed Lee Plan Amendments for Southeast Lee County* proposes changing the way Table 1(b), the Year 2030 Allocations Table, regulates mining activities in Planning Community #18, the Southeast Lee County Planning Community. Policies 1.1.1, 1.7.6, and 2.2.2 outline the purpose and functionality of the Year 2030 Allocation Table. Currently, the allocations do not specifically address mining. Mining acreage has been evaluated under the non-regulatory acreage allocation for Active Agriculture.

The Dover, Kohl & Partners document proposes to correct this oversight. Text amendments to Policy 1.7.6 and 2.2.2 and the addition of the new Policy 30.1.4.1 specifically require that mining acreage be calculated and included in the review of Development Orders for limerock operations. Staff has, previously in this analysis, agreed to the proposed text changes. This section of the *Proposed Lee Plan*

Amendments for Southeast Lee County proposes to change the acreage figures currently included in Table 1(b). The change increases the current Industrial acreage figure in Planning Community #18, a regulatory number, from 65 acres to 7,246 acres. This is an addition of 7,184 acres. In order to keep the table balanced, 7,181 acres needs to be removed from the Active Agriculture allocation for this community. The current allocation of 15,104 acres should then become 7,920 acres. These changes will also affect that portion of the table that contains County Totals for these uses, increasing the Industrial acreage total and decreasing the Agricultural total. Staff has attached a revised table for the transmittal of this proposed amendment.

At the LPA public hearing, a concern about the large change in Table 1(b) for Southeast Lee County, increasing the Industrial allocation at the expense of active Agriculture (especially given the plan's statements about the importance of agriculture) was raised. One LPA member suggested a footnote to Table 1(b) that directed readers back to that policy would be a good idea. Staff concurs and proposes adding a new double asterisk immediately after the 7,246-acre industrial figure in the table, linked to this new footnote stating: "*** See Policy 30.1.4." Dover, Kohl & Partners concurs with the acreage revisions to Table 1(b) and adding the footnote.

4. MAP AMENDMENTS ANALYSIS AND RECOMMENDATIONS

(h) AMEND MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADJUST THE BOUNDARIES OF THE "PUBLIC FACILITIES"

The first proposed Lee Plan Map amendment affects the current Public Facilities designation of the Corkscrew Water Treatment Plant, located near the intersection of Alico Road and Corkscrew Road. The Dover, Kohl & Partners document proposes to reduce the Public Facilities designation to more closely match the actual footprint of the water plant. The portion of the Public Facilities proposed for removal is replaced with Conservation Lands - Uplands. This Future Land Use map change also includes the proposed new Conservation Lands - Wetlands as described in the following section of the Dover, Kohl & Partners document as well as this analysis.

Lee County Utility's staff has reviewed the proposed change and recommends that it not be transmitted. In an e-mail dated June 9, 2009 utility's staff state:

After reviewing the proposed amendments to the DR/GR as it relates to LCU's Corkscrew Water Treatment Plant and surrounding well fields, LCU desires to keep the land use designation as depicted in figure 4 on page 41. The future growth needs of Lee County Utilities, technologies available, regionalization concepts & strategies lead to preserving the current available options both now and in the future. Facility expansion pressures & footprint are unknown and flexibility is paramount as LCU looks into a 30 year planning horizon.

Given this information, staff recommends that the proposed map amendment not be transmitted.

(i) AMEND MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADJUST THE BOUNDARIES OF THE "WETLANDS" AND "CONSERVATION LANDS"

The Dover, Kohl & Partners document is proposing to replace the current Wetlands designation on the Future Land Use Map with the new wetland mapping that was created for Southeast Lee County. The new

mapping is based on 2007 color aerial photos, interpreted by trained ecologists with extensive field experience in Southeast Lee County.

Staff concurs with utilizing this new data to map wetlands on the Future Land Use Map. Staff notes that this is the best available data and this data should be used to replace the current wetland designations, which are based on Planning Division interpretation of the National Wetlands Inventory maps in 1987. Adopting this new mapping will have no effect on a property owner's ability to verify the exact location of wetlands on their property in accordance with the existing provisions of Chapter XIII.

Staff notes that the designation of Conservation Lands, both Wetland and Upland, will be identified through the concurrently proposed comprehensive plan amendment CPA 2008-22.

(j) AMEND PAGE 2 OF MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADD A BOUNDARY FOR SOUTHEAST LEE COUNTY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series to add the boundary of the Southeast Lee County Planning Community to denote that there is a specific Goal, with subsequent Objectives and Policies, that applies to this Planning Community. This is the common way that this issue is addressed by the Lee Plan, and staff concurs and recommends transmittal of this amendment.

(k) AMEND PAGE 4 OF MAP 1 OF THE FUTURE LAND USE MAP SERIES TO UPDATE THE PUBLIC ACQUISITION OVERLAY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series within the Southeast Lee County Planning Community to identify a "Priority Restoration" overlay. The proposal would remove the currently identified Public Acquisition Overlay land located in the Southeast Lee County Planning Community on page 4 of Map 1 and add a note that refers to a new map, Map 25, which contains the proposed 7 tier Priority Restoration overlay.

Staff concurs with the proposal to eliminate the current outdated Public Acquisition Overlay lands in the Southeast Lee County Planning Community. Staff also concurs with the addition of the 7 tiers contained within the proposed Priority Restoration overlay to the plan. Staff would prefer not adding another map to the plan and recommends that the 7 tier Priority Restoration overlay simply be added to Page 4 of Map 1, instead of the note proposed by Dover, Kohl & Partners.

(l) AMEND MAP 4 OF THE FUTURE LAND USE MAP SERIES TO ELIMINATE PUBLIC LANDS AND COMPLETED MINING PITS FROM THE "PRIVATE RECREATIONAL FACILITIES" OVERLAY

The Dover, Kohl & Partners document is proposing to eliminate some lands from Map 4, Private Recreation Facilities Overlay Map. There are several reasons for the proposed deletions: now conservation lands; otherwise developed; unsuitably shaped for a golf course; and, no longer DR/GR land. Staff concurs with the proposal and recommends transmittal of the map change.

(m) AMEND MAP 14 OF THE FUTURE LAND USE MAP SERIES TO DESIGNATE A "FUTURE LIMEROCK MINING" OVERLAY

This proposed amendment by Dover, Kohl & Partners changes an existing non-regulatory map, Map 14 Approved Limerock Mining Areas, into a new regulatory map, Future Limerock Mining overlay. This

map, along with the provisions under the proposed Objective 30.1, would identify the areas within the Southeast Lee County Planning Community that are formally identified for limerock mining.

The concept of a preferred limerock mining area was one of the planning principles established early on in the planning process that generated the planning document, *Prospects for Southeast Lee County*. That document is the basis for these proposed amendments. In addition, clear direction was given by the Lee County Board of County Commissioners that mining activities should be limited to the historic Alico Road mining corridor.

Staff agrees with the concept of a regulatory Future Limerock Mining overlay map. At issue here are the lands identified by the proposed map. The proposed new Map 14 identifies 11 areas within Planning Community 18. These are identified with the letters A through K, with an additional area L located within the jurisdiction of the City of Bonita Springs.

Area A is located to the northeast of the runway at Southwest Florida International Airport. The property has access to Daniels Parkway and quick access to urban designated land, where some of the aggregate will eventually end up. Access to Alico Road is impractical, and using this property to further the stated Board goal of keeping mining in the traditional Alico Road Corridor is problematic. There are also concerns with the location of this property near the International Airport's runway. Mining lakes, especially upon reclamation, tend to attract wading birds, a definite hazard to airplanes taking off and landing. Special reclamation standards could be adopted for these lands to minimize their attractiveness for wading birds.

Area B is located outside of Planning Community #18, north of Alico Road and south of Southwest Florida International Airport, approximately one half mile to three miles east of Interstate 75. The property is not designated DR/GR and has a Tradeport Future Land Use designation. The Tradeport category is an important component in the County's goal to diversify its economic base. There has been a loss of a considerable amount of land designated Tradeport in the past few years. Over two sections of the land originally designated Tradeport has been annexed into the city of Fort Myers. The Future Land Use has been changed by the city and much of the property is now developed or slated for development as gated golf course communities. Additionally, much of the property that is identified as area B has already been approved for tradeport type development, some of it with Development Orders in place.

A property owner in the Tradeport category has indicated a desire to mine their property. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff sees this proposal as a compromise on this issue and no longer objects to the inclusion of this portion of the Tradeport being included in the Future Limerock Mining overlay on Map 14.

The land identified as area C is also located north of Alico Road and south of Southwest Florida International Airport, approximately three miles to four and one half miles east of Interstate 75. The property is designated DR/GR and portions of it have mining approvals in place. The western portion of the property has applied and is currently seeking approval for expanded mining activities.

Area D is located south of Alico Road, approximately one and one half to two and one half miles east of Interstate 75. Area D consists of an area of a now closed out mining operation that was not mined.

Area E is a remaining upland “island” in what is locally known as the Ginn property. The mining operations on this property have closed down and there is a Development Order on the property for a residential subdivision meeting DR/GR density.

Areas F through K are located further to the east and are either currently approved mines or are in close proximity to approved or existing limerock mining activities. These areas are clearly appropriate for whatever additional mining activities can be approved on the land.

Area L is an existing mine, located within the city limits of Bonita Springs. As such, the Lee Plan has no authority over this property. Staff believes that, while it is important to include this property in any data calculating mining capacity, it should not be included in the Lee Plan.

Staff does not concur with the inclusion of areas A, D, E and L. Staff has attached a revised proposal for Map 14, which staff is recommending for transmittal. In addition to deleting areas A, D, and E, staff has included four additional areas, identified as M, N, O, P, Q, R, and S. Staff also recommends including the portion of Area B east of Airport Haul Road.

(n) ADD A NEW MAP 17 TO THE FUTURE LAND USE MAP SERIES TO DESIGNATE NEW “RURAL RESIDENTIAL” OVERLAYS

Along with identifying areas that are preferred for mining activities, the Dover, Kohl & Partners document is recommending the creation of three residential overlays:

- “Existing Acreage Subdivisions”: existing residential subdivisions that are reasonably distant from adverse external impacts from activities such as natural resource extraction.
- “Rural Communities”: locations for the concentration of development rights from large contiguous tracts.
- “Mixed-Use Communities”: locations where the concentration of development rights may be supplemented by transfer of development rights from non-contiguous tracts.

Existing Acreage Subdivisions

This proposed map amendment ties back to the policies under proposed Objective 30.3. Staff agrees with the concept of the Existing Acreage Subdivisions. Identification of existing residential neighborhoods that deserve protection from encroaching mining activities with the Existing Acreage Subdivisions overlay is an important step. This aspect of the overlays can add certainty not only for the residents but also to the land owners who may consider seeking mining approvals on their property.

Willowbrook Farms/Sunnybrook Farms and Timber Trails are existing subdivisions. Both of these subdivisions consist mainly of large residential lots. The lots in Timber Trails vary from 1.25 acres in size to 5 acres. Willowbrook Farms/Sunnybrook Farms consists mainly of 5 acre homesites.

Timber Trails is substantially north of the traditional limerock mining area centered on Alico Road. The subdivision is separated from this traditional mining corridor by the Wild Turkey Strand Preserve. This preserve provides a large setback to the existing and proposed mines in the traditional limerock mining area. The subdivision is also accessed directly from S.R. 82, not from Alico Road or Corkscrew Road. The subdivision’s residential traffic does not directly mix with the Alico corridor’s heavy truck traffic.

Willowbrook Farms/Sunnybrook Farms is also located north of the traditional Limerock mining area centered on Alico Road. One corner of the subdivision does abut a corner of the Future Limerock Mining

Overlay (Proposed Map 14). A Lee County-owned preserve is located directly south of the subdivision. The subdivision is residentially developed and deserves the protection of the proposed Residential Overlay.

Staff recommends transmittal of the proposed Existing Acreage Subdivisions overlay with the addition of the Willowbrook Farms/Sunnybrook Farms and Timber Trails large acre subdivisions.

Rural Communities

The Rural Communities overlay concept (Map 17) keeps the residential density for the larger tracts of land intact by allowing the concentration of those rights onto identified portions of the property. In this way the preservation of more of the rural ambiance of the Southeast Lee County Planning Community can be maintained.

However, staff is concerned that these spots of urban bring more challenges than they do benefits. The locations are generally far removed from all services, such as police, fire protection, and emergency medical services. Local utility package plants are the only alternative for providing potable water and sewer service to these sites. The physical distance for opportunities to satisfy daily living needs, such as employment, shopping, and medical services, is substantial. The number of proposed Rural Communities also concerns staff. Staff is concerned these Rural Communities will hamper the implementation of the TDR program that is such a necessary element for a successful Mixed-Use Communities program. Therefore, staff recommends a modified version of Map 17 that reduces the number of proposed Rural Communities. Please see the attached Composite Recommendations.

Mixed-Use Communities

The Mixed-Use Communities, which allow the clustering of density from contiguous land as well as the transfer of density from other DR/GR lands, is an important tool to obtain the goal of maintaining and restoring the large-scale ecosystem, one of the planning principles established early on in this planning process.

This concept can also aid in the county's efforts to make Lehigh Acres a more self-contained community by providing some of the necessary non-residential uses so badly needed in the pre-platted community. The large population that will one day occupy Lehigh Acres will help to support a much greater concentration of commercial uses in these Mixed-Use Communities.

One of the challenges facing these Mixed-Use Communities is the concurrency issues that exist along the length of S.R. 82. The newest draft concurrency tables indicate the following LOS status based on existing conditions (2008 counts):

Colonial Blvd. to Commerce Lakes Dr.	F (standard is D)
Commerce Lakes Dr. to Gunnery Rd.	D (standard is C)
Gunnery Rd. to Alabama Rd.	F (standard is C)
Alabama Rd. to Bell Blvd.	D (standard is C)
Bell Blvd. to Hendry Co. Line.	D (standard is C)

There are currently no improvements programmed beyond the design phase for the segment from Colonial Boulevard to Gunnery Road. Given these circumstances, it could be a long time before improvements are scheduled and in place. This apparent ability to attain the adopted level of service is a problem for the four

proposed Mixed-Use Communities. Although concurrency is a current issue along S.R. 82, staff believes that issue can and will certainly be addressed over time. As noted in the Vision Statement of The Lee Plan, the plan is designed to depict Lee County as it will appear in the year 2030. The plan represents the community's vision of what it will or should look like by the end of the planning horizon. These identified concurrency deficiencies will have to be addressed to allow the development of the proposed Mixed-Use Communities.

There are potential opportunities that may allow S.R. 82 to be improved. The State or Federal Government may allocate funds. Developers of the proposed Mixed-Use Communities could also be part of the solution. In addition, new projects, such as the widening of portions of Daniels Parkway and the Alico Road Extension will reduce traffic on several segments of S.R. 82. Portions of the Daniels Parkway widening have recently been moved up and the County has tentatively programmed \$1.5 million to acquire part of the proposed right-of-way for the Alico Road extension.

The provision of utilities also presents challenges for the Mixed-Use Communities, especially potable water and sewer. However, there are alternatives that can be explored. Local on site facilities could be utilized. Another alternative is to tie these areas into the Lehigh Acres Florida Governmental Utility Association, or FGUA. The ultimate fate of FGUA is not known at this time, but the utility was created as a holding company with the ultimate responsibility falling to local government. Over the planning horizon, this utility could come under Lee County or perhaps under a future Lehigh Acres municipality.

Given the challenges discussed above, the adoption of the Mixed-Use Communities may appear premature. In the short-term planning horizon of five years, it is highly unlikely that these communities will be designed or developed. Ultimately, these proposed Mixed-Use Communities represent a long term vision for land uses for S.R. 82, Lehigh Acres, and the DR/GR lands to the south. The proposal is an attempt to balance land uses in the DR/GR by moving future residential development away from future Limerock Mining areas and into areas adjacent to identified urban lands.

In order to address the S.R. 82 problems, staff discussed with Dover, Kohl & Partners amending the Rural Community located midway between Alico Road and Corkscrew Road. The report *Transferable Development Rights in Southeast Lee County* includes an expanded area there and a plan for development as a Mixed-Use Community. Staff recommends that the proposed Mixed-Use Communities be transmitted, as amended.

Staff has also been in discussions with the representative of the owners of the "Fountains" property. The Fountains was an active Development of Regional Impact that proposed a future land use map change along the Daniels parkway extension. A portion of the property was designated Central Urban in the mid 1990's to partly address the shortage of commercial lands in the Lehigh Acres area. Dover, Kohl & Partners is proposing the Mixed-Use Community for this Central Urban area as well as an area to the south. Staff recommends that the extension to the south be eliminated and a new extension be added that follows the Central Urban category line to the west, parallel to S.R. 82, over to the New Community future land use category. This area is shown in the Composite Recommendations document.

(o) AMEND MAP 20 OF THE FUTURE LAND USE MAP SERIES, THE "AGRICULTURAL" OVERLAY

The Lee Plan contains a map, Map 20, that currently identifies Contiguous Agricultural Parcels Over 100 Acres in Non Urban Future Land Use Areas. *Proposed Lee Plan Amendments for Southeast Lee County*

proposes to update the portion of this map within the Southeast Lee County Planning Community utilizing the same mapping conventions that Lee County used to update Map 20 in 2003, as reported in detail in the staff report for CPA 2001-23. Staff recommends transmitting the updated Map 20.

(p) ADD A NEW MAP 24 TO THE FUTURE LAND USE MAP SERIES, THE “HISTORIC SURFACE AND GROUNDWATER LEVELS” OVERLAY

The Proposed Lee Plan Amendments for Southeast Lee County is proposing a new map, Map 24 Historic Surface and groundwater Levels, which is a compilation of the results of the Kevin L. Erwin Consulting Ecologist, Inc. interpretation of 1953 aerials that defines the historic wet-season water levels by water depth and hydroperiod. KLECE is a sub-consultant of this entire comprehensive planning study. The map is intended to be a valuable tool for implementing revised Policy 1.4.5. Inclusion of this map in the Lee Plan fills a void and answers the question: what historic surface and groundwater levels should be used when implementing policy 1.4.5. Staff recommends transmittal of the proposed new map.

(q) ADD A NEW MAP 25 TO THE FUTURE LAND USE MAP SERIES, THE “PRIORITY RESTORATION” OVERLAY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series within the Southeast Lee County Planning Community to identify a Priority Restoration overlay. The proposal would remove the currently identified Public Acquisition Overlay land located in the Southeast Lee County Planning Community on page 4 of Map 1 and add a note that refers to a new map, Map 25, which contains the proposed 7 tier Priority Restoration overlay.

Staff concurs with the proposal to eliminate the current outdated Public Acquisition Overlay lands in the Southeast Lee County Planning Community and to add the 7 tier Priority Restoration overlay to the plan. Staff would prefer not adding another map to the plan and recommends that the 7 tier Priority Restoration overlay simply be added to Page 4 of Map 1, instead of the proposed note.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 3, 2009

A. LOCAL PLANNING AGENCY REVIEW

The proposed plan amendment was brought forward at this time for presentation and discussion purposes only. The consultant's representatives gave a PowerPoint presentation that provided the following:

- Proposed time line for the amendments;
- Location of existing mines;
- The planning process that developed the proposed amendments;
- The principles that were the basis for the amendments;
- Demand projections for aggregate;
- Identification of the four additional supporting reports;
- Urban and Rural Clustered Mixed-Uses;
- Preferred Mining area;
- Identification of the headwaters of the Estero basin;
- Map of historic hydroperiods;
- Map of existing hydroperiods; and,
- Priority restoration areas.

DATE OF PUBLIC HEARING: June 22, 2009

A. LOCAL PLANNING AGENCY REVIEW

Dover, Kohl & Partners discussed the proposed plan amendments and staff's recommendations as outlined in the staff report. They also discussed the Mixed-Use and Rural Communities.

The LPA made the following comments/requests of staff:

- Further research is needed for Mixed-Use Communities to see how there could be a balance of commercial, industrial, and residential uses that will be effective for these different properties that we want to take the density off of.
- The County needs to have an adequate TDR program especially because there will be a large number of TDUs that are going to need to be transferred.
- Further research is needed on historical water flows in the DR/GR area as many changes have taken place since 1953. If the County has a goal to restore historic water flows and levels, it might run counter to the fact that we have existing public wellfields in the area drawing that very same water out and pumping it all over the County.
- Provide the LPA with a map that includes the mining, residential, and mixed use areas, as well as the proposed roads on one map instead of several maps. The map should also include staff's proposed exclusions in the mining areas and the number of acres that will be left for mining.

- Provide answers to issues discussed today by the LPA and public in staff's updated staff report for next month's meeting.

A motion was made and passed to take the input from the LPA and public and be prepared at the next meeting to present strike-through and underline recommendations with special emphasis on the historic water levels, transfer of development rights, the tiered preservation, the location of mining, some of the agricultural impacts particularly in light of the IFUS Study, the Mixed-Use Community maps, and any other critical issues that came out of the day's meeting.

DATE OF PUBLIC HEARING: July 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Dover, Kohl & Associates gave the LPA a PowerPoint presentation. They, along with their sub-consultants, reviewed and discussed the Transfer of Development Rights report. They talked about questions that came up regarding the Comprehensive Plan Amendment language at the last LPA meeting. It was noted that the TDR Report was data and analysis and did not require any LPA action specifically addressing the report. The LPA opened the meeting to public comment and 21 members of the public addressed the LPA. Three LPA members raised concerns about: incentives for intensification of industrial and commercial uses; plan horizon of 2030 for mining activities; binding nature of the historic water levels; concurrency issues on SR 82; assuring a functional TDR program; and, the partial taking of property rights.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

- 1. RECOMMENDATION:** The LPA recommends that the Board of County Commissioner transmit the proposed amendment as recommended by staff with a clarification that the hydroperiod map based on 1953 aerials is informational and non-regulatory.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

C. VOTE:

NOEL ANDRESS	NAY
CINDY BUTLER	AYE
CARIE CALL	AYE
JIM GREEN	AYE
MITCH HUTCHCRAFT	NAY
RONALD INGE	ABSTAIN
CARLA JOHNSTON	AYE

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

DATE OF TRANSMITTAL HEARING: September 24, 2009

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANK MANN

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

DATE OF ORC REPORT: _

- A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

- B. STAFF RESPONSE**

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

DATE OF ADOPTION HEARING: __

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

BRIAN BIGELOW

TAMMARA HALL

ROBERT P. JANES

RAY JUDAH

FRANK MANN

Composite Recommendations

(a) Amend the Vision Statements for Planning Communities #10 (Gateway/Airport) and #18 (Southeast Lee County) so that these statements accurately reflect all of the following amendments to the Lee Plan

The Lee Plan's land use accommodation is based on an aggregation of allocations for 22 Planning Communities. These communities have been designed to capture the unique character of each of these areas of the county. Within each community, smaller neighborhood communities may exist; however, due to their geographic size, a planning community could not be created based on its boundaries. These communities and their anticipated evolutions are as follows:

- 10. Gateway/Airport** - This Community is located South of SR 82, generally east of I-75, and north of Alico Road including those portions of the Gateway development that either have not been or are not anticipated to be annexed into the City of Fort Myers, the Southwest Florida International Airport and the properties the airport expects to use for its expansion, the lands designated as Tradeport, and the land designated as Industrial Development west of I-75 north of Alico Road. In addition to these two land use designations, properties in this community are designated New Community (the Gateway development), Airport, ~~Density Reduction/ Groundwater Resource (primarily the anticipated airport expansion areas)~~, Rural, and General Interchange. The road network in this community is planned to change dramatically over time creating access to and from this community to the north, south, and east without relying on I-75.

There are three distinct areas within this community. The Gateway portion of this community is the area where residential uses will occur. Gateway will be a thriving, nearly built-out, Mixed-Use Community in 2020. The population of this community is anticipated to grow substantially from today to 2030.

The second area in this community is the Southwest Florida International Airport. The airport will be greatly expanded by 2030. The expanded airport will have a second parallel runway and a new terminal building that will more than double the existing capacity of the airport. Development will be guided by the Airport Layout Plan (as established through the airport master plan process) consistent with the Southwest Florida International Airport Proposed Development Schedule (Table 5(a)) and all other Lee Plan provisions.

The airport expansion and the completion of Florida Gulf Coast University are expected to energize the remaining area in this community, including the commercial and industrial components. This portion of the community is to the south and west of Gateway and the airport and extends west of I-75 along Alico Road. While this segment of the community is not expected to build out during the timeframe of this plan, the area will be much more urbanized with hi-tech/clean industry businesses.

- 18. Southeast Lee County** - As the name implies, this Community is located in the southeast area of Lee County, south of SR 82, north of Bonita Beach Road, east of I-75 (excluding areas in the San Carlos Park/Island Park/Estero Corkscrew Road and Gateway/Southwest Florida International Airport Communities), and west of the county line. With very minor exceptions, this the exception of a few Public Facilities, the entire community is designated as Density Reduction/Groundwater Resource, Conservation Lands (both upland and wetlands), and Wetlands on the Future Land Use Map. This "community" consists of regional mining operations, active and passive agricultural uses, public wellfields and water treatment plants, significant contiguous tracts set aside for preservation, a private golf course, and very large lot residential home sites. The one exception is the Citrus Park Community. This community is not expected to change in character through the year 2030: Through the year 2030, Southeast Lee County will change dramatically. Mining pits will double in size as the northwest portion serves as the major supplier of limerock aggregate for southwest Florida, an activity that continues to generate significant truck traffic especially on Alico Road. The remainder of Southeast Lee County will continue as the county's primary agricultural region and home to its largest (and still expanding) natural preserves. Residential and commercial development will not be significantly increased except in very limited areas where development rights are being concentrated by this plan. Some existing farmland will be restored to natural conditions to increase the natural storage of water and to improve wildlife habitat.

(b) Amend the Future Land Use Element, including a new goal with objectives and policies applying to Southeast Lee County

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 1.1.7: The <u>Industrial Development</u> areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New natural resource extraction (mining) activities and fill dirt operations must be approved through the Mine Excavation Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.</p>	<p>POLICY 1.1.7: The <u>Industrial Development</u> areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New <u>limerock mining and natural resource extraction (mining) activities and fill dirt operations must be approved through the Mine Excavation Industrial Planned Development rezoning process.</u> Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan.</p>
<p>Staff Rational: Mining is already an allowable use in the Industrial Development Future Land Use Category and staff recommends the use remain.</p>	

POLICY 1.2.2: The Tradeport areas are commercial and industrial lands adjacent to the airport needed to accommodate projected growth through the year 2020. These areas will include developments consisting of light manufacturing or assembly, warehousing, and distribution facilities; offices; research and development activities; ground transportation and airport-related terminals or transfer facilities; and hotels/motels, meeting facilities; and retail uses within hotels/motels. Ancillary retail commercial uses, intended to support the surrounding business and industrial land uses, are allowed if they are part of a Planned Development of 10 or more acres in size and are limited to 1,000 square feet per acre of Tradeport land within the Planned Development. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. Caretaker residences are not permitted in the Airport Noise Zone B. Limerock mining may be approved through the planned development Mine Excavation Planned Development rezoning process for land designated Tradeport on the Future Limerock Mining map (Map 14). Because this area is located within the Six Mile Cypress Basin and is also a primary point of entry into Lee County, special environmental and design review guidelines will be applied to its development to maintain the appearance of this area as a primary point of entry into Lee County. Property in Section 1 and the east ½ of Section 2, Township 46 South, Range 25 East, and in Section 6, Township 46 South, Range 26 East, must be rezoned to a planned development zoning category prior to any development other than the construction of essential public services. During the rezoning process, the best environmental management practices identified on pages 43 and 44 of the July 28, 1993 Henigar & Ray study entitled, “Groundwater Resource Protection Study” will be rebuttably presumed to be necessary to protect potential groundwater resources in the area.

Staff Rational: Staff concurs with the added language concerning mining in Tradeport as long as the Tradeport is limited to the Staff Recommendation for proposed Map 14.

POLICY 1.4.1: The Rural areas are to remain predominantly rural--that is, low density residential, agricultural uses, and minimal non-residential land uses that are needed to serve the rural community. Natural resource extraction may be permitted in accordance with Policy 10.1.4. These areas are not to be programmed to receive urban-type capital improvements, and they can anticipate a continued level of public services below that of the urban areas. Maximum density in the Rural area is one dwelling unit per acre (1 du/acre).

Original Dover-Kohl proposal:	Staff report proposal:
<p>POLICY 1.4.5: The <u>Density Reduction/Groundwater Resource (DR/GR)</u> areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.</p> <ol style="list-style-type: none"> 1. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels <u>(except as provided in Policies 30.1.3 and 30.3.3)</u>. Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes. 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See density Table 1(a) regarding potential incentives for off-site transfers of development rights. <ol style="list-style-type: none"> a. For residential development, also see Objective 30.3 and following policies. Commercial and civic uses can be incorporated into Rural and Mixed-Use Communities to the extent specifically provided. b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas. c. Residential uses, other than a single bona fide caretaker's residence or a resident manager's unit, are not permitted in conjunction with private recreational uses or mining activities. Residential density associated with land zoned as Private Recreational Facility will be extinguished and cannot be transferred, clustered, or otherwise assigned to any property in accordance with Policy 16.2.3. Residential density of mined land will be extinguished unless it is transferred to an eligible property in accordance with Policy 30.3.3. d. The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon of 2030. See Objective 30.1 and following policies. 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan. 	<p>POLICY 1.4.5: The <u>Density Reduction/Groundwater Resource (DR/GR)</u> areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed.</p> <ol style="list-style-type: none"> 1. <u>Land New land uses in these areas that require rezoning or a development order must be demonstrate compatibility compatible with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 30.1.3 and 30.3.3) utilizing hydrologic modeling, the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to upstream, downstream, and adjacent property. Offsite mitigation can be utilized, and may be required, to demonstrate this compatibility. Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes.</u> 2. Permitted land uses include agriculture, natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, and private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). See density Table 1(a) regarding potential incentives for off-site transfers of development rights. <ol style="list-style-type: none"> a. For residential development, also see Objective 30.3 and following policies. Commercial and civic uses can be incorporated into Rural and Mixed-Use Communities to the extent specifically provided. b. Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas. c. <i>[staff recommends against adding subparagraph 2.c]</i> c. † The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon of 2030. See Objective 30.1 and following policies. 3. Private Recreational Facilities may be permitted in accordance with the site locational requirements and design standards, as further defined in Goal 16. No Private recreational facilities may occur within the DR/GR land use category without a rezoning to an appropriate planned development zoning category, and compliance with the Private Recreation Facilities performance standards, contained in Goal 16 of the Lee Plan.
<p>Additional Staff Recommendation: To clarify the meaning of Policy 1.4.5, subparagraph 1 should be revised to begin as follows: "New land uses in these areas that require rezoning or a local development order must be compatible..." Dover-Kohl concurs with these changes.</p>	

POLICY 1.7.6: The Planning Communities Map and Acreage Allocation Table (see Map 16 and Table 1(b) and Policies 1.1.1 and 2.2.2) depicts the proposed distribution, extent, and location of generalized land uses for the year 2030. Acreage totals are provided for land in each Planning Community in unincorporated Lee County. No ~~final~~ development orders or extensions to ~~final~~ development orders will be issued or approved by Lee County which would allow the acreage totals for residential, commercial or industrial uses contained in Table 1(b) to be exceeded. This policy will be implemented as follows:

1. For each Planning Community the County will maintain a parcel based database of existing land use. The database will be periodically updated at least twice every year, in September and March, for each Planning Community.
2. Project reviews for development orders must include a review of the capacity, in acres, that will be consumed by buildout of the development order. No development order, or extension of a development order, will be issued or approved if the project acreage, when added to the acreage contained in the updated existing land use database, exceeds the limitation established by Table 1(b), Acreage Allocation Table regardless of other project approvals in that Planning Community. For limerock mining in Planning Community #18, see special requirements in Policy 30.1.4 regarding industrial acreage in Table 1(b).
3. ~~No later than the~~ At each regularly-scheduled date for submission of the Lee Plan Evaluation and Appraisal Report, ~~and every five years thereafter,~~ the County must conduct a comprehensive evaluation of Planning Community Map and the Acreage Allocation Table system, including but not limited to, the appropriateness of land use distribution, problems with administrative implementations, if any, and areas where the Planning Community Map and the Acreage Allocation Table system might be improved.

POLICY 1.7.12: The Future Limerock Mining overlay (Map 14) identifies sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the Lee Plan's planning horizon of 2030. See Objective 30.1 and following policies.

POLICY 1.7.13: The Rural Residential overlay (Map 17) is described in Policies 30.3.1 and 30.3.2. This overlay affects only Southeast Lee County and identifies three types of land:

1. “Existing Acreage Subdivisions”: existing rural residential ~~that are reasonably distant~~ subdivisions that should be protected from adverse external impacts, such as natural resource extraction.
2. “Rural Communities” and “Mixed-Use Communities”: locations for the concentration of development rights from large contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.
3. “Mixed-Use Communities”: locations where this concentration of development rights may be supplemented by transfer of development rights from non-contiguous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.

POLICY 1.7.14: The Historic Surface and Groundwater Levels overlay (Map 24) depicts historic wet-season water depths and hydroperiods for Southeast Lee County. This depiction is based on detailed analyses of 1953 aerial photography as described in the 2008 report, *Ecological Memorandum of the Density Reduction/Groundwater Resource Area*, by Kevin L. Erwin Consulting Ecologist, Inc. For purposes of determining compliance with Policy 1.4.5, additional evidence as to historic levels may be submitted during the rezoning or development review processes.

POLICY 1.7.15: The Priority Restoration overlay (Map 25) depicts land in Planning Community #18 (Southeast Lee County) that had not been formally targeted for public acquisition but where acquisition and/or restoration would be highly desirable to restore water levels and/or to connect existing corridors or conservation areas (see Objective 30.2 and following policies).

Additional Staff Recommendation: To carry out the staff recommendation in section (q) of the staff report, proposed Policy 1.7.15 is no longer needed. Dover-Kohl concurs with the elimination of Policy 1.7.15.

POLICY 2.2.2: Map 1 of the Future Land Use Map series indicates the uses and density ranges that will ultimately be permitted on a given parcel. However, it is not a guarantee that such densities or uses are immediately appropriate, as the map provides for the county's growth beyond the Lee Plan's planning horizon of 2030, over the coming 26 years. During the rezoning process the Board of County Commissioners will balance the overall standards and policies of this plan with three additional factors:

1. Whether a given proposal would further burden already overwhelmed existing and committed public facilities such that the approval should be delayed until the facilities can be constructed; and
2. Whether a given proposal is for land so far beyond existing development or adequate public facilities that approval should be delayed in an effort to encourage compact and efficient growth patterns; and
3. Whether a given proposal would result in unreasonable development expectations which may not be achievable because of acreage limitations contained in the Acreage Allocation Table (see Policy 1.7.6, Map 16 and Table 1(b)). An exception to this policy for mining is Additional provisions related to mining are provided in Policy 30.1.4.

In all cases where rezoning is approved, such approval does not constitute a determination that the minimum acceptable levels of service (see Policy 95.1.3) will be available concurrent with the impacts of the proposed development. Such a determination must be made prior to the issuance of additional development permits, based on conditions which exist at that time, as required by Lee County's concurrency management system.

POLICY 6.1.2: All commercial development must be consistent with the location criteria in this policy, except where specifically excepted by this policy or by Policy 6.1.7, or in Lehigh Acres by Policies 1.8.1 through 1.8.3.

1. Minor Commercial *[no changes]*
2. Neighborhood Commercial *[no changes]*
3. Community Commercial *[no changes]*
4. Regional Commercial *[no changes]*
5. Commercial development “at the intersection”... *[no changes]*
6. Any contiguous property... *[no changes]*
7. The location standards specified in... *[no changes]*
8. The standards specified in... *[no changes]*
9. The location standards in this policy are not applicable in the following areas:
 - a. In the Interchange land use category; or in
 - b. In Lehigh Acres where commercial uses are permitted in accordance with Policies 1.8.1 through 1.8.3; or within
 - c. Within the Captiva community in the areas identified by Policy 13.2.1:
 - d. In the Density Reduction / Groundwater Resource area where some commercial development is permitted by policies under Objective 30.3.
10. The Board of County Commissioners... *[no changes]*
11. Uses that must comply... *[no changes]*
12. Map 19 illustrates... *[no changes]*
13. Freestanding single use... *[no changes]*

POLICY 9.1.2: Encourage the utilization of energy, water, and soil conservation management practices in agricultural activities.

POLICY 9.1.4: Protect agricultural activities on lands designated as Agricultural on the agricultural overlay (see Map 20) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. However, in Future Limerock Mining areas (see Map 14), agricultural activities may be limited to the interim period prior to mining or may need to coexist with adjoining mining activities and mining pits.

POLICY 9.1.6: Lee County will work with an private agricultural advisory committee, agricultural operators, and landowners to establish incentives to encourage the continuation of existing agricultural operations and improvements to existing agricultural operations as needed to store and treat water and improve ecological values. The county, with the assistance of the committee, will investigate the feasibility of a Transfer Purchase of Development Rights (TDR) bank (PDR) program for agricultural property by ~~1995~~ 2012 (see Policy 30.3.5).

POLICY 9.1.7: Existing agricultural lands within the DR/GR land use category provide important surface and subsurface connections for water and wildlife resources. The county supports the integration of agriculture within a comprehensive and coordinated effort of county and regional agencies to manage the water resources in a manner that includes the protection and restoration of natural systems within southeast Lee County.

GOAL 10: NATURAL RESOURCE EXTRACTION. To protect areas containing commercially valuable identified natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land uses and on other natural resources.

OBJECTIVE 10.1: Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other commercially valuable natural resources ~~extraction materials~~ to meet the county's needs and to export to other communities, while providing adequate protection for the county's other natural resources.

[Previous Policies 10.1.1 and 10.1.2 have been relocated to 10.2.1 and 10.2.2.]

POLICY 10.1.1: The sale of overburden from approved limerock mines is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as close as possible to locations of high demand to minimize the distance that fill material must be trucked to likely destinations (see also Policy 30.1.5).

POLICY 10.1.2: The future uses of any new or renewed natural resource extraction operation must be evaluated at the time the property undergoes planned development zoning review. Site plans should be designed to incorporate proposed future uses including open space and to ensure the protection of surface and ground water resources, wildlife, and native plant communities.

POLICY 10.1.3: Reclamation is intended to replace or offset ecological benefits lost during extraction, including the creation of conditions that will support a healthy water body to the extent practicable. Applications for natural resource extraction permits for new or expanding sites, or for future use of such sites, must include a reclamation plan which provides assurance of implementation. This plan must address the reclamation and sustainable management of all existing and future mining pits, preserves, and buffer areas that are or may in the future be related to the mining operation. Reclamation plans in Future Limerock Mining areas (see Map 14) should include littoral shelves suitable for native wetland plants, revegetation of disturbed land, allowance for wildlife movement, and minimization of long-term effects on surrounding surface and groundwater levels. Reclamation plans for mines providing primarily fill material should provide more extensive littoral shelves and should describe how shorelines will be configured and managed and how disturbed uplands will be restored or converted to other acceptable land uses. Reclamation plans in or near important groundwater resource areas must also be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation.

POLICY 10.1.4: Limerock mining may be permitted only in accordance with Objective 30.1 and its policies. Other natural resource extraction activities such as fill dirt operations (and ancillary industrial uses which are ancillary to natural resource extraction) may be permitted as follows:

1. In areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In the Density Reduction/Groundwater Resource area, fill dirt operations are further restricted in accordance with Policy 30.1.5.
2. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. Ancillary crushing of limerock strata embedded within fill material may be permitted for use on-site.

POLICY 10.1.5: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to seek incentives that will help to facilitate the connection of natural resource extraction borrow lake excavations incorporate reclaimed mining pits into a comprehensive and coordinated effort of county and regional agencies to system of interconnected lakes and flowways that will enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, education, and other appropriate uses, and/or strengthen community environmental benefits.

OBJECTIVE 10.2: Coordinate mining activities, including evaluation, monitoring, reclamation, and redevelopment, with water supply planning, surface water management activities, wetland protection, wildlife conservation, and future residential activities. Consider the cumulative and watershed-wide impacts of mining activities, not just the direct impacts of each individual mine in isolation.

POLICY 10.2.1: [previously Policy 10.1.1] Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure surface and groundwater impacts: levels and quality to assess any degradation of groundwater resources. Particular attention will be given to potential travel time to wellfields and residential wells. Mining applications are strongly encouraged to include a minimum of three years baseline monitoring and assessments of the likely change in flow, timing of travel, and direction of surface and groundwater systems on-site and in the impacted area.

POLICY 10.2.2: [previously Policy 10.1.2] Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments will also include:

1. Potential impacts on the aquatic ecology and water quality of mining pits that will result from mining pit design.
2. Likely post-mining impacts such as runoff or groundwater flow on land uses surrounding the site.
3. Consideration of the primary and secondary impacts at the local and watershed levels.

POLICY 10.2.3: The depth of mining for a proposed excavation will be limited as necessary to prevent any breach of an aquaclude or confining layer.

POLICY 10.2.4: Other limitations on mining pit size, setbacks, and depths will be determined on a case-by-case basis depending on existing neighboring uses, specific hydrogeologic conditions, wetlands and watershed protection, wildlife conservation, and transportation routes including anticipated traffic to and from the mine.

POLICY 10.2.5: Areas that are designated as preserve areas (e.g., buffers, indigenous preservation, and reclaimed littoral shelves) during the mining rezoning process must be protected by the execution of perpetual conservation easements so that these areas will be maintained during mine operation and in perpetuity regardless of future land uses. A timetable for all environmental remediation including the construction of buffers and reclamation of littoral shelves must be included as part of the mining rezoning application. Lee County must be named in the easement as a back-up grantee that is empowered, but not obligated, to enforce the terms of the easement. If no entity suitable to Lee County will agree to serve as primary grantee, Lee County will accept the easement.

POLICY 10.2.6: The Land Development Code will establish the contents and frequency of monitoring reports from authorized mines. These reports may include surface and groundwater monitoring of water quality and quantity, the areas under active mining, the depths being mined, the quantity and type of mined materials, estimated reserves left for mining, and the annual volume, direction, and destination of the material being transported. Reporting will include the active mining and processing area; the areas where reclamation has been completed; and the areas where invasive exotic removal is underway or completed.

POLICY 10.2.7: Zoning or development order approvals may require that significant adverse impacts identified during mining or post-mining will be subject to adaptive resource management whereby corrective measures can be guaranteed through conditions on the next phase's approval.

OBJECTIVE 10.3: ~~10.2:~~ Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents of its Future Urban Areas.

GOAL 30: SOUTHEAST LEE COUNTY. To protect natural resources in accordance with the County’s 1990 designation of Southeast Lee County as a groundwater resource area, augmented through a comprehensive planning process that culminated in the 2008 report, *Prospects for Southeast Lee County*. To achieve this goal, it is necessary to address the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer’s limestone for processing into construction aggregate. The best overall balance between these demands will be achieved through a pair of complementary strategies: consolidating future mining in the traditional Alico Road industrial corridor while initiating a long-term restoration program to the east and south to benefit water resources and protect natural habitat. Residential and commercial development will not be significantly increased except where development rights are being explicitly concentrated by this plan. ~~Most a~~Agriculture ~~uses may can~~ continue, and environmental restoration ~~can may~~ begin. This goal and subsequent objectives and policies apply to Southeast Lee County as depicted on Map 16.

OBJECTIVE 30.1: LIMEROCK MINING. Designate on a Future Land Use Map overlay sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through this plan’s horizon of 2030.

POLICY 30.1.1: Limerock mining is a high-disturbance activity whose effects on the surrounding area cannot be completely mitigated. To minimize the impacts of mining on valuable water resources, natural systems, residential areas, and the road system, Map 14 identifies Future Limerock Mining areas that will concentrate limerock mining activity in the traditional Alico Road industrial corridor east of I-75. By formally identifying such areas in this plan and allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources in or near existing disturbed areas will be more fully utilized and the spread of limerock mining impacts into less disturbed environments will be precluded until such time as there is a clear necessity to do so (and Map 14 is amended accordingly). Inclusion of land on Map 14 does not restrict the rights of landowners to use their land for other allowable purposes.

POLICY 30.1.2: Most land identified on Map 14 is in the Density Reduction / Groundwater Resource area (see Policy 1.4.5) and will also be subject to those special requirements. Future Limerock Mining land outside the DR/GR area will also be subject to requirements of the appropriate designation on Map 1. Goal 10 and its objectives and policies contain additional guidance on mining. The Land Development Code will continue to provide additional details on mining approvals and operations.

<p>Original Dover-Kohl proposal:</p>	<p>Staff report proposal:</p>
<p>POLICY 30.1.3: <u>Concurrent with the update of Map 14 in 2009, the Lee Plan was amended to improve the ability to efficiently mine in Future Limerock Mining areas. An exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, land in Future Limerock Mining areas may be rezoned for mining when the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County. The Land Development Code will be amended and maintained to include provisions for assessing and mitigating mining impacts and for transferring or extinguishing residential development rights on land zoned for limerock mining pits.</u></p>	<p>POLICY 30.1.3: <u>Concurrent with the update of Map 14 in 2009, the Lee Plan was amended to improve the ability to efficiently mine in Future Limerock Mining areas. An exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, land in Future Limerock Mining areas may be rezoned for mining when the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County. The Land Development Code will be amended and maintained to include provisions for assessing and mitigating mining impacts and for transferring or extinguishing residential development rights on land zoned for limerock mining pits.</u></p>
<p>Staff Recommendation: To be consistent with staff’s recommendation for Policy 1.4.5.2.c. staff recommends not extinguishing the residential density.</p>	

2. Notwithstanding the limitations in Policy 2.2.2(3), the lack of available industrial acreage as provided in Table 1(b) will not preclude rezoning approvals to support new or expanded mines within the Future Limerock Mining areas (Map 14).
3. By monitoring the remaining acreage of land rezoned for mining but not yet mined, Lee County will have critical information to use in determining whether and to what extent the Future Limerock Mining areas in Map 14 may need to be expanded in the future to meet local and regional demands.

POLICY 30.1.5: The sale of overburden from approved limerock mines is encouraged because converting overburden into fill material avoids additional mining at other locations. However, shallow mines that produce primarily fill dirt should be sited as

close as possible to locations of high demand to minimize the distance that fill material must be trucked to likely destinations (see also Policy 10.1.1). In Southeast Lee County shallow mines are generally unnecessary because fill dirt is available as a byproduct of limerock mines; however, shallow mines may be permitted on sites immediately adjoining areas of high demand for fill dirt such as Lehigh Acres.

POLICY 30.1.6: Asphalt and concrete can be recycled to produce aggregate that is comparable to the products of limerock mines. Lee County should be a leader in using recycled aggregate in its construction projects and in encouraging privately operated recycling facilities in appropriate locations to minimize the need to mine or import additional aggregate.

POLICY 30.1.7: Protect agricultural activities on lands designated as Agricultural on the agricultural overlay (see Map 20) from the impacts of new natural resource extraction operations, recreational uses, and residential developments. However, in Future Limerock Mining areas (see Map 14), agricultural activities may be limited to the interim period prior to mining or may need to coexist with adjoining mining activities and mining pits.

OBJECTIVE 30.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES. Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

POLICY 30.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. **Acquisition Protection** and/or restoration of land can connect existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture.

POLICY 30.2.2: The DR/GR Priority Restoration overlay (**Map 25**) depicts land where **public acquisition protection** and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policy **1.7.7 and Map 1, Page 4, 1.7.15**); **Map 25 This overlay** identifies seven tiers of land potentially eligible for **protection and restoration acquisition**, with Tier 1 and Tier 2 being the highest priority for protection from irreversible land-use changes. Lee County will evaluate this overlay map every 7 years to determine if changes in public ownership, land use, **new scientific data**, and/or demands on water resources justify updating this map. **This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of potential public acquisition activities in the county.**

POLICY 30.2.3: It is in southwest Florida's interest for public **and or** nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 **potential acquisition areas in this overlay** through direct purchase; partnerships with other government agencies; long-term purchase agreements; right of first refusal contracts; land swaps; and other appropriate means. These lands would provide critical connections to other **conservation publicly owned** lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use as described in Policies 30.2.5 and 30.2.6.

1. The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within **the Tier 2 through Tier 7 potential acquisition areas on Map 25**, including but not limited to acquiring agricultural or conservation easements; compensation for water storage that is in the public interest; and providing matching funds to secure federal and state funds/grants for improving agricultural best management practices or protection/restoration of wetlands on existing agricultural operations.
2. Permanent protection of land within all **acquisition tiers on Map 25** may also occur through:
 - a. Using resource extraction mitigation fees to acquire land;
 - b. Establishing a Regional Offsite Mitigation Area (ROMA); and
 - c. Concentrating of development as depicted in the Rural Residential overlay (Map 17) as detailed in Policies 30.3.2 and 30.3.3.

POLICY 30.2.4: Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and water-resource priority. On individual sites, restoration can be carried out in stages:

1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or establishing control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.
2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.

POLICY 30.2.5: Lee County recognizes the importance of maintaining agricultural lands within Southeast Lee County for local food production, water conservation and storage, land conservation, **wildlife habitat**, and wetland restoration. The continued use of ever evolving agricultural best management practices will protect native soils and potentially improve the quantity and quality of water resources, allowing sustainable agriculture to be integrated into restoration planning for southeast Lee County.

POLICY 30.2.6: On existing farmland, the county should consider incentives to encourage the continuation of agricultural operations that implement and maintain best management practices. Continued agricultural use may be ~~an acceptable~~ a desirable long-term use even within land designated on the priority restoration overlay Map-25 as potentially eligible for protection acquisition (see Policy 9.1.7).

POLICY 30.2.7: Impacts of proposed land disturbances on surface and groundwater resources should be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within southeast Lee County.

Additional Staff Recommendation: In response to public input and to incorporate changes resulting from the staff recommendation in section (q), numerous changes to Policies 30.2.1 through 30.2.6 are shown above in red. Dover-Kohl concurs with these changes.

OBJECTIVE 30.3: RESIDENTIAL AND MIXED-USE DEVELOPMENT. Designate on a Future Land Use Map overlay existing rural residential areas that should be protected from adverse impacts of mining and locations for concentrating existing development rights on large tracts.

POLICY 30.3.1: Existing acreage subdivisions ~~that are not in or near Future Limerock Mining areas~~ are shown on Map 17. These subdivisions ~~are reasonably distant from~~ should be protected from adverse external impacts ~~such as natural resource extraction.~~

POLICY 30.3.2: Unsubdivided land is too valuable to be consumed by inefficient land-use patterns. Although additional acreage or ranchette subdivisions may be needed in the future, the preferred pattern for using existing residential development rights from large tracts is to concentrate them as compact internally connected Rural and Mixed-Use Communities along existing roads away from Future Limerock Mining areas. Map 17 identifies future locations for Rural and Mixed-Use Communities where development rights can be concentrated from major DR/GR tracts. Rural Communities will be predominately residential but are encouraged to incorporate minimal commercial and civic uses that would serve rural residents.

POLICY 30.3.3: Owners of major DR/GR tracts without the ability to ~~provide direct access to SR 82~~ construct a Mixed-Use Community on their own land are encouraged to transfer their residential development rights to future Mixed-Use Communities along SR 82 (see on land so designated areas on Map 17). These transfers would avoid unnecessary travel for future residents, increase housing diversity and commercial opportunities for nearby Lehigh Acres, protect existing agricultural lands, and allow the conservation of larger contiguous tracts of land.

1. To this end Lee County will establish a program that will allow and encourage the transfer of upland and wetland development rights (TDR) from one landowner to another who wishes to develop a Mixed-Use Community or wishes to exercise these development rights outside the DR/GR area. This program will be in addition to the existing wetland TDR program described in Article IV of Chapter 2 of the Land Development Code.
2. In 2009 an exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, Mixed-Use Communities may be constructed along SR 82 on land so designated on Map 17 provided the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.
3. Within the Mixed-Use Communities shown on Map 17, significant commercial and civic uses are encouraged. Specific requirements for incorporating these uses into Mixed-Use Communities will be found in the Land Development Code.

Staff Recommendation: If an additional Mixed-Use Community is added to Map 17, as proposed by staff and Dover-Kohl in section (n), the above changes should be incorporated.

POLICY 30.3.4: The Land Development Code will be amended within one year to specify procedures for concentrating existing development rights on large tracts, for transferring development rights between landowners, for seeking approval of additional acreage subdivisions, and for incorporating commercial and civic uses into Rural and Mixed-Use Communities as designated on Map 17.

POLICY 30.3.5: By 2012 Lee County ~~intends will evaluate to the establishment and funding of~~ a DR/GR TDR bank which will offer to purchase development rights for resale in the TDR system. The purpose of this program is to give potential sellers the opportunity to sell rights even if no developer is ready to use them and to give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market.

(c) Amend the Groundwater Recharge sub-element of the Community Facilities and Services Element to modify Policy 63.1.2 on development applications near wellfields

POLICY 63.1.3: The staff hydrogeologist will review and comment on all development applications proposed in the DR/GR area.

(d) Amend the Conservation and Coastal Management Element to modify policies under Objective 114.1 on protection of wetlands

POLICY 114.1.1: Development in wetlands is limited to very low density residential uses and uses of a recreational, open space, or conservation nature that are compatible with wetland functions. The maximum density in the Wetlands category is one unit per 20 acres, except that one single family residence will be permitted on lots meeting the standards in Chapter XIII of this plan, and except that owners of wetlands adjacent to Intensive Development, Central Urban, Urban Community, Suburban, and Outlying Suburban areas may transfer densities to developable contiguous uplands under common ownership in accordance with Footnotes 9b and 9c of Table 1(a), Summary of Residential Densities. In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed by Lee County when those impacts are offset through appropriate mitigation within Southeast Lee County (see also Policy 30.1.3).

POLICY 114.1.2: The county's wetlands protection regulations will be consistent with the following:

1. ~~In accordance with F.S. 163.3184(6)(c), The county will not undertake an independent review of the impacts to wetlands resulting from development in wetlands that is specifically authorized by a DEP or SFWMD dredge and fill permit or exemption. Lee County supports a more lenient wetland protection standard for limerock mines within the Future Limerock Mining overlay (Map 14). Lee County's overall wetland protection goals are better served by concentrating mining activity than by preserving isolated wetlands on mining sites.~~
2. No development in wetlands regulated by the State of Florida will be permitted by Lee County without the appropriate state agency permit or authorization.
3. Lee County will incorporate the terms and conditions of state permits into county permits and will prosecute violations of state regulations and permit conditions through its code enforcement procedures.
4. Every reasonable effort will be required to avoid or minimize adverse impacts on wetlands through the clustering of development and other site planning techniques. On- or off-site mitigation will only be permitted in accordance with applicable state standards.
5. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies.

Staff Rational: Staff concurs with the removal of the citation and recommends the Dover-Kohl & Partners alternate language as shown above.

Amend the Glossary to add definitions of aggregate, limerock, and public recreation facilities

AGGREGATE - Aggregate is an industry term for rock particles that vary in size from sand to several inches in diameter. The term “crushed stone” is often used interchangeably. In construction applications, aggregates are mixed with Portland cement or asphalt materials to form Portland cement concrete or hot mix asphalt.

LIMEROCK - Limerock is a common name for construction products made from naturally occurring limestone. In Lee County, most of the commercially valuable limestone comes from the Ochopee geological unit. Limerock mines typically produce rip-rap and the base rock that is used for road beds, as well as selling overburden as fill dirt. Larger limerock mines also produce aggregate (crushed stone) of various sizes.

PUBLIC RECREATION FACILITIES - Land and appurtenant facilities that are provided by a governmental agency or charitable conservation organization for recreational use by the general public.

(f) Add a footnote to Table 1(a) of the Future Land Use Map Series (summary of residential densities) to authorize potential density bonuses for transferring development rights from Southeast Lee County to “Mixed-Use Communities” or to land designated on the “Mixed Use” overlay

TABLE 1(a)
SUMMARY OF RESIDENTIAL DENSITIES ¹

FUTURE LAND USE CATEGORY	STANDARD OR BASE DENSITY RANGE		BONUS DENSITY
	MINIMUM ² (Dwelling Units per Gross Acre)	MAXIMUM (Dwelling Units per Gross Acre)	MAXIMUM TOTAL DENSITY ³ (Dwelling Units per Gross Acre)
Intensive Development	8	14	22
Central Urban	4	10	15
Urban Community ^{4,5}	1	6	10
Suburban	1	6	No Bonus
Outlying Suburban	1	3	No Bonus
Sub-Outlying Suburban	1	2	No Bonus
Rural ¹⁰	No Minimum	1	No Bonus
Outer Islands	No Minimum	1	No Bonus
Rural Community Preserve ⁶	No Minimum	1	No Bonus
Open Lands ⁷	No Minimum	1 du/5 acres	No Bonus
Density Reduction/ Groundwater Resource ¹¹	No Minimum	1 du/10 acres	No Bonus
Wetlands ⁸	No Minimum	1 du/20 acres	No Bonus
New Community	1	6	No Bonus
University Community ⁹	1	2.5	No Bonus

CLARIFICATIONS AND EXCEPTIONS

- ¹ See the glossary in Chapter XII for the full definition of “density.”
- ² Adherence to minimum densities is not mandatory but is recommended to promote compact development.
- ³ These maximum densities may be permitted by transferring density from non-contiguous land through the provisions of the Housing Density Bonus Ordinance (No. 89-45, as amended or replaced) and the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced).
- ⁴ Within the Future Urban Areas of Pine Island Center, rezonings that will allow in excess of 3 dwelling units per gross acre must “acquire” the density above 3 dwelling units per gross acre utilizing TDRs that were created from Greater Pine Island Coastal Rural or Greater Pine Island Urban Categories.
- ⁵ In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- ⁶ Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- ⁷ The maximum density of 1 unit per 5 acres can only be approved through the planned development process (see Policy 1.4.4), except in the approximately 135 acres of land lying east of US41 and north of Alico Road in the northwest corner of Section 5, Township 46, Range 25.
- ⁸ Higher densities may be allowed under the following circumstances:
- (a) If the dwelling units are relocated off-site through the provisions of the Transfer of Development Rights Ordinance (No. 86-18, as amended or replaced); or
 - (b) Dwelling units may be relocated to developable contiguous uplands designated Intensive Development, Central Urban, or Urban Community at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed the maximum standard density plus one-half of the difference between the maximum total density and the maximum standard density; or
 - (c) Dwelling units may be relocated from freshwater wetlands to developable contiguous uplands designated Suburban or Outlying Suburban at the same underlying density as is permitted for those uplands, so long as the uplands density does not exceed eight (8) dwelling units per acre for lands designated Suburban and four (4) dwelling units per acre for lands designated Outlying Suburban, unless the Outlying Suburban lands are located in those areas described in Note 6 above, in which case the maximum upland density will be three (3) units per acre.
- ⁹ Overall average density for the University Village sub-district must not exceed 2.5 du/acre. Clustered densities within the area may reach 15 du/acre to accommodate university housing.
- ¹⁰ In the Rural category located in Section 24, Township 43 South, Range 23 East and south of Gator Slough, the maximum density is 1du/2.25 acres. (Added by Ordinance No. 02-02)
- ¹¹ The maximum gross residential density can be increased only if the dwelling units are relocated off-site to one of the Mixed-Use Communities designated on Map 17 through the provisions of the DR/GR Transfer of Development Rights program described in Policy 30.3.3. Any increases in allowable dwelling units resulting from this TDR program may not exceed a cumulative total of 6,000 dwelling units.

Additional Dover-Kohl and Staff Recommendation: An additional sentence has been added to the end of Footnote 11:

(g) Amend Table 1(b) of the Future Land Use Map Series (the acreage allocation table) in Planning Community #18 only so that industrial acreage reflect the acreage of limerock mining pits needed to meet local and regional demand

Table 1(b) - Year 2030 Allocations

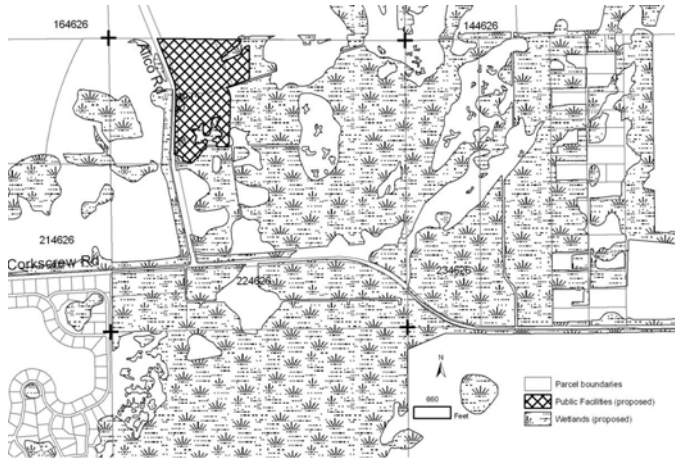
Future Land Use Classification		Lee County Totals		Southeast Lee County	
		Adopted	Proposed	Adopted	Proposed
Residential By Future Land Use Category	Intensive Development	1,325	1,325	0	0
	Central Urban	14,787	14,787	0	0
	Urban Community	18,622	18,622	0	0
	Suburban	16,635	16,635	0	0
	Outlying Suburban	4,105	4,105	0	0
	Sub-Outlying Suburban	1,531	1,531	0	0
	Industrial Development	79	79	0	0
	Public Facilities	1	1	0	0
	University Community	850	850	0	0
	Burnt Store Marina Village	4	4	0	0
	Destination Resort Mixed Use Water Dependent	8	8	0	0
	Industrial Interchange	0	0	0	0
	General Interchange	42	42	15	15
	General/Commercial Interchange	0	0	0	0
	Industrial/Commercial Interchange	0	0	0	0
	University Village Interchange	0	0	0	0
	New Community	900	900	0	0
	Airport	0	0	0	0
	Tradeport	9	9	0	0
	Rural	8,320	8,320	0	0
	Rural Community Preserve	3,046	3,046	0	0
	Coastal Rural	1,300	1,300	0	0
	Outer Islands	202	202	0	0
	Open Lands	2,805	2,805	0	0
	Density Reduction/Groundwater Resource	6,905	6,905	4,000	4,000
	Conservation Lands Uplands	0	0	0	0
	Wetlands	0	0	0	0
	Conservation Lands Wetlands	0	0	0	0
Total Residential	81,476	81,476	4,015	4,015	
Commercial	12,763	12,763	38	38	
Industrial	6,620	13,801	65	7,246	
Non Regulatory Allocations					
Public	82,192	82,192	12,000	12,000	
Active Agriculture	24,957	17,776	15,101	7,920	
Passive Agriculture	45,859	45,859	18,000	18,000	
Conservation (wetlands)	81,948	81,948	31,530	31,530	
Vacant	21,360	21,360	500	500	
Total	357,175	357,175	81,249	81,249	
Population Distribution*	495,000	495,000	1,270	1,270	

* Population for Unincorporated Area of Lee County

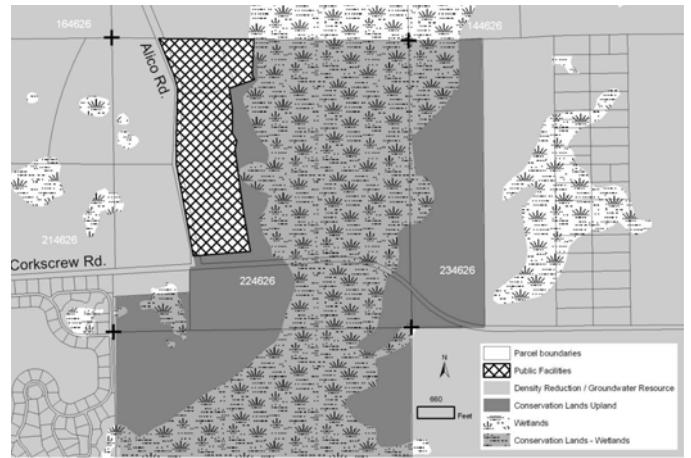
Update: To address the concern raised by the LPA, staff recommends adding a new double asterisk after the 7,246 acreage allocation and a new double asterisk footnote stating "See Policy 30.1.4."

(h) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Public Facilities” designation for the Corkscrew water treatment plant

Original Dover-Kohl proposal:

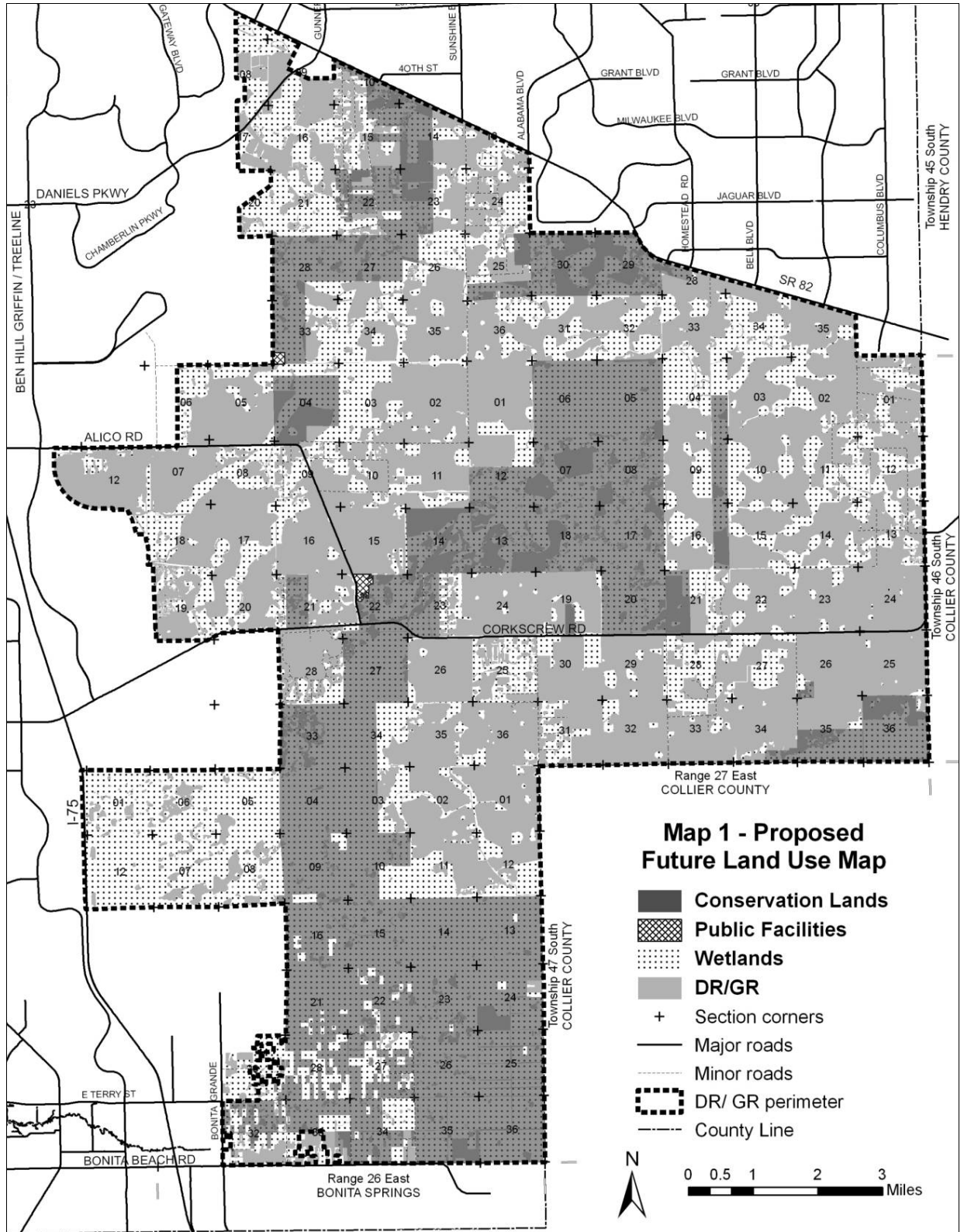


Staff report proposal (which is retain the full size of existing “Public Facilities” designation, as depicted below:

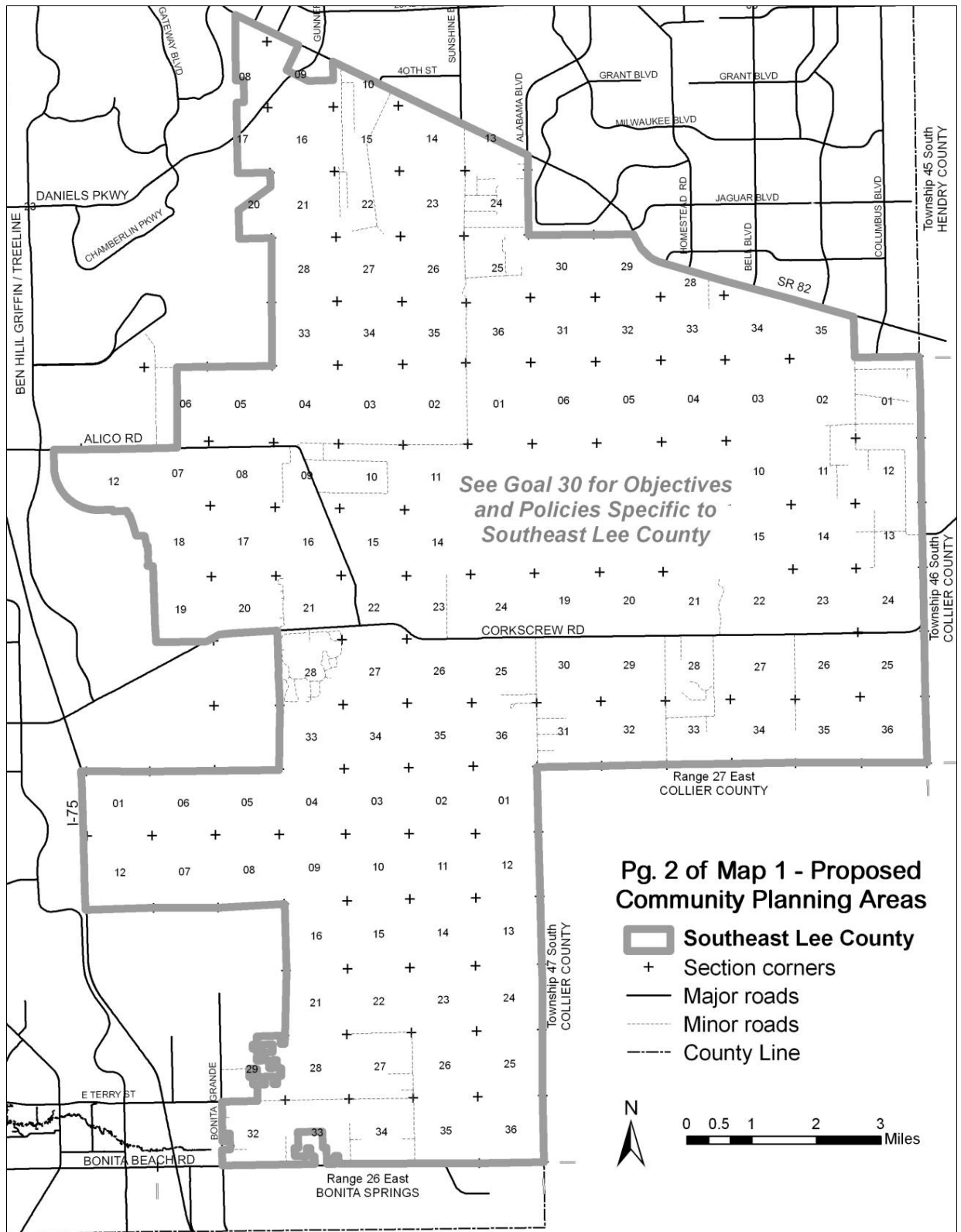


Staff Rational: Lee County Utility’s staff has reviewed the proposed change and recommends that it not be transmitted.

(i) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Wetlands” and “Conservation Lands” (both uplands and wetlands) designations

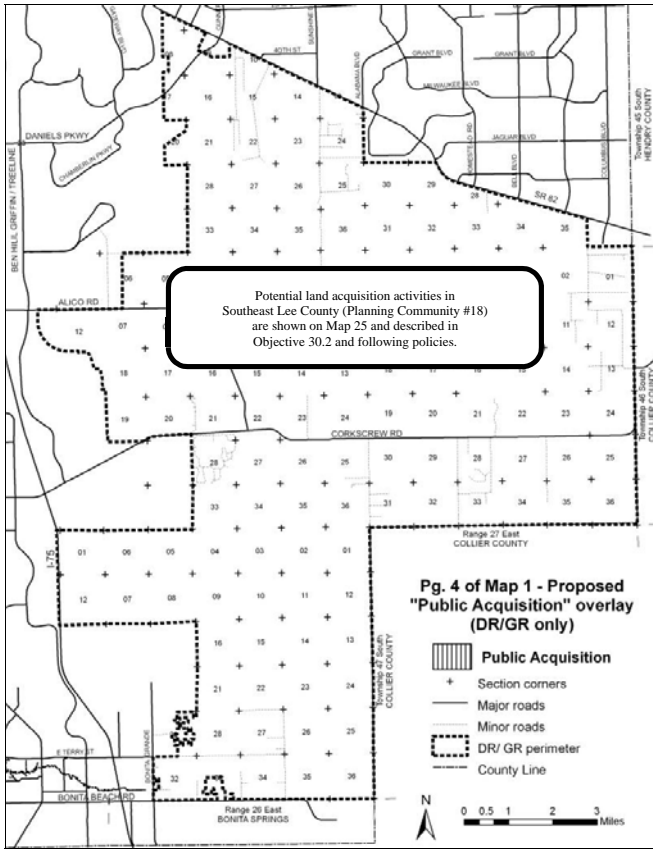


(j) Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County

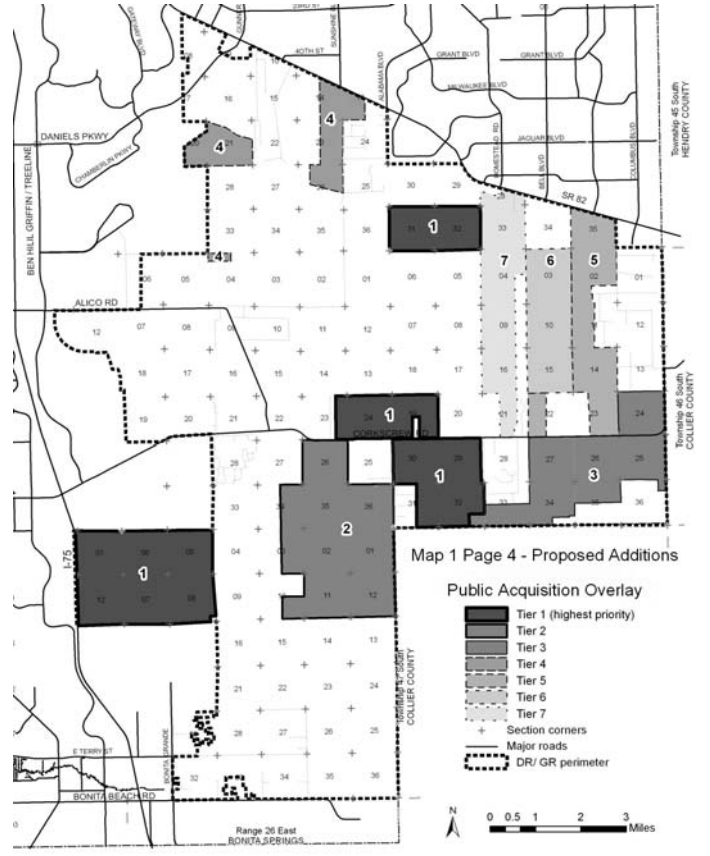


(k) Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only

Original Dover-Kohl proposal:

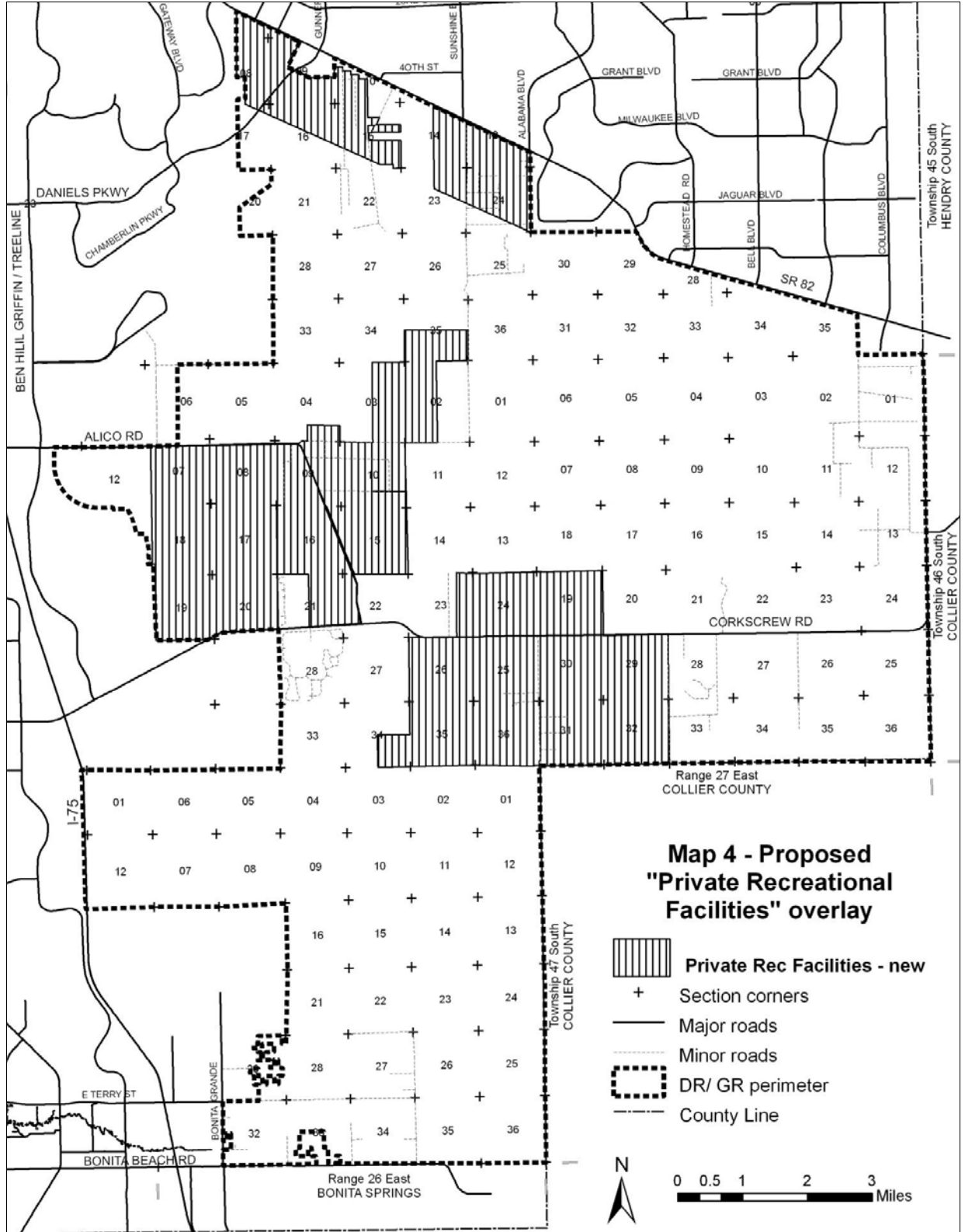


Staff report proposal:



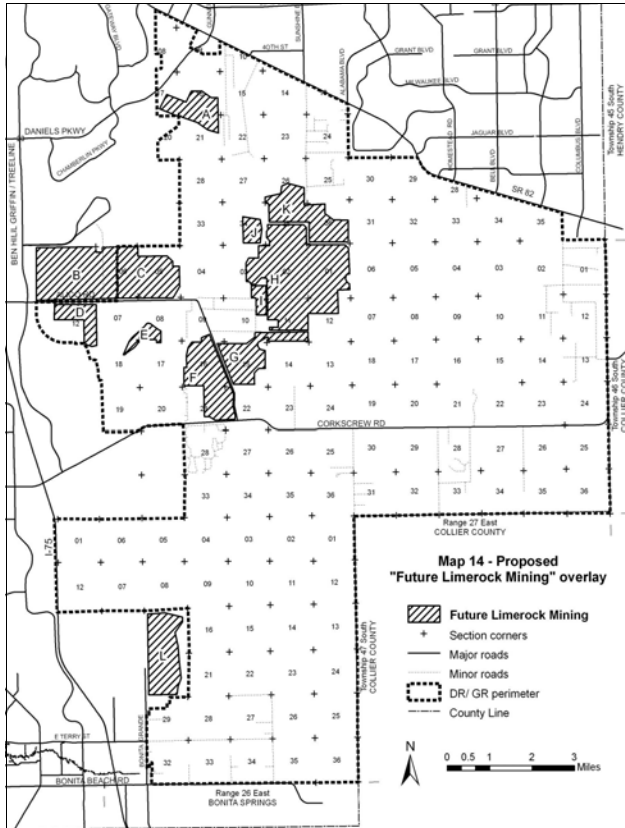
Update: As described in section (q), Dover-Kohl concurs with the relocation of the priority restoration areas to this map, instead of creating a separate Map 25. Section (q) describes several related changes that will be required; in addition to those changes, the proposed note on the Dover-Kohl map shown above would not be needed, nor would the prior hatching as shown in the map on the right above. In their place, this map would show the DR/GR priority restoration areas as previously proposed for Map 25.

(1) Amend Map 4 of the Future Land Use Map Series to eliminate public lands and completed mining pits from the "Private Recreational Facilities" overlay

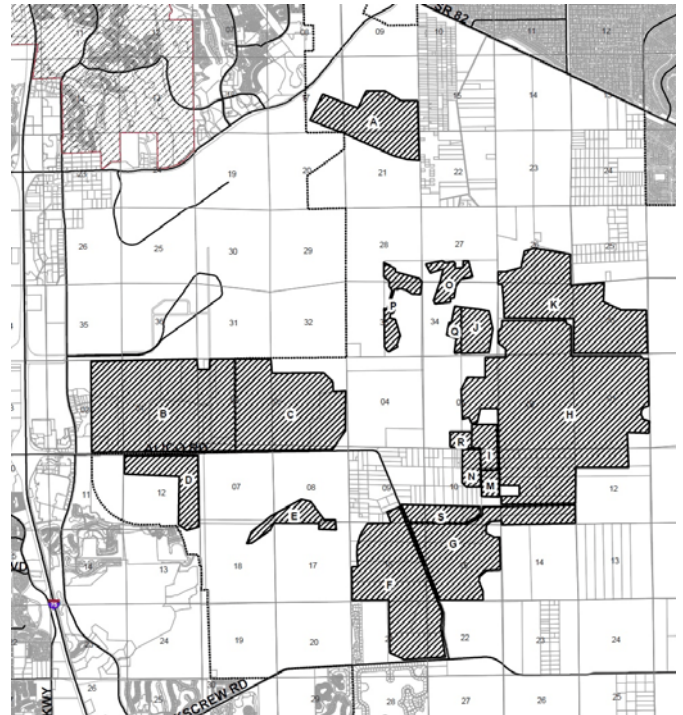


(m) Amend Map 14 of the Future Land Use Map Series to designate a “Future Limerock Mining” overlay

Original Dover-Kohl proposal:



Staff report proposal:

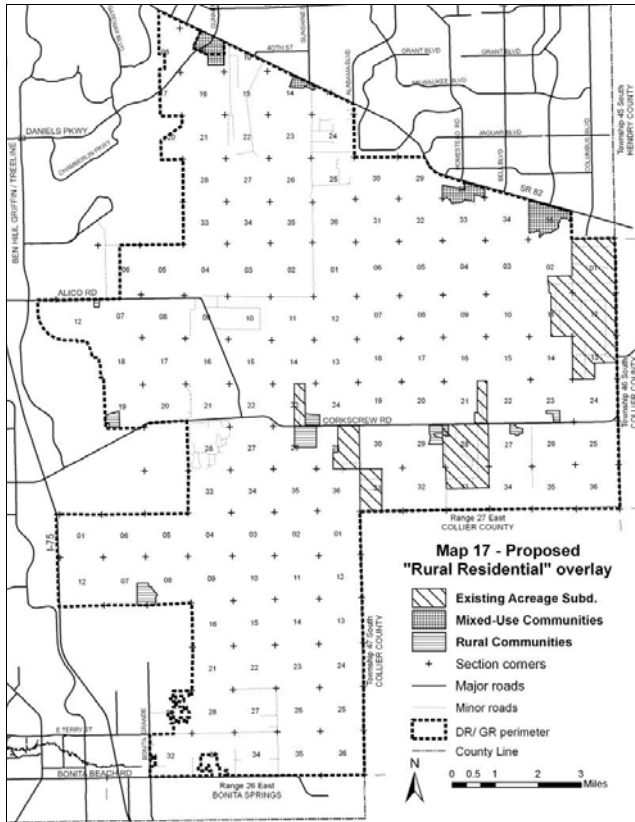


DELETE: Areas A, D, and E and the portion of Area B west of Airport Haul Road.
ADD: Areas M, N, O, P, Q, R, and S

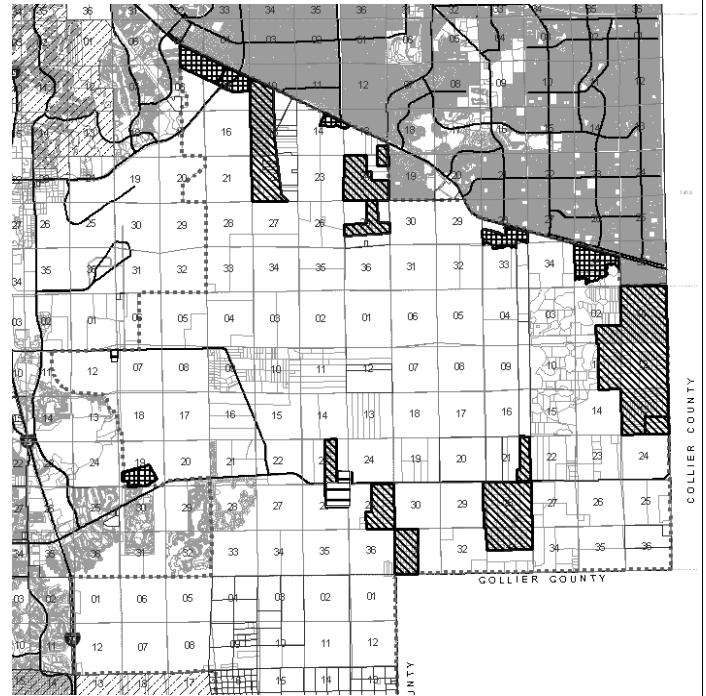
Update: Staff has reviewed evidence submitted by Galvano Development that indicates minable limerock under the easterly 240 acres of Area B. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff no longer objects to the inclusion of the Galvano/Backe tract in the Future Limerock Mining overlay on Map 14.

(n) Add a new Map 17 to the Future Land Use Map Series to designate new “Rural Residential” overlays in Planning Community #18 only

Original Dover-Kohl proposal:



Staff report proposal:

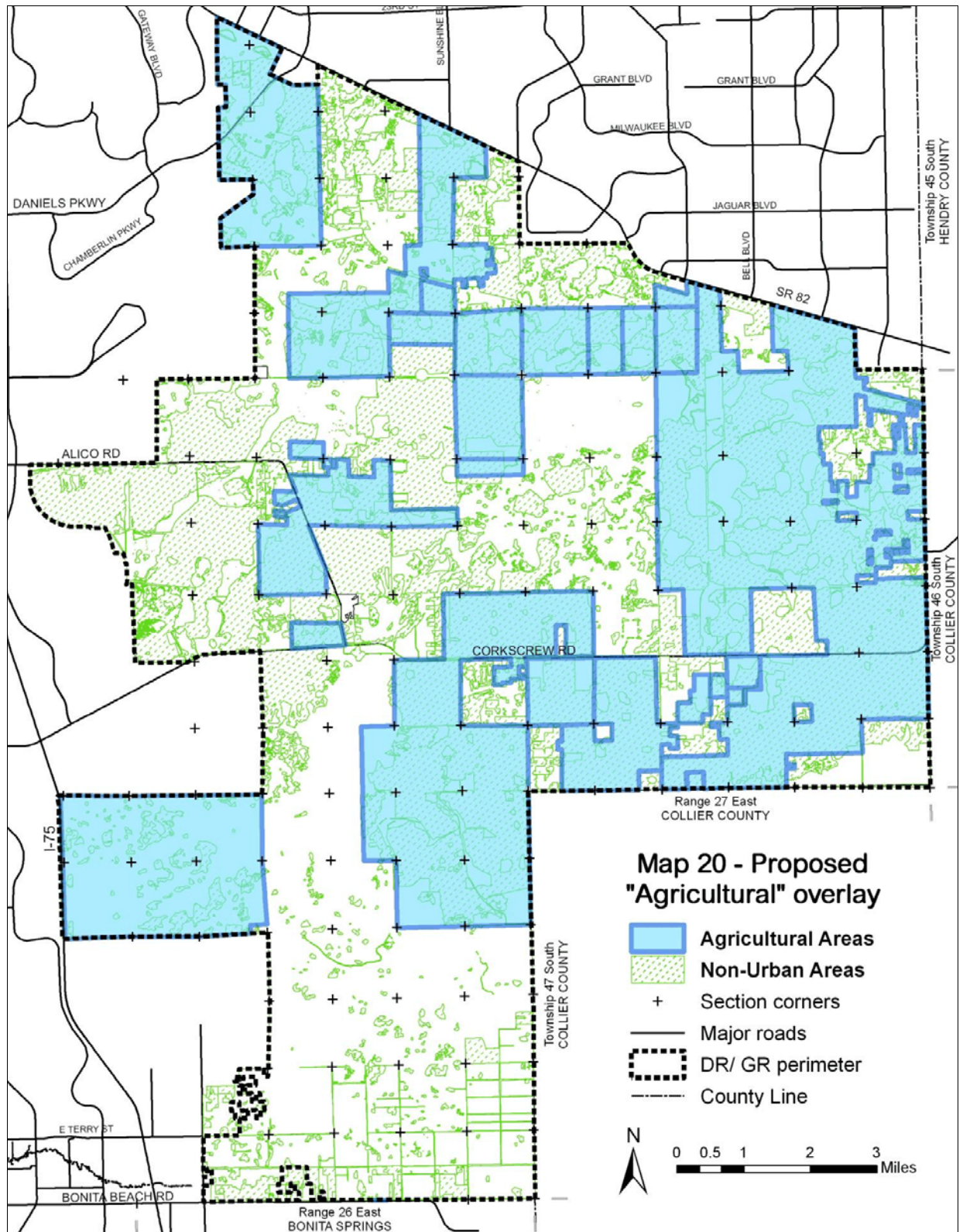


Modified Dover-Kohl proposal: The recently released report, *Transferable Development Rights in Southeast Lee County*, recommends expanding the westernmost “Rural Community” along Corkscrew Road into a “Mixed-Use Community,” based on a suggestion from planning staff. The expanded boundary proposed by Dover-Kohl should replace the original boundary which was shown on the map on the left above.

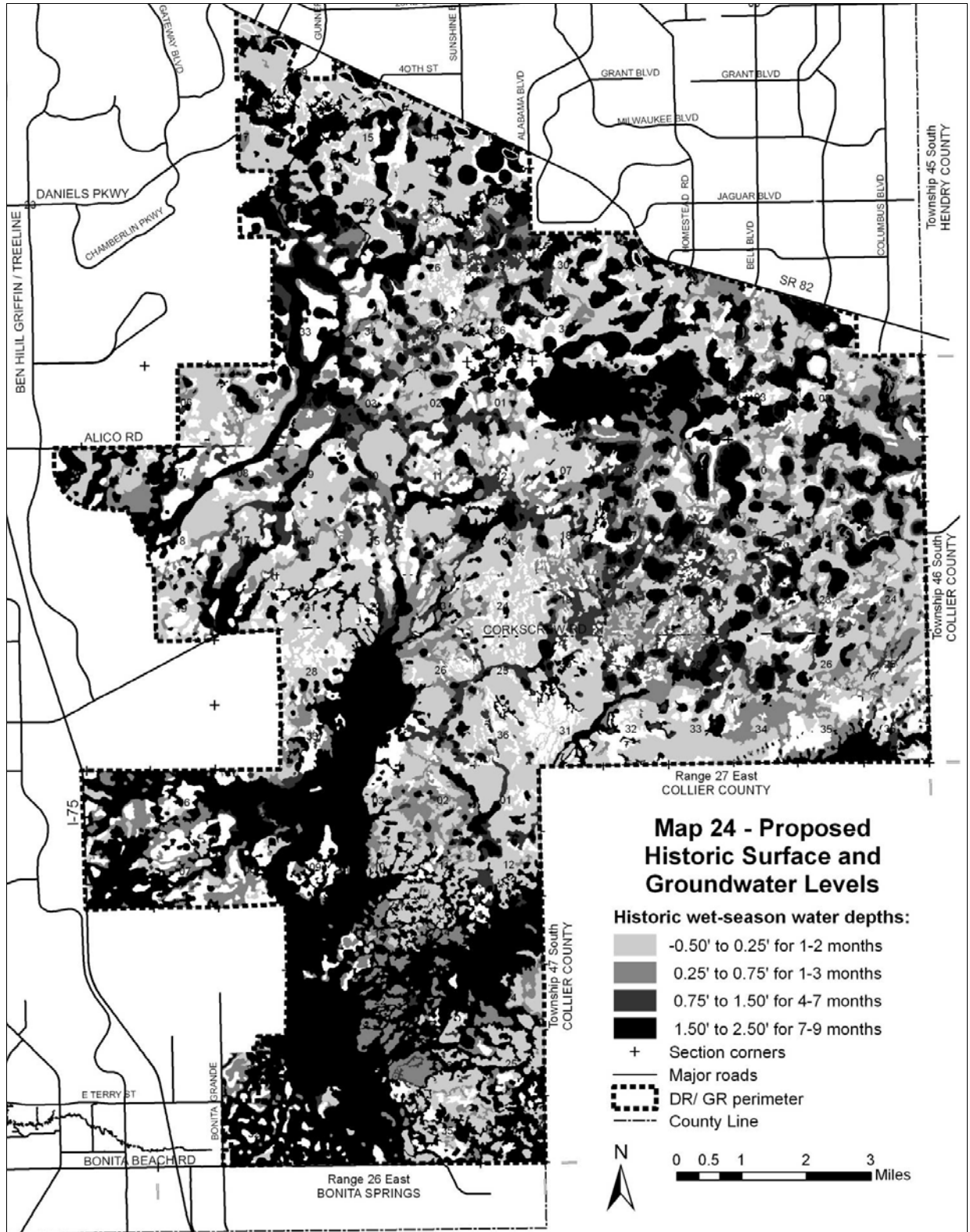
Other updates: Dover-Kohl concurs with the additional tracts to be added to the Wildcat Farms “Existing Acreage Subdivision,” and doesn’t object to the addition of the Timber Trails subdivision if Lee County decides to eliminate the adjoining Area A on the Future Limerock Mining overlay.

Staff Notation: The newly released *Transferable Development Rights in Southeast Lee County* contains specific development plans for all of the Rural Communities that were not available at the time staff completed its original analysis. Staff is still debating whether the extreme easterly Rural Communities should be included or if these properties should only utilize the TDR procedures.

(o) Amend Map 20 of the Future Land Use Map Series, the "Agricultural" overlay to correctly reflect the current extent of contiguous agricultural parcels in Planning Community #18 only

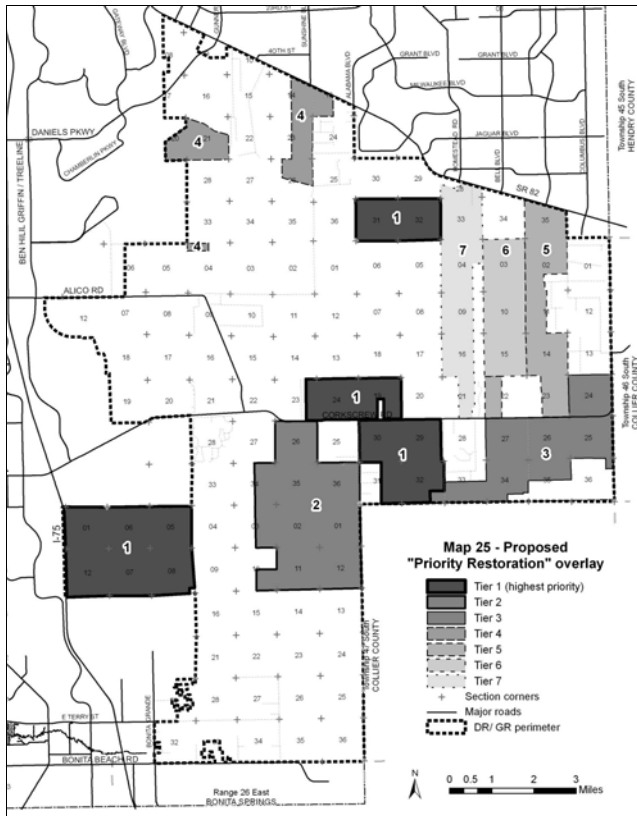


(p) Add a new Map 24 to the Future Land Use Map Series, the “Historic Surface and Groundwater Levels” overlay (Planning Community #18 only)



(q) Add a new Map 25 to the Future Land Use Map Series, the “Priority Restoration” overlay, to suggest potential acquisition patterns in Planning Community #18 only

Original Dover-Kohl proposal:



Staff report proposal:

Accept the Dover-Kohl proposal, but instead of creating a new Map 25, add this overlay to Page 4 of Map 1. (See Section k in this report)

Additional Staff Recommendation: Dover-Kohl concurs with the suggestion to relocate the priority restoration mapping to Page 4 of Map 1 rather than create a separate Map 25. To carry this out without confusing the priority restoration overlays with the other (non-DR/GR) designations on Page 4 of Map 1, the following changes to Policy 1.7.7 are needed:

POLICY 1.7.7: The Public Acquisition overlay zone designates two types of critical natural resource lands:

- 1. Except in Southeast Lee County: Areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies.*
- 2. In Southeast Lee County only: Tracts not formally targeted for public acquisition but where restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policies 30.2.2 and 30.2.4).*

This overlay does not restrict the use of the land in and of itself. It will be utilized for informational purposes since this map will represent a composite of potential public acquisition activities in the county.

In addition, Policies 30.2.2, 30.2.3, and 30.2.6 would need minor rewording to adjust all prior references to Map 25, and proposed Policy 1.7.15 would no longer be needed. These changes have already been incorporated in this document. Dover-Kohl concurs with all of these changes.

