

**Lee County
Density Reduction/Groundwater Resource
Ad Hoc Steering Committee**



**Report to the
Board of County Commissioners
July 30, 2008**

Executive Summary

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The County Commission established an advisory committee to make recommendations on a study of the southeast Lee County DR/GR area and related tasks. The Committee met 21 times starting in December, 2007 in order to evaluate information and present a thorough recommendation to the Board. As a result of those meetings, a preferred option is provided for the Board's consideration.

The Density Reduction/Groundwater Resource Area Ad Hoc Steering Committee, by a vote of 11 to 1, recommends that the Board adopt a modification to the Scenarios presented in the Dover Kohl & Partners report entitled *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*. The modification is a combination of Scenario 1 and a portion of Scenario 3 (See attached map.) The map could be considered as a Preferred Mining Area, with primary and secondary priority areas.

Majority Position

The Committee supports this modified scenario for a number of reasons, including the following:

- The scenario encompasses impacted areas such as existing mines, as well as partially permitted mines
- It allows for expansion of mines in contiguous areas and use of existing mine infrastructure in lieu of establishing mine activity in new or more distant areas, thus concentrating mining in the traditional mining corridor
- It provides protection of important water resources, habitat and wildlife
- It provides a means to obtain sufficient aggregate mining to meet the needs of Lee County to the year 2030 and beyond
- It provides a balanced and sustainable mix of mining, agriculture, preserved wildlife habitats and restored lands, and rural quality of life

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It is important to note that the group believes that surface and subsurface water modeling should be conducted prior to implementation of this or any scenario, although this may not be possible due to timing issues.

The Committee members favoring this scenario also believe other changes should be implemented. These changes include (1) more detailed pre-permit planning on the need for aggregate mining, mining partitions, cell size, and assessment of cumulative impacts; (2) greater habitat and wildlife protection; (3) more aggressive use of the transfer of development rights concept, emphasizing transfers to areas outside of the DR/GR, and to urban areas with high density transportation corridors. The opportunity will exist to address these and other areas of concern as the proposals and data implementing the scenario become more refined, but the Committee wants the Board to know their principal areas of concern.

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36 The Committee believes the Dover Kohl team did an excellent job. Consequently, the
37 Committee adopts their principal recommendations and supports the emphasis by the Dover
38 Kohl team on restoration of historic flow ways, water quality, and habitat protection. The
39 Committee also believes the balance struck with respect to the sustainable mix of mining,
40 agriculture, preserved wildlife habitats and restored lands, groundwater and surface water
41 protection, and other rural land uses is also appropriate. In order to accomplish these ends, the
42 Committee believes it is essential that a preferred mining area be established, and recommends
43 the Alico corridor identified by Dover Kohl, with the committee's modifications as the appropriate
44 location.

45 The entire committee agreed on many principles, including the important goals of conservation
46 and protecting water resources as the top priorities. The differences expressed between the
47 majority and minority opinion are embodied in the methods each group would use to achieve
48 these goals.

49 Minority Position

50 A minority of the Committee is not in favor of the attached map for the following reasons:

- 51 • Rock is a strategic state asset. FDOT quality rock exists in the DR/GR and is one of only
52 three known large deposits throughout South Florida.
- 53 • The assumption that there is a sufficient supply of aggregate to meet our needs is
54 incorrect. FDOT and the Strategic Aggregates Study have pointed out a critical shortage
55 of DOT-quality material.
- 56 • The assumption that mining is the primary reason for degradation of water flows and
57 wetlands in the DR/GR and Estero River Basin is incorrect. There are other reasons,
58 including construction of Alico and Corkscrew Roads, 10-Mile Canal and rerouting of
59 Lehigh drainage.
- 60 • If mining does not occur where the rock is the resource will be eliminated from the
61 market.
- 62 • Mining and the environment can co-exist with responsible mining practices and improved
63 design. Spreading mining throughout the DR/GR in a responsible way is preferable to
64 consolidating mining in one area.
- 65 • Eliminating mining from the Corkscrew Road area does not provide landowners
66 incentives for restoring flow ways and protecting habitat and wellfields.

67 Other Action

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Introduction

Deleted: The Committee reviewed and approved the Land Development Code Amendments submitted by staff to the Committee on July 16, 2008. These Amendments are consistent with the recommended Scenario and the views of a majority of this Committee. ¶
The Committee also reviewed and approved the David Douglas Associates, Inc. report entitled *Lee County Truck Impact Evaluation, July 2008*. Again, those recommendations are consistent with the recommended Scenario and the views of a majority of this Committee. ¶

69 The DR/GR Ad Hoc Steering Committee was established by the Lee County Commission in a
70 resolution adopted on November 20, 2007. At that time the Committee was charged with seven
71 duties and responsibilities, as follows:

- 72 a) *Review the proposed options for land use scenarios and make recommendations to the*
73 *County Commission.*
74
75 b) *Review mining issues and regulations and make recommendations to the County*
76 *Commission.*
77
78 c) *Review other related items as necessary and as brought forward by the staff, and make*
79 *recommendations to County Commission as needed.*
80
81 d) *Committee members must comply with all applicable requirements of Florida Statutes*
82 *Chapter 112, Code of Ethics for Public Officials, including but not limited to voting conflicts.*
83
84 e) *The Committee is strictly advisory in nature, and may not make decisions with respect to Lee*
85 *County policies.*
86
87 f) *The Committee is subject to financial disclosure.*
88
89 g) *The Committee will sunset when the study has been presented to the County Commission.*

90 This report is presented in response to items (a), (b) and (c) above, and in compliance with
91 items (d), (e), (f) and (g).
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94 **Background**

95 In 2007, the Board of County Commissioners, recognizing the importance of building on past
96 efforts to assess and understand the DR/GR and the values to be protected, contracted with
97 McLane Environmental, LLC, to conduct a *Review and Summary of Studies Containing*
98 *Information Relating to Density Reduction/Groundwater Resource Lands.*

99 The McLane review served as the beginning point for the Ad Hoc Committee and pointed out
100 significant issues for consideration. Among the conclusions reached by the McLane review are:

- 101 • "The studies, when viewed as a whole, reveal that the resources and ecological systems
102 within the DR/GR area are interrelated in complex ways.
- 103 • The functioning of the DR/GR environmental system (both in terms of individual
104 resources and interrelated systems) can be adversely impacted by certain land uses.
- 105 • There is a potential for balance between use of the land and protection of the ecological
106 and groundwater resources, with the nature of that balance requiring careful
107 consideration of the DR/GR information and scientific data contained in the studies
108 reviewed as part of this project and other similar studies."

109 The McLane review finishes by noting that the DR/GR is an intricate mosaic of landscapes that
110 serves a number of natural resource functions that would be difficult and expensive to replicate
111 if they were lost.

112

113 Pursuit of Duties and Responsibilities

114 Throughout the process, the Committee maintained a focus on the Duties and Responsibilities
115 established for this effort by the Board of County Commissioners.

116 a.) To help with the charge with regard to the review of land use scenarios, the Board
117 contracted with Dover Kohl & Associates to conduct a planning process to "...create
118 three different land-use scenarios for the future of the DR/GR area to move toward a
119 sustainable mix of mining, agriculture, preserved and restored lands, and other rural land
120 uses." On August 1, 2008, Dover Kohl will present to the Board a thorough accounting of
121 this process and the three scenarios that resulted.

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122 b.) On Wednesday, July 16, 2008, the Ad Hoc Committee received copies of the staff
123 proposals for amendments to the Land Development Codes (LDC). Additionally, the
124 Conservancy of Southwest Florida provided the Ad Hoc Committee and staff with a set
125 of recommended LDC amendments on June 13, 2008. There are a number of additional
126 amendments that staff has not covered in their recommendation that the Committee will
127 want to have considered. It is likely that the committee will have a chance to review both
128 sets of amendment proposals at their meeting of Wednesday, July 23, 2008.

129 c.) There were a number of items that were topics of discussion, and documents and
130 recommendations were submitted to the Ad Hoc committee for consideration during the
131 course of the committee proceedings. These items, including a set of proposed
132 Comprehensive Plan Amendments submitted by the Conservancy of Southwest Florida
133 were placed in what was termed the "Parking Lot", awaiting further discussion and
134 recommendations by the committee. The proposals from the Conservancy and other Ad
135 Hoc Committee members are deserving of careful consideration, and hopefully they will
136 receive that attention. It is likely that the committee will have a chance at an upcoming
137 meeting to delve into these items.

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138 During the public participation element of the Dover Kohl planning effort, it was learned that
139 nearly 80% of the public and stakeholders who took part indicated that the first priorities should
140 be conservation and groundwater and surface water protection. This preferred focus was
141 validated when the Committee members met to review that effort, and voted to support Scenario
142 1, which was the sole scenario to address this priority.

143 The Committee identified four key outcomes to be realized through the recommendations to be
144 made.

- 145 • Protection of surface and groundwater (with historic flow ways)
- 146 • Protection of ecosystems (including wildlife habitats)

- 147 • Continuation of economic viability (tourism industry and adequate aggregate resources)
148 • Protection of community character (rural quality of life and sustainable agriculture).
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Recommendations

152 The committee reviewed the three scenarios presented by Dover Kohl, and after discussion,
153 decided to recommend an alternative scenario which is a combination of Scenario 1 with
154 modifications. This scenario is depicted on the attached map. The minority member did not
155 agree with this selection for the reasons outlined in this report.

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Majority Position

157 The majority of the Committee members voted to support a somewhat modified Scenario 1. The
158 Committee believes that the Dover Kohl team did an excellent job. Consequently, the
159 Committee adopts their principal recommendations and supports the emphasis by the team on
160 restoration of historic flow ways, water quality, and habitat protection. The Committee believes
161 that the balance struck with respect to the sustainable mix of mining, agriculture, preserved and
162 restored lands, and other rural land uses is also appropriate. In order to accomplish these ends,
163 it is essential that a preferred mining area be established, and the Committee recommends the
164 traditional mining Alico corridor with the committee's modifications as the appropriate location.

165 The Committee also recommends changes be added during implementation of an alternative,
166 including the following:

167 a) More detailed pre-permit planning on the need for aggregate mining, mining partitions,
168 cell size, and assessment of cumulative impacts. Even within the preferred mining
169 areas, permits should be limited to demonstrated need for the product, and mining
170 should be conducted in phases. Both primary and secondary mining areas (limited to
171 areas already impacted) should be established.

172 b) Greater habitat and wildlife protection. The Dover Kohl report puts top priority on
173 preservation and restoration of historic water flows, but the Committee would like to see
174 even more emphasis on both wetland and upland wildlife corridors, to include species
175 corridors. All uses must be ecologically sound.

176 c) The process of evaluating cumulative impacts should be expanded to other uses with
177 significant potential for degradation of the natural environment. This would apply to all
178 uses, not just mining.

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179 d) More aggressive use of the transfer of development rights. This should particularly
180 include transfers outside of the DR/GR, not limited to unincorporated areas. Transfers to
181 areas best served by transportation hubs are most desirable.

182 | e) To impact the amount of aggregate demand that must be accommodated, the County
183 | should increase focus and emphasis on Infill of residential and commercial growth into
184 | existing urbanized areas, and areas served adequately by transportation corridors.

185 Other areas of concern, suggestions, and topics of debate are listed in the Appendix. The very
186 limited deadline for this report did not allow this listing to be integrated into the
187 recommendations, so they are offered for later consideration.

188 Minority Position

189 A minority of the Committee is not in favor of the attached map based on the following reasons:

- 190 • The assumption that there is a sufficient supply of aggregate to meet our needs is
191 incorrect. The Florida Department of Transportation as well as the Strategic Aggregates
192 Study have pointed out that there is a critical shortage of DOT-quality material.
193
- 194 • The assumption that the aggregate in the DR/GR is a Lee County resource and should
195 only be used to meet Lee County's needs is legally unenforceable and a dangerous
196 precedent to set.
197
- 198 • Mining operations have the potential to set aside more land for the restoration of historic
199 flow ways and wetlands, establish wildlife corridors and provide for public-supply well
200 fields than most any other businesses. Eliminating mining from the Corkscrew Road
201 area does nothing to provide large landowners with incentives to help achieve these
202 important goals established for the DR/GR. In fact this action discourages large
203 landowners from implementing conservation measures that would help the entire
204 ecosystem.
205
- 206 • The assumption that mining is the primary reason for degradation of water flows and
207 wetlands in the DR/GR and the Estero River Basin is incorrect. Studies presented to the
208 committee point to reduced flows as a cumulative result from the construction of the 10-
209 mile Canal, Alico Road and Corkscrew Road, and the rerouting of Lehigh Acres drainage
210 away from the DR/GR, farming and mining.
211
- 212 • Mining and the natural environment can co-exist, and have for decades, with compliant,
213 responsible mining practices and improved design. By consolidating mining to one area,
214 any negative impacts are multiplied for that area while the cumulative impacts are
215 lessened when mining is spread throughout the DR/GR in a responsible way.
216
- 217 • FDOT quality rock exists in the DR/GR and is one of only three known large deposits
218 throughout South Florida. Removing this critical reserve from the supply chain will result

219 in damaging the quality of life because of increased road-building and construction costs
220 resulting from supply shortages that could have been avoided.
221

222 • Truck traffic and fossil fuel use will increase when rock is imported into Lee County from
223 Tampa and Miami.
224

225 • If mining is forced out of the area where the right rock is, Lee County is not saving this
226 supply of rock for the future but is forever eliminating it from the marketplace.
227

228 Other Action

229 ~~There has been no discussion and/or review of the staff LDC amendments by the Committee,
230 nor has there been any vote to approve same. This can be corrected at the meeting on
231 Wednesday, July 30th, but this statement is inappropriate at this point until that occurs. There
232 has been no discussion and/or review of the staff Truck Impact Evaluation by the Committee,
233 nor has there been any vote to approve same. This can be corrected at the meeting on
234 Wednesday, July 30th, but this statement is inappropriate at this point until that occurs.~~

Deleted: The Committee also reviewed and approved the Land Development Code Amendments submitted by staff to the Committee on July 16, 2008. These Amendments are consistent with the scenario recommended by the majority of this Committee.

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The Committee also reviewed and approved the David Douglas Associates, Inc. report entitled Lee County Truck Impact Evaluation, July 2008. Again, those recommendations are consistent with the scenario recommended the majority of this Committee.

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235 **Conclusion**

236 The Committee recognizes that the adoption of a scenario is only one step in the progression of
237 planning for the DR/GR. Much work remains to be done, and will more finely tune the details of
238 broad decisions now being made. Nonetheless, due to the press of time resulting from
239 deadlines set on the Committee's work, the Committee was unable to fully address and resolve
240 as many issues as we would have liked. The Conservancy of Southwest Florida, for example,
241 provided the Committee and staff with extensive recommended Comprehensive Plan as well as
242 Land Development Code Amendments that we were unable to address within the available time
243 period.

244
245 Numerous other topics, recommendations, discussions, and documents were submitted to the
246 Committee for consideration during the course of the proceedings. They are available in the
247 county records and website for future use.

248 The members of the Committee thank the Board of County Commissioners for this opportunity
249 to serve our community. We look forward to continued opportunities to participate in the
250 planning process as it relates to the DR/GR.

251

252 **Committee Vote**

253 This report was adopted on July 30, 2008 by affirmative vote of the following members of the
254 DR/GR Ad Hoc Steering Committee:

255 Brenda Brooks (Co-chair)

256 Steven Brown

257 Phil Buchanan

258 Carie Call ?(absent on July 23)

259 Don Eslick

260 Cullum Hasty (Co-chair)

261 Kevin Hill

262 Jason Lauritsen

263 Kirk Martin

264 Scott McCaleb

265 Peggy Schmidt

266 Linda Tanner

267 Member Richard Friday disagreed with the above position for the reasons stated in this report.

268 Members Dennis Gilkey (one of three co-chairs) and Don Troyer resigned from the Committee
269 prior to votes being taken.

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APPENDIX

ITEMS FOR FURTHER CONSIDERATION

- Compatibility of future residential near the airport
- Proposed mixed use communities too small – not enough infrastructure to make them viable, and therefore it is questionable as to whether they would be successful
- Planning horizon may be long range, but permitting horizon needs to be no more than five years
- It is not clear what the rationale is for prioritization of restoration levels in the report. The levels should change from four to one.
- Agriculture needs to be integrated and provided incentives for retention.
- Take steps to reduce demand for aggregate through such mechanisms as strengthening the focus on infill of currently urbanized areas
- Mining needs to be done differently in the future, pointing to the need for more assertive regulation and enforcement, including the provision of an analysis of potential cumulative impacts prior to permit issuance.
- Infill must be addressed and the protection of rural residential lifestyle must be assured.
- Lee County policy should recognize situations where larger stretches of natural lands could be preserved and even fully restored in exchange for allowing isolated wetlands to be removed in urban or industrial locations including those that would increase the output of approved limerock mines.
- Lee County should fully utilize the limerock resources in existing disturbed areas before spreading out into more pristine environments. At present limerock mines in the DR/GR are generally prohibited from disturbing larger wetlands, thus creating irregularly shaped mining pits. The remaining wetlands get cut off from their natural water sources (above ground and below ground) and cease to function as they once did and the mining industry is prevented from fully concentrating their area of disturbance by these requirements. This policy should be changed in order to concentrate mining in a smaller area of the DR/GR, thus assisting the County to achieve its need to conserve the natural resources located in the DR/GR.
- Lee County should create an advisory committee of state researchers and local farmers to identify methods of encouraging the continuation of ecologically balanced agricultural operations and identifying better ways to store and treat surplus water, thus improving the local ecology.

- 304 • Lee County should adopt new light-imprint development standards which would apply to
305 all aspects of development, from road construction to house placement and design to
306 septic system location and configuration on all future development within the DR/GR.

- 307 • Lee County should adopt regulations that would permit fill dirt operations in more
308 locations outside the DR/GR in order to reduce transport costs and minimize wear on the
309 county's roadways. The County should authorize the extraction and transport of fill
310 material as an interim use in the Future Urban Areas provided that the all other
311 requirements are met.

- 312 • Lee County should ensure that post-mining land uses and site design are appropriate to
313 their location and to the needs of the community. Special emphasis should be placed
314 upon future recreational use and the inclusion of littoral shelves to support vegetation
315 and native fish populations.

- 316 • Lee County should continuously explore alternative sources of materials for roads and
317 construction, including expanded use or recycled materials.

- 318 • Lee County should implement a policy where transportation projects follow, not lead,
319 land use policy. Too often large-scale transportation projects are planned and executed
320 before a clear land-use policy is established for the surrounding areas. It has been
321 repeatedly demonstrated that aggressive expansion of roadways can actually induce
322 further travel demand. In addition Lee County should begin designing existing and
323 planned roads for multi-modal use.