

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



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

Executive Summary

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 and other counties to the year 2030 and beyond
- It provides a balanced and sustainable mix of mining, agriculture, preserved and restored lands, and rural quality of life

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 impacts; (2) greater habitat and wildlife protection; (3) evaluation of cumulative impacts; and (4) 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.

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 and restored lands, and other rural land uses is also appropriate. In order
41 to accomplish these ends, the Committee believes it is essential that a preferred mining area be
42 established, and recommends the Alico corridor identified by Dover Kohl, with the committee's
43 modifications as the appropriate location.

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

47 Minority Position

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

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

65 Other Action

66 The Committee reviewed and approved the Land Development Code Amendments submitted
67 by staff to the Committee on July 16, 2008. These Amendments are consistent with the
68 recommended Scenario and the views of a majority of this Committee.

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

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Introduction

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

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

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

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Background

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

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

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

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

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117 **Pursuit of Duties and Responsibilities**

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

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

126 During the public participation element of the Dover Kohl planning effort, it was learned that
127 nearly 80% of the public and stakeholders who took part indicated that the first priorities should
128 be conservation and groundwater and surface water protection. This preferred focus was
129 validated when the Committee members met to review that effort.

130 The Committee identified four key outcomes to be realized through the recommendations to be
131 made.

- 132 • Protection of surface and groundwater (with historic flow ways)
- 133 • Protection of ecosystems (including wildlife habitats)
- 134 • Continuation of economic viability (tourism industry and adequate aggregate resources)
- 135 • Protection of community character (rural quality of life and sustainable agriculture).
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138 **Recommendations**

139 The committee reviewed the three scenarios presented by Dover Kohl, and after discussion,
140 decided to recommend an alternative scenario which is a combination of Scenario 1 and a
141 portion of Scenario 3, with modifications. This scenario is depicted on the attached map. The
142 minority member did not agree with this selection for the reasons outlined in this report.

143 Majority Position

144 The Committee believes that the Dover Kohl team did an excellent job. Consequently, the
145 Committee adopts their principal recommendations and supports the emphasis by the team on
146 restoration of historic flow ways, water quality, and habitat protection. The Committee believes
147 that the balance struck with respect to the sustainable mix of mining, agriculture, preserved and
148 restored lands, and other rural land uses is also appropriate. In order to accomplish these ends,

149 it is essential that a preferred mining area be established, and the Committee recommends the
150 traditional mining Alico corridor with the committee's modifications as the appropriate location.

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

153 a) More detailed pre-permit planning on the need for aggregate mining, mining partitions,
154 cell size, and impacts. Even within the preferred mining areas, permits should be limited
155 to demonstrated need for the product, and mining should be conducted in phases. Both
156 primary and secondary mining areas (limited to areas already impacted) should be
157 established.

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

162 c) Evaluation of cumulative impacts. This would apply to all uses, not just mining.

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

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

169 Minority Position

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

171 • The assumption that there is a sufficient supply of aggregate to meet our needs is
172 incorrect. The Florida Department of Transportation as well as the Strategic Aggregates
173 Study have pointed out that there is a critical shortage of DOT-quality material.
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175 • The assumption that the aggregate in the DR/GR is a Lee County resource and should
176 only be used to meet Lee County's needs is legally unenforceable and a dangerous
177 precedent to set.
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179 • Mining operations have the potential to set aside more land for the restoration of historic
180 flow ways and wetlands, establish wildlife corridors and provide for public-supply well
181 fields than most any other businesses. Eliminating mining from the Corkscrew Road
182 area does nothing to provide large landowners with incentives to help achieve these
183 important goals established for the DR/GR. In fact this action discourages large
184 landowners from implementing conservation measures that would help the entire
185 ecosystem.

222 as many issues as we would have liked. The Conservancy of Southwest Florida, for example,
223 provided the Committee and staff with extensive recommended Comprehensive Plan as well as
224 Land Development Code Amendments that we were unable to address within the available time
225 period. Numerous other topics, recommendations, discussions, and documents were submitted
226 to the Committee for consideration during the course of the proceedings. They are available in
227 the county records and website for future use.

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

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Committee Vote

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

235 Brenda Brooks (Co-chair)

236 Steven Brown

237 Phil Buchanan

238 Carie Call ?(absent on July 23)

239 Don Eslick

240 Cullum Hasty (Co-chair)

241 Kevin Hill

242 Jason Lauritsen

243 Kirk Martin

244 Scott McCaleb

245 Peggy Schmidt

246 Linda Tanner

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

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

APPENDIX

ITEMS FOR FURTHER CONSIDERATION

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- 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.

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

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

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

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

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