

**Lee County
Density Reduction/Groundwater Resource
(DR/GR)
Ad Hoc Steering Committee**



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

Executive Summary

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2 The Lee County Commission established an advisory committee to make recommendations on
3 a study of the southeast Lee County Density Reduction/Groundwater Resource (DR/GR) area
4 and related tasks. To date, the Committee has met 23 times starting in December, 2007 in order
5 to evaluate information and present a thorough recommendation to the Lee County Board of
6 County Commissioners. As a result of those meetings, a preferred option is provided for the
7 Board's consideration.

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8 The Density Reduction/Groundwater Resource Area Ad Hoc Steering Committee, by a vote of
9 11 to 1, recommends, the Board adopt a modification to the Scenarios presented in the Dover,
10 Kohl & Partners report entitled *Prospects for Southeast Lee County: Planning for the Density*
11 *Reduction / Groundwater Resource Area (DR/GR)*. The modification is a combination of
12 Scenario 1 and a portion of Scenario 3 (See attached map.) The map could be considered as a
13 Preferred Mining Area, with primary and secondary priority areas. At this time, the committee
14 believes this recommendation assures ample supply of limerock, beyond the year 2030.

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15 Majority Position

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

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

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

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30 The Committee members favoring this scenario also believe other changes should be
31 implemented. These changes include (1) more detailed pre-permit planning on the need for
32 aggregate mining, mining partitions, cell size, and impacts; (2) greater habitat and wildlife
33 protection; (3) evaluation of cumulative impacts and systemic effects; and (4) more aggressive
34 use of the transfer of development rights (TDRs) concept, emphasizing transfers to areas
35 outside of the DR/GR, and to urban areas with high density transportation corridors. The
36 opportunity will exist to address these and other areas of concern as the proposals and data

37 implementing the scenario become more refined, but the Committee wants the Board to know
38 their principal areas of concern.

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

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

50 Minority Position

51 A minority of the Committee (one member) is not in favor of the attached map. This member
52 recommends considering rock as a state resource and encouraging responsible mining
53 throughout the DRGR. Additional reasoning is listed in the Committee report.

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54 Other Action

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

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

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

61 **Introduction**

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

- 65 a) *Review the proposed options for land use scenarios and make recommendations to the*
66 *County Commission.*
- 67
- 68 b) *Review mining issues and regulations and make recommendations to the County*
69 *Commission.*
- 70
- 71 c) *Review other related items as necessary and as brought forward by the staff, and make*
72 *recommendations to County Commission as needed.*
- 73

- 74 d) *Committee members must comply with all applicable requirements of Florida Statutes*
 75 *Chapter 112, Code of Ethics for Public Officials, including but not limited to voting conflicts.*
 76
 77 e) *The Committee is strictly advisory in nature, and may not make decisions with respect to Lee*
 78 *County policies.*
 79
 80 f) *The Committee is subject to financial disclosure.*
 81
 82 g) *The Committee will sunset when the study has been presented to the County Commission.*
 83
 84 This report is presented in response to items (a), (b) and (c) above, and in compliance with
 85 items (d), (e), (f) and (g).
 86

Background

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

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

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

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

Pursuit of Duties and Responsibilities

107 The Board contracted with Dover, Kohl & Partners to conduct a planning process to “...create
 108 three different land-use scenarios for the future of the DR/GR area to move toward a
 109 sustainable mix of mining, agriculture, preserved and restored lands, and other rural land uses.”
 110 On August 1, 2008, Dover Kohl will present to the Board a thorough accounting of this process
 111 and the three scenarios that resulted.

Deleted: Throughout the process, the Committee maintained a focus on the Duties and Responsibilities established for this effort by the Board of County Commissioners.¶ To help with the charge with regard to the review of land use scenarios,

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112 | During the public participation element of the Dover Kohl planning effort, nearly 80% of the
113 | public and stakeholders who took part indicated that first priorities should be conservation and

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114 | groundwater and surface water protection. [These priorities were revalidated by the DRGR](#)

Deleted: This preferred focus was validated when the Committee members met to review that effort.

115 | Committee. The Committee identified four key outcomes necessary to sustainability of the
116 | resources in the DRGR.

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- Protection of surface and groundwater (with historic flow ways and an adequate supply of clean drinking water)
- Protection and restoration of ecosystems (including wildlife habitats)
- Continuation of economic viability (tourism industry and adequate aggregate resources)
- Protection of community character (rural quality of life and sustainable agriculture).

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124 | Recommendations

125 | The committee reviewed the three scenarios presented by Dover Kohl. The majority of
126 | committee members recommend an alternative scenario which is a combination of Scenario 1
127 | and a portion of Scenario 3, with modifications. This scenario is depicted on the attached map.
128 | The minority member did not agree with this selection for the reasons outlined in this report.

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129 | Majority Position

130 | The Committee believes the Dover Kohl team did an excellent job. Consequently, the
131 | Committee adopts their principal recommendations and supports the emphasis placed on
132 | restoration of historic flow ways, water quality, and habitat protection. The Committee believes
133 | the balance struck with respect to the sustainable mix of mining, agriculture, preserved and
134 | restored lands, and other rural land uses is also appropriate. In order to accomplish these ends,
135 | it is essential that a preferred mining area be established. The Committee recommends the
136 | traditional mining Alico corridor with the committee's modifications as the appropriate location.

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137 | The Committee also recommends changes be added during implementation of an alternative,
138 | including the following:

- 139 | a) More detailed pre-permit planning on the need for aggregate mining, mining partitions,
140 | cell size, and impacts. Even within the preferred mining areas, permits should be limited
141 | to demonstrated need for the product, and mining should be conducted in phases. Both
142 | primary and secondary mining areas (limited to areas already impacted) should be
143 | established.
- 144 | b) Greater habitat and wildlife protection. The Dover Kohl report puts top priority on
145 | preservation and restoration of historic water flows, but the Committee would like to see
146 | even more emphasis on both wetland and upland wildlife corridors, to include species
147 | corridors. All uses must be ecologically sound.
- 148 | c) Evaluation of cumulative impacts. This would apply to all uses, not just mining.
149 | Cumulative impacts should be examined before zoning or permitting approvals or as part
150 | of zoning and permitting processes.

151 | d) More aggressive use of the transfer of development rights (TDRs). This should
152 | particularly include transfers outside of the DR/GR, not limited to unincorporated areas.
153 | Transfers to areas best served by transportation hubs are most desirable.

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

157 | Minority Position

158 | A minority (one member) of the Committee is not in favor of the attached map based on the
159 | following reasons:

160 | FDOT quality rock exists in the DR/DR and is one of only three know large deposits
161 | throughout South Florida. For this reason I believe Rock should be considered a strategic
162 | state asset. If mining does not occur where rock is located this resource will be eliminated
163 | from the market. I believe the Strategic Aggregates Study which points out we have a critical
164 | shortage of DOT-quality material. I don't agree with Dover Kohl's assessment that mining is
165 | the primary reason for degradation of water flows and wetlands in the DRGR. There are
166 | other reasons, including construction of Alico and Corkscrew Roads, 10-mile Canal and
167 | rerouting of Lehigh drainage, that create impacts. Mining can co-exist with responsible
168 | mining practices and improved design. I believe spreading mining throughout the DR/GR in
169 | a responsible way is preferable to consolidating mining in one area. I think landowners need
170 | incentives for restoring flow ways and protecting habitat and wellfields. Eliminating mining
171 | from the Corkscrew road areas does not provide landowners incentives for restoring flow
172 | ways and protecting habitat and wellfields.
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174 | Other Action

175 | The Committee also reviewed and approved the Land Development Code (LDC) Amendments
176 | submitted by staff to the Committee on July 16, 2008. These Amendments are consistent with
177 | the scenario recommended by the majority of this Committee. Strong LDCs are needed to
178 | enable Lee County to implement the results of the various DR/GR studies.

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

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Conclusion

184 | The Committee recognizes the adoption of a scenario is only one step in the progression of
185 | planning for the DR/GR. Much work remains to be done, and will more finely tune the details of
186 | broad decisions now being made. Nonetheless, due to the press of time resulting from

Deleted: <#>The assumption that there is a sufficient supply of aggregate to meet our needs is incorrect. The Florida Department of Transportation as well as the Strategic Aggregates Study have pointed out that there is a critical shortage of DOT-quality material.¶

<#>The assumption that the aggregate in the DR/GR is a Lee County resource and should only be used to meet Lee County's needs is legally unenforceable and a dangerous precedent to set. ¶

<#>Mining operations have the potential to set aside more land for the restoration of historic flow ways and wetlands, establish wildlife corridors and provide for public-supply well fields than most any other businesses. Eliminating mining from the Corkscrew Road area does nothing to provide large landowners with incentives to help achieve these important goals established for the DR/GR. In fact this action discourages large landowners from implementing conservation measures that would help the entire ecosystem. ¶

<#>The assumption that mining is the primary reason for degradation of water flows and wetlands in the DR/GR and the Estero River Basin is incorrect. Studies presented to the committee point to reduced flows as a cumulative result from the construction of the 10-mile Canal, Alico Road and Corkscrew Road, and the rerouting of Lehigh Acres drainage away from the DR/GR, farming and mining.¶

<#>Mining and the natural environment can co-exist, and have for decades, with compliant, responsible mining practices ar... [1]

Deleted: <#>Truck traffic and fossil fuel use will increase when rock is imported into Lee County from Tampa and Miami. ¶

<#>If mining is forced out of the area where the right rock is, Lee County is not saving this supply of rock for the future but is forever eliminating it from the marketplace. ¶

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187 deadlines set on the Committee's work, the Committee was unable to fully address and resolve
188 as many issues as we would have liked. The Conservancy of Southwest Florida, for example,
189 provided the Committee and staff with extensive recommended Comprehensive Plan as well as
190 Land Development Code Amendments that we were unable to address within the available time
191 period. Numerous other topics, recommendations, discussions, and documents were submitted
192 to the Committee for consideration during the course of the proceedings. They are available in
193 the county records and website

194 http://www.leecounty.com/dcd3/CommunityPlans/SELC_DRGR/subcommittee.htm for future use.

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

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Committee Vote

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

202 Brenda Brooks (Co-chair)

203 Steven Brown

204 Phil Buchanan

205 Carie Call ?(absent on July 23)

206 Don Eslick

207 Cullum Hasty (Co-chair)

208 Kevin Hill

209 Jason Lauritsen

210 Kirk Martin

211 Scott McCaleb

212 Peggy Schmidt

213 Linda Tanner

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

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

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APPENDIX ITEMS FOR FURTHER CONSIDERATION

- Since Mining is considered a strategic resource, permitted mines must mine-out all available aggregate resources before any other land use is permitted.
- 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.
- Compatibility of future residential near the airport.
- 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 Dover, Kohl & Partners report. The levels should change from four to one. It seems reasonable to request that mining interests give restored areas of the mines containing historic flow ways to Lee County upon completion of the restoration project.
- Agriculture needs to be integrated and provided incentives for retention.
- Lee County policy and strategy should recognize that restoring flow way function to historic levels and reduction of flooding is necessary and that unless restoration is possible, future wellfields should be located away from areas where groundwater levels have already or will be lowered. Lee County must remember that because there is little topographic change within the DR/GR, small changes, even roads, ditches, and culverts, can dramatically affect the flow of water.
- 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

Deleted: <#>Compatibility of future residential near the airport

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250 are generally prohibited from disturbing larger wetlands, thus creating irregularly shaped
251 mining pits. The remaining wetlands get cut off from their natural water sources (above
252 ground and below ground) and cease to function as they once did and the mining
253 industry is prevented from fully concentrating their area of disturbance by these
254 requirements. This policy should be changed in order to concentrate mining in a smaller

255 area of the DR/GR, thus assisting the County to achieve its need to conserve the natural

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resources located in the DR/GR.

- The contents of the Dover, Kohl & Partners report, as well as the DR/GR ad hoc committee's evaluation herein are subject to revision upon completion of the environmental mapping and hydrologic modeling that are also being conducted as part of this study. Lee County should create an advisory committee of state researchers and local farmers to identify methods of encouraging the continuation of

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262 ecologically balanced agricultural operations and identifying better ways to store and

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treat surplus water, thus improving the local ecology.

- Lee County should adopt new light-imprint development standards which would apply to all aspects of development, from road construction to house placement and design to septic system location and configuration on all future development within the DR/GR. Lee County should recognize that a better development pattern is to concentrate allowable development rights into a compact form rather than placing a ribbon of private development around former mining pits. This applies to residential as well as commercial and mixed-use developments. The Dover Kohl team also showed that density could be concentrated in a compact and walkable form with infrastructure (sewers, water, utilities) coupled with amenities (grocery store, schools, employment, etc) and is less polluting than low-density development. These communities should also be located adjacent to existing roadways.
- Lee County should adopt regulations that would permit fill dirt operations in more locations outside the DR/GR in order to reduce transport costs and minimize wear on the county's roadways. The County should authorize the extraction and transport of fill material as an interim use in the Future Urban Areas provided that the all other requirements are met.
- Lee County should ensure that post-mining land uses and site design are appropriate to their location and to the needs of the community. Special emphasis should be placed upon future recreational use and the inclusion of littoral shelves to support vegetation and native fish populations.
- Lee County should continuously explore alternative sources of materials for roads and construction as well as materials that would extend the lifetime of roads, including expanded use and/or recycled materials.
- Lee County should implement a policy where transportation projects follow, not lead, land use policy. Too often large-scale transportation projects are planned and executed before a clear land-use policy is established for the surrounding areas. It has been repeatedly demonstrated that aggressive expansion of roadways can actually induce further travel demand. In addition Lee County should begin designing existing and planned roads for multi-modal use.
- Lee County policies as well as best management practice's (BMPs) including the importance of good daily health, safety and environmental stewardship necessary to protect Lee County's drinking water should be communicated to all owners and operators within the DR/GR. Specifically Lee County needs to develop Fact Sheets containing BMPs for development, individual homes, mining, restoration and more.

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The assumption that there is a sufficient supply of aggregate to meet our needs is incorrect. The Florida Department of Transportation as well as the Strategic Aggregates Study have pointed out that there is a critical shortage of DOT-quality material.

The assumption that the aggregate in the DR/GR is a Lee County resource and should only be used to meet Lee County's needs is legally unenforceable and a dangerous precedent to set.

Mining operations have the potential to set aside more land for the restoration of historic flow ways and wetlands, establish wildlife corridors and provide for public-supply well fields than most any other businesses. Eliminating mining from the Corkscrew Road area does nothing to provide large landowners with incentives to help achieve these important goals established for the DR/GR. In fact this action discourages large landowners from implementing conservation measures that would help the entire ecosystem.

The assumption that mining is the primary reason for degradation of water flows and wetlands in the DR/GR and the Estero River Basin is incorrect. Studies presented to the committee point to reduced flows as a cumulative result from the construction of the 10-mile Canal, Alico Road and Corkscrew Road, and the rerouting of Lehigh Acres drainage away from the DR/GR, farming and mining.

Mining and the natural environment can co-exist, and have for decades, with compliant, responsible mining practices and improved design. By consolidating mining to one area, any negative impacts are multiplied for that area while the cumulative impacts are lessened when mining is spread throughout the DR/GR in a responsible way.

FDOT quality rock exists in the DR/GR and is one of only three known large deposits throughout South Florida. Removing this critical reserve from the supply chain will result in damaging the quality of life because of increased road-building and construction costs resulting from supply shortages that could have been avoided.