

**PAT 96-24  
BoCC SPONSORED  
EAR ADDENDUM AMENDMENT  
TO THE**

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**LEE COUNTY COMPREHENSIVE PLAN**

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**THE LEE PLAN**

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BoCC Adoption Document

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**June 3, 1998**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
PAT 96-24**

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

**STAFF REPORT PREPARATION DATE: May 20, 1997**

**PART I - BACKGROUND AND STAFF RECOMMENDATION  
PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

LEE COUNTY BOARD OF COUNTY COMMISSIONERS  
REPRESENTED BY LEE COUNTY DIVISION OF PLANNING

**2. REQUEST:**

Amend the Future Land Use Element, Goal 10, Objective 1, by adding a policy that calls for a study to determine the appropriateness of oil exploration, drilling, or production in Lee County. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated.

**B. BACKGROUND INFORMATION**

This amendment was initiated by the Evaluation and Appraisal Report Addendum Report as adopted by the Board of County Commissioners on February 1, 1996. The report contained the following :

*Continued oil exploration in Lee County and especially the Lehigh Acres area, presents an activity not currently addressed in the Lee Plan. Although regulations for oil-related activities*

*are addressed under the Lee County Land Development Code (LDC) where oil exploration is allowed through the issuance of a special permit, the Lee Plan does not provide guidance with respect to oil exploration, drilling or production.*

The report went on to recommend that the county should consider the adoption of an objective and/or policies that would establish standards to regulate oil exploration, drilling and /or production.

## **C. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

### **1. RECOMMENDATION:**

Add a new a Lee Plan objective under Goal 10: Mineral Extraction that strives to create a balance between the county's petroleum resources and its growing urban areas. Add a new policy under that objective that calls for a study to determine the appropriateness of oil exploration, drilling, or production in Lee County. The recommended language is:

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

**Policy 10.2.1: By 2000, the county shall conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study shall address the issues of the compatibility of oil-related activities with urban uses. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code.**

### **2. BASIS AND RECOMMENDED FINDINGS OF FACT:**

Continued oil exploration in Lee County and especially the Lehigh Acres area, presents an activity not currently addressed in the Lee Plan. Although regulations for oil-related activities are addressed under the Lee County Land Development Code (LDC) where oil exploration is allowed through the issuance of a special permit, the Lee Plan does not provide guidance with respect to oil exploration, drilling or production.

## **D. LPA RECOMMENDATION**

The LPA discussed and passed a motion 5-0 modifying staff's recommended language. The LPA recommended language with strikeouts from the original staff recommended language is as follows:

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

**Policy 10.2.1: By 2000, the county shall conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study shall address the issues of the compatibility of oil-related activities with urban uses. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code.**

## **PART II - STAFF ANALYSIS**

### **A. STAFF DISCUSSION**

As stated in the EAR Addendum, continued oil exploration in Lee County and especially the Lehigh Acres area, presents an activity not currently addressed in the Lee Plan. Although regulations for oil-related activities are addressed under the Lee County Land Development Code (LDC) where oil exploration is allowed through the issuance of a special permit, the Lee Plan does not provide guidance with respect to oil exploration, drilling or production.

On at least two occasions in the past, planning staff has been asked to provide comments on proposed oil exploration projects. Both of these proposals were located wholly or partially in Lehigh Acres. Staff was concerned with the impacts on the residences located very close to the seismic tests. While blasting is regulated in the Land Development Code, planning staff had genuine concerns that the blasting for the seismic testing was not appropriately addressed.

Looking to the Lee Plan for guidance staff found Policy 110.1.6 in the Economic Element which directs the county to oppose off-shore tracts for the purpose of oil exploration and drilling. Staff could find no policies dealing with this subject on-shore, other than requirements to reviewing hazard mitigation plans for petroleum storage facilities.

Staff believes that it is prudent to undertake a study to determine the appropriateness of such activities within Lee County. Because Lee County is now an urban county, issues of the compatibility of oil-related activities with residential uses should be explored.

Results of the proposed study would provide recommendations regarding the appropriateness of these activities within Lee County as well as guidelines under which such activities would be regulated if allowed. The study should include an evaluation of the appropriateness of such activities, including an analysis of their effect on land use, tourism, agriculture, and the economy.

### **B. CONCLUSIONS**

Continued oil exploration in Lee County and especially the Lehigh Acres area, presents an activity not currently addressed in the Lee Plan. Although regulations for oil-related activities are addressed under the

Lee County Land Development Code (LDC) where oil exploration is allowed through the issuance of a special permit, the Lee Plan does not provide guidance with respect to oil exploration, drilling or production.

### **C. STAFF RECOMMENDATION**

Create a Lee Plan objective and policy that calls for a study to determine the appropriateness of oil exploration, drilling, or production in Lee County. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code. See Part I, C.2. of this report for specific language.

**PART III - LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF LPA HEARING: May 6, 1997

**A. LOCAL PLANNING AGENCY REVIEW**

The LPA discussed and passed a motion 5-0 modifying staff's recommended language. The LPA recommended language with strikeouts from the original staff recommended language is as follows:

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

**Policy 10.2.1: By 2000, the county shall conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study shall address the issues of the compatibility of oil-related activities with urban uses. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code.**

**B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY**

1. **RECOMMENDATION:** The LPA recommends that the Board of County Commissioners transmit this amendment with the modified language.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The LPA accepted the findings of fact as advanced by the staff.

**C. VOTE:**

<b>CARRON DAY</b>	<b>ABSENT</b>
<b>RICHARD DURLING</b>	<b>AYE</b>
<b>EARL HAMILTON</b>	<b>ABSENT</b>
<b>RONALD INGE</b>	<b>AYE</b>
<b>BILL SPIKOWSKI</b>	<b>AYE</b>
<b>GREG STUART</b>	<b>AYE</b>

MATT UHLE

AYE

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

DATE OF TRANSMITTAL HEARING: November 5, 1997

**A. BOARD REVIEW:** The Board of County Commissioners expressed great concern about the possibility of on-shore oil exploration, drilling and production especially in view of the fact that Lee County has taken a strong position against offshore oil drilling. Staff pointed out that there are no Policies in the current Lee Plan to deal with onshore oil drilling. At the Board's request the County Attorney will look into what steps need to be taken to enact a potential moratorium on any oil drilling until regulations are implemented.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board of County Commissioners voted unanimously to transmit this amendment (with the changes recommended by the LPA) and the insertion of the words "the environment and", as shown double underlined in the language below.

**OBJECTIVE 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.

**Policy 10.2.1:** By 2000, the county shall conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study shall address the issues of the compatibility of oil-related activities with the environment and urban uses. This study shall include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code.

- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff.

**C. VOTE:**

JOHN ALBION

AYE

ANDREW COY

AYE

**RAY JUDAH**

**AYE**

**JOHN MANNING**

**AYE**

**DOUG ST. CERNY**

**AYE**

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

DATE OF ORC REPORT: February 5, 1998

**A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS**

The DCA had no objections, recommendations, or comments concerning this amendment.

**B. STAFF RECOMMENDATION**

Adopt the amendment as transmitted.

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

DATE OF ADOPTION HEARING: May 27, 1998

**A. BOARD REVIEW:** The Board provided no discussion on this amendment. This item was approved on the consent agenda.

**B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:**

- 1. BOARD ACTION:** The Board voted to adopt this amendment.
- 2. BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact as advanced by staff.

**C. VOTE:**

<b>JOHN ALBION</b>	<b>AYE</b>
<b>ANDREW COY</b>	<b>AYE</b>
<b>RAY JUDAH</b>	<b>AYE</b>
<b>JOHN MANNING</b>	<b>AYE</b>
<b>DOUG ST. CERNY</b>	<b>ABSENT</b>