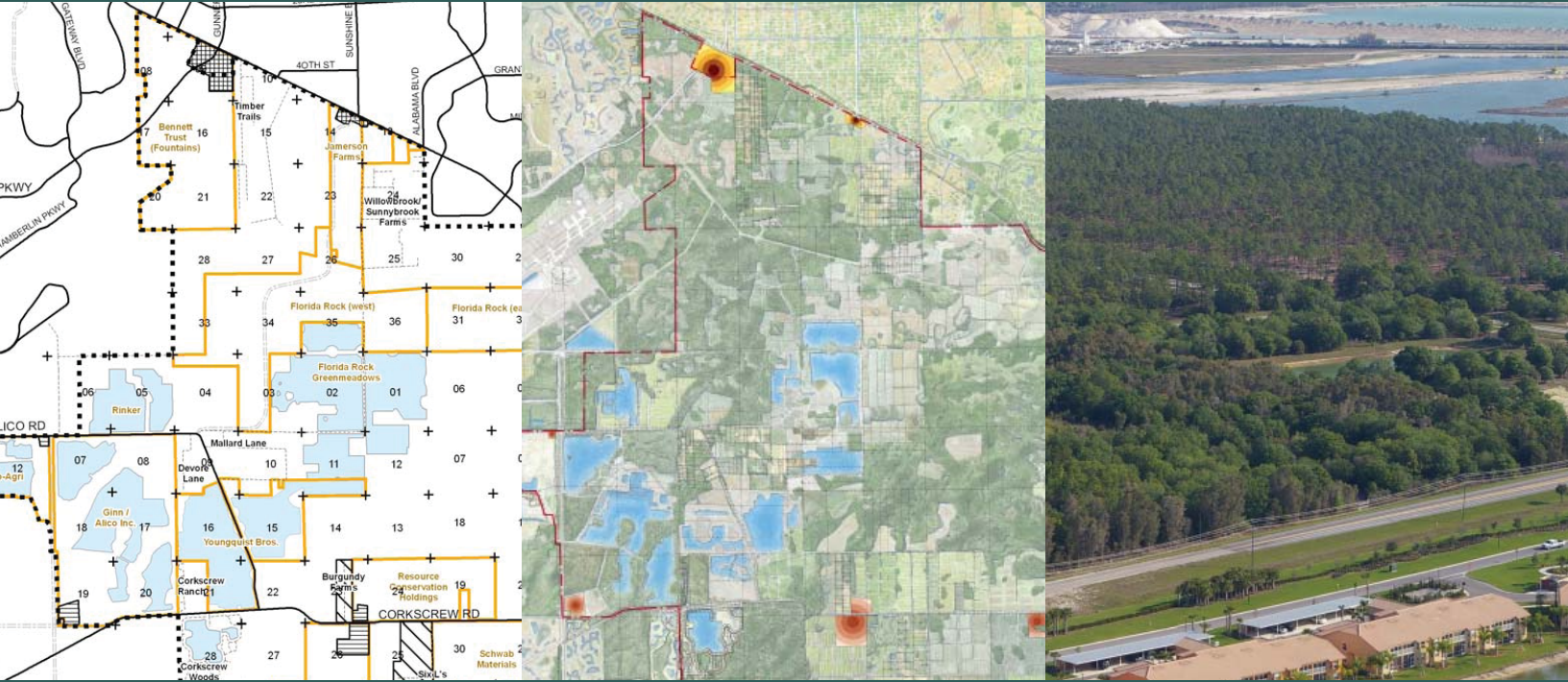


# PROPOSED LEE PLAN AMENDMENTS FOR SOUTHEAST LEE COUNTY



## PLANNING FOR THE DENSITY REDUCTION / GROUNDWATER RESOURCE AREA (DR/GR)

# PROPOSED LEE PLAN AMENDMENTS FOR SOUTHEAST LEE COUNTY

## INTRODUCTION

In 1990, Lee County Commissioners applied a new Density Reduction/Groundwater Resource (DR/GR) designation to most of southeast Lee County to protect the area's shallow aquifers and reduce the county's population capacity. The 82,560 acres of the southeast DR/GR host rural neighborhoods, limerock mines, and active farms. The land also contains valuable ecological and hydrological features including panther habitat and public water supply wells.

Since the designation of the area, the pressure to mine and to expand the urban area outward has been increasing. 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.

A major planning effort was part of this initiative. Using detailed ecological mapping and a scenario-based land use study, a new *Prospects for Southeast Lee County* plan (2008) defined proper balances of uses for the DR/GR's future.

Dover, Kohl & Partners led the project team, with collaboration from Spikowski Planning Associates, Kevin L. Erwin Consulting Ecologist, Inc., Hall Planning & Engineering, Dan Cary, Berger Singerman, David Douglas Associates, Inc., and DHI Water & Environment, Inc.

To provide oversight and additional insight into emerging policy options, the Lee County Commission appointed a 15-member DR/GR Advisory Committee that met throughout 2008 and formulated independent recommendations on future county policy for southeast Lee County.

In September 2008 the Board of County Commissioners directed that implementation of the resulting plan begin immediately. This implementation phase will be presented in five separate reports:

- ***Proposed Lee Plan Amendments for Southeast Lee County***, which contains detailed amendments to maps and policies in the Lee Plan and a summary of the data and analysis upon which they are based.
- ***Transferable Development Rights in Southeast Lee County***, which analyzes the feasibility of a transferable development rights program and provides detailed designs for potential rural and mixed-use communities.
- ***Comprehensive Hydrological Study of the Lee County's Southeastern Density Reduction / Groundwater Resource Area***, which documents the creation of an integrated surface and groundwater model and analyzes land-use alternatives for this area from a hydrological perspective.
- ***Natural Resource Strategies for Southeast Lee County***, which addresses best farming practices, land acquisition and restoration, mine reclamation standards, and innovative mining approaches.
- ***Proposed Land Development Code Amendments for Southeast Lee County***, which contains detailed code amendments to carry out the Lee Plan amendments and other recommendations of these reports.

This current document will be the subject of a series of public hearings before the Lee Plan can be amended. The first public hearings will be before the Lee County Local Planning Agency. The second will be before the Board of County Commissioners, after which state and regional agencies have the opportunity to comment. The final public hearing will be to adopt an ordinance formally amending the Lee Plan.

# PROPOSED LEE PLAN AMENDMENTS FOR SOUTHEAST LEE COUNTY

(CASE #CPA 2008-06)

## A. SUMMARY OF APPLICATION

### 1. APPLICANT:

Lee County Board of County Commissioners

### 2. RECOMMENDATION:

The proposed amendments and the data and analysis summarized in this document have been prepared on behalf of the Lee County Board of Commissioners by its consultant Dover, Kohl & Partners and sub-consultants Spikowski Planning Associates and Kevin L. Erwin Consulting Ecologist, Inc. These firms recommend that the Board of County Commissioners approve these proposed text and map amendments to the Lee Plan. The recommended text changes are included in Section C below; the map changes are in Section D.

### 3. SUMMARY OF SPECIFIC AMENDMENTS:

#### TEXT AMENDMENTS:

- (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
- (b) 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)
- (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
- (d) Amend the Conservation and Coastal Management Element to modify policies under Objective 114.1 on protection of wetlands
- (e) Amend the Glossary to add definitions of aggregate, limerock, and public recreation facilities
- (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" along SR 82 or to land designated on the "Mixed Use" overlay

**MAP AMENDMENTS:**

- (g) Amend Table 1(b) of the Future Land Use Map Series (the acreage allocation table) in Planning Community #18 only so that industrial acreages reflect the acreage of limerock mining pits needed to meet local and regional demand
- (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
- (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
- (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
- (m) Amend Map 14 of the Future Land Use Map Series to designate a “Future Limerock Mining” overlay
- (n) Add a new Map 17 to the Future Land Use Map Series to designate new “Rural Residential” overlays in Planning Community #18 only
- (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

**B. BACKGROUND INFORMATION ON EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** Southeast Lee County contains about 82,560 acres. This acreage continues to decrease as parcels are annexed by the City of Bonita Springs and switched from Planning Community #18 to Planning Community #3.

**PROPERTY LOCATION:** Southeast Lee County is on the east side of Interstate 75 and south of S.R. 82, excluding the following land:

- Land in the City of Bonita Springs (Planning Community #3)
- Land along Corkscrew Road that is designated “Suburban” and “General Interchange”
- Land along Ben Hill Griffin Parkway and Alico Road that is designated “University Community,” “University Village Interchange,” “Industrial Interchange,” and “Tradeport”
- Land in Planning Community #8 (City of Fort Myers)
- Land in Planning Community #10 (Gateway/Airport)

**EXISTING USE OF LAND:** Major active and passive agricultural uses, regional mining operations, public wellfields and water treatment plants, significant contiguous tracts set aside for preservation, a private golf course, and very large lot residential home sites. For details on existing uses, refer to *Prospects for Southeast Lee County*.

**CURRENT ZONING:** AG-2, AG-3, CC, CPD, IPD, PRFPD, RPD, RV-3

**CURRENT FUTURE LAND USE CATEGORIES:** Density Reduction/Groundwater Resource; Wetlands; Public Facilities; Conservation Lands (uplands and wetlands)

C. **PROPOSED LEE PLAN TEXT AMENDMENTS:** The specific proposed changes to the adopted text of the Lee Plan are included below. Existing Lee Plan language and proposed changes are shown within boxes; language to be added is underlined and language to be deleted is ~~struck through~~. Maps being changed are also shown within boxes.

(NOTE: Existing Lee Plan language is sometimes reprinted unchanged to assist readers in understanding policies that are relevant to proposed changes but which are not themselves being changed.)

(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

Chapter 1 of the Lee Plan contains a concise vision statement for each of the 22 Planning Communities that are delineated on Map 16. Changes to two of the vision statements are proposed here.

The first change is the deletion of a clause in Planning Community #10 referring to DR/GR land. Some DR/GR land has been included in Planning Community #10 because it had been identified at one time for acquisition for the Southwest Florida International Airport; that acquisition effort is no longer active. A concurrent amendment, CPA 2008-13, will modify Map 16 to restore this DR/GR land into Planning Community #18. The corresponding change to the vision statement is proposed below.

The second change is a significant update to the vision statement for Planning Community #18 for Southeast Lee County. The content of the new language is drawn from *Prospects for Southeast Lee County* (2008).

- 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. (Amended by Ordinance No. 04-16, 07-12)

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. (Added by Ordinance No. 99-15, Amended by Ordinance No. 07-12)

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

No changes are proposed to Goal 1, Objective 1.1, or Policy 1.1.1. They are included here for easy reference because Policy 1.1.1 is closely integrated with Policies 1.7.6, 2.2.2, and 30.1.4, which are being modified by these amendments. Changes are proposed to Policy 1.1.7 to use new terminology that was adopted into the Land Development Code in 2008 and keep this policy consistent with other amendments proposed in this document.

**GOAL 1: FUTURE LAND USE MAP.** To maintain and enforce a Future Land Use Map showing the proposed distribution, location, and extent of future land uses by type, density, and intensity in order to protect natural and man-made resources, provide essential services in a cost-effective manner, and discourage urban sprawl. (Amended by Ordinance No. 94-30)

**OBJECTIVE 1.1: FUTURE URBAN AREAS.** Designate on the Future Land Use Map (Map 1) categories of varying intensities to provide for a full range of urban activities. These designations are based upon soil conditions, historic and developing growth patterns, and existing or future availability of public facilities and services. (The Future Land Use Map series also contains Map 2 and additional maps located in the appendix. A colored wall-size reproduction of Map 1 is also available.)

**POLICY 1.1.1:** The Future Land Use Map contained in this element is hereby adopted as the pattern for future development and substantial redevelopment within the unincorporated portion of Lee County. Map 16 and Table 1(b) are an integral part of the Future Land Use Map series (see Policies 1.7.6 and 2.2.2). They depict the extent of development through the year 2030. No development orders or extensions to development orders will be issued or approved by Lee County which would allow the Planning Community's acreage totals for residential, commercial or industrial uses established in Table 1(b) to be exceeded (see Policy 1.7.6). The cities of Fort Myers, Cape Coral, Sanibel, Bonita Springs and Town of Fort Myers Beach are depicted on these maps only to indicate the approximate intensities of development permitted under the comprehensive plans of those cities. Residential densities are described in the following policies and summarized in Table 1(a). (Amended by Ordinance No. 94-29, 98-09, 07-12, 07-13)

**POLICY 1.1.7:** The Industrial Development 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. (Amended by Ordinance No. 94-30, 98-09, 99-15, 02-02)



The new sentence in Policy 1.2.2 proposed below would clarify that limerock mining is a potential use in a small portion of the Tradeport area on the north side of Alico Road, as depicted on the new Map 14. Some of this land had previously been identified for limerock mining by the old Map 14; however, when the land was redesignated to Tradeport, limerock mining was not explicitly retained as a potential use.

**OBJECTIVE 1.2: SOUTHWEST FLORIDA INTERNATIONAL AIRPORT AREA.** Designate on the Future Land Use Map adequate land in appropriate locations to accommodate the projected growth needs of the Southwest Florida International Airport and the business and industrial areas related to it, as well as research and development activities and other non-aviation related development that is not necessarily related to the airport, through the year 2030. The Lee County Port Authority desires to establish non-aviation related uses to provide a supplementary revenue source as well as providing an opportunity for businesses that desire a location on airport property. Designate on the Airport Layout Plan suitable areas to accommodate these desired uses and provide general policy guidance as to how these uses will be developed. These categories are also considered Future Urban Areas. (Amended by Ordinance No. 94-30, 02-02, 04-16, 07-12)

**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 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. (Amended by Ordinance No. 94-30, 02-02, 03-04, 04-16, 07-09)

Policy 1.4.1 described potential uses with the “Rural” designation on the Future Land Use Map. Policy 10.1.4 allows some natural extraction operations in this category; a reference to that policy should be included in Policy 1.4.1

Policy 1.4.5 was added to the Lee Plan in 1990 to define the new DR/GR designation. The changes proposed below are consistent with the original designation but provide additional guidance as to the meaning of the key phrase “maintaining surface and groundwater levels at their historic levels.” These changes also provide policy references to other Lee Plan policies, including one that was added in 1999 to extinguish the density rights for new golf courses (see Policy 16.2.3) and to other policies that are being added at this time. These additional changes are described further throughout this document.

**OBJECTIVE 1.4: NON-URBAN AREAS.** Designate on the Future Land Use Map categories for those areas not anticipated for urban development at this time.

**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). (Added by Ordinance No. 97-17, Amended by Ordinance No. 98-09, 00-22, 07-12)

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) 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.

1. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 30.1.3 and 30.3.3). 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.
  - 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 bonafide 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. (Amended by Ordinance No. 91-19, 94-30, 99-16, 02-02)

No changes are proposed to this objective or these policies. They are included here for easy reference and to indicate that despite proposed changes to the mapped wetland boundaries, the intent and legal effect of the mapped wetland boundaries would not change in any way.

**OBJECTIVE 1.5: WETLANDS.** Designate on the Future Land Use Map those lands that are identified as Wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended in F.S. 373.4211. (Amended by Ordinance No. 94-30)

**POLICY 1.5.1:** Permitted land uses in Wetlands consist of very low density residential uses and recreational uses that will not adversely affect the ecological functions of wetlands. All development in Wetlands must be consistent with Goal 114 of this plan. The maximum density is one dwelling unit per twenty acres (1 du/20 acre) except as otherwise provided in Table 1(a) and Chapter XIII of this plan. (Amended by Ordinance No. 94-30)

**POLICY 1.5.2:** When the exact location of Wetlands boundaries is in question, Chapter XIII of this plan provides an administrative process, including a field check, to precisely define the boundary. (Amended by Ordinance No. 94-30)

**POLICY 1.5.3:** Wetlands that are conservation lands will be subject to the provisions of Policy 1.4.6 as well as the provisions of Objective 1.5. The most stringent provisions of either category will apply. Conservation wetlands will be identified on the FLUM to distinguish them from nonconservation wetlands. (Added by Ordinance No. 98-09)

One change proposed for Policy 1.7.6 would merely delete the obsolete term “final development order”; the same change had previously been made to all other Lee Plan policies that had used that term. A second change would provide a cross-reference to new Policy 30.1.4 regarding limerock mining. A third change would modify subsection 3 to align future updates of the Planning Community map and acreage allocation table system with the state-mandated schedule for Evaluation & Appraisal Reports.

No change is proposed to Policy 1.7.7; it is reprinted here for easy reference and to indicate that despite proposed changes to the actual Public Acquisition overlay (which is found in the Lee Plan as “Map 1, Page 4”), the intent and legal effect of that overlay would not change in any way.

**OBJECTIVE 1.7: SPECIAL TREATMENT AREAS.** Designate on the Future Land Use Map, as overlays, special treatment areas that contain special restrictions or allowances in addition to all of the requirements of their underlying categories.

**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 acreages 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. (Amended by Ordinance No. 94-29, 98-09, 00-22, 07-13)

**POLICY 1.7.7:** The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. 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 public acquisition activities in the county. (Amended by Ordinance No. 91-19, 00-22)

Policy 1.7.8 is reprinted here for easy reference and to indicate that despite proposed changes to the boundaries in the actual Agricultural overlay (Map 20), the intent and legal effect of that overlay would not change in any way.

Proposed Policies 1.7.12 through 1.7.15 identify four new overlay maps that are being added to the Lee Plan by other portions of this amendment package. By listing them under Objective 1.7 with the other overlay maps, users of the Lee Plan will have a quick summary of these overlays and can easily learn where else in the Lee Plan each overlay is discussed.

**POLICY 1.7.8:** The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County's economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Added by Ordinance No. 94-30)

**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 residential subdivisions that are reasonably distant 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).

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. The second 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.

**GOAL 2: GROWTH MANAGEMENT.** To provide for an economically feasible plan which coordinates the location and timing of new development with the provision of infrastructure by government agencies, private utilities, and other sources.

**OBJECTIVE 2.2: DEVELOPMENT TIMING.** Direct new growth to those portions of the Future Urban Areas where adequate public facilities exist or are assured and where compact and contiguous development patterns can be created. Development orders and permits (as defined in F.S. 163.3164(7)) will be granted only when consistent with the provisions of Sections 163.3202(2)(g) and 163.3180, Florida Statutes and the county’s Concurrency Management Ordinance. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 2.2.1:** Rezoning and development-of-regional-impact proposals will be evaluated as to the availability and proximity of the road network; central sewer and water lines; community facilities and services such as schools, EMS, fire and police protection, and other public facilities; compatibility with surrounding land uses; and any other relevant facts affecting the public health, safety, and welfare. (Amended by Ordinance No. 94-30, 00-22)

**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 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. (Amended by Ordinance No. 94-30, 98-09)

**POLICY 2.2.3:** When an area within the county is approaching the capacity of the necessary facilities as described above, requested rezonings to increase densities and intensities may be deferred or denied to give preference to existing vacant lots and other valid development approvals, provided that a constitutionally mandated reasonable use of land would still be permitted.

Policy 6.1.2 sets forth the Lee Plan's general locational criteria for commercial development. The following change to subsection (9) of that policy would note that there are minor exceptions in the DR/GR area, as described under Objective 30.3, that apply only in "Rural Communities" and "Mixed-Use Communities" as depicted on proposed overlay Map 17.

**GOAL 6: COMMERCIAL LAND USES.** To permit orderly and well-planned commercial development at appropriate locations within the county. (Amended by Ordinance No. 94-30)

**OBJECTIVE 6.1:** All development approvals for commercial land uses must be consistent with the following policies, the general standards under Goal 11 and other provisions of this plan. (Amended by Ordinance No. 94-30)

**POLICY 6.1.1:** All applications for commercial development will be reviewed and evaluated as to:

- a. Traffic and access impacts (rezoning and development orders);
- b. Landscaping and detailed site planning (development orders);
- c. Screening and buffering (planned development rezoning and development orders);
- d. Availability and adequacy of services and facilities (rezoning and development orders);
- e. Impact on adjacent land uses and surrounding neighborhoods (rezoning);
- f. Proximity to other similar centers (rezoning); and
- g. Environmental considerations (rezoning and development orders).

(Amended by Ordinance No. 00-22)

**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]*



Several agricultural policies are being revised to incorporate the conservation of water resources and to emphasize the value of agriculture in providing connectivity for water and wildlife resources.

**GOAL 9: AGRICULTURAL LAND USES.** To protect existing and potential agricultural lands from the encroachment of incompatible land uses and to discourage the introduction or expansion of agricultural uses in the Future Urban Areas. (Amended by Ordinance No. 00-22)

**OBJECTIVE 9.1:** Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser's office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)

**POLICY 9.1.1:** In accordance with F.S. 187.201(23)(b)1, nothing in this plan will be construed to permanently prohibit the conversion of agricultural uses to other land uses. (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22)

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

**POLICY 9.1.3:** Continue to encourage agricultural operations to meet adopted water quality and surface water management standards by providing advisory water management plans through the Lee Soil and Water Conservation District. (Amended by Ordinance No. 94-30)

**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. (Amended by Ordinance No. 94-30, 02-02)

**POLICY 9.1.5:** Continue to update and analyze agricultural land use data. (Added by Ordinance No. 94-30, Relocated by Ordinance No. 07-12)

**POLICY 9.1.6:** Lee County will work with ~~a 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). (Added by Ordinance No. 94-30, Amended by Ordinance No. 00-22, Relocated by Ordinance No. 07-12)

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 contains county policy toward extraction of natural resources. These policies are not limited to limerock mining or to the DR/GR area; for instance, they also apply to fill-dirt mining and to oil drilling.

Major amendments to Goal 10 were being considered through CPA 2005-49. Those amendments have been incorporated into the proposed language described below. These comprehensive revisions are based on studies conducted and knowledge gained during the DR/GR planning process. Note that mining policies that are specific to limerock mining or to Southeast Lee County are found under Goal 30.

**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. (Amended by Ordinance No. 02-02)

**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. (Amended by Ordinance No. 94-30, 02-02)

*[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. (Amended by Ordinance No. 00-22, 02-02)

**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. (Amended by Ordinance No. 94-30, 00-22, 02-02)

**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<sup>at</sup>, and other appropriate uses, and/or strengthen community environmental benefits. (Amended by Ordinance No. 99-15, 02-02)

**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.

(Amended by Ordinance No. 00-22, 02-02)

**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. (Added by Ordinance No. 98-09)

The Lee Plan contains separate goals, objectives, and policies to implement plans that have been created for specific communities within Lee County. Following this same format, a new Goal 30 and related objectives and policies are described below to centralize most of the additions to the Lee Plan resulting from studies conducted and knowledge gained during the DR/GR planning process, as discussed throughout this document.

Goal 30 expands on the proposed revisions to the vision statement proposed in section (a) of this document. It also recognizes the inherent conflict between retaining shallow aquifers for long-term water storage and extracting the aquifer’s limestone for processing into construction aggregate, and describes the balanced solution that would be achieved by adoption of the plan amendments proposed in this document.

Objective 30.1 and Policy 30.1.1 set forth the concept of a “Future Limerock Mining” overlay map that would designate more than sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through 2030. By limiting rezonings for new and expanded limerock mines to the areas indicated on Map 14, limerock resources in or near existing disturbed areas will be more fully utilized and the spread of 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.

Table A summarizes the size and mining approval status of each area on the proposed Future Limerock Mining overlay. The complete “Future Limerock Mining” overlay is presented in section (m) of this document. Figure 1 on the following page provides a closer look at the land between Corkscrew Road and SR 82 that is proposed for designation in this overlay, using the same codes as in Table A.

TABLE A – Acreage in Future Limerock Mining Overlay (Map 14), With Mining Status						
Code	Tract	Is Tract in Unincorporated DR/GR?	Approx. Acreage in Limerock Mining Overlay	Existing Limerock Pit Acreage in Overlay as of 2006	Mining Pits Already Approved in Overlay beyond 2006	Additional Possible Limerock Mining Acreage in Overlay (maximum)
A	Bennett Trust/Fountains	yes	487	0	0	487
B	Tradeport (n. of Alico)	no	1,454	0	0	1,454
C	Rinker Materials (n. of Alico)	yes	932	189	433	219
D	Rinker Materials (s. of Alico)	yes	335	0	0	335
E	Ginn/Alico Inc. (remainder)	yes	149	0	149	0
F	Youngquist Bros. (w. of Alico)	yes	878	0	878	0
G	Youngquist Bros. (e. of Alico)	yes	633	204	429	0
H	Florida Rock Greenmeadows	yes	2,525	949	1,258	96
I	Florida Rock (sw. addition)	yes	123	0	0	123
J	Florida Rock (nw. addition)	yes	155	0	0	155
K	Florida Rock (ne. addition)	yes	838	0	0	838
L	Bonita Aggregates	no	860	137	420	0
<b>TOTALS:</b>			<b>9,369</b>	<b>1,479</b>	<b>3,567</b>	<b>3,707</b>
Source for mining pit acreages (existing and approved): Table B-2 of <i>Prospects for Southeast Lee County</i> , Dover, Kohl & Partners, 2008						

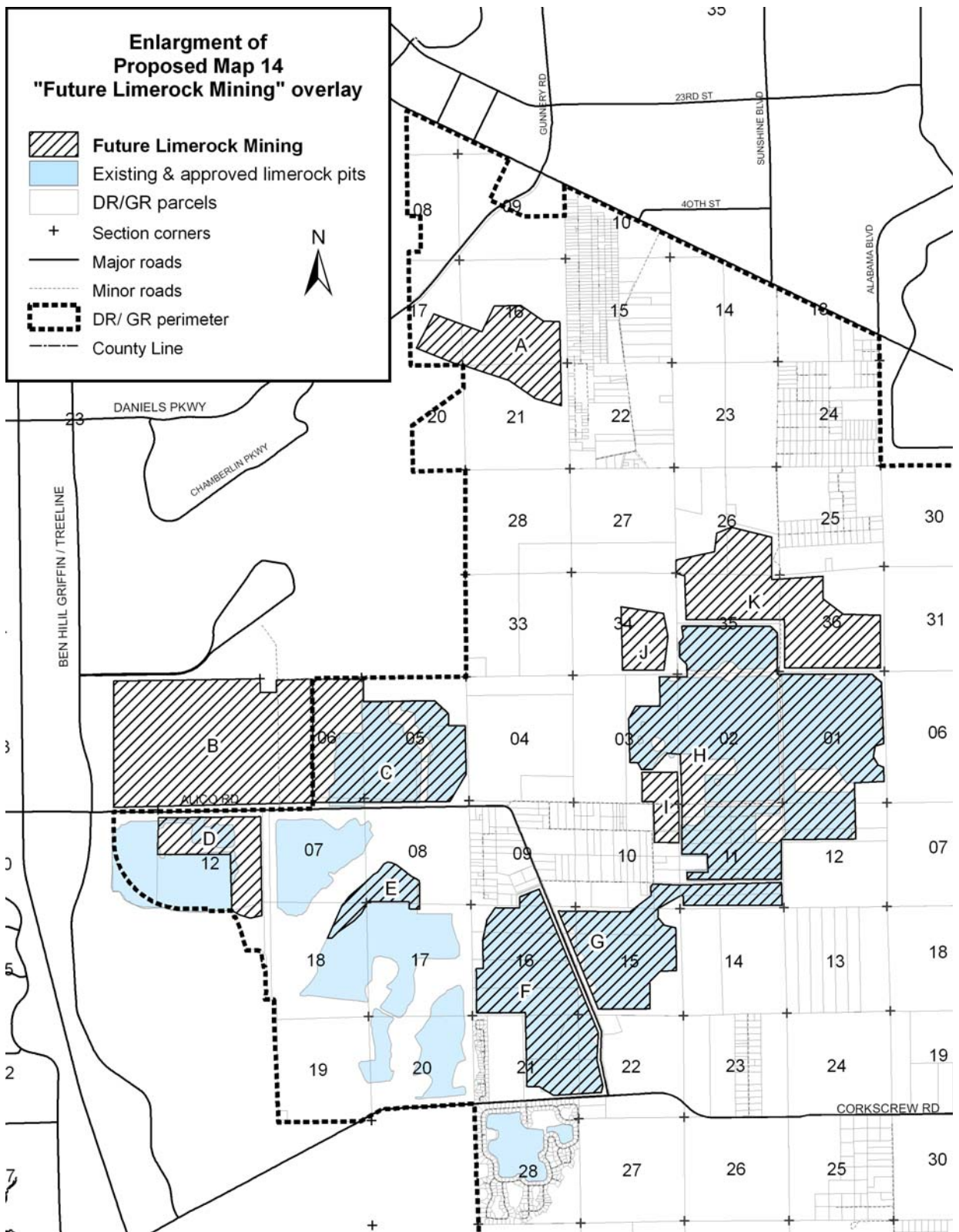


Figure 1

The mining pit acreage data in Table A was taken from the analysis of limerock mining in Lee County that had been summarized in Table B-2 of *Prospects for Southeast Lee County* (2008). As of 2006, 3,597 acres of limerock had been mined, and 3,576 more acres had been approved for limerock mining through the rezoning process. (The totals in Table A are lower than 3,597 because they do not include four completed mines: Miromar Lakes; Rinker Materials south of Alico Road; Rinker / Ginn south of Alico Road; and Cemex / RMC south of Corkscrew Road.)

The analysis in *Prospects for Southeast Lee County* concluded that if all previously approved limerock pits were actually mined for limerock, 821 additional acres of mine pits would still be needed to meet local and regional demands through 2030. The proposed acreage on the Future Limerock Mining overlay is 3,707 acres, or about 4½ times the 821 acres that will be required through 2030.

Policy 30.1.4 will require Lee County to maintain an accurate inventory of existing and approved limerock mines and actual acreage mined over time. If the amount of land shown on the Future Limerock Mining overlay proves to be insufficient because actual demand exceeds forecasts, or because landowners make other choices on how to use their land in the overlay, or because time has passed and demands for 2030 are no longer sufficient for planning and permitting new mines, then this overlay can be expanded through the regular plan amendment process.

Policy 30.1.2 provides references to other plan requirements that also apply to limerock mining.

The current Lee Plan contains some provisions (especially Policy 1.4.5) that are difficult for large mines to meet. Policy 30.1.3 would allow mitigation in place of the strict standard of “maintaining surface and groundwater levels at their historic levels” for future mining land shown on Map 14.

Policy 30.1.4 describes how these amendments would be integrated with the “Year 2030 Allocations” found in Table 1(b) of the Lee Plan. The application of this policy, and certain amendments to Table 1(b), are described in section (g) of this document.

Policies 30.1.5 clarifies that mines that produce only 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 its final destination. For instance, fill dirt operations on the south side of SR 82 would serve the high demand for fill in Lehigh Acres without requiring excessive trucking.

Policy 30.1.6 is a general policy statement that commits Lee County to supporting the use and processing of recycled aggregate, which would reduce the need to mine or import as much additional aggregate.

Policy 30.1.7 notes the impracticality of protecting many agricultural activities from mining impacts. Farm fields are often replaced by mining pits, and adjoining fields are adversely affected when water levels are lowered by mining activities.

**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 agriculture can continue, and environmental restoration can 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.

**POLICY 30.1.3:** 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.



**POLICY 30.1.4:** Table 1(b) contains industrial acreage in Southeast Lee County that reflects the acreage of limerock mining pits needed to meet local and regional demand through the year 2030. The parcel-based database of existing land uses that is described in Policy 1.7.6 will be updated at least every seven years to reflect additional data about limerock mining in Southeast Lee County, including mining acreage zoned (project acres and mining pit acreage), pit acreage with active mine operation permits, acreage actually mined, and acreage remaining to be mined. Current totals are based on data compiled in *Prospects for Southeast Lee County* for the year 2006. Future amendments will reflect any additional data that becomes available through routine monitoring reports and bathymetric surveys or other credible sources. The industrial acreage totals for Southeast Lee County that are found in Table 1(b) for Planning Community #18 will be used for the following purposes:

1. In accordance with Policies 1.1.1 and 1.7.6, new mine development orders and mine development order amendments may be issued provided that the industrial acreage totals in Table 1(b) are not exceeded. For purposes of this computation, the proposed additional limerock pit acreage, when added to the acreage of limerock pits already dug, cannot exceed the acreage limitation established in Table 1(b) for Planning Community #18.
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 and associated policies would provide guidance on how to protect and restore water resources and native ecosystems within southeast Lee County.

Policy 30.2.1 emphasizes the importance of large-scale ecosystem protection and maintenance as a combined effort with public and private entities.

Policy 30.2.2 adopts a “Priority Restoration” overlay into the Lee Plan as Map 25 (see section (q) of this document). Map 25 will provide guidance to help achieve restoration of the historic surface and groundwater levels based upon the *Prospects for Southeast Lee County* report (2008), the *Ecological Memorandum of the Density Reduction/Groundwater Resource Area* (2008), and the *Natural Resource Strategies for Southeast Lee County* report (2009). As stated in the *Ecological Memorandum*, a combination of wetland management, sustainable agriculture, and phased wetland restoration is possible and necessary within the DR/GR to meet the goals and objectives of Lee County.

The “Priority Restoration” overlay contains seven tiers of land potentially eligible for acquisition, with Tier 1 being the highest priority. The tiers that would be eligible for potential acquisition or other means of protection from irreversible land use changes were developed based upon the ecological values that would be derived from protecting these lands, with an emphasis on water resource protection and restoration.

Tier 1 and Tier 2 lands represent key connections to existing public conservation lands including the Corkscrew Regional Ecosystem Watershed (CREW), the Lee County Port Authority Mitigation Park, and Corkscrew Regional Mitigation Bank that would insure the protection and restoration of water storage and water conveyance. Tier 3 lands would expand the connection to existing conservation lands even further, including connectivity with the National Audubon Society’s Corkscrew Swamp Sanctuary to the southeast and Conservation Collier’s Starnes Preserve to the east. Tier 4 lands represent areas within the Estero River Watershed that will require special restoration designs due to existing and potential limerock mines. Tiers 5 through 7 delineate additional areas where the protection and potential enhancement of water resources would be beneficial in the long term.

Agricultural operations that utilize the evolving best management practices may be appropriate within any of the tiers because the agricultural lands in the DR/GR have an enormous capacity to store additional water when properly managed. Additionally, these lands provide a local source of food, connectivity to public lands, green space, and some wildlife habitat.

Figure 2 shows these designations along with other information that will be helpful in understanding how they relate to the “Future Limerock Mining” overlay, to existing public lands, and to potential Mixed-Use Communities near Lehigh Acres.

Policy 30.2.3 explains how the land acquisition tiers would be interpreted. Note that acquisition does not necessarily mean public acquisition of fee simple title; other options are available and some are described here.

Policy 30.2.4 explains how the physical restoration of land could be phased over the long period that would be required to carry out this plan

Policies 30.2.5 and 30.2.6 recognize agricultural operations as an important component of managing water resources within southeast Lee County, even as a long-term use within priority restoration areas.

Policy 30.2.7 indicates the necessity to evaluate the impacts of proposed land uses on surface and groundwater utilizing an integrated surface and groundwater model with site-specific data.

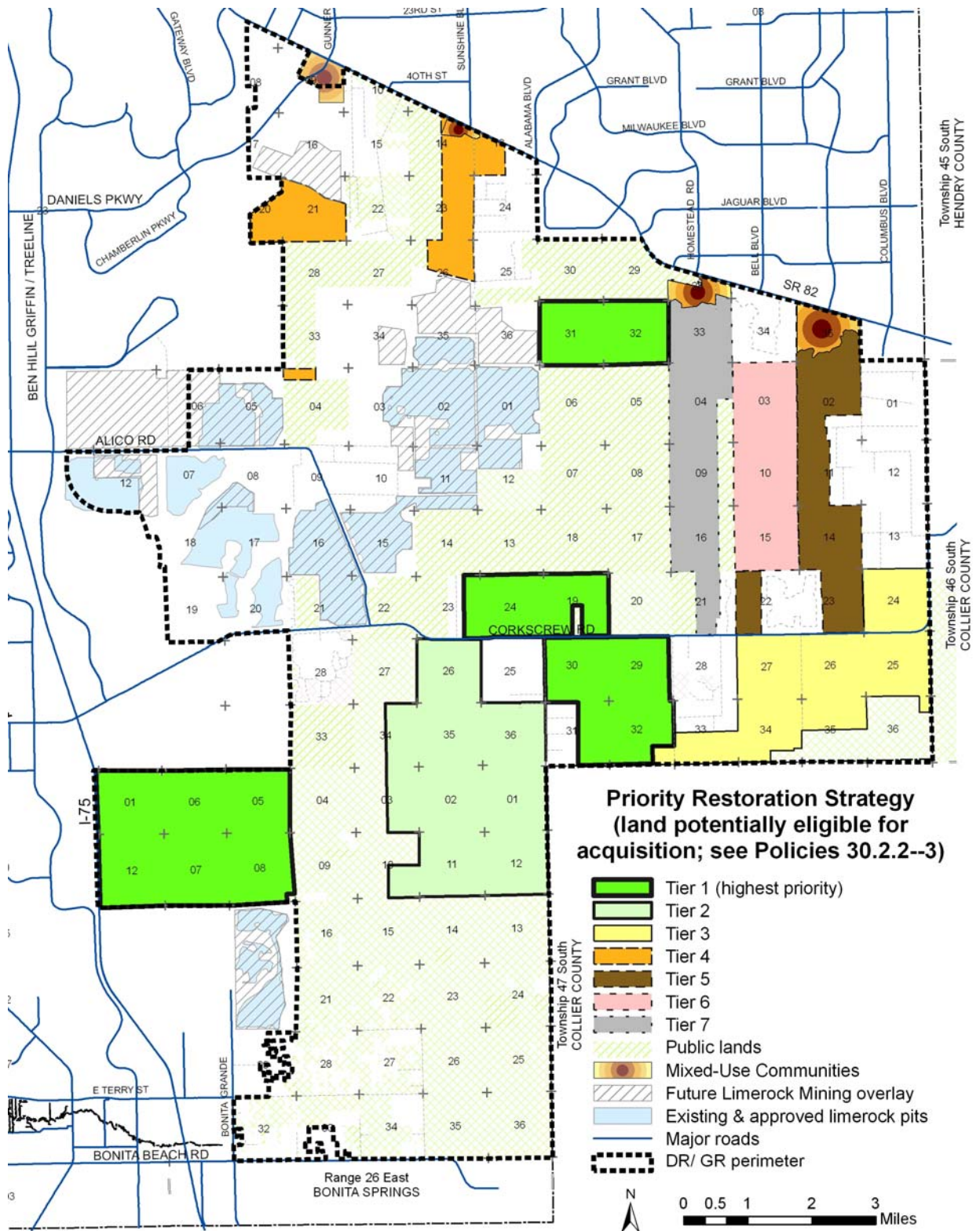


Figure 2

**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 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 and/or restoration would be most critical to restore historic surface and groundwater levels and to connect existing corridors or conservation areas (see Policy 1.7.15). Map 25 identifies seven tiers of land potentially eligible for 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, and demands on water resources justify updating this map.

**POLICY 30.2.3:** It is in southwest Florida's interest for public or nonprofit agencies to actively pursue acquisition of partial or full interest in land within the Tier 1 potential acquisition area 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 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, 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 long-term use even within land designated on Map 25 as potentially eligible for 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.

Objective 30.3 and associated policies set forth the concepts embodied in a new “Rural Residential” overlay map that would designate three different types of residential land uses in the DR/GR area. This overlay would effectively work with the proposed Future Limerock Mining overlay (Map 14) to provide meaningful guidance as to future residential uses across these 82,560 acres.

This overlay would be known as Map 17 in the Lee Plan, as described in section (n) of this document. Figure 3 shows the same three proposed overlay designations along with other information that will be helpful in understanding how this map was prepared.

Policy 30.3.1 describes the first residential category on the overlay: “Existing Acreage Subdivisions” that are not in or near the Future Limerock Mining overlay. These subdivisions are reasonably distant from adverse external impacts such as natural resource extraction.

Table B describes major residential subdivisions within the DR/GR and identifies which ones would be designated on the Existing Acreage Subdivision overlay.

TABLE B – Existing Subdivisions in Planning Community #18					
Name or Location	Sec-Twp-Rge	# of parcels	# w/ homes	# vacant	In new overlay?
Timber Trails	10,15,22-45-26	262	54	208	no
Willowbrook/Sunnybrook Farms	13,24,25-45-26	143	76	67	no
Wildcat Farms	1,2,11,12,13-46-27	253	125	128	yes
Corkscrew Estates	21-46-27	14	3	11	yes
Carter Road	28,33-46-27	102	33	69	yes
Six L’s Farms Road	25,31-46-26	87	43	44	yes
Burgundy Farms	23-46-26	34	14	20	yes
Mallard Lane	9,10-46-26	44	34	10	no
Devore Lane	9-46-26	41	32	9	no
Corkscrew Ranch	21-46-26	59	0	59	no
Corkscrew Woods	21,28-46-26	254	0	254	no
Sun Coast Acres	9-34-47-26	289	23	266	no
<b>TOTALS:</b>		<b>1,582</b>	<b>437</b>	<b>1,145</b>	

Source: Table A-1 of *Prospects for Southeast Lee County*, Dover, Kohl & Partners, 2008

Policy 30.3.2 discourages the creation of additional acreage (ranchette) subdivisions in two ways. The first is to create a more favorable by-right option for owners of large tracts to concentrate their existing development rights on a small portion of their property. The existing rights, at 1 DU/10 acres for uplands and 1 DU/20 acres for wetlands, could be put to use while retaining full ownership and the rights to continue agricultural operations on the vast majority of these tracts.

The Rural Residential overlay designates two categories of land where this consolidation would be allowed and encouraged: “Rural Communities” and “Mixed-Use Communities.” Figure 3 indicates the outlines of existing large undivided DR/GR tracts on the same map as these proposed overlays.

New acreage subdivisions in the DR/GR would typically consume 10 acres of farmland for each lot. Considerable consolidation of development rights is now allowed “by right” (without public hearings), although this practice is not publicized nor encouraged by existing policies. However all new lots must still meet agricultural zoning requirements including a minimum lot size of about an acre, and even minimal commercial uses that would serve local residents are not permitted. Also, there are no provisions at this time for this consolidation of development rights to be permanently recognized in public records through a formal agricultural or conservation easement. These shortcomings would be corrected through changes to the Lee Plan and Land Development Code.

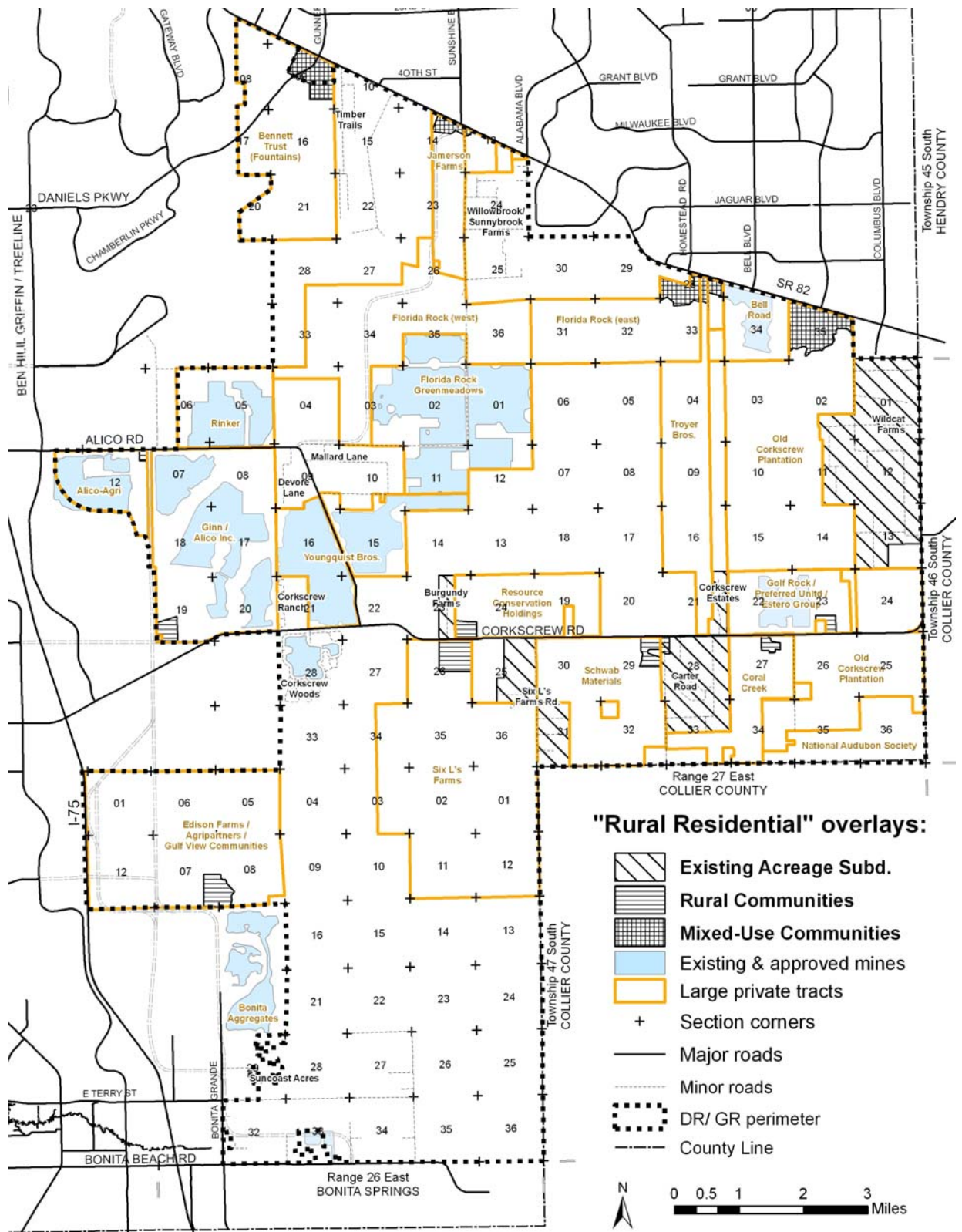


Figure 3

The second way to discourage additional acreage subdivisions would be to require special approval before the subdivisions could be created. This process would allow the evaluation of the need for additional acreage subdivisions in the DR/GR area and the proposed placement of the subdivision relative to future limerock mining areas, restoration areas, and other ongoing activities in the DR/GR. In accordance with Policy 30.3.4, this second method would require that the Land Development Code be modified to identify the precise procedure for this special approval. A likely method would be to require a “special exception” for major subdivisions, which under current county rules could be granted by the Lee County Hearing Examiner. Minor subdivisions of land within the Existing Acreage Subdivisions overlay would continue to be approved administratively without public hearings.

Policy 30.3.3 described a new program for transferable development rights (TDR). The concepts behind this approach and a study of its feasibility are described in detail in a separate document, “Transferable Development Rights in Southeast Lee County” (Dover, Kohl & Partners, May 2009).

In summary, Policy 30.3.3 would add an additional program in which owners of large tracts in the DR/GR area could participate. This new TDR program is closely coordinated with the prior policy which encourages consolidation of existing development rights on a small portion of large tracts. However, it could also be used independently to allow owners of large tracts in the DR/GR to officially sever the development rights on their land (“sending areas”) and sell them on the open market to others who wish to apply those development rights on certain non-contiguous properties that qualify as “receiving areas.”

Four potential receiving areas in the DR/GR are designated on the Rural Residential overlay as “Mixed-Use Communities.” These four areas are also eligible for concentration of existing development rights on contiguous tracts, as described in Policy 30.3.2, but in addition they would become receiving area for TDRs. In addition to these four areas, Lee County could designate additional receiving areas outside the DR/GR, for instance in the new “Mixed Use Overlay” that was added to the Lee Plan’s Future Land Use Map in 2007.

The four Mixed-Use Communities are located on the south side of SR 82 near these major intersections:

- Gunnery Road / Daniels Parkway
- Sunshine Boulevard / (proposed) Alico Extension
- Homestead Road
- Eisenhower Boulevard

As a matter of public policy, the best place to apply development rights from DR/GR land would be in one of these four Mixed-Use Communities. To encourage this to happen, the regulations to be adopted to govern this transferable development rights program should provide easily-understood incentives to landowners. Table C summarizes sample incentives that are discussed in the concurrent report, *Transferable Development Rights in Southeast Lee County*. Table C also compares this program to Lee County’s existing TDR program for wetlands.



TABLE C – Sample TDR Incentives				
TDR TYPES:	Eligible Receiving Areas <u>Inside</u> DR/GR:	Development rights eligible for transfer:	Eligible Receiving Areas <u>Outside</u> DR/GR:	Development rights eligible for transfer:
<b>Proposed Upland TDR Program (for DR/GR only)</b>	Designated “Mixed-Use Communities” on SR 82	One DU / 10 acres (with ag easement)	“Mixed-Use Overlay”	Double the transfer rate allowed for transfers INSIDE the DR/GR
		Second DU / 10 acres (with cons. easement)		<i>(incorporated areas may become eligible to use TDRs under terms established via interlocal agreement)</i>
<b>Proposed Wetland TDR Program (for DR/GR only)</b>	Designated “Mixed-Use Communities” on SR 82	Two DUs / 20 acres (with cons. easement)	“Mixed-Use Overlay”	Double the transfer rate allowed for transfers INSIDE the DR/GR
		Third DU / 20 acres (with restoration)		<i>(incorporated areas may become eligible to use TDRs under terms established via interlocal agreement)</i>
<b>Existing Wetland TDR Program (county-wide)</b>	<i>(no eligible receiving areas within DR/GR)</i>	<i>(not eligible)</i>	“Intensive Development” “Central Urban” “Urban Community”	Four DUs / 20 acres

Policy 30.3.4 indicates that the policies described under Objective 30.3 will require changes to the Land Development Code and that these changes are a high priority of Lee County and will be completed within one year.

Policy 30.3.5 indicates Lee County’s intention to establish and fund a “TDR bank” for the new DR/GR TDR program. This bank would offer to purchase development rights for later resale; this would give potential sellers the opportunity to sell rights even if no developer is ready to use them, and give potential development applicants the opportunity to obtain the necessary rights without seeking them on the open market. Development rights could of course still be sold by private parties on the open market at any time.

Given the current real estate market, there are two different strategies that Lee County could follow. One strategy would be to delay establishing the TDR bank until such time as there are potential buyers who have been unable to obtain TDRs from private landowners or from private brokers. Another strategy would be to take advantage of the current situation where there are very few buyers looking for vacant land and thus TDR values are likely to be lower now than they will be in the future. Through a reverse auction or similar technique, the county could purchase a fixed number of TDRs (perhaps 100) from the most motivated sellers and plan to hold them for up to five years.

**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 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 are encouraged to transfer their residential development rights to future Mixed-Use Communities along SR 82 (see 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.

**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 to establish and fund 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 63.1.2 requires the staff hydrogeologist to review all development applications “...near public utility potable water wellfields...” This policy then explicitly mentions land uses within a 10-year travel time from wellheads (see Lee Plan Map 8). Goal 63 explains that the purpose includes protecting groundwater supplies from activities that could deplete or degrade this resource.

Southeast Lee County contains areas that have the potential for further potable water supply development (McLane, 2007). Wellfield expansions may be placed there, possibly outside today’s 10-year travel time contours. Policy 63.1.3 should be added to include a review of all development applications in the Density Reduction / Groundwater Resource area. Because some land along the Charlotte County line is also designated DR/GR, this policy would also apply to development applications there.

**GOAL 63: GROUNDWATER.** To protect the county’s groundwater supplies from those activities having the potential for depleting or degrading those supplies.

**OBJECTIVE 63.1: WELLFIELD PROTECTION.** The county will maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Amended by Ordinance No. 94-30, 00-22)

POLICY 63.1.1: The wellfield protection ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. (Amended by Ordinance No. 00-22)

POLICY 63.1.2: The staff hydrogeologist will review and comment on all development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (Amended by Ordinance No. 00-22)

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

Goal 114 establishes that Lee County will maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects wetland systems. Wetlands include all lands that meet the state wetlands definition [F.S. 373.019(17)]. Federal jurisdiction over wetlands may include areas that are not covered or claimed by state agencies.

Policy 114.1.1 states: “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.” There is no provision that allows mining within wetlands, even small isolated wetlands that will cease to function as wetlands if the uplands around them are mined and the water table lowered.

Strict compliance with the current Policy 114.1.1 within the proposed Future Limerock Mining overlay would undermine the overlay’s intent by ostensibly preserving wetlands that will no longer function as wetlands after mining. The size of the wetlands may be small and seemingly have little impact on a large mining operation, but the required bank slopes around the edges amplify the effective size of a preserved area significantly. The unfortunate result is that more land elsewhere must then be mined to obtain the same quantity of aggregate, spreading the impacts of mining further from already disturbed areas. The net result is likely to harm more wetlands (and more uplands) than would be preserved by the strict application of Policy 114.1.1. The best solution to this dilemma is to maintain Policy 114.1.1 everywhere in the county except in the Future Limerock Mining overlay.

In 1994, the county’s wetland definition was changed to the state-adopted definition; county staff stopped verifying the delineation of jurisdictional wetlands and issuing permits for wetland impacts. At that same time, the Lee Plan was revised to include Policy 114.1.2(1), which states: “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.”

The statute that is referenced in Policy 114.1.2(1) pertains to processes for adopting and amending a comprehensive plan. It does not limit the county’s ability to independently review the impacts to wetlands, yet its use in this policy is sometimes argued to make it a prohibition against Lee County implementing other portions of the Lee Plan regarding wetlands protection. It is important to note that F.S. 373.414(1)(b)(4) does state that mitigation imposed by a local government for surface water and wetland impacts of an activity regulated by the State may not differ from an issued state ERP permit. While the Florida Statutes limit the role of local government in mitigating wetland impacts, they do not appear to limit a local government from determining whether proposed impacts to wetlands are consistent with its comprehensive plan. Policy 114.1.2(1) should be stricken from county-wide application, but effectively retained within the Future Limerock Mining overlay to streamline mine permitting.

**GOAL 114: WETLANDS.** To maintain and enforce a regulatory program for development in wetlands that is cost-effective, complements federal and state permitting processes, and protects the fragile ecological characteristics of wetland systems. (Amended by Ordinance No. 94-30)

**OBJECTIVE 114.1:** The natural functions of wetlands and wetland systems will be protected and conserved through the enforcement of the county's wetland protection regulations and the goals, objectives, and policies in this plan. "Wetlands" include all of those lands, whether shown on the Future Land Use Map or not, that are identified as wetlands in accordance with F.S. 373.019(17) through the use of the unified state delineation methodology described in FAC Chapter 17-340, as ratified and amended by F.S. 373.4211. (Amended by Ordinance No. 94-30, 00-22)

**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). (Amended by Ordinance No. 94-30, 00-22)

**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.~~
- ~~2.~~ 1. 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.~~ 2. 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.~~ 3. 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.~~ 4. Mitigation banks and the issuance and use of mitigation bank credits will be permitted to the extent authorized by applicable state agencies. (Amended by Ordinance No. 94-30, 00-22, 07-12)

**POLICY 114.1.3:** The Future Land Use Map shows the approximate boundaries of wetlands in Lee County. The map will be updated as needed based on the definitions in this plan and new information. If the Future Land Use Map is incorrect due to a clear factual error, or if an exact boundary determination is desired, an administrative process is set out in Chapter XIII of this plan to establish the precise boundary of the wetland. (Amended by Ordinance No. 94-30, 07-12)

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

The Lee Plan contains a glossary in Chapter XII that defines terms that are used in the Lee Plan with a specific technical meaning.

Three new terms are proposed for the glossary. The term “aggregate” is commonly used in the mining and construction industries to mean gravel or crushed stone, but the term is not ordinarily used in planning documents. The term “limerock” is a regional term for stone products produced from limestone and is also not often seen in planning documents. The term “public recreation facilities” is being added to Policy 1.4.5 and also needs to be defined here.

Three other definitions from the Lee Plan’s glossary are also reprinted to help readers interpret these plan amendments.

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.

NATURAL RESOURCE EXTRACTION - The act of removing, through various techniques, renewable and non-renewable resources, excluding water, in their natural state on or below the surface of the earth. Such resources include but are not limited to sand, gravel, limestone, fill dirt, oil, and natural gas.

PRIVATE RECREATION FACILITIES - Includes nature trails, tent camping areas, boardwalks, play areas (as defined in “Park Planning Guidelines, 3rd Edition”), horse stables and riding areas, service areas, administrative areas, ancillary uses, and golf courses. The location of public wellheads and Aquifer Storage and Recovery facilities may be located in Private Recreational Facilities.

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.

RECREATIONAL USE - The occupation, utilization, consumption, or enjoyment of a recreation resource, or of a particular part of a recreation resource.

- (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” along SR 82 or to land designated on the “Mixed Use” overlay

TABLE 1(a)  
SUMMARY OF RESIDENTIAL DENSITIES <sup>1</sup>

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

CLARIFICATIONS AND EXCEPTIONS

- <sup>1</sup> See the glossary in Chapter XII for the full definition of “density.”
- <sup>2</sup> Adherence to minimum densities is not mandatory but is recommended to promote compact development.
- <sup>3</sup> 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).
- <sup>4</sup> 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. (Amended by Ordinance No. 05-21)
- <sup>5</sup> In all cases on Gasparilla Island, the maximum density must not exceed 3 du/acre.
- <sup>6</sup> Within the Buckingham area, new residential lots must have a minimum of 43,560 square feet.
- <sup>7</sup> 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. (Amended by Ordinance No. 99-15)
- <sup>8</sup> 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. (Amended by Ordinance No. 00-22)
- <sup>9</sup> 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.
- <sup>10</sup> 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)
- <sup>11</sup> 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.

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

The Lee Plan contains Table 1(b), which is titled “Year 2030 Allocations.” The data in this table is organized by the 22 “Planning Communities” that are depicted on Map 16 of the Lee Plan.

The original version of these allocations, known as the “Year 2010 Overlay,” was created in 1990 to implement a 1989 settlement agreement with the Florida Department of Community Affairs (DCA). That agreement required the county to amend the Future Land Use Map Series by designating the proposed distribution, extent, and location of generalized land uses for the year 2010. This was required because the base Future Land Use Map accommodated population growth well beyond 2010 (estimated in 1989 to be about 70 years’ capacity). It was also designed to provide more certainty as to the extent, location, and timing of future commercial development.

Lee County attempted to repeal this overlay in the mid-1990s. However, DCA challenged the elimination and eventually prevailed over Lee County in an administrative hearing and before the Governor and Cabinet. As a result, the overlay system was updated to the year 2020 and streamlined considerably. Later the system was updated to the year 2030 (by amendment CPA 2005-26 in 2007).

The effects of Table 1(b) and Map 16 are described in Policies 1.1.1, 1.7.6, and 2.2.2, which were reproduced in full earlier in this document. In summary, Table 1(b) is applied to development applications at two separate stages:

- **At the rezoning stage.** Policy 2.2.2 provides three additional factors to be analyzed by the Board of County Commissioners in determining whether a rezoning proposal is premature.
- **At the development order stage.** Policy 1.7.6 provides the clearest statement of the circumstances where a development order would not be issued: if a project’s acreage, combined with the acreage of already-existing development of the same type in the same Planning Community, would exceed the 2030 allocations.

Several changes are being proposed to Table 1(b) in this cycle of plan amendments:

1. The significant change being made here is in the “Industrial” row of Planning Community #18. This row currently indicates an allocation of 65 acres of industrial land (63 acres of existing development plus 2 acres of future development). This figure is being replaced by a new allocation of 7,246 acres of limerock mining pits, which previously had not been reflected in these allocation tables. The new mining allocation would apply to Planning Community #18 only, and would be implemented in accordance with new Policy 30.1.4, whose provisions are summarized as follows:
  - **At the rezoning stage.** By explicit wording in Policy 30.1.4.2, the limerock mining allocation would NOT apply at the rezoning stage. Rezoning for new and expanded mines could be approved within the new Future Limerock Mining overlay without being limited in any way by the year 2030 allocation in Table 1(b).
  - **At the mine development order stage.** By explicit wording in Policy 30.1.4.1, the limerock mining allocation would be applied at the mine development order stage. Similar to all other allocations on Table 1(b), mine development orders would be issued unless a proposed limerock mining pit’s acreage, combined with the acreage of already-existing pits, would exceed the 2030 allocations.
2. Note also that other amendments are being considered to Table 1(b) by concurrent plan amendment CPA 2008-13, including a boundary adjustment to reflect the current municipal limits of Bonita Springs and the transfer of about 1,365 acres just east of the airport back to the DR/GR designation. The final version of Table 1(b) will also reflect decisions made in CPA 2008-13.



The 2030 allocation of 7,246 acres of limerock mining pits was derived as follows. The data in Table D below is taken from the analysis of limerock mining in Lee County that was summarized in Table B-2 of *Prospects for Southeast Lee County*. As of 2006, 3,597 acres of limerock had been mined, and 3,576 more acres had been approved for limerock mining through the rezoning process. Eliminating two mines that are outside Planning Community #18, 3,269 acres of limerock had been mined, and 3,156 more acres have been approved through rezoning, for a total of 6,425 acres in Planning Community #18.

The analysis in *Prospects* concluded that if all approved land was actually mined, 821 additional acres would still be needed to meet local and regional demands through 2030. The proposed limerock mining figure for Table 1(b) would therefore be 6,425 + 821, or 7,246 acres.

Note that the 2030 allocation system has built-in protection against one landowner obtaining development orders on a speculative basis in a manner that could preclude other landowners from obtaining development orders in the same Planning Community. Policies 1.7.6 and 30.1.4 are very clear that when applying 2030 allocations, the acreage of a proposed development is added to existing development, not to development that has been approved but have not yet constructed.

In addition, both Policies 1.7.6 and 30.1.4 require that these allocation levels be adjusted on a regular basis. Should demand for limerock exceed the current forecasts, the allocation levels can be adjusted by amending Table 1(b) in the same manner as adjustments have been made to this table in the past.

By maintaining an accurate inventory of existing and approved limerock mines, Lee County will also be able to make timely adjustments to the Future Limerock Mining overlay map should they be needed.

<b>TABLE D – Acreage of Existing and Approved Limerock Pits in Planning Community #18</b>			
Tract	Existing Limerock Pit Acreage as of 2006	Additional Limerock Pit Acreage Approved beyond 2006	Total Limerock Mining Acreage
Rinker Materials (s. of Alico)	537	0	537
Rinker Materials (n. of Alico)	189	433	622
Florida Rock (s. of Alico)	1,209	149	1,358
Florida Rock Greenmeadows	949	1,258	2,207
Youngquist Bros. (w. of Alico)	204	1,307	1,511
Cemex/RMC	181	9	190
<b>TOTALS:</b>	<b>3,269</b>	<b>3,156</b>	<b>6,425</b>
Not included above, but included in Table B-2 of <i>Prospects for Southeast Lee County</i> , which is the source for this data:			
Florida Rock (Miromar Lakes)	191	0	(not in P.C. #18)
Bonita Grande Aggregates	137	420	(no longer in P.C. #18)
<b>TOTALS:</b>	<b>3,597</b>	<b>3,576</b>	<b>7,173</b>

<b>Table 1(b) — Year 2030 Allocations</b>			
	<b>Future Land Use Classification</b>	<b>Lee County Totals</b>	<b>18 - Southeast Lee County</b>
<i>Residential By Future Land Use Category</i>	Intensive Development	1,325	0
	Central Urban	14,787	0
	Urban Community	18,622	0
	Suburban	16,635	0
	Outlying Suburban	4,105	0
	Sub-Outlying Suburban	1,531	0
	Industrial Development	79	0
	Public Facilities	1	0
	University Community	850	0
	Industrial Interchange	0	0
	General Interchange	42	15
	General/Commercial Interchange	0	0
	Industrial/Commercial Interchange	0	0
	University Village Interchange	0	0
	New Community	900	0
	Airport	0	0
	Tradeport	9	0
	Rural	8,384	0
	Rural Community Preserve	3,046	0
	Coastal Rural	1,300	0
	Outer Island	202	0
	Open Lands	2,805	0
	Density Reduction/ Groundwater Resource	6,905	4,000
	Conservation Lands Uplands	0	0
	Wetlands	0	0
	Conservation Lands Wetlands	0	0
<b>Total Residential</b>	<b>81,528</b>	<b>4,015</b>	
Commercial	12,763	38	
Industrial	6,620	7,246 65	
<b>Non Regulatory Allocations</b>			
Public	82,192	12,000	
Active Agriculture	24,957	7,920 15,104	
Passive Agriculture	45,859	18,000	
Conservation (wetlands)	81,948	31,530	
Vacant	21,308	500	
<b>Total</b>	<b>357,175</b>	<b>81,249</b>	
Population Distribution *	495,000	1,270	
<i>* Population for unincorporated Area of Lee County</i>			

D. **PROPOSED LEE PLAN MAP AMENDMENTS:** The specific proposed changes to the adopted maps in the Lee Plan are described below. Proposed changes are shown within boxes.

(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

Southeast Lee County has several wellfields and potable water treatment plants, all now owned and operated by Lee County Utilities, a branch of county government. Although Lee Plan Policy 2.1.3 allows public facilities in all land use designations, current practice identifies the actual treatment plant sites, which are quasi-industrial in nature, with a “Public Facilities” designation on the Future Land Use Map, in accordance with Policy 1.1.8:

***POLICY 1.1.8:** The Public Facilities areas include the publicly owned lands within the county such as public schools, parks, airports, and other governmental facilities. The allowable uses within these areas are determined by the entity owning each such parcel and the local government having zoning and permitting jurisdiction.*

The Corkscrew water treatment plant on Alico Road has been so designated for many years (see Figure 4). One of the Greenmeadows water treatment plants is being designated in plan amendment CPA 2008-23; the other Greenmeadows plant was designated in CPA 2005-29.

Figure 5 includes a 2008 aerial photograph that shows the actual extent of the Corkscrew water treatment plant, which comprises only a small portion of the land designated “Public Facilities.” Figure 6 shows the proposed new “Public Facilities” designation for this water plant, which is somewhat smaller than the previous designation but still allows ample room for future expansion should it ever be needed. The southern and eastern edges of the proposed designation are based on new wetland boundaries, as described in the amendment that follows.

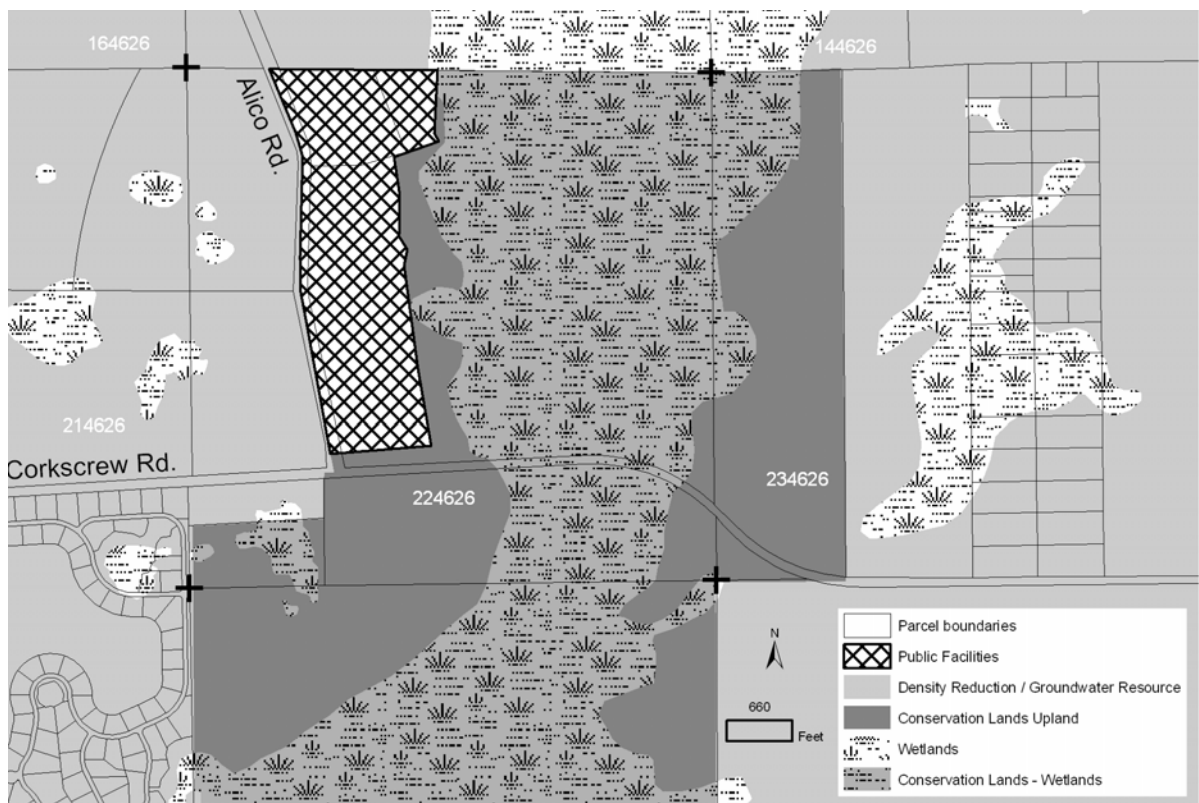


Figure 4



Figure 5

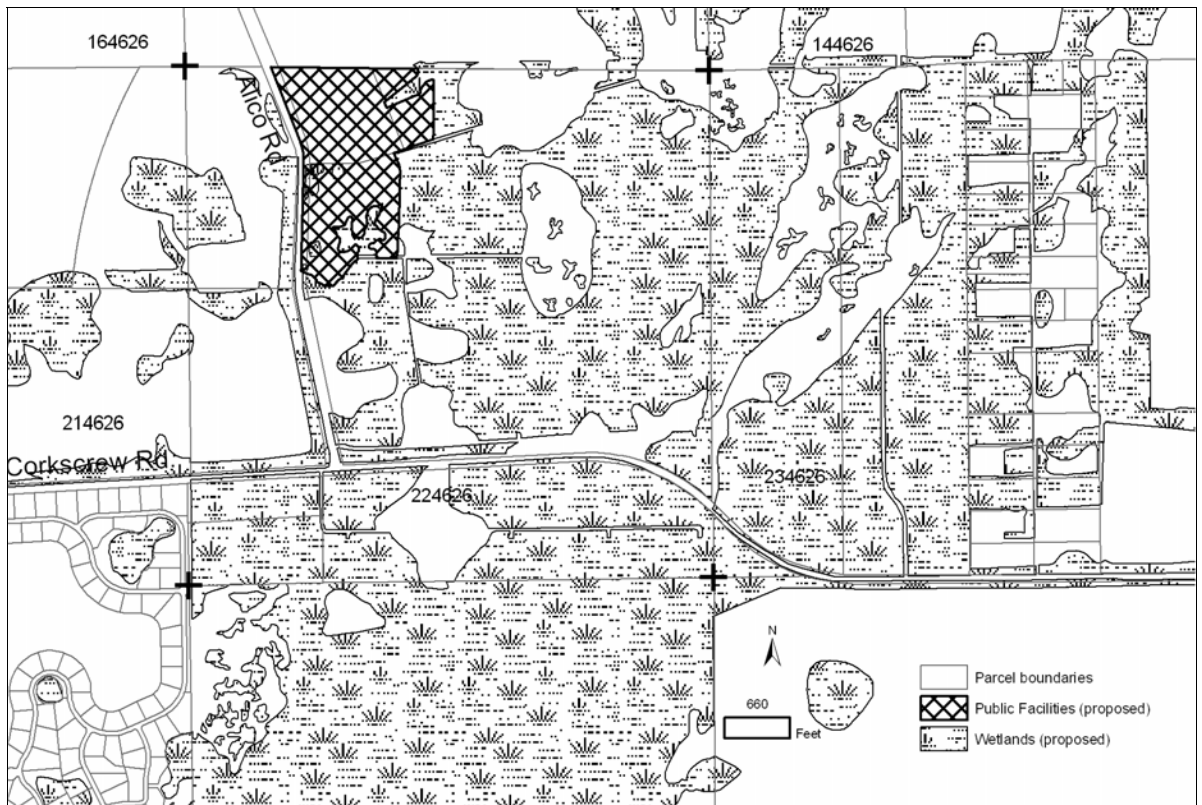


Figure 6

(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

The approximate extent of wetlands has been shown on the Lee Plan’s Future Land Use Map since that map was first adopted in 1984. New mapping was created by county staff in 1987 based on a combination of National Wetlands Inventory mapping and some field work conducted for DRI applications.<sup>1</sup> The 1987 mapping has been used on the Future Land Use Map since 1989. Beginning in 1998, wetlands have been divided into privately owned wetlands and “Conservation Lands” wetlands that have been acquired to be preserved. Figure 7 shows the current delineation of wetlands in Southeast Lee County.

The specific wetlands boundaries shown on the Future Land Use Map have no regulatory effect. Chapter XIII of the Lee Plan provides an administrative process to determine the precise wetland edges. This flexibility allows wetlands to be depicted on the Future Land Use Map yet defers the final regulatory determination of boundaries until actual site visits can be made.

During 2008, new wetland mapping was created for Southeast Lee County. This mapping was based on 2007 color aerial photos, interpreted by trained ecologists with extensive field experience in Southeast Lee County.<sup>2</sup> This mapping, implemented with the latest GIS technology, provides much better data than has been available previously. All types of land-use cover were identified, including the wetland types in Table E (using the standard Florida Land Use, Cover, and Forms Classification System).

FLUCFCS code:	Description	FLUCFCS code:	Description
262	Wet pasture	625	Hydric pine flatwoods/savannah
610	Wetland hardwood forest	628	Hydric cabbage palm
617	Mixed wetland hardwoods	630	Wetland forest mixed
619	Exotic wetland hardwoods	631	Wetland shrub/shrubby wetlands
621	Cypress	641	Freshwater marshes
624	Cypress/pine/cabbage palm	643	Freshwater prairie/treeless savannah

Figure 8 provides a summary of the 2008 mapping, with wetlands broken down into four groups of relative wetness. Each group of codes is depicted on the map in Figure 8 and in Table F.

FLUCFCS codes:	Wet Season Water Depth	Wetland Hydroperiod	Map Color
621, 641	1.50' - 2.50'	7 - 9 months	Black
610, 617, 619	0.75' - 1.50'	4 - 7 months	Dark gray
262, 630, 631, 643, 624, 628	0.25' - 0.75'	1 - 3 months	Medium gray
625	-0.50' - 0.25'	1 - 2 months	Light gray

<sup>1</sup> The methodology for creating these maps is described in detail in the support documentation for the 1989 Lee Plan’s Conservation and Coastal Management Element.

<sup>2</sup> *Ecological Memorandum of the Density Reduction/Groundwater Resource Area (DR/GR)*. Prepared in July 2008 by Kevin L. Erwin Consulting Ecologist, Inc.

Figure 9 shows the proposed new Future Land Use Map for Southeast Lee County:

- The previous wetlands boundaries from 1989 will be replaced by the new 2008 wetlands boundaries.
- The primary designation, “Density Reduction/Groundwater Resource,” will be unchanged except where its edges are adjusted by changes to the wetlands boundaries.
- There will be two separate “Public Facilities” designations, as discussed in the previous amendment.
- “Conservation Lands” will continue to be shown in accordance with Policy 1.4.6. Figure 9 shows the same parcels as “Conservation Lands” as the current Lee Plan, including the recently adopted changes from plan amendment CPA 2006-26. Figure 9 also include pending changes from CPA 2008-22; the final version of this map will reflect the decisions made in CPA 2008-22.

In addition to these designation on the base Future Land Use Map, some land in Southeast Lee County is also subject to various overlays that are part of the Future Land Use Map series. Overlays that are relevant to this plan amendment are described in Table G.

TABLE G		
Map number:	Map Description	Notes
Map 1, p. of 6	Community Planning Areas	see (j) below
Map 1, p. 4 of 6	Public Acquisition	see (k) below
Map 4	Private Recreational Facilities Overlay	see (l) below
Map 14	Generalized Map of Existing and Approved Limerock Mining Areas	see (m) below
Map 16	Planning Communities	CPA 2008-13
Map 17	Reserved — to become Rural Residential overlay	see (n) below
Map 20	Contiguous Agricultural Parcels Over 100 Acres	see (o) below
Map 24	NEW: Historic Surface and Groundwater Levels overlay	see (p) below
Map 25	NEW: Priority Restoration overlay	see (q) below

Proposed changes to these overlays are described in the next sections of this document.

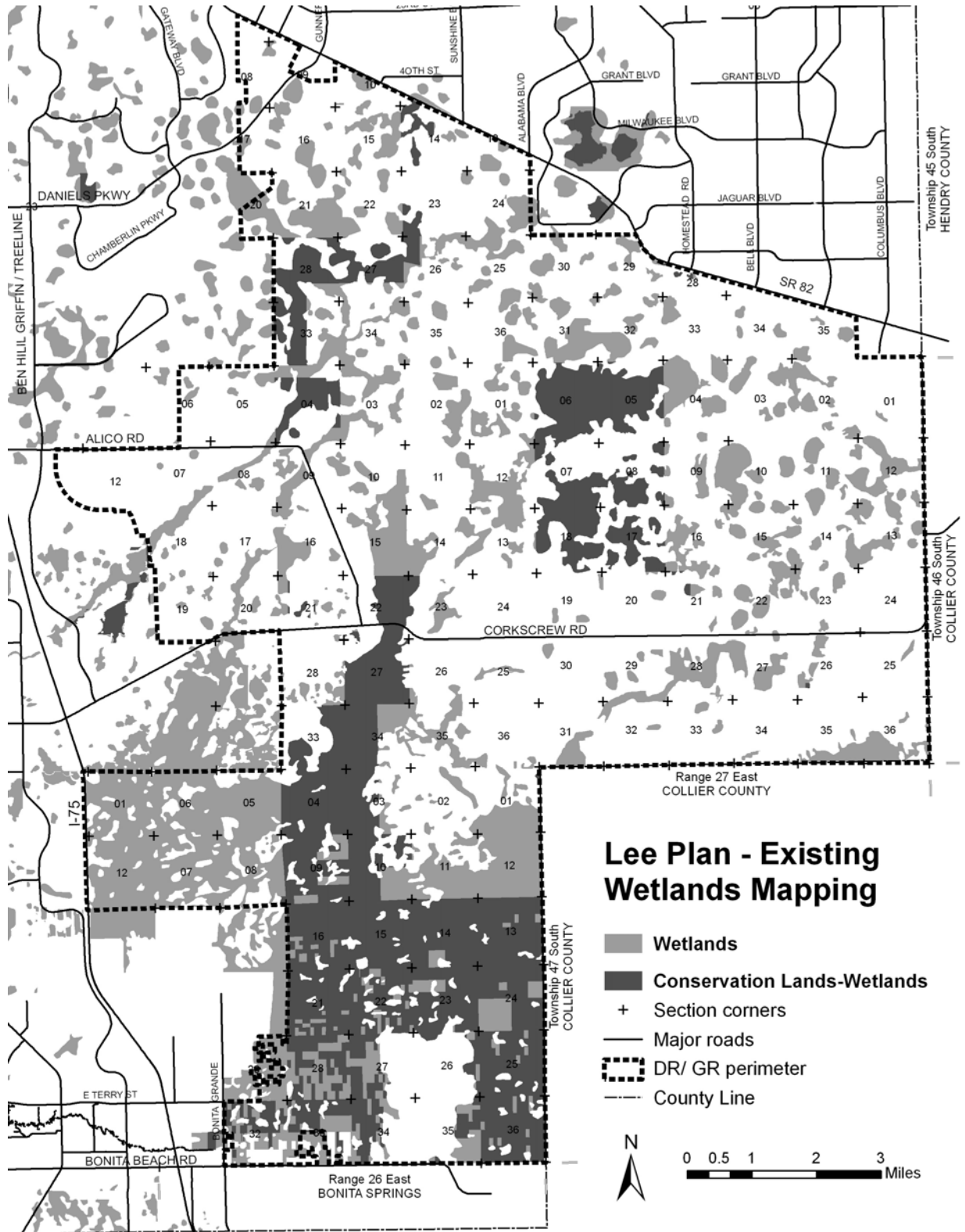


Figure 7

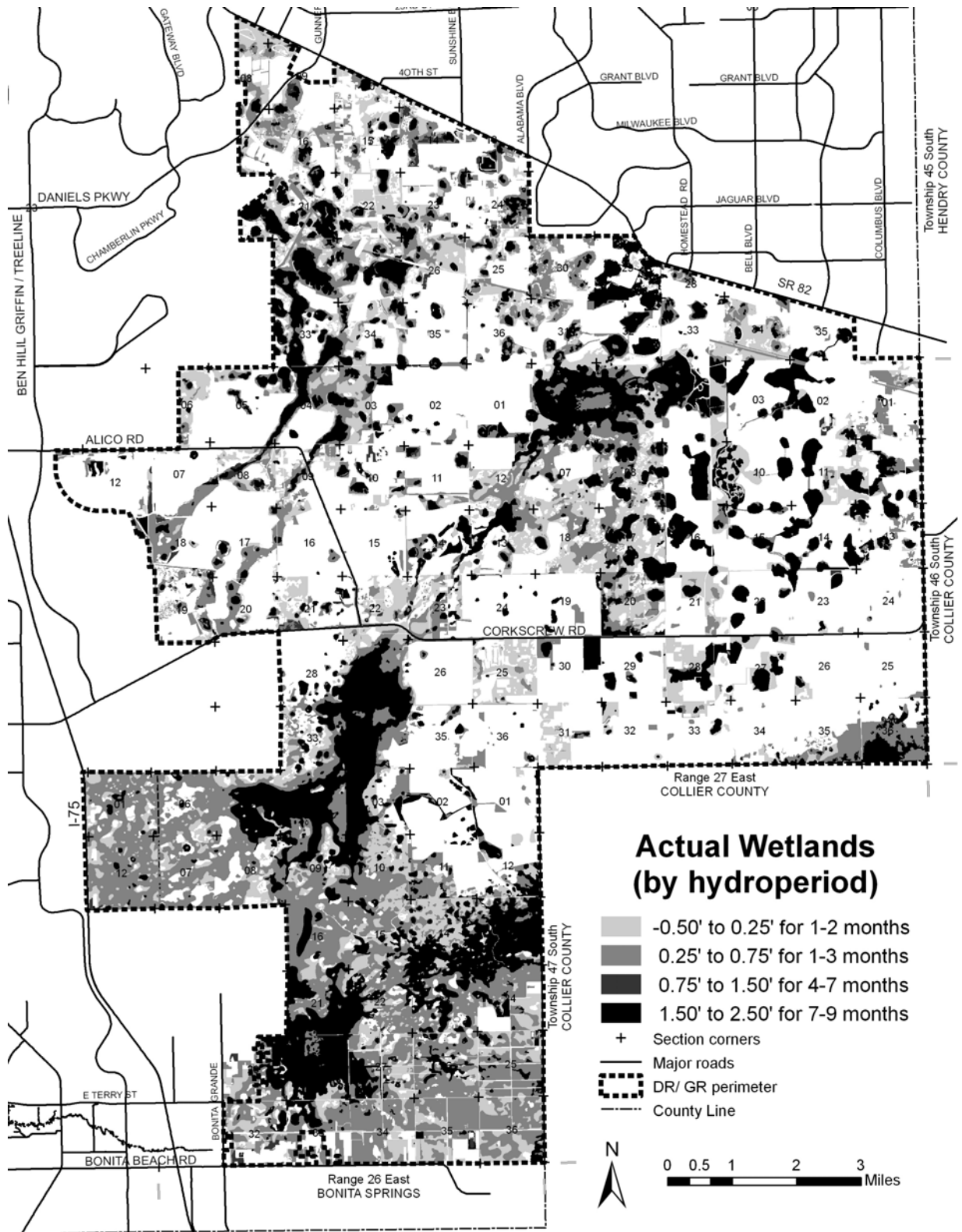


Figure 8



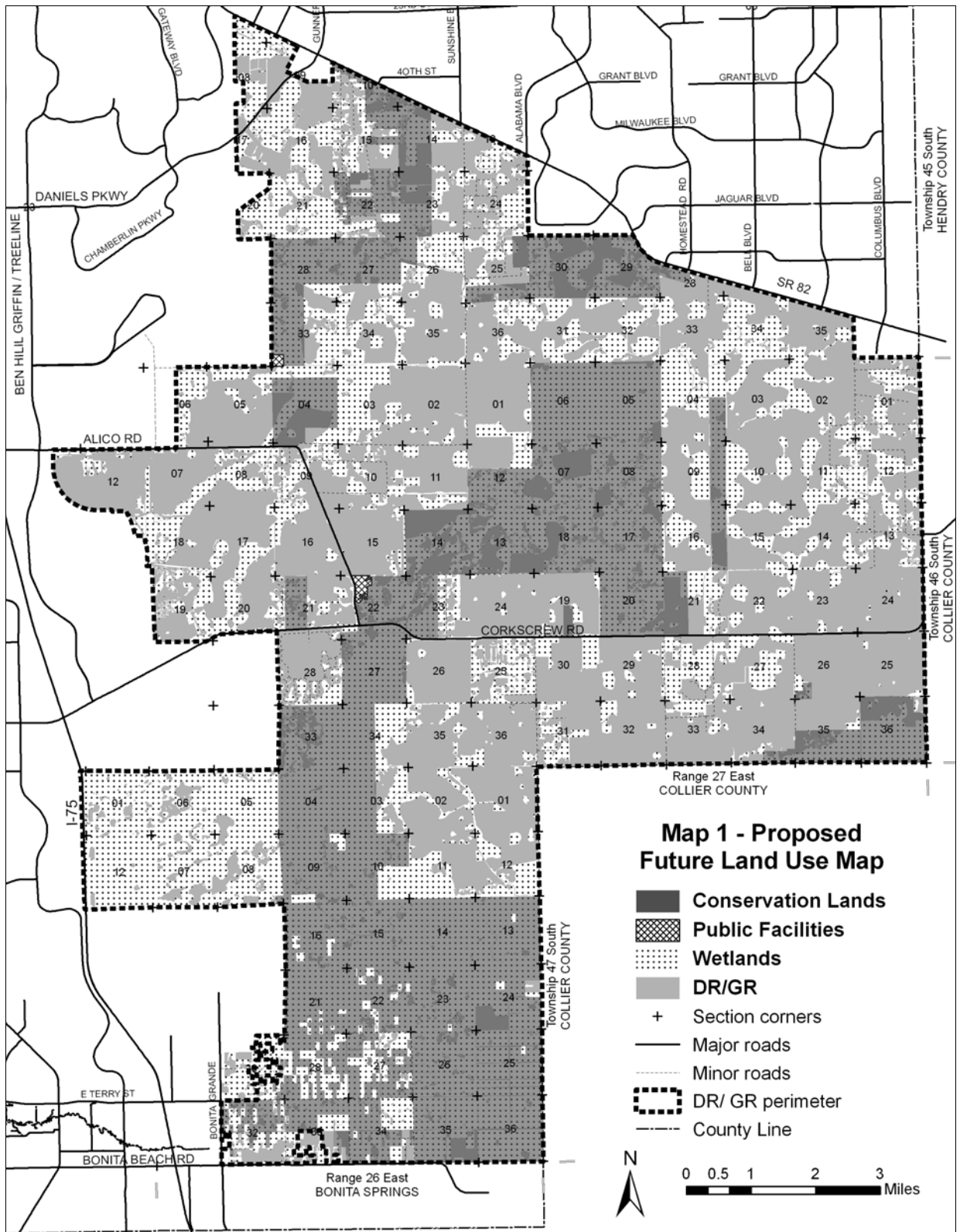


Figure 9

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

This map identifies the boundaries of all “community planning areas” in Lee County where the Lee Plan contains a specific goal, objective, and policies; it also helps readers find the relevant policy language. The proposed new boundary and text in Figure 10 (shown in gray) would add this same information for Southeast Lee County.

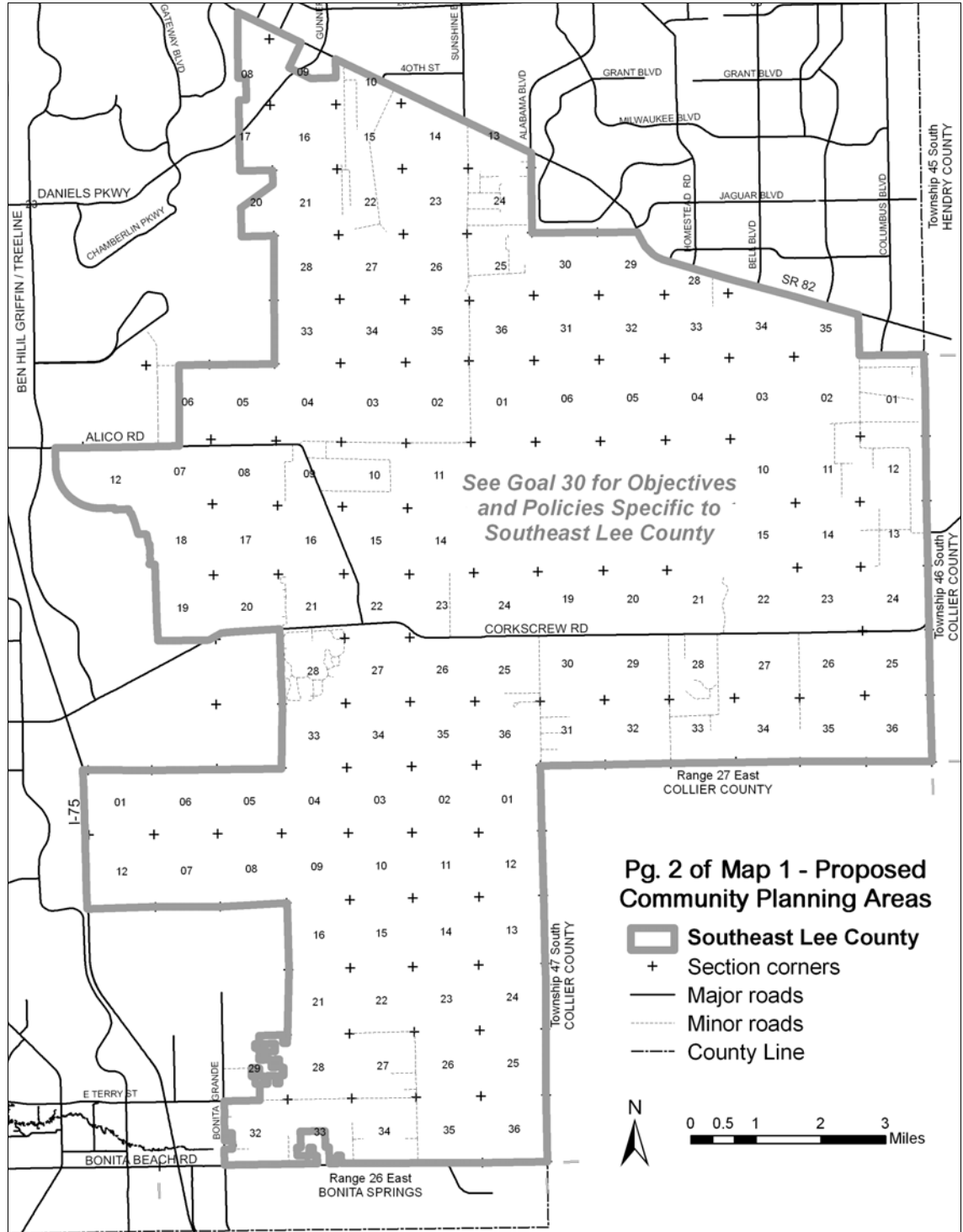


Figure 10

(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

This overlay map from the Lee Plan is defined as follows:

POLICY 1.7.7: The Public Acquisition overlay zone designates areas that have been targeted for public acquisition by federal, state, regional, and/or local agencies. 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 public acquisition activities in the county. (Amended by Ordinance No. 91-19, 00-22)

This map was originally adopted in 1991 but has not been kept current. The portion of this map that applies to Southeast Lee County (see Figure 11) is particularly obsolete and no longer accurately describes land as defined in Policy 1.7.7.

This document recommends a more comprehensive and proactive approach to land acquisition in the DR/GR area, as described in section (q) below. Therefore this map should be amended to delete the specific land in the DR/GR and replace it with a note that reads as follows (as shown on Figure 12):

Potential land acquisition activities in Southeast Lee County (Planning Community #18) are shown on Map 25 and described in Objective 30.2 and following policies.

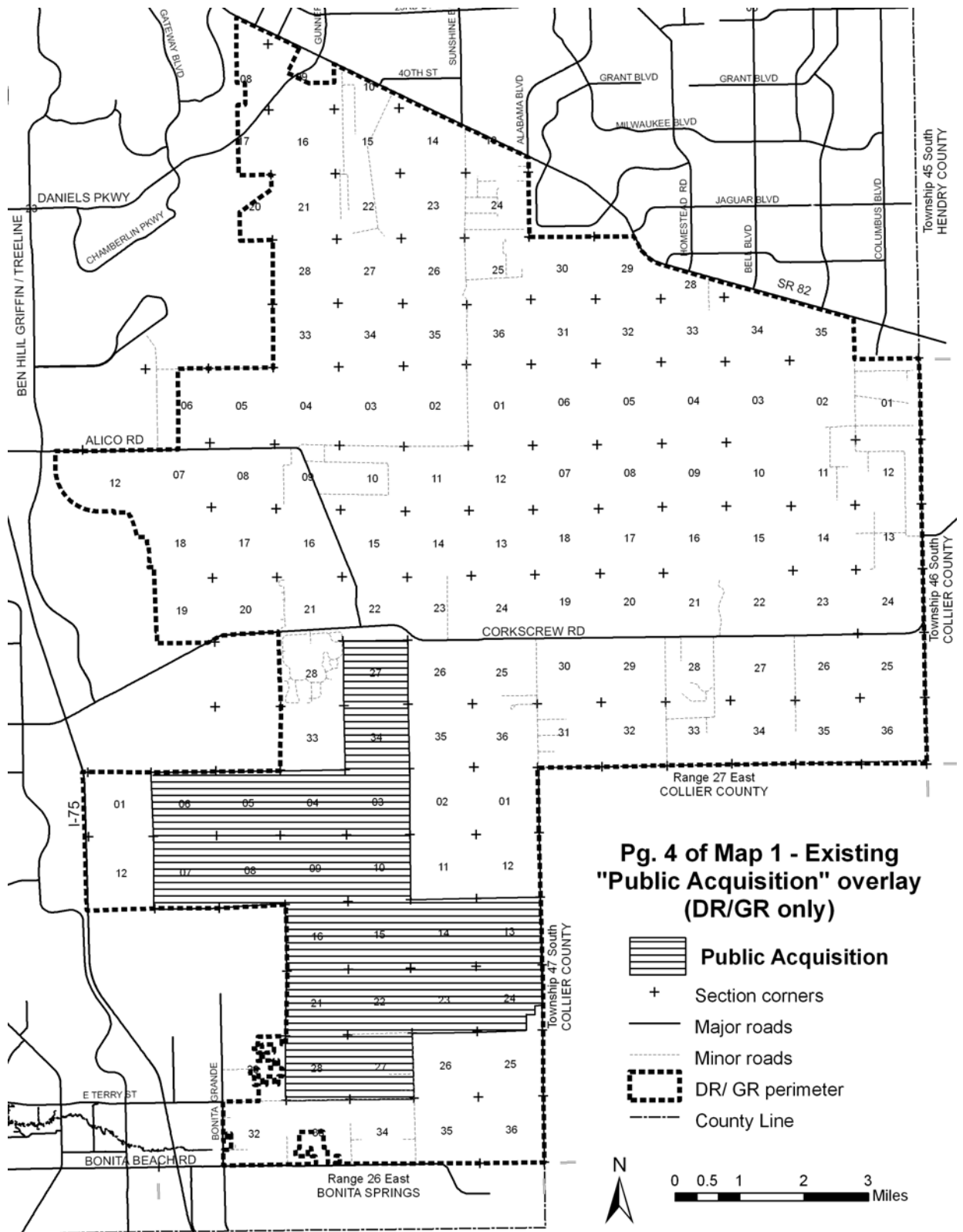


Figure 11

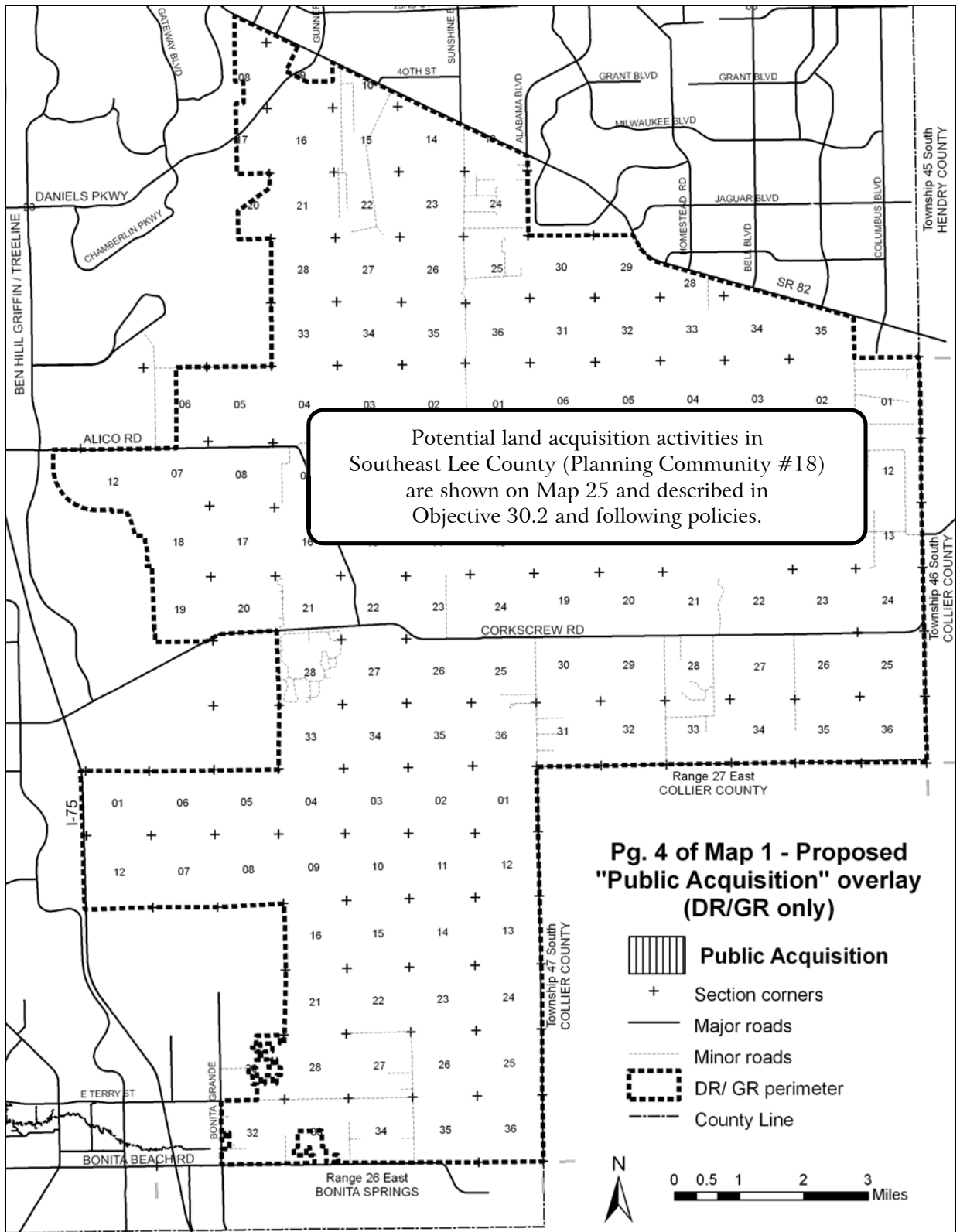


Figure 12

(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

Map 4 was added to the Lee Plan in 1999 as part of comprehensive amendments that allowed private recreational facilities such as golf courses to be constructed in those portions of the DR/GR area indicated on Map 4. Goal 16 and related objectives and policies were adopted at the same time to govern such approvals.

This package of DR/GR amendments does not adjust any of the Lee Plan policy language regarding private recreational facilities. However, since 1999 there have been significant changes on some tracts designated on Map 4 that justify their deletion from Map 4.

Figure 13 shows the existing Map 4, along with the deletions proposed by this amendment. Table H identifies the each parcel proposed to be deleted from Map 4 by parcel number, owner, and reason for deletion.

TABLE H – Proposed Deletions from Map 4			
KEY	STRAP(s)	PROPERTY OWNER	REASON
A	23452600000020000 (pt)	Lee County	now conservation lands
	15452600000010100		
	10452600000012010		
	10452600000012000		
B	04462600000010000	Lee County	now conservation lands
	09462600000010170		
C	05462600000020000 (pt)	Ginn LA Naples Ltd	narrow strip of land not suited for recreational uses
	08462600000010000 (pt)		
	07462600000010000 (pt)		
	07462600000010030	Alico Airpark	now outside DR/GR
	07462600000010010	MSF Austin L	now outside DR/GR
07462600000010020 (pt)			
D	21462600000011000	Lee County	now conservation lands
E	multiple STRAPs	Youngquist, Harvey & Timothy	now a residential subdivision
F	multiple STRAPs	RMC Florida Group	now a residential subdivision

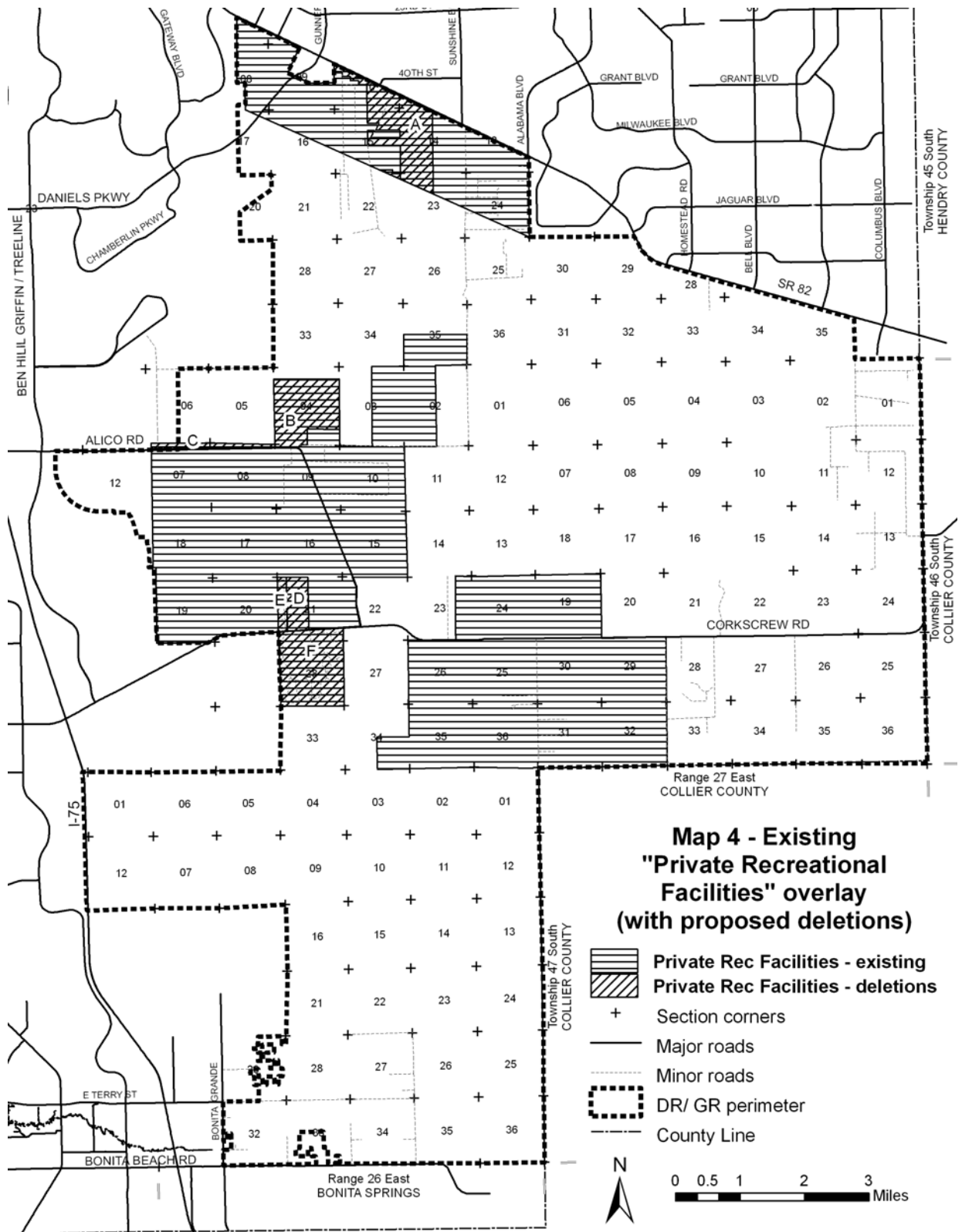


Figure 13

Figure 14 shows the final proposal for the revised Map 4. This proposal reflects the deletions from the current Map 4 as described on the previous pages.

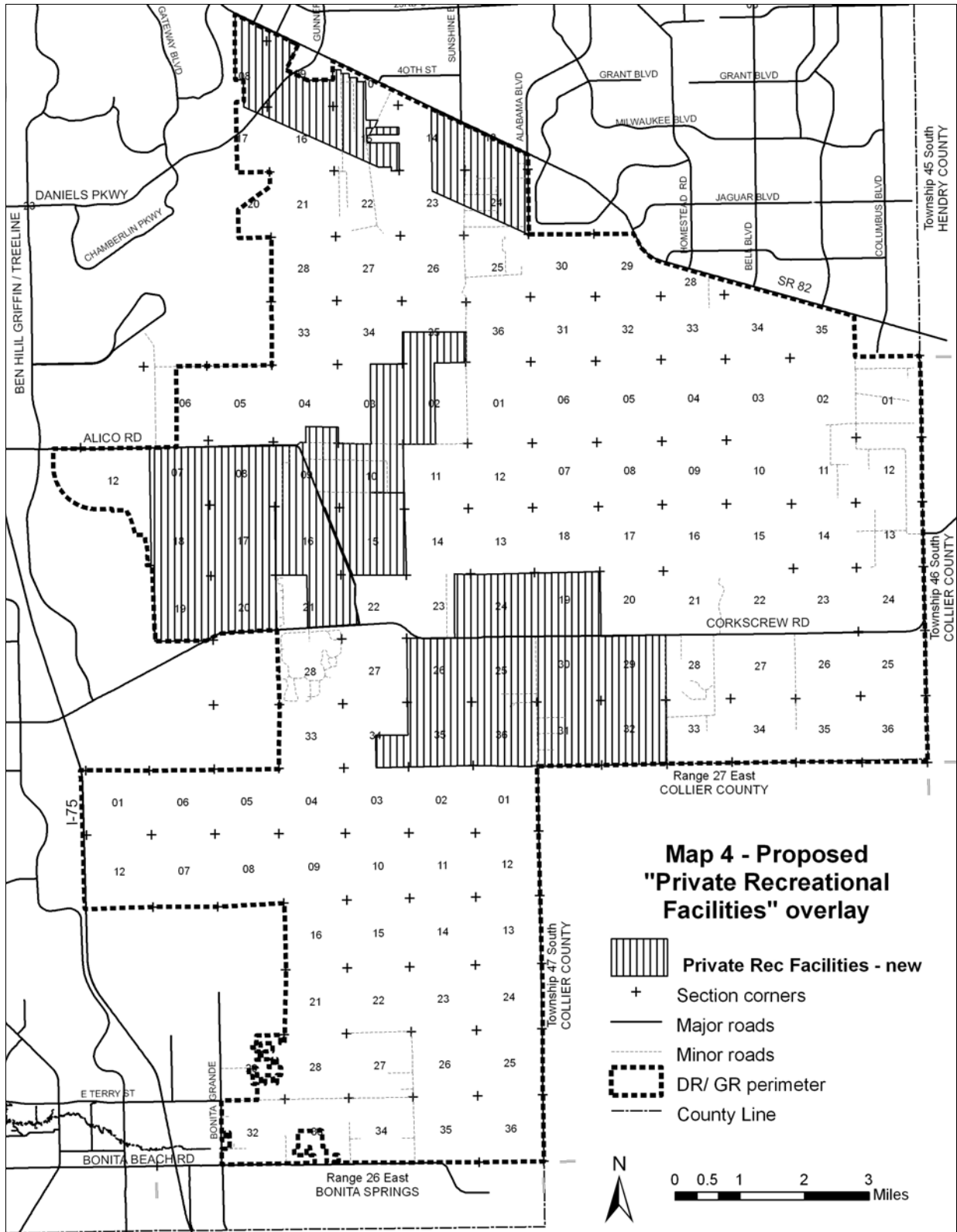


Figure 14



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

Until recently, little technical information has been available regarding limerock availability and demand that could inform public decision-making on new or expanded mine proposals. Most data and analysis has been provided on a case-by-case basis by mining applicants rather than from independent sources. Knowledge of already-permitted reserves of limerock would help public officials make better decisions on new applications.

The current Lee Plan provides only general guidance on locations where mining is encouraged, discouraged, or not permitted (mining has even been approved in the Wetlands category on the Future Land Use Map where it is not currently allowed). A “Generalized Map of Existing and Approved Limerock Mining Areas” was added to the Lee Plan in 1990 as Map 14; it is reprinted here as Figure 15. Map 14 identified about 2,685 acres of mining lands then owned by Harper Brothers, which was later acquired by Florida Rock. Map 14 also identified about 10,000 acres of mining lands then owned or leased by Florida Rock. Much of this land had been owned by Allico Inc., part of which later became Florida Gulf Coast University and surrounding development, and part of which is now mined by Rinker Materials.

When Map 14 was adopted, the staff report stated: “The addition of this map to the Lee Plan Future Land Use map series will indicate to planners, the public, and elected officials the general locations where limestone mining is anticipated to take place in the future.” However, Map 14 is not referenced in any policies of the Lee Plan and the map contains the following legend note that makes it clear that this map is not regulatory: “This map is for illustrative purposes only. It is not intended to confer approval or to limit limerock mining.”

In Lee County, new and expanded mines must seek first rezoning. Applications have been reviewed for overall compliance with the Lee Plan and land development code and for compatibility with nearby land uses. This system has created great uncertainty for investors and for existing residents of properties that may be affected by mining.

Objective 10.1 of the Lee Plan is to “Designate through the rezoning process sufficient lands suitable for providing fill material, limerock, and other natural resource extraction materials to meet the county’s needs and to export to other communities, while providing adequate protection for the county’s natural resources.” Unfortunately, clear guidance was not provided as to what period of time into the future is intended by the phrase “sufficient lands.” The Lee Plan is generally based on a long-term time frame of the year 2030. Only the future land use map considers a longer period (which was the original basis for the state’s legal challenge that resulted in the DR/GR designation).

Rezoning decisions for mining should be based at least on needs through the year 2030 given the corresponding need to protect mining areas from incompatible residential uses. Although not generally desirable for other land uses, it would be prudent to identify an additional safety factor for future mining areas for the reasons discussed below. The proposed amendment on the following pages would replace the existing Map 14 with a new map plus policy language that would do exactly that.

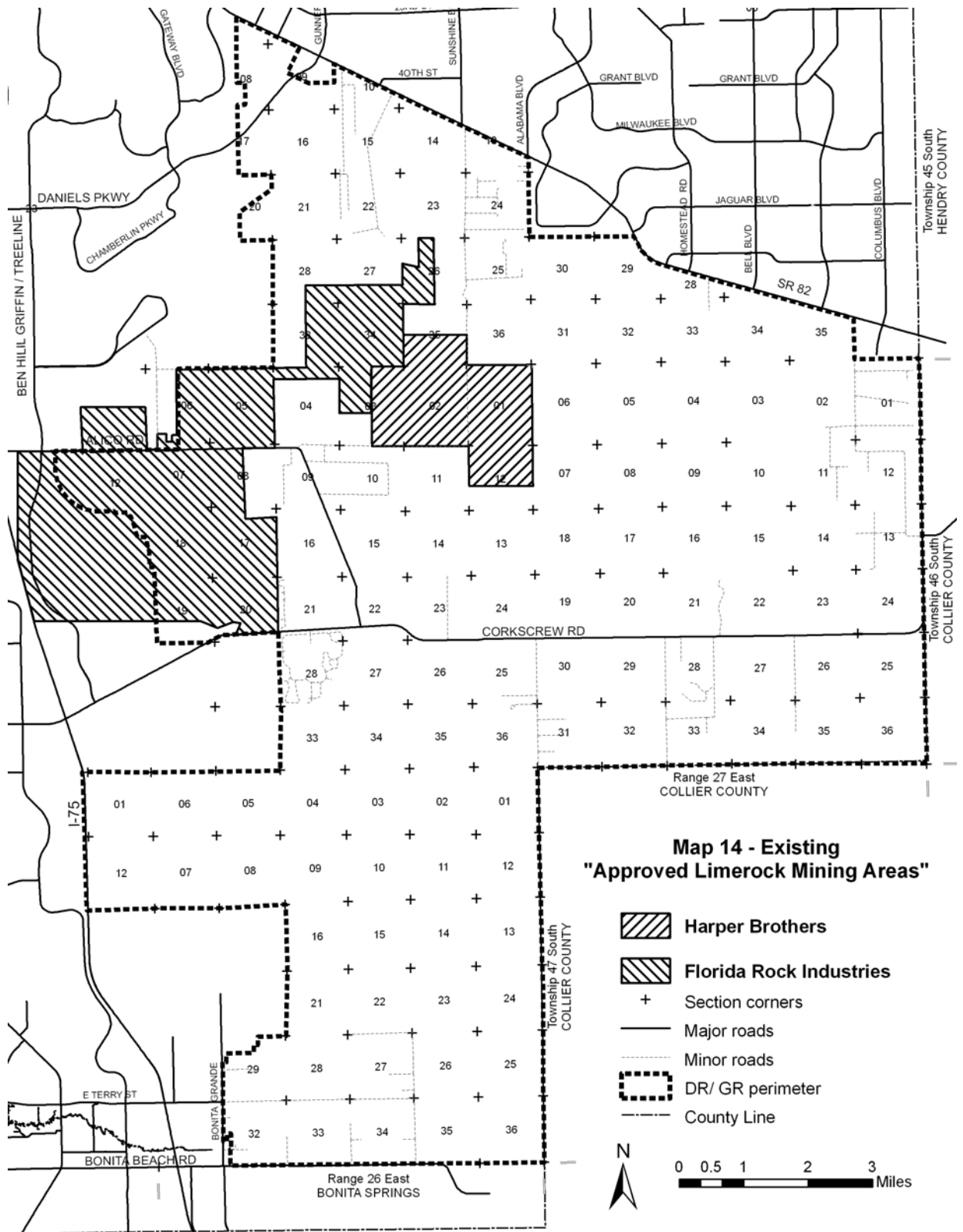


Figure 15

In early 2008, Florida’s Strategic Aggregates Review Task Force recognized that estimates of permitted reserves were considered by mining interests to be proprietary information and were closely held. The Task Force recommended that the state provide accurate maps of mineral resources throughout the state and prepare estimates of the rock volume available from already-permitted mines in order to compare this volume to projected demand.

This type of an analysis was prepared for Lee County and southwest Florida in 2008 and published as Appendix B of *Prospects for Southeast Lee County: Planning for the Density Reduction / Groundwater Resource Area*. A summary of the conclusions are found in Table I:

<b>TABLE I Mining Demand Through 2030</b>	
Actual limerock mining in the DR/GR:	
1980-2006:	3,597 acres
Projected need for additional mining:	
2007-2030:	4,397 acres
Mining already approved:	
	3,576 acres
Additional acres needed through 2030:	
	821 acres

Although only 821 additional acres of limerock mining pits will be needed through 2030, there are many uncertainties associated with any mining endeavor: legal, geological, transportation, processing efficiency, etc. In addition, some owners of land that is suited for mining have other intentions for their properties. Even in the best of circumstances, obtaining permits for new mines can take many years, and given the long life of larger mines, advance planning is valuable to mine operators and to the larger community as well. Maintaining healthy competition in aggregate supply is also important to keep material costs at reasonable levels. Consequently, it is appropriate for Map 14 to provide considerably more land than the 821 acres that are required through 2030, and provisions should be made for reexamining Map 14 on a periodic basis so that Lee County will have critical information to use in determining whether and to what extent the limerock mining areas designated on Map 14 may need to be expanded in the future to meet local and regional demands.

During Lee County’s DR/GR planning process in 2008, many scenarios for future mining areas were considered. The *Prospects for Southeast Lee County* report proposed three distinct scenarios. A fourth scenario was proposed by Lee County’s DR/GR Advisory Committee. Other versions of these scenarios were also discussed at various public meetings. The new version of Map 14, shown here as Figure 16 and titled “Future Limerock Mining” overlay, is based on the scenario discussed at length during the final meeting before the Board of County Commissioners on September 5, 2008. Table J quantifies the acreages of various tracts shown on Map 14.

As proposed earlier in this document, a new Objective 30.1 and its following policies would guide the applicability of the new Map 14, which would concentrate mining activity in the traditional Alico Road industrial corridor east of I-75. By formally identifying future limerock mining areas in the Lee Plan and limiting rezonings for new and expanded limerock mines to those areas, limerock resources in or near existing disturbed areas will be more fully utilized and the spread of mining impacts into less disturbed environments will be precluded until such time as there is a clear necessity to do so. Map 14 will also minimize the impacts of mining on valuable watersheds, existing residential areas, and the road system.

**TABLE J – Acreage in Future Limerock Mining Overlay (Map 14), With Mining Status**

Code	Tract	Is Tract in Unincorporated DR/GR?	Approx. Acreage in Limerock Mining Overlay	Existing Limerock Pit Acreage in Overlay as of 2006	Mining Pits Already Approved in Overlay beyond 2006	Additional Possible Limerock Mining Acreage in Overlay (maximum)
A	Bennett Trust/Fountains	yes	487	0	0	487
B	Tradeport (n. of Alico)	no	1,454	0	0	1,454
C	Rinker Materials (n. of Alico)	yes	932	189	433	219
D	Rinker Materials (s. of Alico)	yes	335	0	0	335
E	Ginn/Alico Inc. (remainder)	yes	149	0	149	0
F	Youngquist Bros. (w. of Alico)	yes	878	0	878	0
G	Youngquist Bros. (e. of Alico)	yes	633	204	429	0
H	Florida Rock Greenmeadows	yes	2,525	949	1,258	96
I	Florida Rock (sw. addition)	yes	123	0	0	123
J	Florida Rock (nw. addition)	yes	155	0	0	155
K	Florida Rock (ne. addition)	yes	838	0	0	838
L	Bonita Aggregates	no	860	137	420	0
<b>TOTALS:</b>			<b>9,369</b>	<b>1,479</b>	<b>3,567</b>	<b>3,707</b>

Source for mining pit acreages (existing and approved):  
 Table B-2 of *Prospects for Southeast Lee County*, Dover, Kohl & Partners, 2008

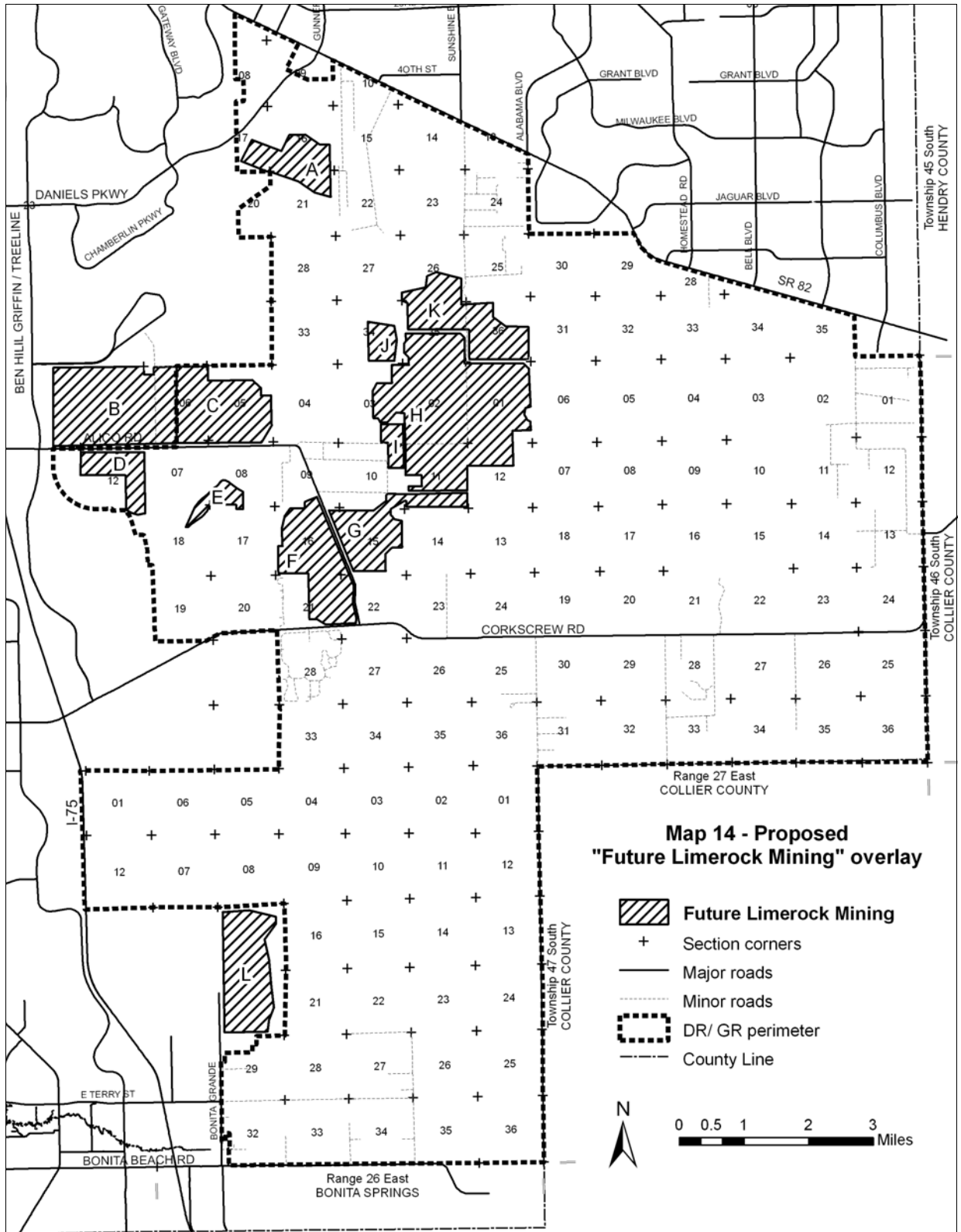


Figure 16

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

Objective 30.3 and following policies, discussed earlier in this document, describe the meaning of proposed Map 17, the new “Rural Residential” overlay map.

Figure 17 shows the proposed Map 17. Figure 3 earlier in this document displayed these same designations with other information that will be helpful in understanding how the three Rural Residential overlays on Map 17 relate to existing and approved mining operations and to ownership patterns of large tracts in the DR/GR area.

The discussion of Objective 30.3 and its policies in section (b) of this document explain the meaning of the three overlays, summarized as follows from proposed Policy 1.7.13:

**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 residential subdivisions that are reasonably distant 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-continuous tracts in the Density Reduction/Groundwater Resource area. See Objective 30.3 and following policies.

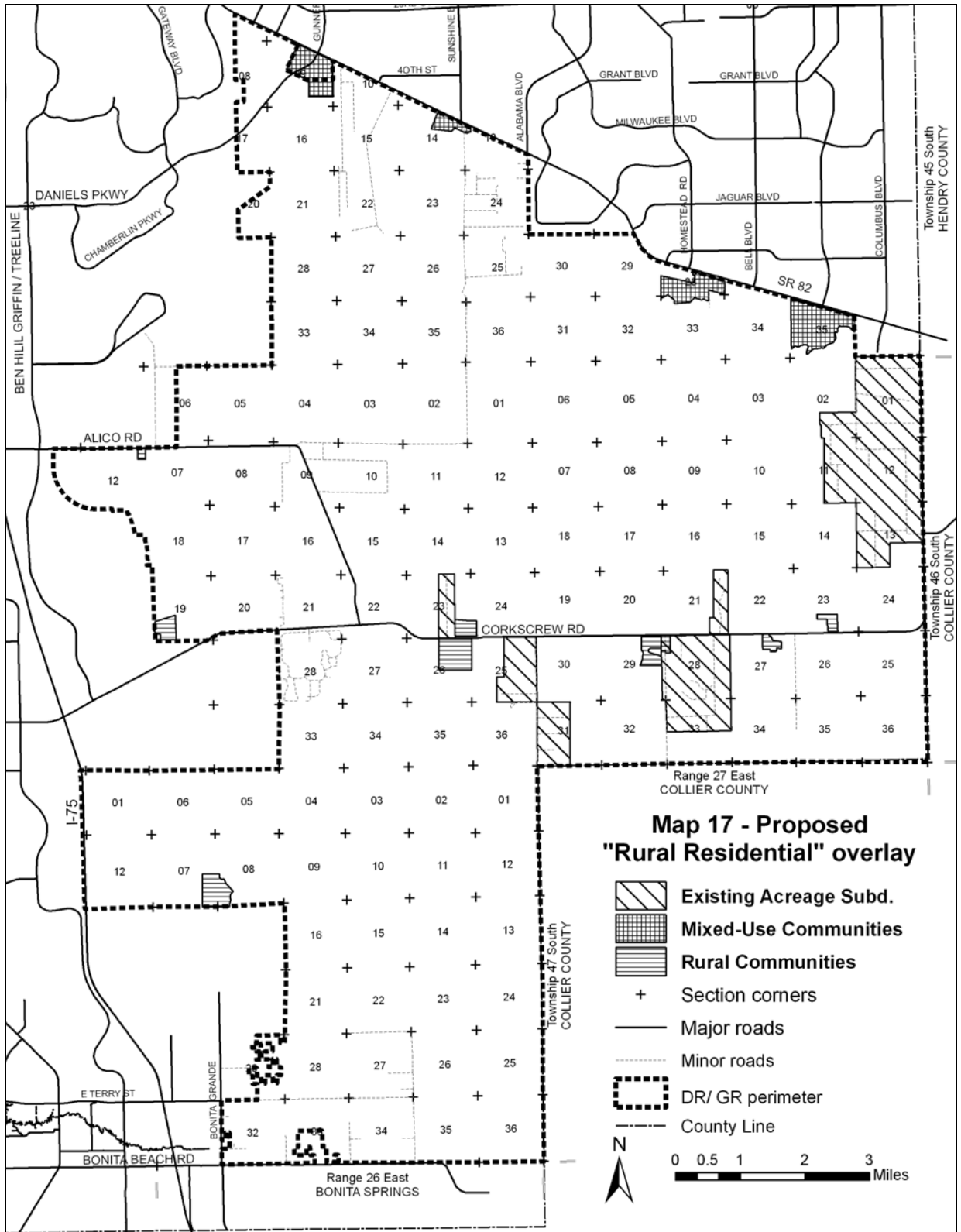


Figure 17

(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

Map 20, titled “Contiguous Agricultural Parcels Over 100 Acres In Non-Urban Future Land Use Categories,” was added to the Lee Plan in 1994 and has been updated once since then, in January 2003.

Many changes in agricultural uses have taken place since that time which support revisions to the DR/GR portion of Map 20. Recent agricultural trends have been analyzed using data maintained by the Lee County Property Appraiser, whose office administers the property tax roll including agricultural exemptions. Exemption data for the past eleven years was extracted from the tax rolls for all DR/GR lands. Figure 18 provides a summary of that data.

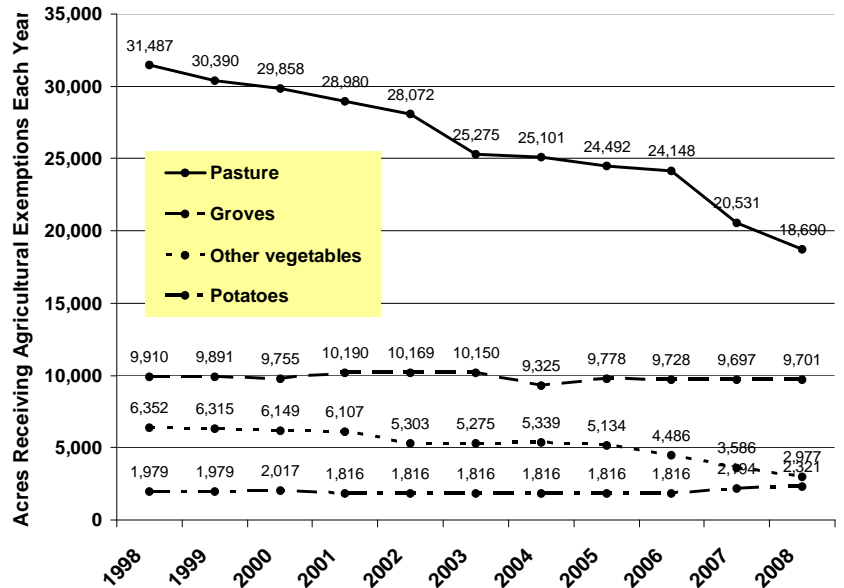


Figure 18, from *Prospects for Southeast Lee County*, July 2008

During this period, the acreage in citrus groves and potatoes remained fairly constant, down 2% and up 17% respectively. Significant reductions are evident for pasture land (41%) and vegetables other than potatoes (53%). About a fourth of the decrease in pasture land resulted from tax changes rather than land use changes. Most of the remaining decrease was conversion of farmland to mining, but some was a result of farmland being acquired for residential development or purchased for conservation purposes. Most of the decrease in vegetables resulted from conversion of farmland to mining.

The following Lee Plan policy and objective describe the purpose of Map 20:

**POLICY 1.7.8:** The Agricultural overlay (Map 20) shows existing active and passive agricultural operations in excess of 100 acres located outside of the Future Urban Areas. Since these areas play a vital role in Lee County’s economy, they should be protected from the impacts of new developments, and the county should not attempt to alter or curtail agricultural operations on them merely to satisfy the lifestyle expectations of non-urban residents. (Added by Ordinance No. 94-30)

**OBJECTIVE 9.1:** Place existing active and passive agricultural uses, that are zoned AG, have an agricultural exemption from the property appraiser’s office, and are located outside of areas anticipated for urban use during the life of the plan on an agricultural overlay. Non-contiguous parcels less than 100 acres in size will not be included on this Overlay. A bi-annual review of this map will be conducted to track changes in the inventory of agriculturally used land in the non-urban areas of Lee County. (Amended by Ordinance No. 94-30, 03-04)



Figure 19 shows the DR/GR portion of Map 20 as that map currently exists.

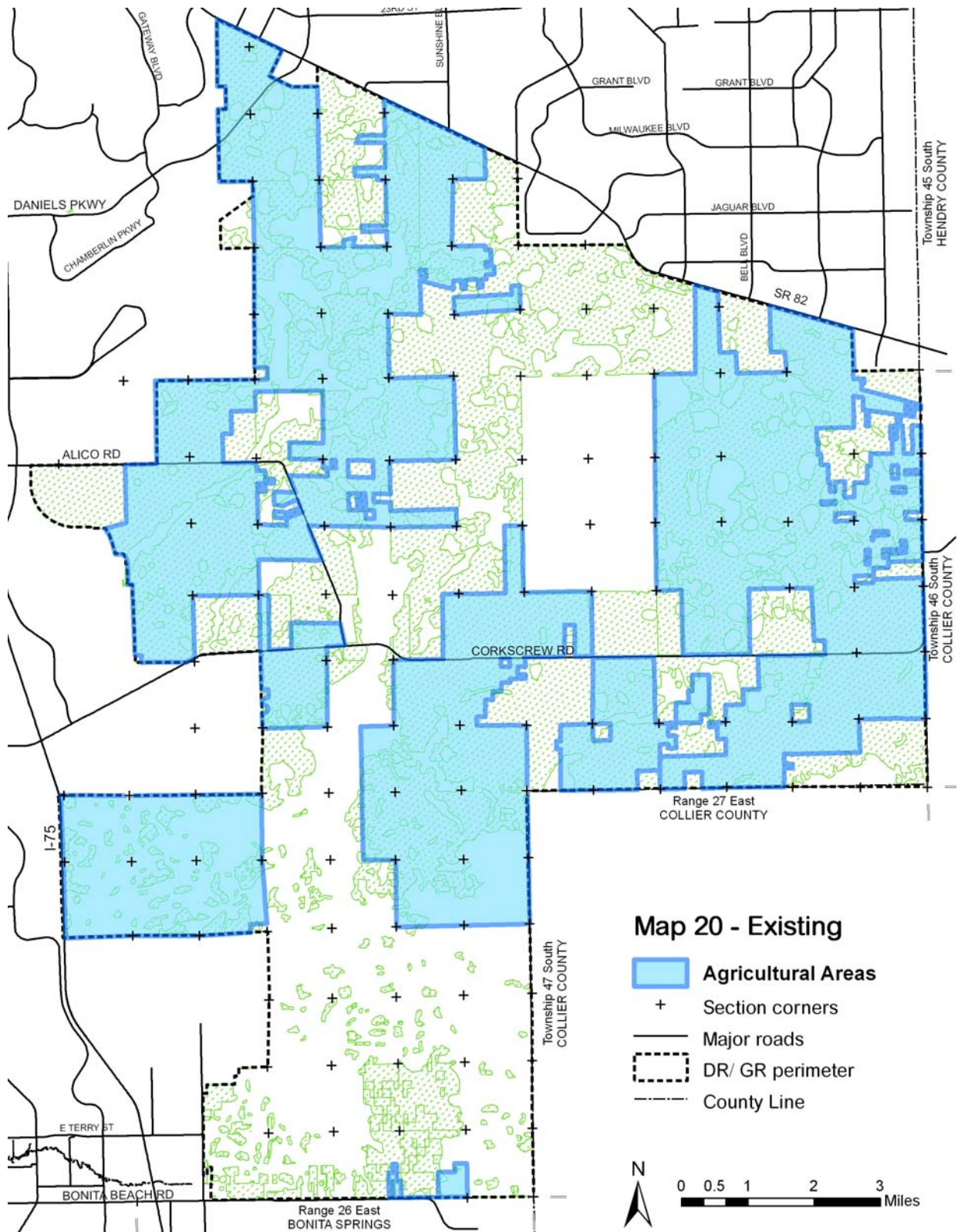


Figure 19

Figure 20 shows parcels that qualified in 2008 for this overlay and also shows the types of agriculture being conducted on each parcel, based on agricultural exemption data from the Lee County Property Appraiser. The decisions on which parcels to include on Figure 20 are identical to 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.

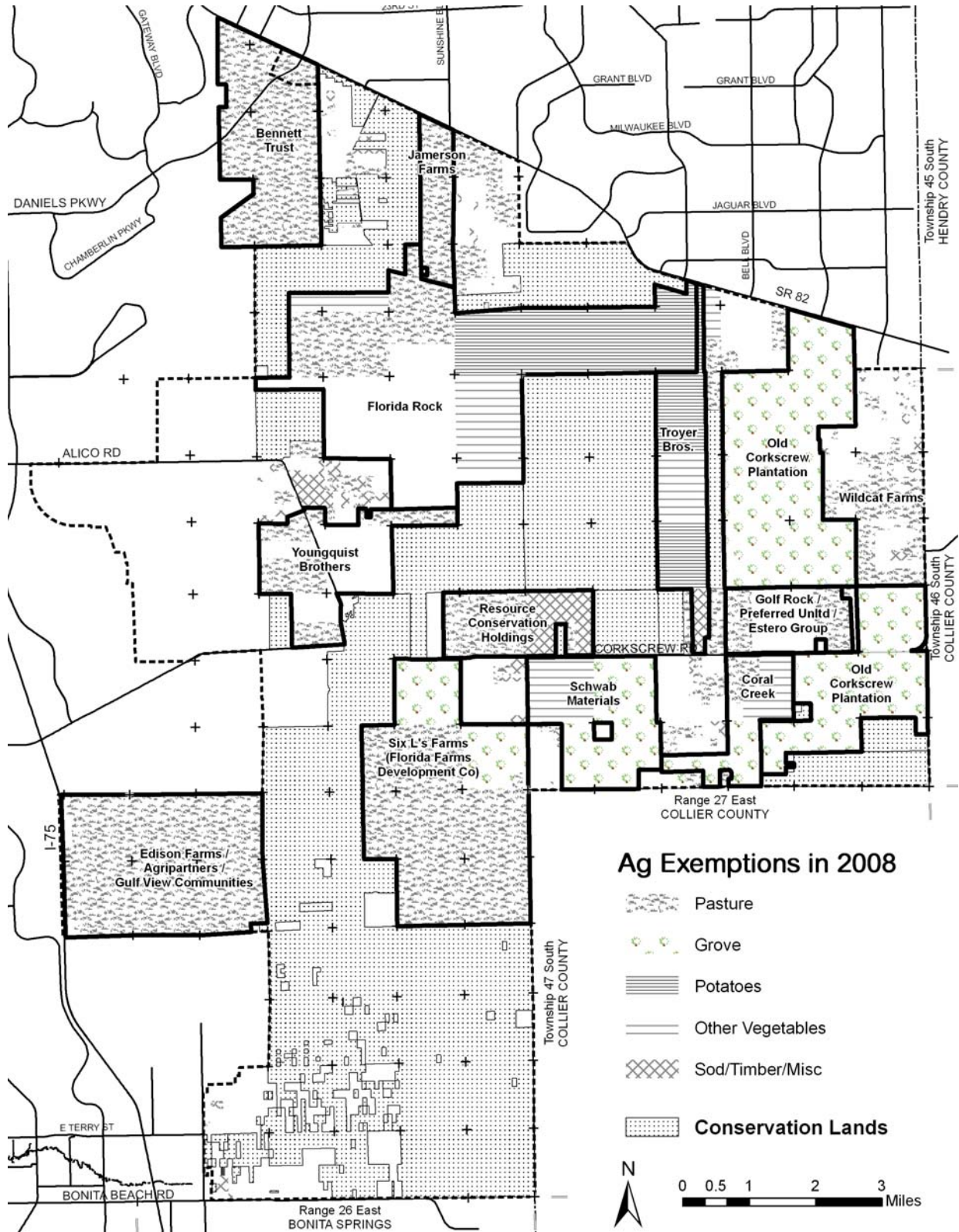


Figure 20

Figure 21 identifies where changes in agricultural uses since 2003 were significant enough to justify a change to Map 20. Each parcel is described on the next page.

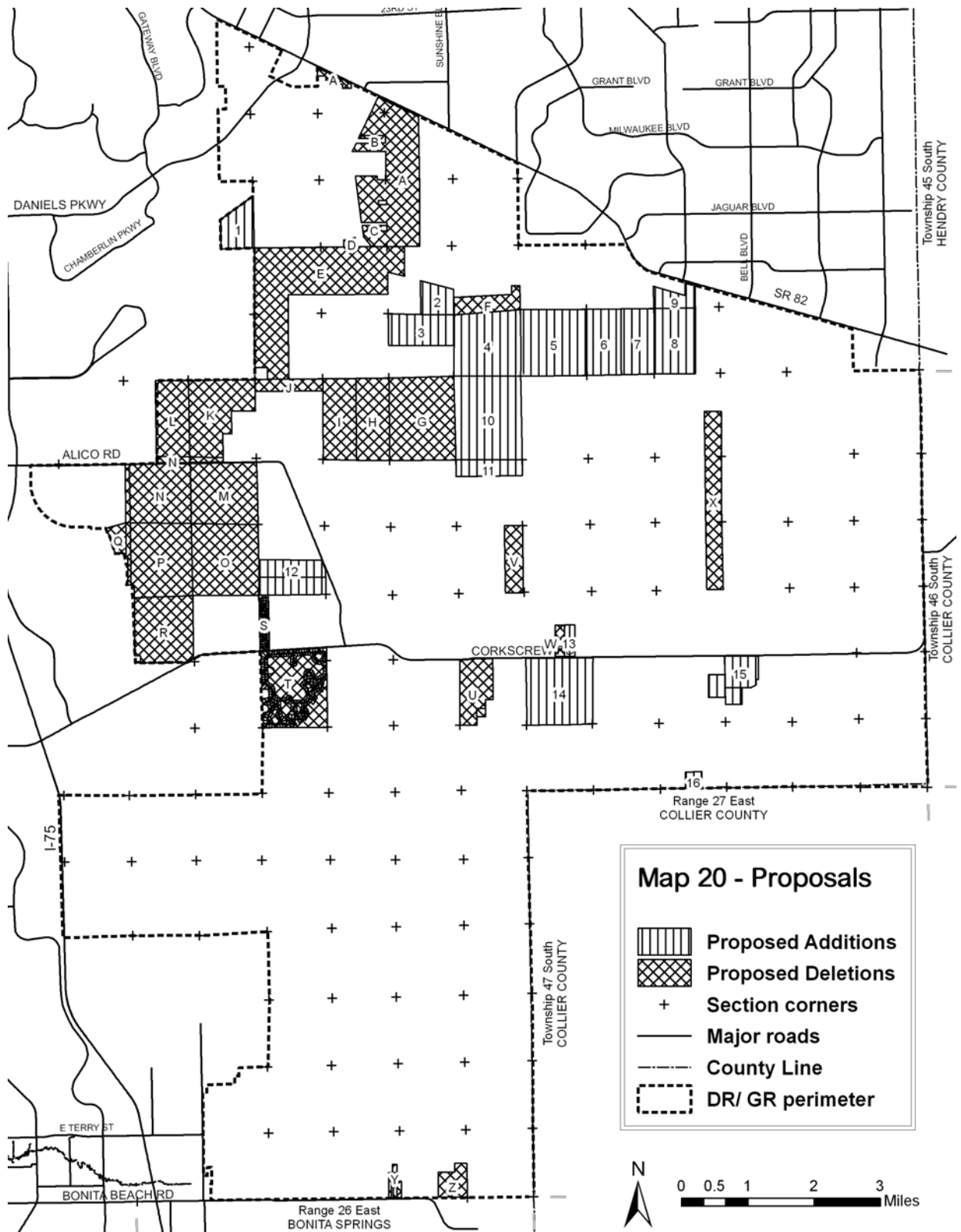


Figure 21

Table K identifies the each parcel proposed to be added to Map 20 by parcel number and owner. Table L provides the same information for parcels proposed to be deleted from Map 20.

TABLE K – Proposed Additions to Map 20		
KEY	STRAP(s)	PROPERTY OWNER
1	2045260000010010	Bennett, Richard K Trust
2	2645260000010020	Florida Rock Properties Inc.
3	3545260000010000	Florida Rock Properties Inc.
4	3645260000010000	Florida Rock Properties Inc.
5	31452700000010000	Florida Rock Properties Inc.
6	32452700000010010	Florida Rock Properties Inc.
7	32452700000010000	Florida Rock Properties Inc.
8	33452700000010040	Florida Rock Properties Inc.
9	28452700000010030	Florida Rock Properties Inc.
10	01462600000010000	Harper Brothers Inc.
11	12462600000010000	Harper Brothers Inc
12	16462600000011000	Youngquist, Harvey B +
	16462600000011020	Youngquist, Harvey B +
13	19462700000010060	Resource Conservation Holdings
14	30462700000010000	Schwab Materials Inc.
15	27462700000100000	Regwin LLC 1/3 +
	27462700000010000	Regwin LLC 1/3 +
	28462700000010000	Beardslee, Maria G L/E
16	33462700000011000	1020 Tower LLC

TABLE L – Proposed Deletions from Map 20		
KEY	STRAP(s)	PROPERTY OWNER
A	23452600000020000 (pt)	Lee County
B	15452600000010010	Gilbert, Lavon V Tr
C	22452600000010030	Holton, Gregory M
D	22452600000010070	Flint, Renate M
	2245260000001006B	Schill, Richard A + Marion M
E	28452600000010000	Lee County
F	25452600000012000	Lee County
	25452600000014000	Flint, James R + Carol Gano
	25452600000010070	Henshaw, John J + Gloria J Tr
G	02462600000010000	Harper Brothers Inc
H	03462600000010010	Harper Brothers Inc
I	03462600000010000	Fla Rock Properties Inc
J	04462600000011000	Fla Rock Properties Inc
K	05462600000010000	Ginn LA Naples Ltd
L	06462600000010000	Ginn LA Naples Ltd
M	08462600000010000	Ginn LA Naples Ltd
N	07462600000010000	Ginn LA Naples Ltd
O	17462600000010000	Ginn LA Naples Ltd
P	18462600000010000	Ginn LA Naples Ltd
Q	13462500000010070	Alico-Agri Ltd
	18462600000010010	Alico-Agri Ltd
	07462600000010050	Alico-Agri Ltd
R	19462600000010000	Ginn LA Naples Ltd
S	multiple STRAPS	Youngquist, Harvey B +
T	multiple STRAPS	RMC Florida Group Ltd
U	25462600000010000	Old Corkscrew Plantation
	25462600000010020	Old Corkscrew Golf Club LLC
V	13462600000014000	Lee County
W	19462700000010030	Lee County
X	09462700000020000	Lee County
Y	34472600000010160	Cook of Bonita Springs L P
	34472600000010060	Cook of Bonita Springs L P
	3447260000001006A	Cook of Bonita Springs L P
	34472600000010480	Cook of Bonita Springs L P
	34472600000010460	Cook of Bonita Springs L P
	34472600000010450	Cook of Bonita Springs L P
Z	35472600000010000 (pt)	South Fla Water Mgmt Dist

Figure 22 shows the final proposal for the revised Map 20. This proposal reflects the additions and deletions from the current Map 20 as described on the previous pages. It also reflects the proposed revisions to wetland "Conservation Lands" and "Wetlands" as described in other portions of this document (both wetland designations are excluded from the "Non-Urban Areas" as shown on Map 20).

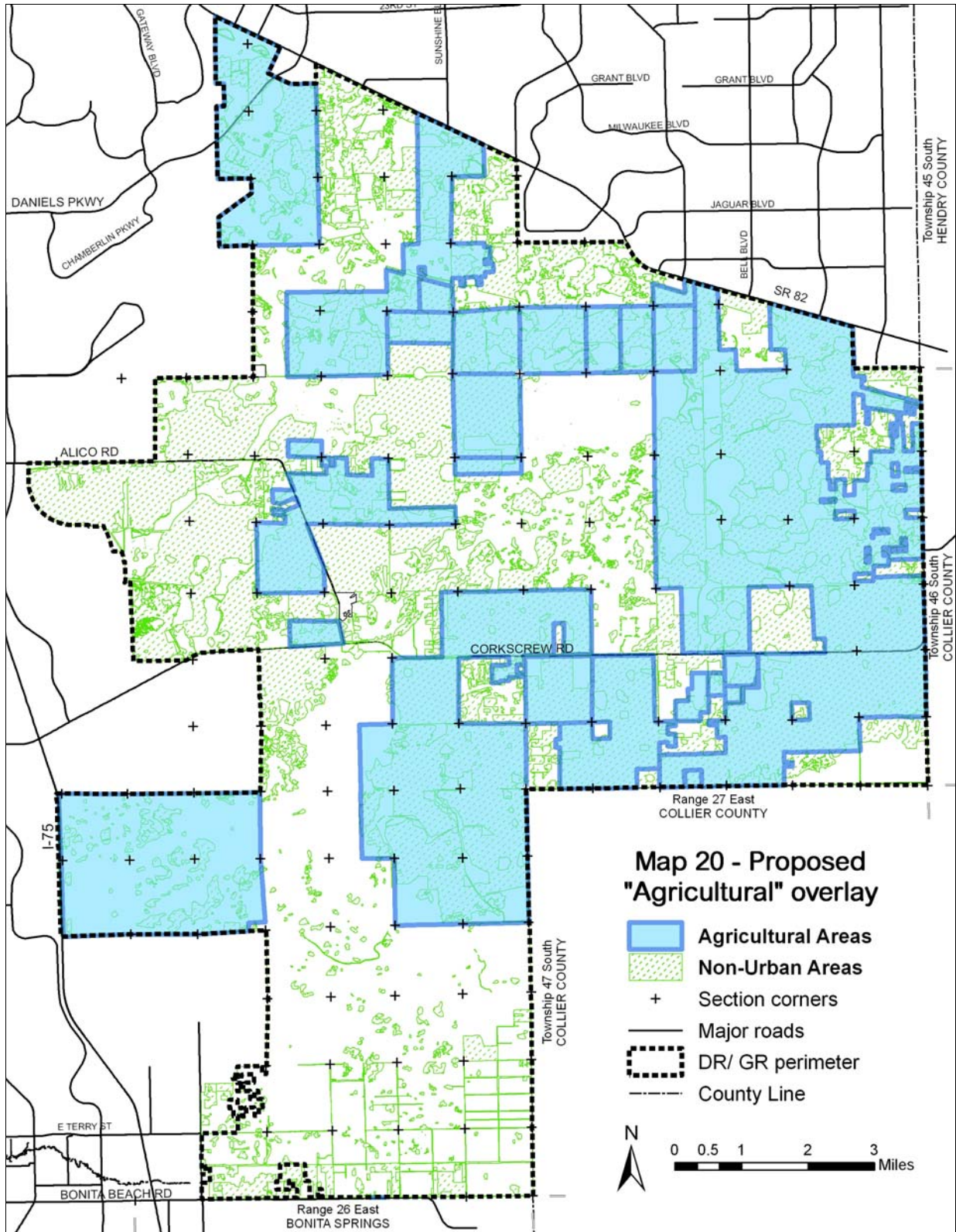


Figure 22

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

Policy 1.4.5 currently directs that “land uses in these areas [DR/GR] must be compatible with maintaining surface and groundwater levels at their historic levels.” However, the Lee Plan does not specifically define historic levels. The county’s ability to implement Policy 1.4.5 has been hindered by this lack of specificity.

As part of the 2008 *Prospects for Southeast Lee County* study, Kevin L. Erwin Consulting Ecologist, Inc. (KLECE) carefully evaluated 1953 historic aerial photographs to delineate the hydroperiod patterns that existed prior to most major human-created alterations within southeast Lee County. The results provide a valuable tool to Lee County and development applicants when evaluating proposed land use changes, preparing water resource management plans, and developing integrated surface and groundwater computer models.

The proposed Map 24 (see Figure 23) is a simplified compilation of the results of the KLECE interpretation of the 1953 aerials that defines the historic wet-season water levels by water depth and hydroperiod. The complete interpretation is publicly available as detailed GIS files. Map 24 shows where water historically sat on the landscape during the wet season and shows where deeper flow-ways existed. By incorporating this map within the Lee Plan, a valuable tool will be added for implementing Policy 1.4.5.

Proposed changes to Lee Plan Policy 1.4.5 (described earlier in this document) indicate that Lee County will consider additional evidence about historic conditions when implementing Policy 1.4.5; such evidence would typically be submitted during the rezoning or development review processes.

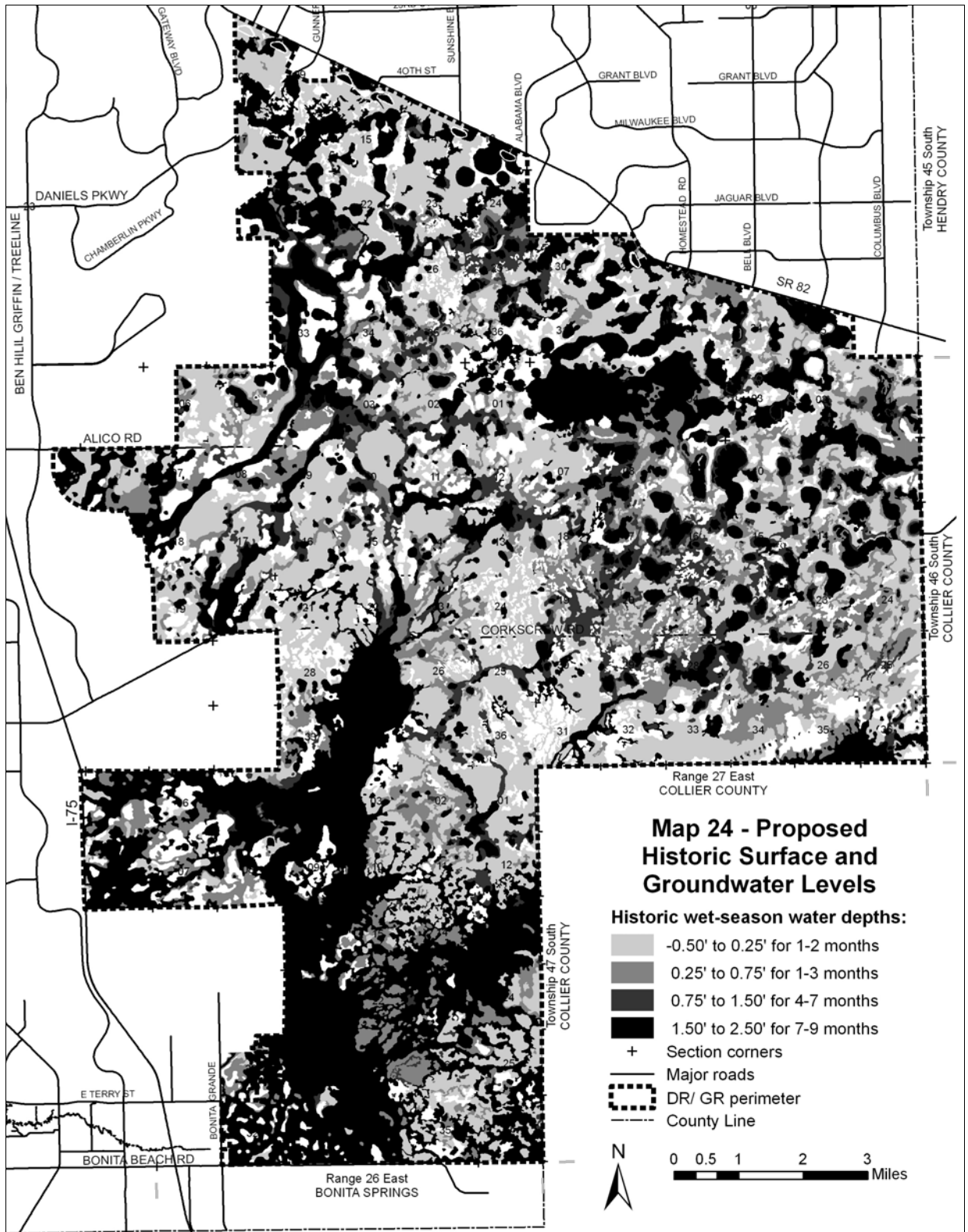


Figure 23

(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

New Lee Plan Policy 30.2.2, proposed in section (b) of this document, would adopt a “Priority Restoration” overlay into the Lee Plan as Map 25. Map 25 will provide guidance to help achieve restoration of the historic surface and groundwater levels based upon the *Prospects for Southeast Lee County* report (2008) and the *Ecological Memorandum of the Density Reduction/Groundwater Resource Area* (2008).

Since the publication of those documents, the restoration strategy has been refined to reflect preliminary policy directions on potential mining areas and on limited development parcels where development rights could be concentrated. As stated in the *Ecological Memorandum*, a combination of wetland management, sustainable agriculture, and phased wetland restoration is possible and necessary within the DR/GR to meet the goals and objectives of Lee County.

The “Priority Restoration” overlay contains seven tiers of land potentially eligible for acquisition, with Tier 1 being the highest priority. The tiers that would be eligible for potential acquisition or other means of protection from irreversible land use changes were developed based upon the ecological values that would be derived from protecting these lands, with an emphasis on water resource protection and restoration.

Tier 1 and Tier 2 lands represent key connections to existing public conservation lands including the Corkscrew Regional Ecosystem Watershed (CREW), the Lee County Port Authority Mitigation Park, and Corkscrew Regional Mitigation Bank that would insure the protection and restoration of water storage and water conveyance. Tier 3 lands would expand the connection to existing conservation lands even further, including connectivity with the National Audubon Society's Corkscrew Swamp Sanctuary to the southeast and Conservation Collier's Starnes Preserve to the east. Tier 4 lands represent areas within the Estero River Watershed that will require special restoration designs due to existing and potential limerock mines. Tiers 5 through 7 delineate additional areas where the protection and potential enhancement of water resources would be beneficial in the long term.

Agricultural operations that utilize the evolving best management practices may be appropriate within any of the tiers because the agricultural lands in the DR/GR have an enormous capacity to store additional water when properly managed. Additionally, these lands provide a local source of food, connectivity to public lands, green space, and some wildlife habitat.

Figure 24 shows the proposed Map 25. Figure 2 earlier in this document displayed these same designations with other information that will be helpful in understanding how they relate to the “Future Limerock Mining” overlay, to existing public lands, and to potential Mixed-Use Communities near Lehigh Acres.

Policy 30.2.3, discussed earlier in this document, explains how the land acquisition tiers would be interpreted. Note that acquisition does not necessarily mean public acquisition of fee simple title; other options are available and some are listed in Policy 30.2.3.

Policy 30.2.4 explains how the physical restoration could be implemented over the long period that would be required to carry out this plan.

Policies 30.2.5 and 30.2.6 recognize agricultural operations as an important component of managing water resources within southeast Lee County, even as a long-term use within priority restoration areas.



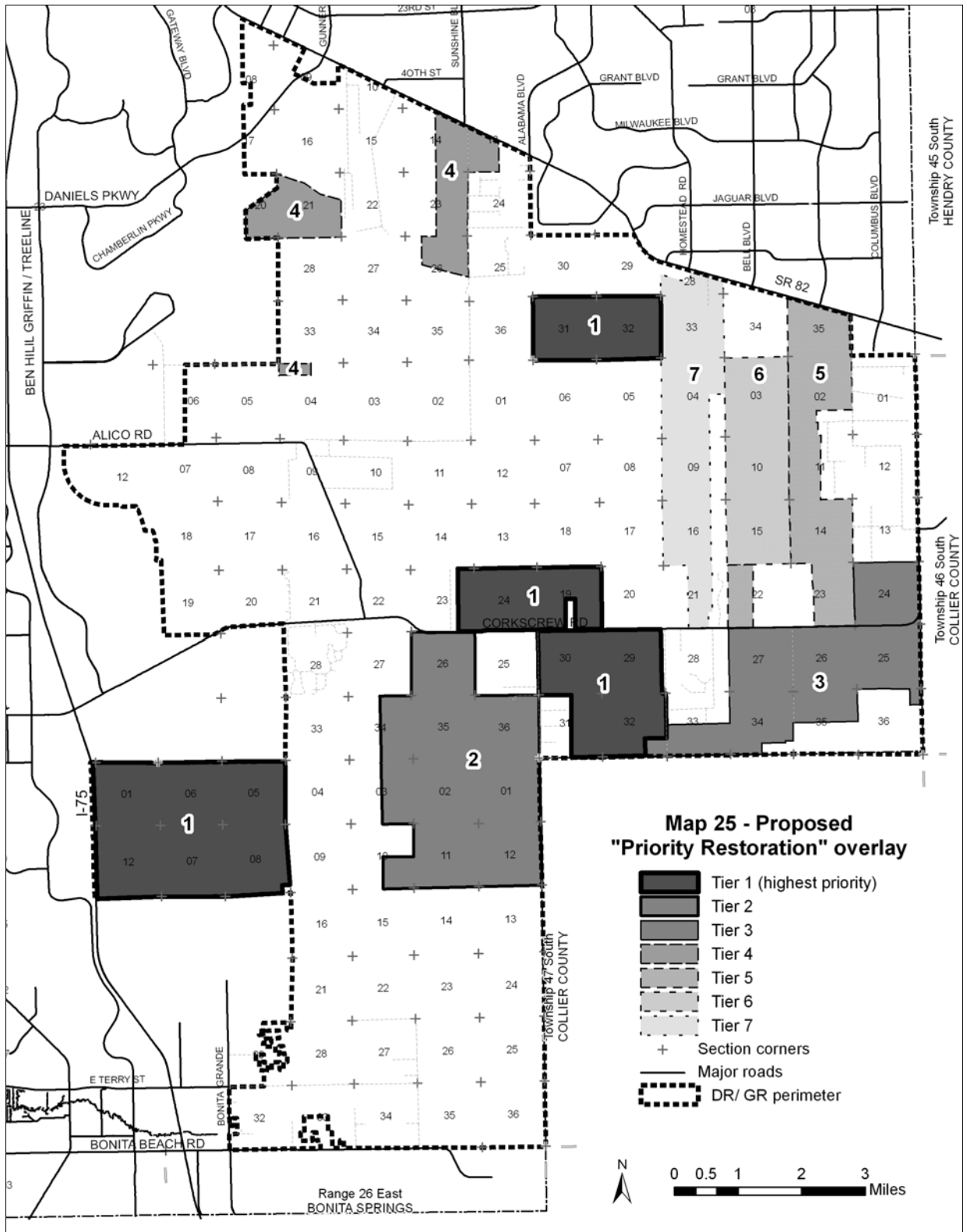


Figure 24

## E. MAJOR REFERENCES

- ***Strategic Mining: A Report on Mining in Lee County.*** Lee County Division of Planning, September 30, 2002.
- ***Lee County Master Mitigation Plan: Environmental Quality Investment and Growth Mitigation Strategic Plan.*** Southwest Florida Regional Planning Council, August 9, 2004. Available on-line at: <http://www.smartgrowthlee.com>
- ***Lee County Groundwater Resource and Mining Study.*** Prepared for Lee County by Greg F. Rawl, P.G. and Michael Voorhees, P.E., 2005.
- ***Southwest Florida Feasibility Study.*** South Florida Water Management District, 2006.
- ***Toward a Greener Lee: Effective Planning Alternatives for Rural Lee County.*** Spikowski Planning Associates, November 15, 2007. Available on-line at: <http://spikowski.com/GreenerLee.pdf>
- ***Review and Summary of Studies Containing Information Relating to Density Reduction/Groundwater Resource (DR/GR) Lands Southeastern Lee County, Florida.*** Prepared in May 2007 by McLane Environmental, LLC. Available on-line at: <http://www3.leegov.com/dcd/Downloads/DRGR.htm>
- ***Strategic Aggregates Review Task Force Final Report,*** February 1, 2008. Available on-line at: <http://www.dot.state.fl.us/statematerialsoffice/administration/resources/library/issues-trends/aggtaskforce/meetingfour/finalreport.pdf>
- ***Growth Management Regulation, Public Investment and Resource Implications for the Estero Bay Watershed.*** Southwest Florida Regional Planning Council, 2008.
- ***Prospects for Southeast Lee County: Planning for the Density Reduction / Groundwater Resource Area (DR/GR).*** Submitted to Lee County in July 2008 by Dover, Kohl & Partners. Available on-line at: [http://www3.leegov.com/dcd/CommunityPlans/SELC\\_DRGR/FinalReport.htm](http://www3.leegov.com/dcd/CommunityPlans/SELC_DRGR/FinalReport.htm)
- ***Ecological Memorandum of the Density Reduction/Groundwater Resource Area (DR/GR).*** Prepared in July 2008 by Kevin L. Erwin Consulting Ecologist, Inc. Memorandum is available on-line at: [http://www3.leegov.com/dcd3/CommunityPlans/SELC\\_DRGR/EcologicalMemo.pdf](http://www3.leegov.com/dcd3/CommunityPlans/SELC_DRGR/EcologicalMemo.pdf)  
GIS files are also available on-line: <ftp://ftp.leegov.com/Outgoing/DRGRData/EcologicalMemorandum.zip>
- ***Transferable Development Rights in Southeast Lee County.*** June 2009, Dover, Kohl & Partners and James C. Nicholas.
- ***Natural Resource Strategies for Southeast Lee County.*** June 2009, Dover, Kohl & Partners and Kevin L. Erwin Consulting Ecologist, Inc.
- ***Comprehensive Hydrological Study of the Lee County's Southeastern Density Reduction / Groundwater Resource Area.*** June 2009, DHI Water & Environment, Inc.