

**NOTICE OF PROPOSED AMENDMENT TO THE  
LEE COUNTY COMPREHENSIVE LAND USE PLAN  
(TRANSMITTAL HEARING)**

The Lee County Board of County Commissioners will hold a public hearing to consider proposed amendments to the Lee County Comprehensive Land Use Plan (Lee Plan) on Wednesday, April 5, 2017. The hearing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the Board Chambers at 2120 Main Street in Downtown Fort Myers. At the hearing, the Board will consider the proposed amendments for transmittal to the Florida Department of Economic Opportunity:

**CPA2016-00006 – Troyer Brothers Map 14 Amendment:** Amend Map 14 to add land from within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b). The Troyer Brothers property is approximately 1,804± acres.

**CPA2016-00010 – Troyer Brothers Conservation Lands:** Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

This transmittal hearing is the first step in a two step public hearing process to amend the Lee Plan. A second hearing will follow the Department of Economic Opportunity's review of the application.

This meeting is open to the public. Interested parties may appear at the meeting and be heard with respect to the proposed plan amendment. A verbatim record of the proceeding will be necessary to appeal a decision made at this hearing.

Lee County will not discriminate against individuals with disabilities. To request an accommodation, contact Joan LaGuardia, (239) 533-2314, Florida Relay Service 711, or [jlaguardia@leegov.com](mailto:jlaguardia@leegov.com), at least five business days in advance.

**CPA2016-00006**

**&**

**CPA2016-00010**

**TROYER**

**BROTHERS**

# Summary Sheet

## Troyer Brothers, CPA2016-06 and CPA2016-10

### **Request:**

#### Troyer Brothers Map 14 (CPA2016-06):

Amend Map 14 to add land from within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b). The Troyer Brothers property is approximately 1,804± acres.

#### Troyer Brothers Conservation Lands (CPA2016-10):

Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

### **Staff Recommendation:**

Staff recommends that the Board of County Commissioners **transmit** both proposed amendments to the state reviewing agencies.

### **LPA Motions:**

#### Troyer Brothers Map 14 (CPA2016-06):

A motion was made to recommend that the Board of County Commissioners **not transmit** CPA2016-00006. The motion was passed by a 3 to 2 vote.

Mr. Green, Mr. Andress, and Mr. Church were in favor. Mr. Stouder and Mr. Thibaut were opposed.

#### Troyer Brothers Conservation Lands (CPA2016-10):

A motion was made to recommend that the Board of County Commissioners **transmit** CPA2016-00010. The motion was passed by a 4 to 1 vote.

Mr. Stouder, Mr. Andress, Mr. Thibaut, and Mr. Green were in favor. Mr. Church was opposed.

### **Public Concerns (CPA2016-06):**

Fifteen members of the public addressed the LPA concerning the proposed amendment. Concerns expressed by the public included blasting, proximity to conservation lands, wildlife habitat, hydrology, need for more limerock, and compatibility with adjacent nearby agricultural uses.



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**COMPREHENSIVE PLAN  
AMENDMENTS**

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**CPA2016-06**

**&**

**CPA2016-10**

**TROYER BROTHERS**

**Privately Sponsored Amendments**

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**Board of County Commissioners  
Transmittal Hearing Staff Report**

**4/5/2017**

**STAFF REPORT  
COMPREHENSIVE PLAN AMENDMENT  
CPA2016-06 & CPA2016-10**



**Text Amendment**



**Map Amendment**

<b>This Document Contains the Following Reviews</b>	
✓	<b>Staff Review</b>
✓	<b>Local Planning Agency Review and Recommendation</b>
	<b>Board of County Commissioners Hearing for Transmittal</b>
	<b>Staff Response to Review Agencies' Comments</b>
	<b>Board of County Commissioners Hearing for Adoption</b>

LPA Staff Report Publication Date: February 17, 2017

**PART I  
APPLICATION SUMMARY**

**A. PROJECT NAME:** Troyer Brothers

**B. APPLICANT/REPRESENTATIVES:**

Troyer Brothers Florida, Inc  
Ms. Susan Stephens, B.C.S, Hopping Green & Sams  
Mr. David Depew PhD, AICP, LEED AP, Morris Depew Associates

**C. REQUESTS:**

Two related applications are addressed in this staff report:

Troyer Brothers Map 14 (CPA2016-06)

Amend Map 14 to add land from within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b). The Troyer Brothers property is approximately 1,804± acres.

Troyer Brothers Conservation Lands (CPA2016-10)

Redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands to Conservation Lands on the Future Land Use Map.

**D. CONCURRENT APPLICATION REVIEW:**

The Troyer Brothers Map 14 comprehensive plan amendment was filed on April 20, 2016, and the Troyer Brothers Conservation Lands amendment was filed on September 9, 2016. The applicant has also filed a companion rezoning application (DCI2016-00025) that is being reviewed concurrently with the plan amendment applications. DCI2016-00025 was

filed on December 8, 2016 seeking to rezone 1,790± acres from AG-2 to Mine Excavation Planned Development (MEPD) to permit excavation activities.

Florida Statutes Chapter 163.3184(12) provides that “At the request of an applicant, a local government shall consider an application for zoning changes that would be required to properly enact any proposed plan amendment transmitted pursuant to this subsection.” This requires Lee County to take into account the concurrent rezoning request.

## **PART II RECOMMENDATION**

After thorough review and consideration of the factors discussed in the following report, staff is recommending that the following proposed amendments be **transmitted** to the state reviewing agencies:

- Amend Map 1: Future Land Use Map to redesignate 453.32 acres from DR/GR and Wetlands to Conservation Lands (uplands and wetlands);
- Amend Map 14: Future Limerock Mining Overlay to add land from within the Troyer Brothers property; and
- Amend Table 1(b) to add industrial acreage to the Southeast Lee County Planning Community.

Attachment #1 contains the existing and revised maps and table.

Although staff is recommending the proposed amendment be transmitted, findings that the mine will be “compatible with maintaining surface and groundwater levels” and that the proposed mine will “minimize or eliminate adverse effects” on surrounding conservation uses cannot be made until the applicant provides the modeling required as part of the concurrent MEPD.

If the modeling demonstrates that the proposed mine does not have adverse impacts on surface and groundwater levels and water quality, findings will be made at the adoption hearing regarding surface and ground levels and effects on conservation lands. If this cannot be demonstrated, the proposed amendment to add land to the Future Limerock Mining Overlay should not be adopted.

## **PART III PROPERTY INFORMATION**

### **A. PROPERTY CONDITIONS, INFRASTRUCTURE AND SERVICES**

#### **1. EXISTING CONDITIONS:**

**SIZE OF PROPERTY:** 1,804± Acres (907.6 acres will be added to Map 14, and 453.32 acres will be redesignated to the Conservation Lands future land use category).

**PROPERTY LOCATION:** The subject property is located in Southeast Lee County about 7 miles to the east of Daniels/Gunnery Road on the south side of State Route 82.

**CURRENT ZONING AND USE:** The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility.

**CURRENT FUTURE LAND USE CATEGORY:** Density Reduction/Groundwater Resource (DR/GR) and Wetlands.

## **2. INFRASTRUCTURE AND SERVICES:**

**EMS:** Lee County EMS service area.

**LAW ENFORCEMENT:** The Lee County Sheriff's Office.

**FIRE PROTECTION SERVICE:** The Lehigh Acres Fire Control & Rescue District is able to provide service to the proposed aggregate mine.

**SOLID WASTE:** Service Area 3. Disposal of solid waste from this development will be accomplished at the Lee County Resource Recovery Facility and the Lee-Hendry Regional Landfill.

**MASS TRANSIT:** LeeTran does not serve the subject site.

**WATER AND SEWER:** The subject property is not located within the Lee County Water and Sewer Future Service Areas as identified on Maps 6 and 7 of the Lee Plan. The anticipated development will not be connected to public water or sewer service, but has adequate wastewater treatment and water supply through well and septic systems.

**SCHOOL IMPACTS:** The proposed amendment has no impact on classroom needs.

## **B. PLANNING COMMUNITY and FUTURE LAND USE DESIGNATION:**

### Southeast Lee County Planning Community

The subject property is in the Southeast Lee County Planning Community. The vision statement for Southeast Lee County states the following:

“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. 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 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.”

While the vision statement for Southeast Lee County does state that the community “consists” of mining operations, it does not state or imply that mining is an appropriate use for all property within the Planning Community. The process of adding land to the Future Limerock Mining Overlay takes into consideration the other uses permitted in Southeast Lee

County in order to locate future mining operations in a way that minimizes or eliminates adverse effects on surrounding land uses and on other natural resources, such as water.

The Southeast Lee County Planning Community has distinct and distinguishable areas. For example, land along the Alico Road Corridor has been used for ongoing mining activity for the past four decades. Land north of the Bonita Beach Road Corridor, east of I-75, are primarily low density residential and have been targeted and acquired for conservation by the South Florida Water Management District (SFWMD). Along Corkscrew Road, east of Alico Road, land has consistently been characterized as rural, consisting of both agricultural and residential uses. Public and private conservation lands are also found throughout southeast Lee County.

#### Goal 33: Southeast Lee County and Map 14: Future Limerock Overlay

Goal 33 reiterates the importance of water resources and the protection of natural habitat as part of the planning goal for Southeast Lee County.

Objective 33.1 provides a requirement that new and expanded limerock mines are identified on Map 14. Map 14 identifies Future Limerock Mining areas that provide sufficient lands to meet regional limerock demands. The intent of the map is to minimize the premature or unnecessary impacts of mining on valuable water resources, natural systems, residential areas, and the road system. Policy 33.1.1 acknowledges that over time Map 14 will be expanded as aggregate resources are needed to meet the demand of Lee County and the Southwest Florida Region.

#### Density Reduction/Groundwater Resource (DR/GR)

The subject property's future land use category is primarily DR/GR and Wetlands. Policy 1.4.5 identifies uses that may be permitted within the DR/GR. These include "agricultural, natural resource extraction and related facilities, conservation uses, public and private recreation facilities, and residential uses." This Policy requires that uses within the DR/GR future land use category "maintain surface and groundwater levels at their historic levels."

### **C. SURROUNDING PROPERTIES**

With the exception of the properties within the Lehigh Acres Planning Community, located north of the subject property, the surrounding properties are located in the DR/GR or Wetlands future land use categories and are zoned AG-2.

**West** of the subject property are ten sections of land owned by Lee County and is either currently dedicated as mitigation for the Southwest Florida International Airport or intended for future mitigation. A conservation easement dedicated to the SFWMD has been dedicated on six sections of this land. As the airport expands, additional easements will be dedicated and recorded as needed. These properties are zoned AG-2 and are designated as Conservation Lands Uplands and Conservation Land Wetlands on the Future Land Use Map.

Also west of the subject property is a permitted aggregate mine, Florida Rock Mine #2. This property shares a property line with the subject property, is identified on Map 14, and is located in the DR/GR and Wetlands future land use categories. It is zoned Industrial Planned Development (IPD) and is approved for mining.

**South** of the subject property is the Corkscrew Regional Mitigation Bank, a for-profit mitigation bank on land owned by the SFWMD. West of the mitigation bank are



Conservation 20/20 lands. Southeast of the subject property is the Corkscrew Estates residential subdivision, the only residential area located within one mile of the Troyer Brother's land proposed to be added to Map 14. These properties are designated DR/GR, Wetlands, and Conservation Lands on the Future Land Use Map and are zoned AG-2. Corkscrew Road is approximately one mile south of the proposed Map 14 boundary.

**East** of the subject property is Conservation 20/20 land known as the Imperial Marsh Galloway Tract and is designated as Conservation Lands on the Future Land Use Map. North of the Galloway Tract is the Sakata Seed Corporation's seed research facility. Further east are agricultural properties currently used for citrus production. These properties are designated DR/GR, Wetlands, and Conservation Lands on the Future Land Use Map and are zoned AG-2.

**North** of the subject property, across State Route 82, are platted residential and commercial properties within the Lehigh Acres Planning Community. These properties are in the Urban Community future land use category and have commercial (C-2) and residential (RS-1 & RM-2) zoning classifications.

#### **PART IV DISCUSSION AND ANALYSIS**

Lee Plan Goal 33 and its subsequent Objectives and Policies are based on the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County (2008 Prospects) and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County (2009 Strategies). These studies underscore the importance of finding a balance between Southeast Lee County's predominate uses – agricultural, resource extraction (water and aggregate), residential, and conservation. While the 2008 study acknowledges possible impacts of mining activities, it also recognizes the need for aggregate limerock materials:

*“The DR/GR is a central part of one of only six areas in the State of Florida that are believed to contain high quality, sub-surface limestone that can be economically processed for use in road construction. Crushed stone, often known as aggregate, is also an important raw material in the construction of buildings. Aggregate is considered to be a geographically limited essential resource for economic development and growth in Florida.”*

In recognizing the need for a balance, Lee County implemented the Future Limerock Mining Overlay through the adoption of Map 14 and Objective 33.1. Objective 33.1 provides that the County will designate on Map 14 sufficient land for continued limerock mining to meet regional demands through the Lee Plan's planning horizon and Policy 33.1.1 recognizes that by allowing rezonings for new and expanded limerock mines only in the areas identified in Map 14, limerock resources will be more fully utilized and the spread of limerock mining impacts will be precluded until such time as there is a clear necessity to do so and Map 14 is amended accordingly. As such, in determining when and where land should be added to the Future Limerock Mining Overlay the **need** for additional land and the **location** of the additional land are required to be evaluated and considered.

#### **Needs Analysis:**

The Lee Plan policies and objectives seek to minimize the impacts of limerock mining on valuable water resources, natural systems, residential areas, and the road system. To minimize

these impacts, the Plan ensures that limerock resources in or near existing disturbed areas are more fully utilized and only permits the spread of limerock mining impacts into “less disturbed environments” when there is a “clear necessity” to do so. The Lee Plan does not define “less disturbed environments” or “clear necessity.”

It is Staff’s opinion that, at a minimum, a “clear necessity” is demonstrated when there is insufficient land designated on the Future Limerock Mining overlay (Map 14) to meet the regional limerock demands through the applicable Planning horizon. The sufficiency of limerock supply may be demonstrated by individual applicants, the County, or both. The decision on whether a particular property is “less disturbed” or is “in or near existing disturbed areas” will be made on a case-by-case basis and will depend upon the historical use and condition of the property.

Lee Plan Policies requires the County to identify sufficient land for continued limerock mining to meet regional demands through the Lee Plan’s planning horizon. See Policies 1.4.5, 1.7.12, 33.1.4, and Objective 33.1. Existing Map 14 identifies lands necessary to meet those demands through the current 2030 Planning horizon.

To ensure the land identified on Map 14 is sufficient to meet regional limerock demands through the Planning horizon, Policy 33.1.4 requires Lee County to “update the parcel-based database of existing land uses described in Policy 1.7.6 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.” While the current Lee Plan planning horizon is 2030, the Board of County Commissioners has directed staff to make necessary amendments to update the Lee Plan Planning Horizon to 2040. These amendments are anticipated to occur in 2018.

On December 20, 2016, in compliance with Policy 33.1.4, the Board adopted the 2016 Southeast Lee County DR/GR Mining Study. The Study demonstrates that there is insufficient land designated on Map 14 to meet the regional limerock demands through the 2040 Planning horizon. In addition, during the Lee Plan amendment application process, the Applicant provided their own analysis that concluded there is a deficit of limerock supply through the 2030 planning horizon. The Applicant further indicated, assuming all required approvals are obtained, mining excavation would not occur on the subject property prior to 2020, well after the Lee Planning horizon update.

Lee County Staff finds that there is a clear necessity that additional land needs to be added to the Future Limerock Mining Overlay to meet demand through the year 2040. In accordance with the recommendations made in the 2016 Southeast Lee County DR/GR Mining Study, Staff is recommending that the Board review applications on a case-by-case basis for inclusion within the Future Limerock Mining overlay rather than the County initiating its own analysis and unilaterally designating land on Map 14.

***Based on the above analysis, Staff finds that there is an inadequate aggregate supply to meet needs for continued growth and redevelopment throughout the region and there is a clear necessity to support adding additional land to Map 14.***

### Location Analysis:

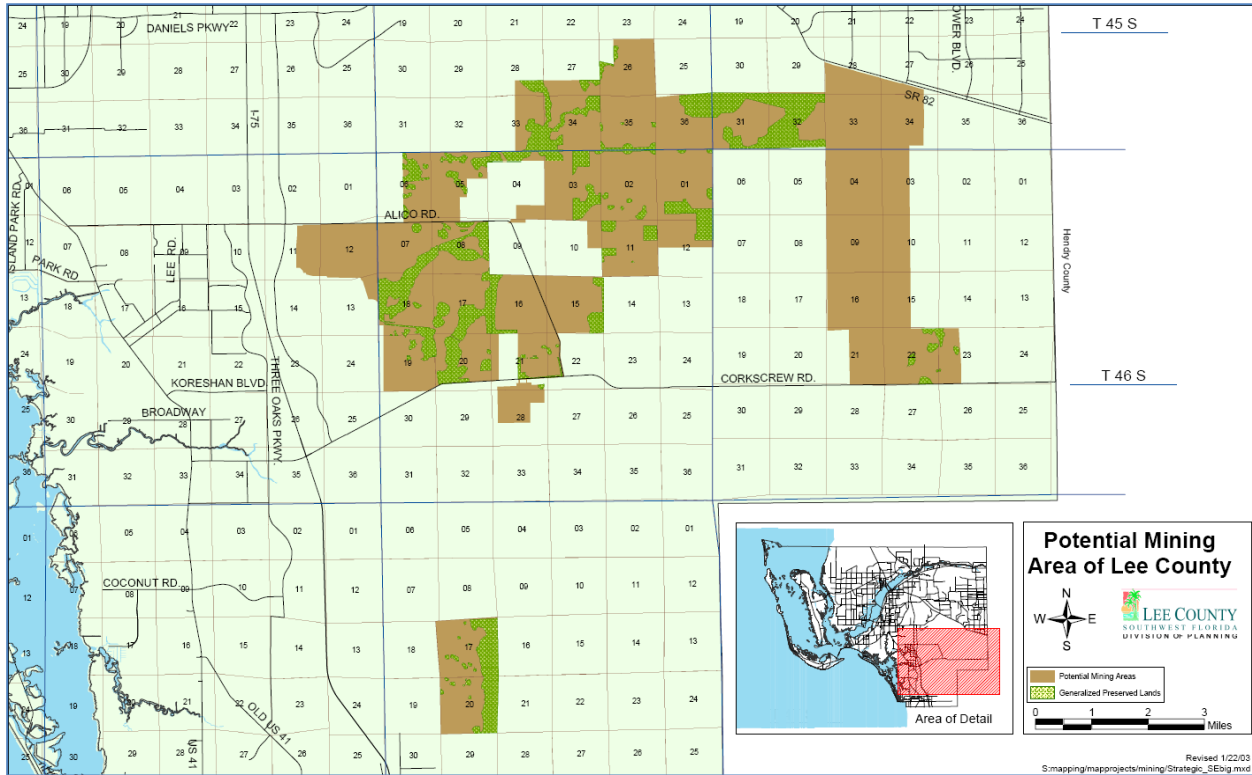
The subject property was not included on the Future Limerock Mining Overlay, as adopted by the Board of County Commissioners in 2008, because there was not a clear need for the additional aggregate. Now that a need for additional land has been established, the location of the land proposed by the applicant to be added to the Overlay will be evaluated.

The Lee Plan identifies limerock mining as an industrial use and its location must be consistent with Goal 7, Industrial Land Uses, and its subsequent Objectives and Policies. Policy 7.1.3 provides that industrial land uses must be located in areas appropriate to their special needs and constraints. In the case of limerock mining, the following are considered when identifying land to designate on Map 14: availability of limerock materials; access to adequate transportation facilities, and compatibility with surrounding uses, including conservation area. Each of these considerations is discussed in detail below.

### Limerock Availability:

It is well documented that limerock is considered to be a geographically limited essential resource. The 2008 Prospects study confirms that limerock is only found in limited locations, including in areas that have already been completely urbanized and in areas outside of the traditional Alico Road mining corridor.

The subject property has limerock materials that could be commercially mined. This is consistent with the Lee County's 2002 Strategic Mining Study which identified known limerock deposits in Southeast Lee County. The subject property is identified as a potential mining area of Lee County in Figure 1 below. ***Staff finds that the subject property is in a geographic area that contains limerock.***



**Figure 1: Potential Mining Area of Lee County (2002 Strategic Mining Study). This map identifies limerock deposits in Southeast Lee County known as of 2002.**

**Transportation Facilities:**

Access to adequate transportation facilities must also be evaluated when determining the location for future mines. The application materials provide that the proposed mine will access State Route 82. NO access to Corkscrew Road is proposed. Access locations to the subject property will be verified and likely conditioned through the MEPD zoning process.

The subject site is located on the south side of State Route 82 east of Homestead Road. State Route 82 is currently an east/west two lane undivided arterial roadway on the Strategic Intermodal System maintained by and under the jurisdiction of FDOT. The applicant proposes to use the existing farm operation access to State Route 82.

Lee Plan Map 3A reflects the Lee County Metropolitan Planning Organization (MPO) 2035 Long Range Transportation Plan (LRTP). This map shows six-laning of State Route 82 from Homestead Road to Colonial Boulevard as a cost feasible project, and four-laning of State Route 82 from the Hendry County Line to Homestead Road as a needs plan project.

The MPO 2040 LRTP was adopted in December 2015. The updated LRTP includes the four-laning of State Route 82 from the Hendry County Line to Homestead Road as a cost feasible project. Staff is preparing an amendment to Map 3A to incorporate the MPO’s 2040 Cost Feasible and Highway Needs Plans.

The FDOT 5-year work program has multiple projects to widen State Route 82 from Colonial Blvd to County Line.

## State Route 82 Improvement Schedule

<u>Segment</u>	<u>Improvement</u>	<u>Construction Funding Year</u>
Colonial Blvd to Shawnee Rd	Widen to 6 lanes	2016/2017
Shawnee Rd to Alabama Rd	Widen to 6 lanes	2021/2022
Alabama Rd to Homestead Rd	Widen to 6 lanes	2017/2018
Homestead Rd to County Line	Widen to 4 lanes	2017/2018

The applicant indicates that a maximum of 3,428,571 tons of recoverable material would be removed from the site on a yearly basis. That will generate 313 trips (passenger-car equivalent trips) in AM peak hour, 205 trips in mid-day peak hour, 46 trip PM peak hour, and 2,092 daily trips.

CPA applications require a short range (5 year) and long range (20+ years) level of service (LOS) analysis. The 5 year analysis indicates that in the three mile study area all the roadway segments are anticipated to operate at or better than the adopted LOS standard in year 2022, with the State Route 82 improvement. Daniels Pkwy south of State Route 82 will be LOS F with and without the project and is outside of the three mile study area radius.

The submitted year 2040 long range transportation LOS analysis indicates the following roadway segments will operate at LOS F with and without the project: (1) State Route 82 from Gateway Blvd to Colonial Blvd; (2) Sunshine Blvd from State Route 82 to SW 23<sup>rd</sup> ST; (3) Gunnery Road from State Route 82 to Lee Blvd; (4) Daniels Pkwy from State Route 82 to Gateway Blvd. These roadway segments are also outside the three mile radius of the study area. Intersecting street volumes are anticipated to warrant traffic signals at arterial intersections on State Route 82. If traffic signals are installed in the future State Route 82 will operate as an interrupted flow facility. State Route 82 from the project entrance to the Gunnery Rd/Daniels Pkwy intersection will be also at LOS F with and without the project in year 2040.

Based on the submitted data and analysis, there are no required modifications to the adopted Cost Feasible Plan network as a result of this application.

Policy 7.1.5 states that *“the timing and location of industrial development will be permitted only with the availability and adequacy of existing or planned services and facilities”* and Policy 10.1.4 provides that limerock mining operations must have adequate transportation facilities. ***The planned improvements to State Route 82 will assure there will be adequate transportation facilities for a limerock mine at this location. This is consistent with Lee Plan Policies 7.1.5 and 10.1.4.***

### Compatibility:

The Lee Plan acknowledges the importance of protecting areas with commercially valuable natural resources, such as limerock, from encroachment of incompatible uses while also considering the impacts of mining on surrounding land uses and other natural resources. This is set forth in Goal 10:

***GOAL 10: NATURAL RESOURCE EXTRACTION.*** *To protect areas containing commercially valuable 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, 10-20)*

The Future Limerock Mining Overlay helps to protect mines from encroachment of incompatible uses by designating on the map locations where mining is permitted to occur and also, through the concurrent zoning review, insures that mining operations are conducted in a manner that minimize or eliminate adverse effects on surrounding land uses and on other natural resources.

As previously discussed, residential and agricultural uses and conservation areas are located within one mile of the proposed Map 14 boundary amendment. A permitted mine, Florida Rock Mine #2, is also located within one mile of the proposed boundary. Compatibility with, and potential impacts on, each of these uses will be considered in the following discussion and analysis to determine if limerock mining on the subject property could be conducted in a manner that has little to no impacts on the surrounding area.

**Residential:** Policy 5.1.5 requires that existing and future residential areas be protected from the encroachment of uses that are potentially destructive to the character and integrity of the residential environment. The subject property provides one of the best, if not *the* best, opportunity to add additional lands to the Future Limerock Mining Overlay away from residential areas. There are approximately eleven residential lots within one mile of the proposed Map 14 boundary. The residential uses in Southeast Lee County Planning Community are shown in Figure 2. South of the subject property is the Corkscrew Estates subdivision consisting of single-family homes on lots ten acres and larger. The proposed mine boundary is approximately one quarter mile from this subdivision and at least one and one quarter miles to the closest residence south of Corkscrew Road. There are no residential uses immediately east and west of the subject property.

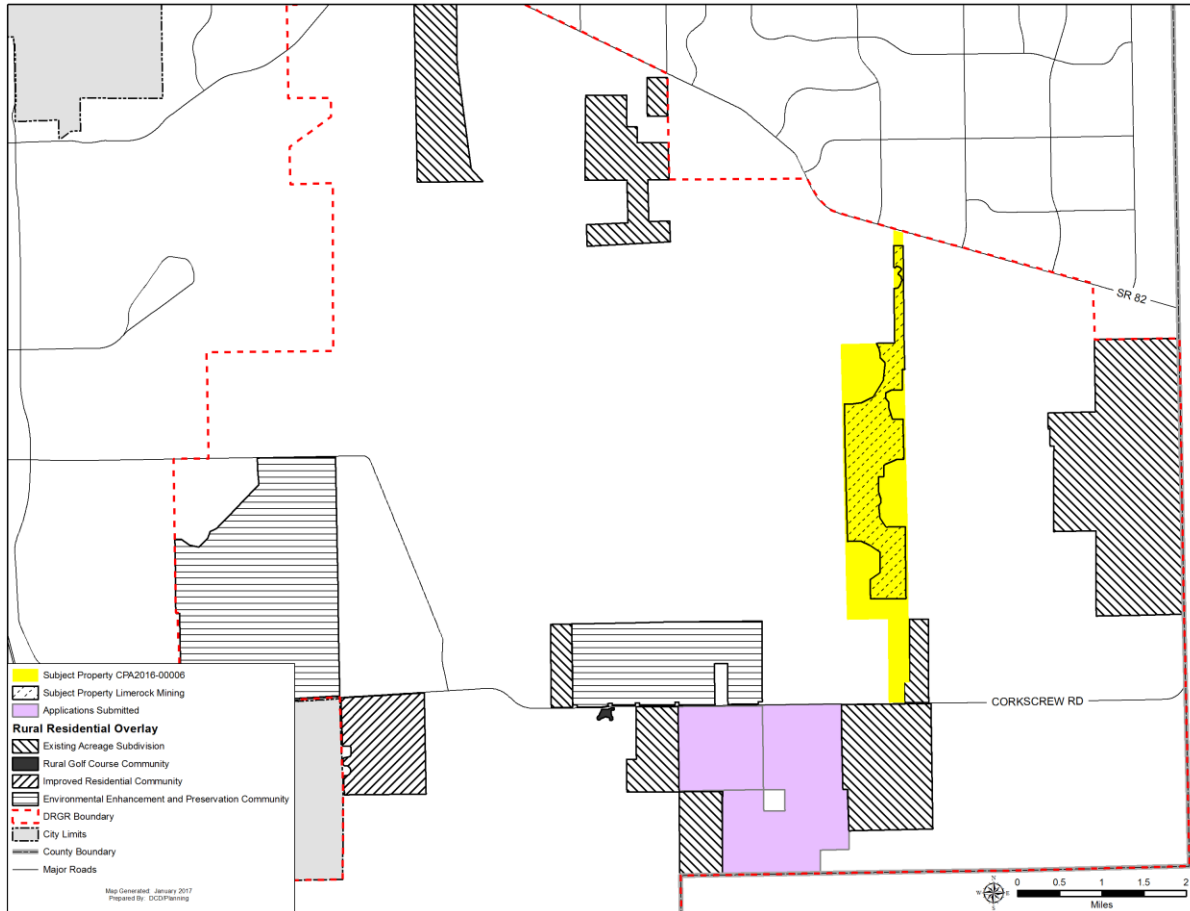


Figure 2: Existing Southeast Lee County residential areas in relation to the subject property.

To the north, across State Route 82, is the Lehigh Planning Community, a growing urban community. The proposed mine boundary is more than one mile south from State Route 82 and even further from residential uses.

**Staff finds that it is possible to devise conditions to minimize or eliminate the potential impacts to residential areas that would be caused by proposed mining activities due to the distance between residential uses and the land proposed to be added to Map 14.**

**Agricultural:** Goal 9, Agricultural Land Uses, and Policy 33.1.7 direct Lee County to protect existing and potential agricultural lands from the encroachment of incompatible land uses. While the subject property is currently an active agriculture operation, Policy 9.1.1 provides that no provisions of the Lee Plan may be interpreted to permanently prohibit the conversion of agricultural uses to other land uses.

There are no active agriculture uses adjacent to the proposed mine boundary. The closest active agricultural use to the proposed mine boundary are citrus groves (Old Corkscrew Plantation) approximately a quarter mile away and the Sakata Seed Corporation research facility approximately three quarter miles away. The adjacent conservation lands provide a buffer from potential noise, dust, and hydrology impacts to any existing or potential agricultural

lands. **Staff finds that the distance between the mining boundary and agricultural uses minimizes potential adverse impacts to agricultural uses within the Southeast Lee County Planning Community.**

**Conservation:** The subject property is surrounded primarily by environmental conservation areas including Conservation 20/20 property, the County’s Airport Mitigation Park, and a privately operated mitigation park. These properties include both uplands and wetlands and are reserved for long range conservation purposes. Assuring that these lands provide ecological functions such as water recharge and wildlife habitats help Lee County meet numerous requirements of the Lee Plan.

Wildlife Habitat: Maintaining viable species habitat is an important aspect of public and private conservation areas because they can be used to mitigate habitat impacts elsewhere that may occur during the construction of necessary capital improvements. One of two conservation areas owned by Lee County adjacent to the subject property is the Airport Mitigation Park which is used to meet State and Federal permitting requirements for impacts to wetlands on Port Authority properties.

Maintaining the adjacent public and private conservation lands, along with the additional 453.32 acres from the subject property that are proposed to be redesignated to Conservation Lands, is consistent with Objective 107.4 and Policy 107.4.2, which are reproduced below:

*Objective 107.4: Endangered and Threatened Species in General. Lee County will continue to protect habitats of endangered and threatened species and species of special concern in order to maintain or enhance existing population numbers and distributions of listed species.*

*Policy 107.4.2: Conserve critical habitat of rare and endangered plant and animal species through development review, regulation, incentives, and acquisition.*

The proposed amendment will designate land on Map 14 that is primarily existing agricultural fields. The applicant is proposing to provide the following amounts of preservation and/or restoration:

Wetland and Upland Enhancement and Preservation	525.04 acres
Wetland Restoration	101.43 acres
Natural Habitat/Native Rangeland Restoration	178.92 acres
Southern Troyer Lands Preservation	121.55 acres
<b>TOTAL</b>	<b>926.94 acres</b>

Upon reclamation of the mining area, the subject property will provide corridors for movement of large mammals at the north and south ends of the property where those corridors currently exist. This will minimize adverse effects on wildlife habitat and movement. In addition, approximately 75 acres of littoral shelves will be created within the mining lakes. These improvements will be conditioned as part of the zoning.

Groundwater: Southeast Lee County contains public wellfields which provide over 50 percent of Lee County Utilities’ (LCU) potable drinking water. Figure 3 shows the location of the subject property and the areas proposed to be added to Map 14 in relation to the wellfield protection zones. The wellfield protection zones are included in the Lee Plan as Map 8. These wellfields, which are relied on to produce sufficient potable water, are dependent on adequate groundwater levels being maintained.



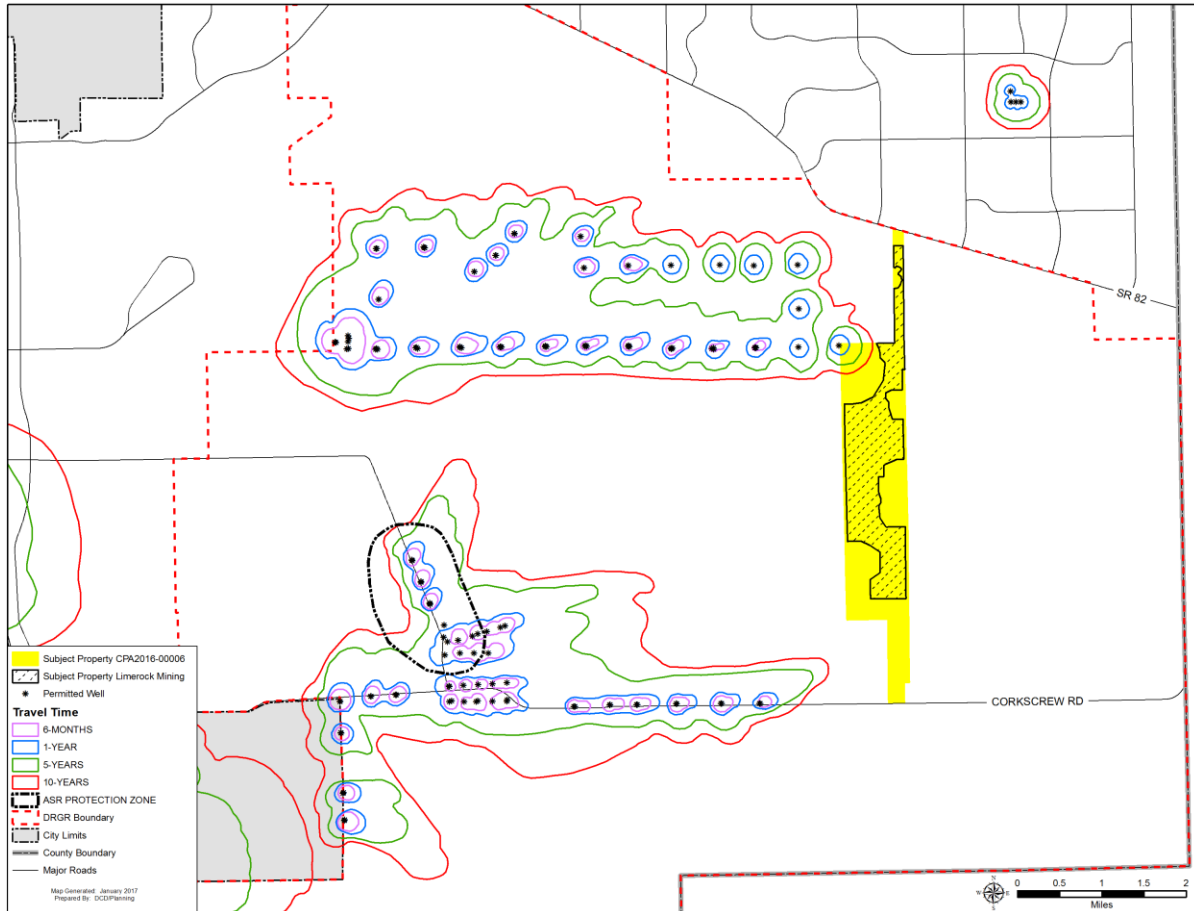


Figure 3: Southeast Lee County Wellfield Protection Zones in relation to the subject property.

Conservation lands provide important groundwater recharge area. In addition to the existing adjacent public and private conservation properties, the 453.32 acres that will be designated Conservations Lands as part of this amendment will provide additional protections for maintaining Southeast Lee County as a groundwater recharge area.

The areas that are proposed to be added to the Future Limerock Mining Overlay are not located within any of wellfield protection zones as shown in Figure 3. The applicant has committed to provide groundwater modeling to determine impacts, if any, of the mine on groundwater resources as part of the rezoning process. If the applicant can demonstrate that the proposed mine will maintain groundwater levels (or those water levels will be restored to a level closer to historic levels), the proposed amendment could be found compatible with maintaining (or improving) groundwater resources. If this is not demonstrated through the concurrent zoning review, the proposed amendment to the Future Limerock Mining Overlay identified on Lee Plan Map 14 should not be adopted.

Surface Water: Figure 4 illustrates the subject properties location at the junction of the Flint Pen Strand, Corkscrew-East, and the Corkscrew-West watershed sub-basins. The proposed mine pits could have impacts to on-site flowways, as discussed below, but would not significantly alter regional surface flows due to its location at the northeastern edge of the Flint Pen Strand and the western edge of the Corkscrew watershed sub-basin.

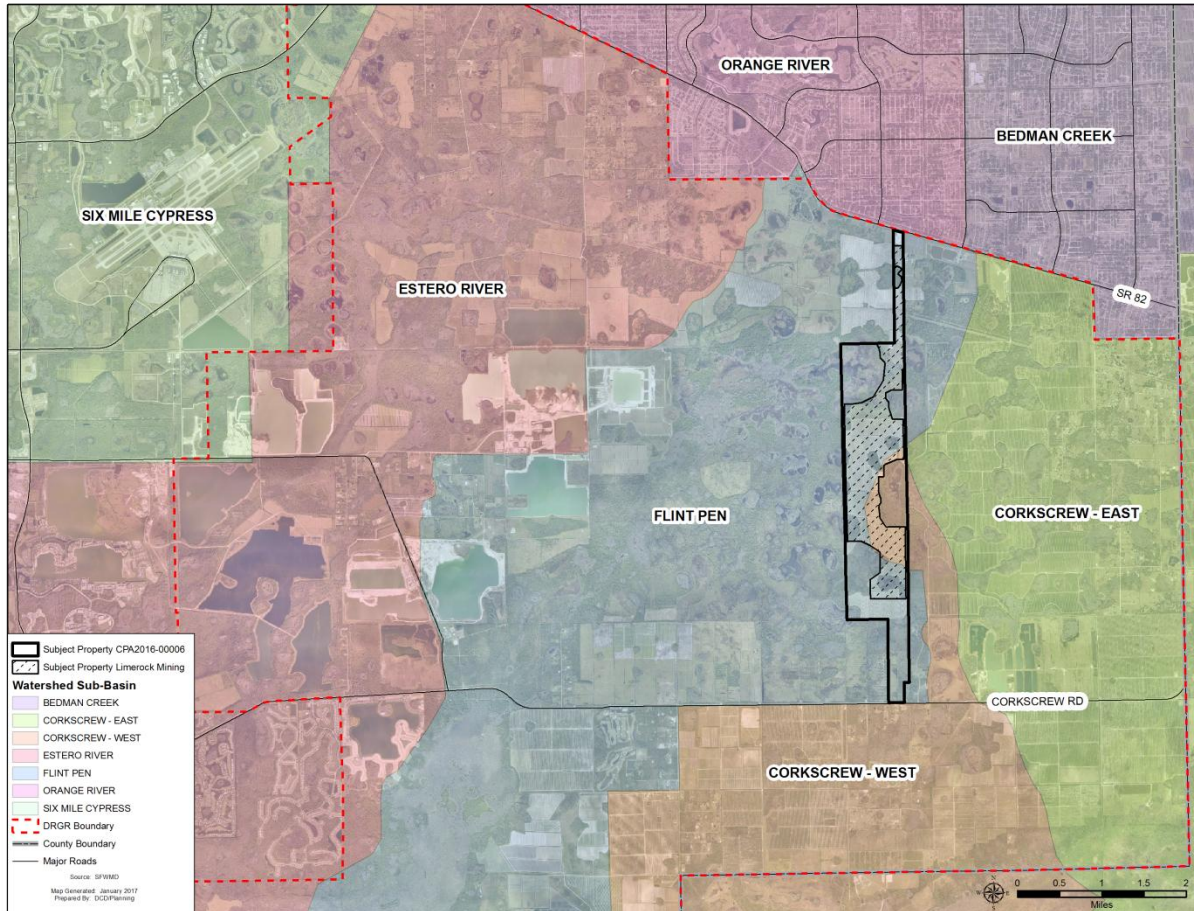


Figure 4: Lee County Watershed Sub-Basins in relation to the subject property.

Of the three watershed sub-basins, the Flint Pen Strand is recognized in Policy 117.1.8 as a significant natural area. Policy 117.1.8 is reproduced below:

***POLICY 117.1.8:*** *The county will support the acquisition and protection of the Flint Pen Strand as a major water retention and aquifer recharge area.*

The flowways that traverse Flint Pen Strand are important to its natural function. There are two flowways that have historically crossed the subject site. The northern flowway, which has been altered by the existing farm road, is just north of the proposed processing/operations area. Site visits confirm that this flowway has been severed by the ongoing agricultural activities. This flowway is part of the headwaters for the Flint Pen Strand. The applicant has indicated that the northern flowway will be restored as part of the reclamation process which would benefit the efforts to protect the Flint Pen Strand as an aquifer recharge area. This restoration will be conditioned at zoning.

At the southern end of the proposed mining site is another flowway. This flowway is currently functioning with sheet flow crossing the site from the northeast to southwest. The applicant is not proposing to add the southern flowway to the Future Limerock Mining Overlay so it will not be impacted by mining activities. This is consistent with Policy 107.2.3, which is reproduced below:

*POLICY 107.2.3: Prevent water management and development projects from altering or disrupting the natural function of significant natural systems.*

**For the following reasons, staff finds that the location for the proposed aggregate mine on Map 14 would minimize disruption of existing regional surface water flow:**

- **the subject property is at the junction of three sub-basins;**
- **the areas proposed to be added to the Future Limerock Mining Overlay would not impact the functioning southern flowway; and**
- **the currently non-functioning northern flowway would be restored.**

Water Quality: The Flint Pen, Corkscrew-West, and Corkscrew-East watershed sub-basins are at the headwaters of the Imperial River Watershed which feeds into Estero Bay. The Estero Bay was Florida's first Aquatic Preserve, is listed as an Outstanding Florida Water, and is an important estuary for Lee County and the State of Florida. Mine processing and operations typically require the use of anti-freeze, toluene, acetone, xylene, benzene, gasoline, diesel, oils and degreasers. These chemicals can adversely impact important ground and surface water resources for Lee County. There are design standards and zoning conditions that can be put in place that protect Lee County's surface and coastal water resources from these hazardous materials.

Maintaining Surface and groundwater are necessary to protect onsite and offsite upland and wetland habitats. Adverse impacts to Southeast Lee County water resources may alter the species habitat and impact the County's investment in nearby conservation/mitigation lands. Numerous Lee Plan provisions, including Goals 60 and 61; Objective 63.2, and; Policies 1.4.5, 2.4.2, 10.1.3, 10.1.4, 60.1.1, 61.1.4, 61.2.6, and 117.1.4 require that Lee County maintain water resources within the DR/GR. The applicant has demonstrated that the proposed mine activities can be designed or conditioned at zoning to be compatible with species habitat/movement, surface water, and water quality.

The subject property's location for mining activity was evaluated based on: the availability of limerock materials; access to adequate transportation facilities; and compatibility with surrounding uses and impacts on other natural resources. ***Through this analysis, staff finds that the subject property contains suitable limerock, has access to adequate transportation facilities, and due to the distance between residential and agricultural areas from the subject property, it is possible to devise conditions to minimize or eliminate the potential impacts to those uses that would be caused by proposed mining activities.***

## **PART V CONCLUSIONS**

Limerock is an important raw material needed for the continued growth and development of Lee County. The Lee Plan provides that Lee County will assure there are sufficient lands for continued limerock mining to meet Lee County and regional demands.

When considering adding lands to the Future Limerock Mining Overlay Lee County both need and location are considered:

**NEED:** A clear necessity has been established. There will be a deficit of limerock supply through the year 2040. By adding land to Map 14, property not currently permitted to be mined,

can be considered for mining activities through the MEPD zoning process. The anticipated deficit can be reduced when appropriate approvals are in place and additional mines are permitted.

LOCATION: Quality limerock is a geographically limited essential resource. By designating areas on Map 14 for mining activities, areas that contain this resource are protected from the encroachment of uses that may be deemed incompatible.

Staff finds that the request to add land from the subject property to Map 14 for future mining activities (pending appropriate zoning and permitting approvals) is appropriate at this location. However, the applicant has not demonstrated how the proposed mining activities will impact groundwater levels which will ultimately determine compatibility with the adjacent conservation lands. The groundwater modeling must be provided with the concurrent MEPD zoning.

Staff recommends that the Board of County Commissioners transmit the proposed amendments for state review which will also allow for continued review of the zoning application. When the proposed amendment comes back for final adoption, it will be accompanied by the concurrent MEPD. If the applicant can demonstrate through their zoning application that the proposed mine is compatible with surface and groundwater levels (or those water levels will be restored to a level closer to historic levels), water quality, and protection of wildlife habitats and movement, a finding will be made that the proposed amendment would have minimal or no adverse effects on adjacent conservation areas and is therefore compatible. If these are not demonstrated, staff will recommend the proposed amendment to the Future Limerock Mining Overlay identified on Lee Plan Map 14 not be adopted.

**PART VI  
LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: February 27, 2017

**LOCAL PLANNING AGENCY REVIEW:**

The applicant and their representatives gave a detailed presentation for the proposed amendments which covered consistency with the Lee Plan, wildlife movement, hydrology, transportation, and limerock supply and demand. Members of the LPA asked questions about the approval process, location of wellfields in proximity to the proposed mines, topography of the subject site, and impacts on traffic.

Staff gave a brief presentation including a project overview, staff findings, and recommendation that the proposed amendments be transmitted to the state for review.

Fifteen members of the public addressed the LPA concerning the proposed amendment. Concerns expressed by the public included blasting, proximity to conservation lands, wildlife habitat, hydrology, need for more limerock, and compatibility with adjacent nearby agricultural and residential uses.

The LPA made separate motions for CPA2016-06 and CPA2016-10 as follows:

**Troyer Brothers Map 14 Amendment:** A motion was made to recommend that the Board of County Commissioners *not transmit* CPA2016-00006. The motion was passed 3 to 2.

**VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>DENNIS CHURCH</b>	<b>AYE</b>
<b>JIM GREEN</b>	<b>AYE</b>
<b>CHRISTINE SMALE</b>	<b>ABSENT</b>
<b>STAN STOUDE</b>	<b>NAY</b>
<b>GARY TASMAN</b>	<b>ABSENT</b>
<b>JUSTIN THIBAUT</b>	<b>NAY</b>

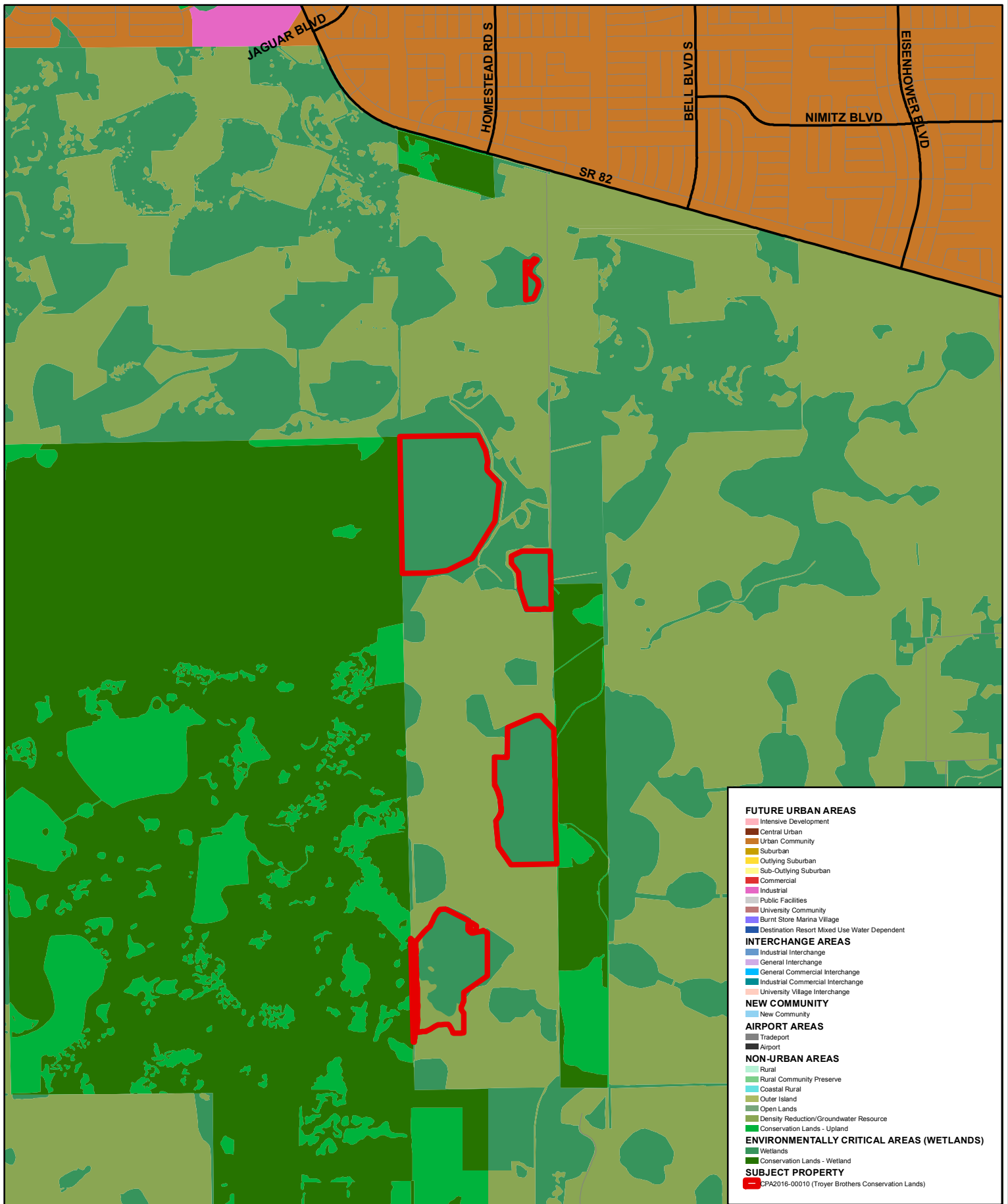
**Troyer Brothers Conservation Lands:** A motion was made to recommend that the Board of County Commissioners *transmit* CPA2016-00010. The motion was passed by a 4 to 1 vote.

**VOTE:**

<b>NOEL ANDRESS</b>	<b>AYE</b>
<b>DENNIS CHURCH</b>	<b>NAY</b>
<b>JIM GREEN</b>	<b>AYE</b>
<b>CHRISTINE SMALE</b>	<b>ABSENT</b>
<b>STAN STOUDE</b>	<b>AYE</b>
<b>GARY TASMAN</b>	<b>ABSENT</b>
<b>JUSTIN THIBAUT</b>	<b>AYE</b>

# **ATTACHMENT 1**

- **MAP 1, PAGE 1 (CPA2016-00010)**
- **MAP 14 (CPA2016-00006)**
- **TABLE 1(b) (CPA2016-00006)**



- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
- General Interchange
- General Commercial Interchange
- Industrial Commercial Interchange
- University Village Interchange
- NEW COMMUNITY**
- New Community
- AIRPORT AREAS**
- Tradeport
- Airport
- NON-URBAN AREAS**
- Rural
- Rural Community Preserve
- Coastal Rural
- Outer Island
- Open Lands
- Density Reduction/Groundwater Resource
- Conservation Lands - Upland
- ENVIRONMENTALLY CRITICAL AREAS (WETLANDS)**
- Wetlands
- Conservation Lands - Wetland
- SUBJECT PROPERTY**
- CPA2016-00010 (Troyer Brothers Conservation Lands)

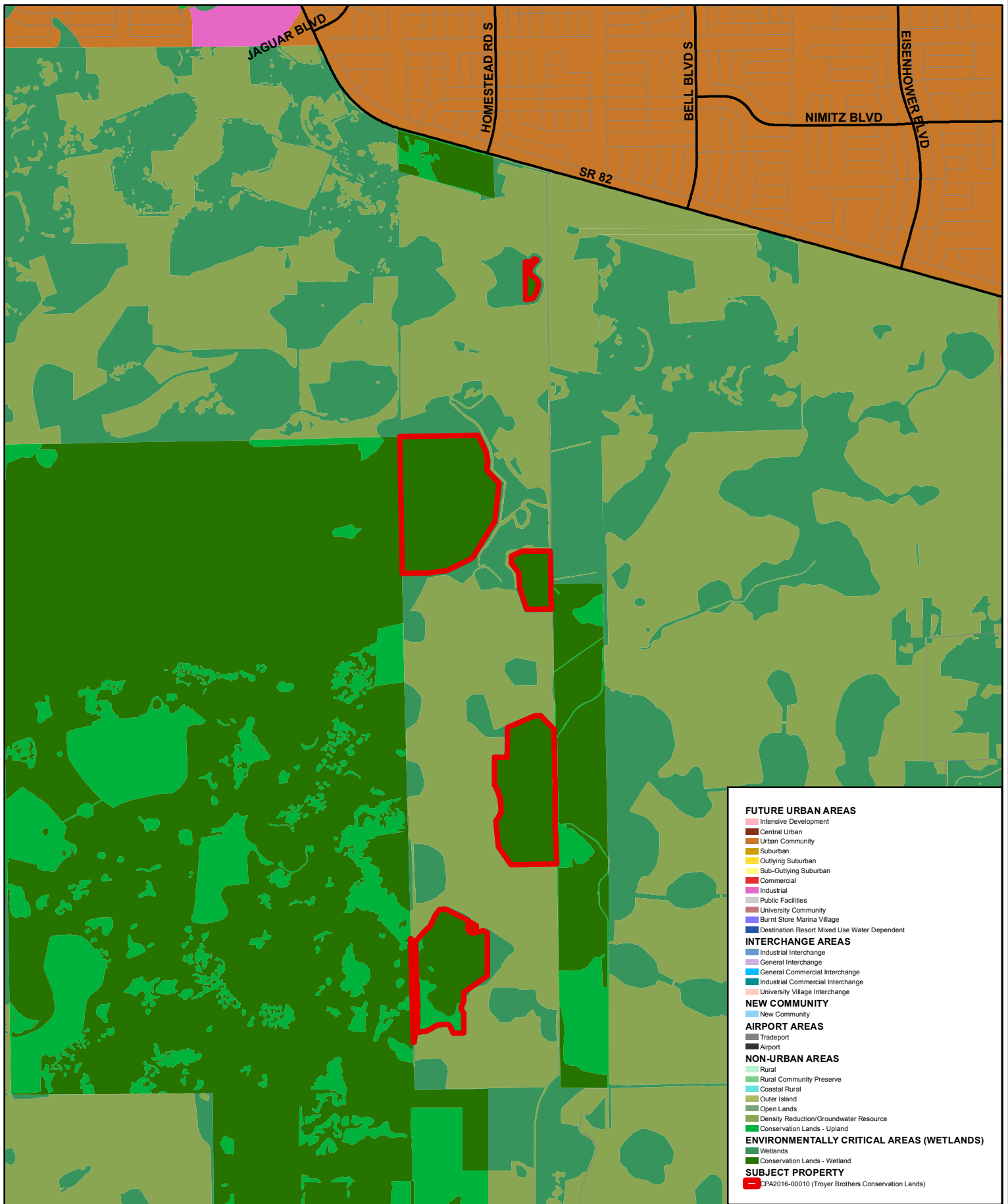
**LEE COUNTY**  
 SOUTHWEST FLORIDA  
 DIVISION OF PLANNING

Miles

Map Generated February 2017



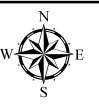
**CPA2016-00010**  
**Troyer Brothers Conservation Lands**  
**EXISTING LEE PLAN**  
**FUTURE LAND USE MAP**



- FUTURE URBAN AREAS**
- Intensive Development
- Central Urban
- Urban Community
- Suburban
- Outlying Suburban
- Sub-Outlying Suburban
- Commercial
- Industrial
- Public Facilities
- University Community
- Burnt Store Marina Village
- Destination Resort Mixed Use Water Dependent
- INTERCHANGE AREAS**
- Industrial Interchange
- General Interchange
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- Industrial Commercial Interchange
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- NEW COMMUNITY**
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- AIRPORT AREAS**
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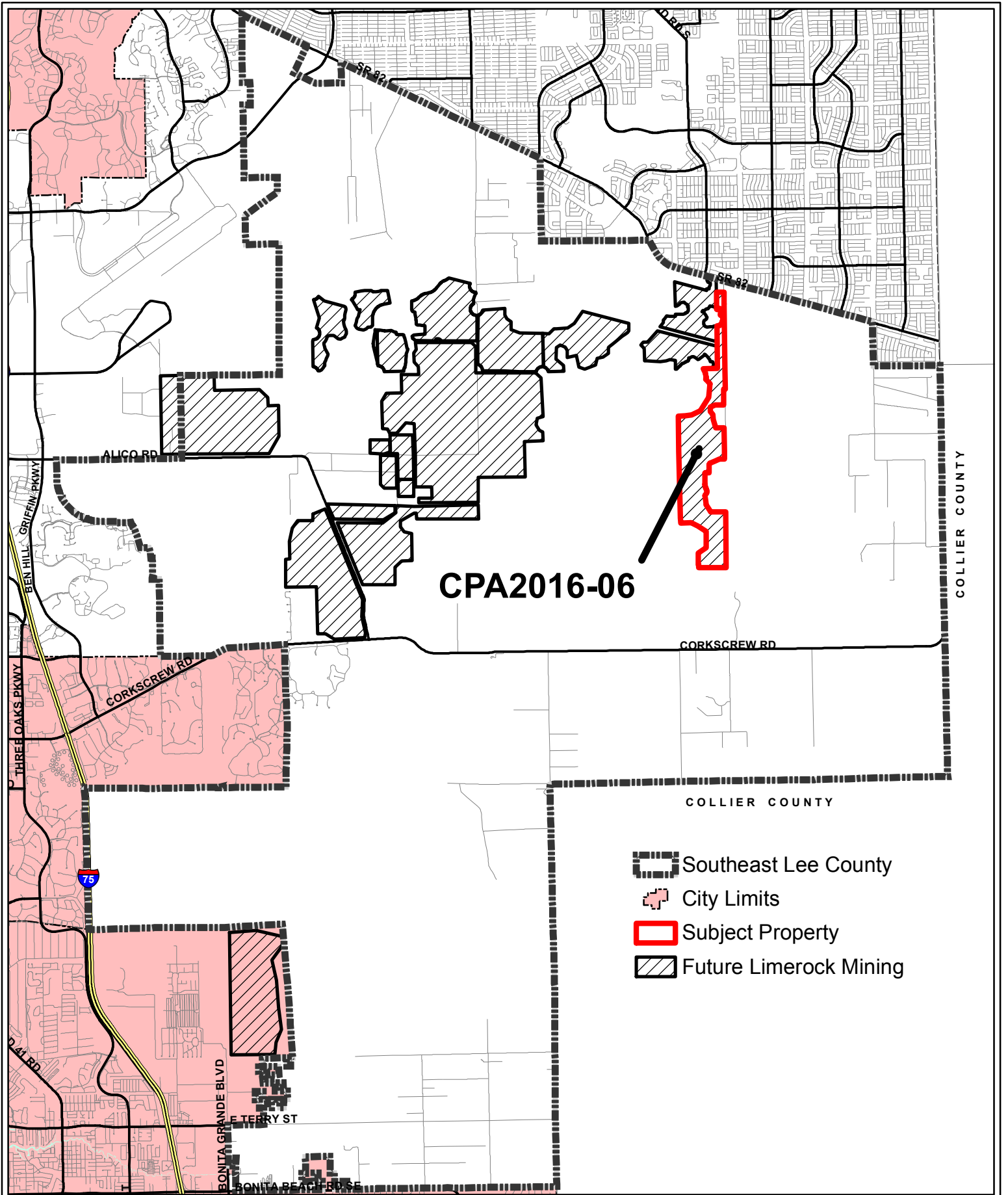
**LEE COUNTY**  
SOUTHWEST FLORIDA  
DIVISION OF PLANNING

Map Generated February 2017



**CPA2016-00010**  
**Troyer Brothers Conservation Lands**  
**PROPOSED LEE PLAN**  
**FUTURE LAND USE MAP**









-  Southeast Lee County
-  City Limits
-  Subject Property
-  Future Limerock Mining



TABLE 1(b)  
Year 2030 Allocation  
CPA2016-00006

Future Land Use Category	Lee County Totals		Northeast Lee County	Boca Grande	Bonita Springs	Fort Myers Shores	Burnt Store	Cape Coral	Captiva	Fort Myers	Fort Myers Beach	Gateway/Airport	Daniels Parkway	
	Existing	Proposed												
<i>Residential By Future Land Use Category</i>	Intensive Development	1,376	1,376			20		27		250				
	Central Urban	14,801	14,801			225				230				
	Urban Community	18,084	18,084	520	485	637						250		
	Suburban	16,623	16,623			1,810				85				
	Outlying Suburban	3,849	3,849	30		40	20	2	500				1,552	
	Sub-Outlying Suburban	1,548	1,548			367								
	Commercial													
	Industrial	79	79								39		20	
	Public Facilities	1	1						1					
	University Community	850	850											
	Destination Resort Mixed Use Water Dependent	8	8											
	Burnt Store Marina Village	4	4				4							
	Industrial Interchange													
	General Interchange	125	125										11	32
	General Commercial Interchange													
	Industrial Commercial Interchange													
	University Village Interchange													
	Mixed Use Interchange													
	New Community	900	900										900	
	Airport													
	Tradeport	9	9										9	
	Rural	8,313	8,313	1,948			1,400	636						1,500
	Rural Community Preserve	3,100	3,100											
	Coastal Rural	1,300	1,300											
	Outer Island	202	202	5			1			150				
	Open Lands	2,805	2,805	250				590						120
Density Reduction/ Groundwater Resource	6,905	6,905	711									94		
Conservation Lands Upland														
Wetlands														
Conservation Lands Wetland														
<b>Unincorporated County Total Residential</b>	<b>80,955</b>	<b>80,955</b>	<b>3,464</b>	<b>485</b>		<b>4,500</b>	<b>1,250</b>	<b>29</b>	<b>651</b>	<b>604</b>		<b>1,284</b>	<b>3,204</b>	
<b>Commercial</b>	<b>12,793</b>	<b>12,793</b>	<b>57</b>	<b>52</b>		<b>400</b>	<b>50</b>	<b>17</b>	<b>125</b>	<b>150</b>		<b>1,100</b>	<b>440</b>	
<b>Industrial</b>	<b>13,801</b>	<b>14,708</b>	<b>26</b>	<b>3</b>		<b>400</b>	<b>5</b>	<b>26</b>		<b>300</b>		<b>3,100</b>	<b>10</b>	
<b>Non Regulatory Allocations</b>														
<b>Public</b>	<b>82,313</b>	<b>82,313</b>	<b>7,100</b>	<b>421</b>		<b>2,000</b>	<b>7,000</b>	<b>20</b>	<b>1,961</b>	<b>350</b>		<b>7,500</b>	<b>2,477</b>	
<b>Active AG</b>	<b>17,027</b>	<b>16,120</b>	<b>5,100</b>			<b>550</b>	<b>150</b>						<b>20</b>	
<b>Passive AG</b>	<b>45,585</b>	<b>45,585</b>	<b>13,549</b>			<b>2,500</b>	<b>109</b>					<b>1,241</b>	<b>20</b>	
<b>Conservation</b>	<b>81,933</b>	<b>81,933</b>	<b>2,214</b>	<b>611</b>		<b>1,142</b>	<b>3,236</b>	<b>133</b>	<b>1,603</b>	<b>748</b>		<b>2,798</b>	<b>1,733</b>	
<b>Vacant</b>	<b>22,841</b>	<b>22,841</b>	<b>1,953</b>			<b>226</b>	<b>931</b>	<b>34</b>		<b>45</b>		<b>300</b>	<b>136</b>	
<b>Total</b>	<b>357,248</b>	<b>357,248</b>	<b>33,463</b>	<b>1,572</b>		<b>11,718</b>	<b>12,731</b>	<b>259</b>	<b>4,340</b>	<b>2,197</b>		<b>17,323</b>	<b>7,967</b>	
<b>Population Distribution (unincorporated Lee County)</b>	<b>495,000</b>	<b>495,000</b>	<b>5,090</b>	<b>1,531</b>		<b>30,861</b>	<b>3,270</b>	<b>225</b>	<b>530</b>	<b>5,744</b>		<b>15,115</b>	<b>16,375</b>	

TABLE 1(b)  
Year 2030 Allocation  
CPA2016-00006

Future Land Use Category	Iona/ McGregor	San Carlos	Sanibel	South Fort Myers	Pine Island	Lehigh Acres	Southeast Lee County		North Fort Myers	Buckingham	Estero	Bayshore
							Existing	Proposed				
Intensive Development				660	3	42			365		9	
Central Urban	375	17		3,140		8,179			2,600			
Urban Community	850	1,000		860	500	12,422				110	450	
Suburban	2,488	1,975		1,200	675				6,690		1,700	
Outlying Suburban	377				600				382		454	
Sub-Outlying Suburban		25							140	66		950
Commercial												
Industrial	5	5		10								
Public Facilities												
University Community		850										
Destination Resort Mixed Use Water Dependent	8											
Burnt Store Marina Village												
Industrial Interchange												
General Interchange							45	15	31		6	30
General Commercial Interchange												
Industrial Commercial Interchange												
University Village Interchange												
Mixed Use Interchange												
New Community												
Airport												
Tradeport												
Rural		90			190	14			500	50	635	1,350
Rural Community Preserve										3,100		
Coastal Rural					1,300							
Outer Island	1				45							
Open Lands									45			1,800
Density Reduction/ Groundwater Resource							4,000	4,000				2,100
Conservation Lands Upland												
Wetlands												
Conservation Lands Wetland												
<b>Unincorporated County Total Residential</b>	<b>4,104</b>	<b>3,962</b>		<b>5,870</b>	<b>3,313</b>	<b>20,657</b>	<b>4,045</b>	<b>4,015</b>	<b>10,753</b>	<b>3,326</b>	<b>3,254</b>	<b>6,230</b>
Commercial	1,100	1,944		2,100	226	1,420	68	68	1,687	18	1,700	139
Industrial	320	450		900	64	300	7,246	8,153	554	5	87	5
<b>Non Regulatory Allocations</b>												
Public	3,550	3,059		3,500	2,100	15,289	12,000	12,000	4,000	1,486	7,000	1,500
Active AG					2,400		7,171	6,264	200	411	125	900
Passive AG					815		18,000	18,000	1,532	3,619	200	4,000
Conservation	9,306	2,969		188	14,767	1,541	31,359	31,359	1,317	336	5,068	864
Vacant	975	594		309	3,781	8,697	470	470	2,060	1,000	800	530
<b>Total</b>	<b>19,355</b>	<b>12,978</b>		<b>12,867</b>	<b>27,466</b>	<b>47,904</b>	<b>80,329</b>	<b>80,329</b>	<b>22,103</b>	<b>10,201</b>	<b>18,234</b>	<b>14,168</b>
<b>Population Distribution (unincorporated Lee County)</b>	<b>34,538</b>	<b>36,963</b>		<b>58,363</b>	<b>13,265</b>	<b>160,405</b>	<b>4,270</b>	<b>1,270</b>	<b>71,001</b>	<b>6,117</b>	<b>25,577</b>	<b>8,760</b>

**To review the Troyer Brothers application materials, please click the links below:**

**CPA2016-00006 (Troyer Brothers Map 14 Amendment)**

<http://www.leegov.com/dcd/Documents/Agendas/LPA/2017/02/CPA2016-00006.pdf>

**CPA2016-00010 (Troyer Brothers Conservation Lands)**

<http://www.leegov.com/dcd/Documents/Agendas/LPA/2017/02/CPA2016-00010.pdf>