



# Town of Fort Myers Beach

Anita Cereceda  
Mayor

Ray Murphy  
Vice Mayor

Joanne Shamp  
Council Member

Bruce Butcher  
Council Member

Rexann Hosafros  
Council Member

April 3, 2019

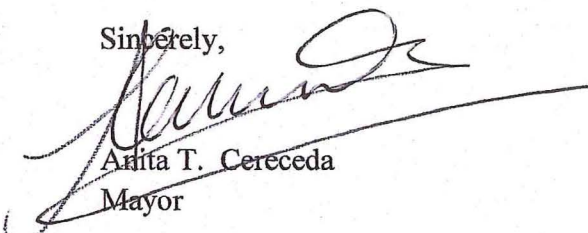
The Honorable Larry Kiker, Chairman  
The Honorable Lee County Commissioners  
P.O. Box 398  
Fort Myers, Florida 33902-0398

Dear Commissioner Kiker,

The Town of Fort Myers Beach has received the attached letter dated March 14, 2019 from the Village of Estero. On April 1, 2019 the Town Council discussed the Estero letter during a public meeting and agreed that the Fort Myers Beach Town Council shares the Estero concerns regarding Lee County's CPA2018-00014. By unanimous consent of Town Council, I have been authorized to notify Lee County in writing of Fort Myers Beach's opposition to eliminate Lime Rock Mining Overlay (Map 14) for the reasons stated in the referenced March 14, 2019 letter.

If there are any questions regarding the Town's position on protecting our current and future water supply, please do not hesitate to contact me.

Sincerely,



Anita T. Cereceda  
Mayor

cc: Vice Mayor Ray Murphy, Fort Myers Beach Town Council  
Councilor Bruce Butcher, Fort Myers Beach Town Council  
Councilor Joanne Shamp, Fort Myers Beach Town Council  
Councilor Rexann Hosafros, Fort Myers Beach Town Council  
Honorable William Ribble, Mayor, Village of Estero  
Honorable Kevin Ruane, Mayor, City of Sanibel  
Honorable Peter Simmons, Mayor, City of Bonita Springs  
Honorable Randall P. Henderson, Jr., Mayor, City of Fort Myers  
Honorable Joe Coviello, Mayor, City of Cape Coral

**RECEIVED**

APR 5 2019

COMMISSIONER LARRY KIKER  
DISTRICT 3

**Dunn, Brandon**

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**From:** Rohland, Stacey  
**Sent:** Wednesday, April 03, 2019 8:40 AM  
**To:** Dunn, Brandon  
**Subject:** FW: [EXTERNAL] Development in DR/GR area

Stacey Rohland  
Executive Assistant to Commissioner John Manning Lee County Board of County Commissioners  
District 1  
239-533-2224

-----Original Message-----

**From:** david davis <[dfreddavis1@gmail.com](mailto:dfreddavis1@gmail.com)>  
**Sent:** Wednesday, April 03, 2019 8:25 AM  
**To:** Dist1, John Manning <[Dist1@leegov.com](mailto:Dist1@leegov.com)>  
**Subject:** [EXTERNAL] Development in DR/GR area

Gentlemen - as an Esterio resident, I urge you to reject any pending or future proposals to develop or mine in the DR/GR area of eastern Lee County. This area was appropriately set as for a reason - preservation of a natural area that protects the quality of life, health, and safety of ALL Lee county/Collier county residents. Development on the scale already approved/pending approval is in direct conflict with the stated purposes of the DR/GR area, and should not be allowed to continue. Thank you for your anticipated support.  
David F. Davis, Estero/Buffalo.

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Please note: Florida has a very broad public records law. Most written communications to or from County Employees and officials regarding County business are public records available to the public and media upon request. Your email communication may be subject to public disclosure.

Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

## Dunn, Brandon

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**From:** Rohland, Stacey  
**Sent:** Wednesday, April 03, 2019 11:07 AM  
**To:** Dunn, Brandon  
**Subject:** FW: [EXTERNAL] DR/GR - Map 14 Development of Estero

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

**From:** L. Rogers  
**Sent:** Wednesday, April 03, 2019 9:02 AM  
**To:** Dist1, John Manning ; Dist2, Cecil Pendergrass ; Dist3, Larry Kiker ; Dist4, Brian Hamman ; Dist5, Frank Mann  
**Subject:** [EXTERNAL] DR/GR - Map 14 Development of Estero

Mr. Manning, Mr. Pendergrass, Mr. Kiker, Mr. Hamman, and Mr. Mann:

Good morning. We live in Coconut Shores, a development in Estero on Coconut Road. With interest we have been watching the ever growing construction of East Estero - specifically between Corkscrew Road and Alico Road. To say the amount of development going on is staggering, is an understatement. The most basic concerns do not seem to be met. How is it possible to keep both of those roads, East of Ben Hill Griffin Parkway - two lanes? If the developers were granted permission to put thousands upon thousands of units down these roadways, surely they could have also been required to widen these roads. Since these roads are virtually the only access to Immokallee, putting this type of density on these roads, without updating the road infrastructure, defies common sense. It our understanding from our research that the widening of these roads is not even in the comprehensive plan for many, many years, but yet, thousands, upon thousands, of residential units have been approved up and down these roadways. How is this possible?

Then, there is what seems almost completely illogical. How is it possible that all of the sudden, all these years later, the DR/GR area is no longer needed? Every study for years has shown how important this area is to water supply, but the developers, with deep pockets and different agendas, have found someone to produce a study to show the opposite, one, among many. Why would this study not be tainted or watered down (pun intended) with the other factual studies on the subject? Then, to consider opening a lime rock mine - to further invade the area and development?? Honestly, whose best interest is at play here? The developers, or the residents? It seems that things are not as open and in the Sunshine as they should be.

We would strongly urge this committee to reconsider its current stance on these issues, and to ensure that ALL of Estero and East Lee County is protected, not just the developers who are doing what they do, making money.

**Dunn, Brandon**

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**From:** Rohland, Stacey  
**Sent:** Wednesday, April 03, 2019 11:07 AM  
**To:** Dunn, Brandon  
**Subject:** FW: [EXTERNAL] DR/GR Development

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

**From:** Kim Becker  
**Sent:** Wednesday, April 03, 2019 10:25 AM  
**To:** Dist1, John Manning ; Dist2, Cecil Pendergrass ; Dist3, Larry Kiker ; Dist4, Brian Hamman ; Dist5, Frank Mann  
**Subject:** [EXTERNAL] DR/GR Development

Dear Commissioners,

My husband and I have been homeowners in Estero since 2013. It is amazing how fast this area has grown in the short time we have been here. The volume of traffic on the roads is a clear indicator of the growth.

I have recently learned of the DR/GR (“Density Reduction/Groundwater Resource”) area and how it is now being used for development. This concerns me greatly. The new developments under construction or pending will directly further deteriorate the quality of life as well as impact the DR/GR area.

The one home per 20 acres is a clear-cut plan that protect the area. What is happening how (more than 10 homes per acre) is outrageous. This does not even consider noise, impervious surfaces, traffic lights, future commercial spaces, or schools.

We are demanding that you stop the development of the DR/GR and maintain Map 14 development restrictions that preserve and protect our water supply.

Thank you

Kim & Gene Becker  
23801 Copperleaf Blvd  
Estero, FL 34135

## Dunn, Brandon

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**From:** Rohland, Stacey  
**Sent:** Thursday, April 04, 2019 7:54 AM  
**To:** Dunn, Brandon  
**Subject:** FW: [EXTERNAL] My water supply is at risk - traffic is at risk - public safety is at risk

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

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**From:** Peter Bodnar  
**Sent:** Wednesday, April 03, 2019 7:16 PM  
**To:** Dist1, John Manning ; Dist2, Cecil Pendergrass ; Dist3, Larry Kiker ; Dist4, Brian Hamman ; Dist5, Frank Mann  
**Subject:** [EXTERNAL] My water supply is at risk - traffic is at risk - public safety is at risk

**The DR/GR area being developed is a unwarranted risk to my water supply, the already dangerous truck traffic on Corkscrew road and all public safety .**

**Peter Bodnar**  
**Lee county of Estero**  
[Pbodnar9@comcast.net](mailto:Pbodnar9@comcast.net)

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Under Florida law, email addresses are public records. If you do not want your email address released in response to a public records request, do not send electronic mail to this entity. Instead, contact this office by phone or in writing.

## Dunn, Brandon

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**From:** Rohland, Stacey  
**Sent:** Thursday, April 04, 2019 7:55 AM  
**To:** Dunn, Brandon  
**Subject:** FW: [EXTERNAL] It is essential to protect our water supply. Stop development of the DR/GR

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

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**From:** Darpino Fran  
**Sent:** Wednesday, April 03, 2019 9:25 PM  
**To:** Dist1, John Manning  
**Subject:** [EXTERNAL] It is essential to protect our water supply. Stop development of the DR/GR

Dear Mr. Manning,

Please stop development of the DR/GR and maintain Map 14 development restrictions that preserve and protect our water supply.

Joseph Darpino

10811 Crooked River Road #103  
Bonita Springs, FL 34135

[jpdarpino@gmail.com](mailto:jpdarpino@gmail.com)

Cell: 610-585-0344

**Dunn, Brandon**

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**From:** Rohland, Stacey  
**Sent:** Friday, April 12, 2019 12:06 PM  
**To:** Loveland, David  
**Cc:** Jacob, Michael; Rozdolski, Mikki; Meurer, Douglas; Dunn, Brandon  
**Subject:** FW: [EXTERNAL] Mining Amendments  
**Attachments:** Village Response to Mining Amendments.pdf

FYI

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

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**From:** John Goodrich  
**Sent:** Friday, April 12, 2019 11:49 AM  
**To:** Dist1, John Manning ; Dist5, Frank Mann ; Dist3, Larry Kiker ; Dist2, Cecil Pendergrass ; Dist4, Brian Hamman  
**Subject:** [EXTERNAL] Mining Amendments

Commissioners,

As you know, I have been involved in the issues surrounding the DR/GR and mining in Southern Lee County for over 15 years. I strongly oppose the amendments currently being discussed. I have read and also strongly support the Village of Estero's report (which I have attached) and comments on these amendments. If you have not done so, I urge you to read the attached report. The majority of citizens in Estero with which I have spoken consider these amendments to be a serious threat to their quality of life and I am in total agreement.

John

John Goodrich

[john-goodrich@comcast.net](mailto:john-goodrich@comcast.net)

239-777-4716

## Limerock Mining in Southeast Lee County

### BACKGROUND:

The Estero Village Council has received numerous complaints and calls of concern regarding expanded limerock mining east of I-75 north and south of Corkscrew Road, an area Lee County refers to as DR/GR (Density Reduction/Groundwater Resource).

Significant concerns have been raised about the effects of increased mining on major wetland systems and on aquifers that supply drinking water and a continuing influx of clean fresh water to our estuaries.

These regional effects are in addition to localized degradation of the DR/GR from increased blasting, dust, and truck traffic.

In January, the Village engaged Bill Spikowski to conduct a peer review of two recent mining studies that disagreed about the need for additional limerock mines. Mr. Spikowski is an experienced local planning consultant who has been extensively involved in DR/GR planning since the 1980s.

The Village also asked Mr. Spikowski to provide accurate answers to questions posed by Lee County regarding their proposed major overhaul of criteria for approving new limerock mines. The county's questions and their own answers are in the left column on the pages below; the answers and comments provided by Mr. Spikowski are in the right column.

-- Steve Sarkozy, Estero Village Manager

### Lee County's Questions and Answers:

### Village of Estero's Answers to Lee County Questions:

#### 1. What is proposed by the Mining Amendments?

Currently, the Lee Plan requires the County to designate on a Future Land Use Map overlay ([Map 14](#)) sufficient land for continued limerock mining to meet regional demands. The [2008 Dover-Kohl study](#) identifies Charlotte, Collier, Desoto, Glades, Hendry, Lee and Sarasota County as the group of Counties that represent the "regional demand." The Lee Plan requires Lee County to serve as the entity that is responsible for ensuring adequate supply of limerock to meet the regional demand. When regional demand increases or the limerock supply is reduced, the current Lee Plan requires the County to update the industrial acreage in Southeast Lee County to reflect the acreage of limerock mining pits needed to meet local and regional demand. The proposed amendments will delete the requirement for a limerock regional demand analysis; delete Map 14, the Future Limerock Mining Overlay; and, remove or correct ambiguities in the Lee Plan. Each of those changes is discussed in more detail below:

**NOTE: It is emphatically not true that the Lee Plan requires Lee County to serve as the entity that is responsible for ensuring adequate supply of limerock to meet all regional demand; see response to question 1.a on the next page.**



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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**1-a. Proposed Amendment: Delete the requirement for a market analysis of regional limerock supply and demand.**

Every seven years, Lee County is obligated to update the inventory of existing mining operations and analyze the supply of limerock material in relation to the projected demand of limerock "to meet the County's need and to export to other communities." The Lee Plan does not provide a specific methodology for completing the required market analysis.

Regardless, the County should not be responsible for supplying adequate limerock to meet regional demand as is currently required by the Lee Plan. By deleting the requirement for a market analysis, the County will no longer be required to assure adequate supply of regional limerock demand.

**The Lee Plan does not provide a specific methodology for completing the required market analysis, but the plan could easily be amended to identify a methodology.**

**It is not true that the Lee Plan commits Lee County alone to supply limerock to our entire region.**

**Lee County never has been, and never will be, responsible for meeting the regional demand. Lee County is a major supplier of regional demand (estimated at 80% in 2008); Charlotte County and Collier County supply the remaining 20%. These counties are the only three in our region with mineable quantities of limerock; they will continue to share the regional burden as they have in the past.**

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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**1-b. Proposed Amendment: Delete Map 14 Future Limerock Mining Overlay with the requirement for amending the Lee Plan (Map 14) to designate locations for future mining.**

Map 14 shows the location of existing and future limerock mining activities and was intended to evolve over time. It is not a static map, like many assume, nor does it cap mining activities. In addition, Map 14 in no way provides protections to water resources, wildlife habitats, or residential and agricultural uses.

An applicant may request an amendment to add land to the Map 14 overlay upon showing of a "clear necessity," if located in a "less disturbed environment." Clear necessity does not need to be tied to a market analysis. If the land is located "in or near existing disturbed areas," there are no review criteria for expanding Map 14. Once land has been included on Map 14, the effectiveness of evaluating the impact of mining on nearby wildlife habitat, water resources, and compatibility with nearby uses during the rezoning process is weakened.

**Without question, Map 14 caps mining activities, because it limits the area where additional mines may be approved at this time. Although Map 14 may evolve over time, it is definitely a static map; any changes require a Comprehensive Plan amendment.**

**By not allowing new limerock mines outside the area delineated on Map 14, water resources, wildlife habitats, and residential and agricultural uses on land beyond the areas delineated on Map 14 are in fact protected.**

**The methodology that Lee County used to establish the initial Map 14 was challenged by international mining interests and upheld by the courts. Changes to Map 14 should be held to the same high standards.**

**It is true that land included on Map 14 has a greater likelihood of being approved for limerock mining. For that reason, Map 14 was carefully drawn to minimize compatibility conflicts with nearby uses. Map 14 will allow mines in areas where water resources and wildlife habitat are already degraded or will be degraded by mines that have already been approved; this is far better than locating new limerock mines in areas where water resources and wildlife habitat are more pristine or are restorable.**

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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**1.c. Proposed Amendment: Remove or correct  
ambiguous language.**

Ambiguous or subjective language, such as "clear necessity" or "less disturbed," results in inconsistent and conflicting interpretations of the Lee Plan. Language being removed is duplicative of existing Lee Plan provisions and Mine Excavation Planned Development (MEPD) requirements; keeping it would serve no purpose or provide additional protections.

**When mining interests challenged the current Lee Plan language by declaring it ambiguous, the courts strongly disagreed and concluded that the words have common meanings or are plain from the context.**

**If the county believes that any particular language is ambiguous or overly subjective, it can be clarified.**

**Protective policy language belongs in the Lee Plan. It is often repeated or expanded in the Land Development Code, but codes are designed to implement the Lee Plan and codes depend on policy direction that was established there.**

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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**2. How does Lee County currently regulate mining? Will the proposed Mining Amendments to the Lee Plan and Land Development Code change how the County regulates mines?**

New mining operations or existing mining operations requiring the issuance of a renewal permit must comply with the provisions of [Chapter 12 \(Resource Extraction\)](#) of the LDC. Chapter 12 of the LDC requires mining operations to be approved through a Mine Excavation Planned Development (MEPD) and requires the issuance of a Mine Development Order (MDO) and Mine Operation Permit (MOP) prior to the commencement of any mining or mine-related improvements on a property. The MEPD must be approved by the Board of County Commissioners through the public hearing process prior to the issuance of an MDO and MOP by the Department of Community Development.

The proposed Mining Amendments do not change the MEPD, MDO, or MOP approval processes. A request for a MEPD must be consistent with a multitude of existing Lee Plan Goals, Objectives, and Policies in order to be approved. The deletion of Map 14 (Future Limerock Mining Overlay) and the regional limerock market analysis requirement does not eliminate the need for an applicant to demonstrate that a MEPD request is consistent with established Lee Plan provisions governing future land use, compatibility with adjacent uses, minimization of adverse impacts, and the protection of wetlands and natural resources.

**The first step in obtaining approval for a new mine is for land to be rezoned to MEPD (Mine Excavation Planned Development) by the Board of County Commissioners. By state law, every rezoning must be consistent with the Lee Plan.**

**The Mining Amendments, as proposed, would eliminate key provisions of the Lee Plan that the county now must follow when evaluating MEPD rezoning requests.**

**It is misleading to report that the Mining Amendments do not change the MEPD, MDO, or MOP approval processes. The Mining Amendments would greatly change the criteria for approving a new limerock mine by eliminating Map 14. The approval process may be the same, but the outcome could be the opposite.**

**The Lee Plan's previous provisions for evaluating rezonings were found to be inadequate for considering the approval of new limerock mines. The Mining Amendments would eliminate many of the provisions that were added in 2010 to properly regulate limerock mines – reverting to a state of inadequacy.**

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**Lee County's  
Questions and Answers:****Village of Estero's  
Answers to Lee County Questions:**

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**3. Are the Mining Amendments being fast-tracked?**

No. The Lee Plan Amendments were first considered at a public hearing in front of the Local Planning Agency (LPA) in December of 2018. A second public hearing was conducted in January of 2019. The companion LDC amendments were developed in response to comments made during the LPA's first public hearing and were introduced at the second public hearing. The LDC amendments were also reviewed by two advisory committees (the Executive Regulatory Oversight Committee and the Land Development Code Advisory Committee) in March of 2019. **The first public hearing in front of the Board, the transmittal hearing for the Lee Plan amendments, is scheduled for April 17, 2019 (four months after the first public hearing).** If the Board transmits the Lee Plan amendments, the second public hearing for the Lee Plan amendments and the two public hearings for the LDC amendments will likely not occur until June of 2019.

**Yes. The county had never indicated any intention to make sweeping changes to its policies and rules regulating limerock mining. Notice was given only upon the last-minute release of documents for the December 2018 LPA public hearing. The date of the April 17 public hearing was kept a secret until county codes forced disclosure of the final agenda.**

**This process is vastly different from the two-year public effort conducted in 2008, 2009, and 2010 to overhaul policies and regulations for the entire DR/GR. Dozens of public meetings were held to solicit public input and to review technical findings and policy alternatives on these critical matters.**

**It is truly unfortunate that documentation of that entire process has just been removed from Lee County's website.**

## **Lee County's Questions and Answers:**

## **Village of Estero's Answers to Lee County Questions:**

### **4. What are the future public input opportunities on the Mining Amendments?**

The Board is scheduled to hold a transmittal hearing for the Lee Plan amendments on April 17, 2019. The transmittal hearing will be the first of two public hearings before the Board. At this hearing, the Board will decide whether to transmit the proposed Lee Plan amendments to the State for further review by the State Land Planning Agency (Department of Economic Opportunity) and other State reviewing agencies. The Board does not adopt the amendments at the transmittal hearing.

The amendments are not approved by the Board until the adoption hearing. The adoption hearing will be scheduled after comments are received from the State reviewing agencies. The State reviewing agencies have 30 days to review the proposed amendments and provide comments.

The LDC amendments will also be scheduled for two public hearings around the same time as the Lee Plan amendment adoption hearing.

All four public hearings will be advertised and are open for public input. Public comment is limited to 3 minutes per person.

**The county's answer to this question is accurate as to these specific Mining Amendments. The result of removing Map 14, however, will be to greatly reduce future opportunities for public input on the location of new mines.**

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**Lee County's  
Questions and Answers:****Village of Estero's  
Answers to Lee County Questions:**

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**5. Do the Mining Amendments decrease public input opportunities for future mining cases?**

No. The Mining Amendments remove a requirement that Map 14 be amended to include a specific property to be mined prior to proceeding with mining. Removal of this requirement will eliminate the public hearing requirement associated with the Lee Plan amendment. However, the amendments include a policy that requires a public informational meeting to be held within the Community Plan area in which the mine is located prior to submittal of an application for rezoning to Mine Excavation Planned Development. Staff has also added public informational meeting language to the Land Development Code to implement this requirement.

**Yes. The Mining Amendments, as proposed, would significantly reduce opportunities for public input. The Mining Amendments would remove a critical requirement that Map 14 be amended to include unanticipated properties prior to requesting rezoning for mining. Comprehensive Plan amendments require at least three formal public hearings where decision-makers must consider public input.**

**The proposed replacement, a single "public informational meeting" that would be held within the Community Plan area in which the mine is located, in no way provides equivalent opportunities for public input.**

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**6. Are any mines being approved by this proposed amendment?**

No mines will be approved as the result of the Mining Amendments. All mines are required to be approved through the public hearing process for Mine Excavation Planned Developments (see Question 2).

**No mines will receive immediate approval if the Mining Amendments are approved as proposed. However, future mines will have a much easier time obtaining rezoning approval. The Mining Amendments would eliminate the requirement for compliance with Map 14 and would eliminate public hearings that would be required to amend Map 14. The Mining Amendments would eliminate the locational criteria for future mines from the Lee Plan.**

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**Lee County's  
Questions and Answers:****Village of Estero's  
Answers to Lee County Questions:**

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**7. How are the Mining Amendments related to the two pending mining zoning cases (Troyer Brothers and Old Corkscrew Plantation)?**

The Mining Amendments are not related to the pending mining zoning cases. The cases for Troyer Brothers and Old Corkscrew Plantation will proceed under their applicable regulations.

**The Mining Amendments, as proposed, are not related to the pending mining rezoning for Old Corkscrew Plantation, which by court order is proceeding under earlier regulations.**

**The effect of the Mining Amendments on the Troyer Brothers application is unclear. Troyer Brothers have requested their own amendment to the Lee Plan in order to proceed with their rezoning application. The Mining Amendments could supersede the need for the Troyer Brothers amendments.**

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**8. Do the Mining Amendments eliminate, or loosen, existing restrictions on mining operations? Will it be easier for a mine to be approved?**

No. The Mining Amendments reinforce Lee County's obligation to protect natural resources in Southeast Lee County, and the protections that are currently in place are not being changed. All future mines are required to obtain approval through the Mine Excavation Planned Development rezoning process and are subject to the requirements of Lee County Land Development Code Chapter 12.

**Yes, and yes. The Mining Amendments, as proposed, would significantly reduce the protections that are now in place for natural resources in Southeast Lee County. Future mines would be able to obtain rezoning without demonstrating a need for additional mines, and without either conforming with the locational criteria for limerock mines (now in Map 14) or amending those criteria through a Comprehensive Plan amendment.**



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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**9. What does eliminating the requirement of a market analysis accomplish?**

By eliminating the market analysis, the County would no longer be required to determine and supply regional limerock demand or expand Map 14. This change is consistent with how all other uses/markets are treated in the Lee Plan. The market analysis does not prevent an over allocation of mining, nor does it provide for protection of natural resources.

**By eliminating the market analysis, the County would no longer objectively assess regional limerock demand and supply, and would no longer use Map 14 to assure a 20-year supply from mines that have already been approved.**

**In the future, evidence concerning the need for additional mines would be limited to one-sided testimony from mining applicants.**

**An objective market analysis is an essential tool for preventing an over-allocation of sensitive lands to mining.**

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**Lee County's  
Questions and Answers:****Village of Estero's  
Answers to Lee County Questions:**

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**10. Will the Mining Amendments result in the location of limerock mines being allowed outside the Traditional Alico Road Corridor (TARC) and anywhere?**

Mines are currently located outside the TARC and limerock mines could be approved outside of the TARC with or without the Mining Amendments. It was never anticipated that all limerock mines within Lee County would be located in the TARC.

The number and location of future mines will be limited by resource availability and by existing land use patterns in Southeast Lee County. As depicted on the [attached exhibit](#), much of the land in Southeast Lee County is publicly-owned, encumbered by conservation easements, or approved for mining or residential uses. This will preclude widespread applications for limerock mining.

**A few smaller mines are currently located outside the TARC (as it is depicted on Map 14) either because they had been approved many years earlier or because they have begun mining limerock without proper approvals.**

**It was always anticipated that all future limerock mines within Lee County would be located in the TARC (or within an expanded area if Map 14 were amended to achieve that result).**

**Much of the land in Southeast Lee County is publicly-owned, encumbered by conservation easements, or approved for residential uses. Mining is inevitably a high-disturbance activity and can have devastating impacts on surrounding land and natural resources.**

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**11. Do the Mining Amendments lessen the protection of water resources and wildlife habitats?**

No. The Mining Amendments do not reduce or eliminate any protections of water resources and wildlife habitats. Protections of nearby wildlife habitat, water resources, and compatibility with nearby uses are required by provisions in Chapter 12 of the LDC. These requirements are not being amended or eliminated.

**Yes. The Mining Amendments reduce or eliminate the protections of water resources and wildlife habitats that are provided by Map 14 and by the analyses upon which Map 14 is based.**

**The protections provided by Chapter 12 of the LDC are extremely limited compared to the protections afforded by Map 14 and by the broader comprehensive planning process.**

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**Lee County's  
Questions and Answers:**

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**Village of Estero's  
Answers to Lee County Questions:**

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**12. Will the Mining Amendments create an influx of  
limerock mining zoning applications?**

There is not currently a restriction on the number of limerock mining zoning applications. Regardless of the number of applications, compliance with zoning requirements for Mine Excavation Planned Developments and applicable Lee Plan provisions will be necessary for an application to be approve

**Yes. Eliminating the Comprehensive Plan protections against excessive limerock mining will inevitably lead to new applications for limerock mines. Rezoning is never guaranteed, but without policy direction on the need for additional mines (or the absence of need), it will be much more difficult for Lee County to evaluate mining applications or to defend the denial of rezoning for additional mines.**

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**13. Are minimum setbacks for mining activities being  
reduced?**

No. In fact, excavation setbacks are proposed to be increased through the proposed LDC amendments. Existing regulations prohibit excavations within 150 feet of an adjacent residential property line. The proposed LDC amendments, if approved, will prohibit excavations within 660 feet of any residential property line.

The proposed 660-foot setback for excavations is consistent with the setback requirements governing the placement of structures and equipment directly involved in the mining production process established in the Land Development Code. The proposed setback is also consistent with setback requirements established for uses that may be incompatible with surrounding residential uses such as asphalt batch plants, junkyards, salvage yards, sanitary landfills, and certain manufacturing uses.

**If proposed LDC amendments are ultimately adopted, excavation setbacks from residential property could be increased from 150 feet to 660 feet. However, other parts of the Mining Amendments would allow future mines to be approved very close to residential areas. It is hardly a policy achievement to allow new mines to be approved near residential areas and then claim credit for partially overriding that mistake with a potential moderate increase in setbacks.**

**The impacts of limerock mining are greater than almost any other use, including junkyards and sanitary landfills. These impacts, which will continue for decades, include blasting, dust, noise, and traffic in addition to severe impacts on groundwater and destruction of other natural resources.**

## Dunn, Brandon

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**From:** Rohland, Stacey  
**Sent:** Friday, April 12, 2019 4:18 PM  
**To:** Loveland, David  
**Cc:** Dunn, Brandon; Rozdolski, Mikki; Jacob, Michael  
**Subject:** Fwd: [EXTERNAL] Lee County Comprehensive Land Use Planning  
**Attachments:** LtrToLC\_Commissioners.pdf; ATT00001.htm

FYI

Stacey Rohland, Executive Assistant  
Office of Commissioner John Manning  
District 1  
239-533-2224

Begin forwarded message:

**From:** Committee of the Islands <[coti@coti.org](mailto:coti@coti.org)>  
**Date:** April 12, 2019 at 4:12:10 PM EDT  
**To:** John Manning <[dist1@leegov.com](mailto:dist1@leegov.com)>, [dist2@leegov.com](mailto:dist2@leegov.com), [dist3@leegov.com](mailto:dist3@leegov.com),  
[dist4@leegov.com](mailto:dist4@leegov.com), [dist5@leegov.com](mailto:dist5@leegov.com)  
**Subject:** [EXTERNAL] Lee County Comprehensive Land Use Planning

Dear Lee County Commissioners,

Please find my letter attached.

Best regards,  
Christine Andrews, President

--

**COTI - Committee of the Islands**  
*Keeping Sanibel Special Since 1975*  
[www.coti.org](http://www.coti.org)

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Commissioners Manning, Pendergrass, Kiker, Hamman and Mann;

These comments are submitted in behalf of Committee of the Islands (COTI), a Florida not for profit corporation founded in 1975. COTI's mission is to ensure the continuity of good local government, to protect the environment and to help preserve the sanctuary character of our barrier island community. In furtherance of that mission COTI opposes proposed changes to the Lee County Comprehensive Land Use Plan that would deregulate lime rock mining in the County. We believe those changes would adversely impact the regional environment and quality of life.

To its credit, Lee County has for many years focused on protection of agricultural uses and limiting development in a wide area known as DR/GR (Density Reduction/Water Resource areas) that provides much of the County's potable water and affords habitat for a variety of endangered species. It has also identified smaller areas outside the DR/GR where lime rock mining has taken place historically. This area, adopted in 2010, is known as Map 14.

As we understand it, County Staff proposes to deregulate lime rock mining in the DR/GR areas by among other things eliminating the requirement that new mines may be allowed on the basis of clear necessity following a scientifically based supply and demand analysis. We believe this will allow lime rock mining —a practice with very high negative environmental impact — to proliferate widely in the County without a showing of actual need. That would be a step backward.

Lime rock mining necessarily involves a myriad of environmental intrusions, including blasting with ensuing dust and noise to say nothing of degradation of groundwater resources. Lee County and in particular the coastal communities are barely recovering from last year's catastrophic Red Tide and Blue Green Algae blooms. Impairment of upstream water quality and land resources will make that recovery even more difficult.

Though lime rock is an important resource in a developing county, we believe there is no urgent need for increased lime rock mining in Lee County. Lime rock is readily available from mines in Collier and Charlotte Counties in addition to existing mines in Lee County. We have seen reports that say Lee County's mines can meet 100% of the region needs until 2042.

For these reasons we urge you to retain the current Comp Plan limitations on lime rock mining in Lee County.

Respectfully submitted,  
Christine Andrews  
President, Committee of the Islands

**Dunn, Brandon**

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**From:** Rohland, Stacey  
**Sent:** Monday, April 15, 2019 2:43 PM  
**To:** Loveland, David  
**Cc:** Rozdolski, Mikki; Dunn, Brandon  
**Subject:** FW: [EXTERNAL] Mining Amendments

FYI

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

**From:** Pete Cangialosi  
**Sent:** Monday, April 15, 2019 2:19 PM  
**To:** Dist4, Brian Hamman ; Dist3, Larry Kiker ; Dist5, Frank Mann ; Dist1, John Manning ; Dist2, Cecil Pendergrass  
**Subject:** [EXTERNAL] Mining Amendments

Gentlemen,

I am writing to express my concern over possible adoption of these mining amendments.

These are so misguided, I can't believe you are even considering these.

Please vote NO on transmittal for the many reasons you have seen or been told by your constituents.

**Peter Cangialosi**

13586 San Georgio Drive

Estero FL 33928

**Dunn, Brandon**

---

**From:** Rohland, Stacey  
**Sent:** Wednesday, April 17, 2019 7:54 AM  
**To:** Loveland, David  
**Cc:** Rozdolski, Mikki; Dunn, Brandon  
**Subject:** FW: Responsible Growth Management Coalition Position Statement - Map 14 Mining Corridor Overlay  
**Attachments:** 4-17 Lee BoCC Hearing Map 14 RGMC.pdf

FYI

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

**From:** Responsible Growth Management Coalition Inc.  
**Sent:** Tuesday, April 16, 2019 9:16 PM  
**To:** Dist2, Cecil Pendergrass ; Dist3, Larry Kiker ; Dist4, Brian Hamman ; Dist5, Frank Mann ; Dist1, John Manning  
**Subject:** [EXTERNAL] Responsible Growth Management Coalition Position Statement - Map 14 Mining Corridor Overlay

Please find our position statement attached.

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April 16, 2019

Good Morning Lee BoCC,

Below are the key justifications for retaining the Map 14 Alico Mining Corridor Overlay in the Comp Plan. Each of these position points is supported by tenets of the Lee County Land Development Code Chapter 12:

To rescind Map 14 from the Comp Plan would be to render Chapter 12 LDC meaningless.

**b(1) Chapter 12 LDC:** *Be compatible with surrounding private and publicly owned lands with special consideration given to protection of surrounding conservation and preservation owned lands.*

**Point #1** – Obliterating Map 14 will allow for mining in vital historical freshwater flowways that serve to recharge Edison Farms. This is evinced by comparing NE to SW flowway direction of fresh water recharge in the DRGR particularly towards the vast depressional land area of Edison Farms (please see maps on last page)

**Rescinding Map 14 defeats the Objective of b(5) of Chapter 12 Lee County LDC**

*Cause minimal impacts to onsite and offsite ambient surface or groundwater levels quality and quantity.*

and

**b(7) Preserve and enhance existing natural flowways that the County deems important for local or regional water resource management**

and

**b(8) Restore historic flowways that the County deems important for local or regional water resource management.**

**Point #2** – Counter argument to Lee County Staff Report CPA2018-10014: Goal 33/Limerock Mining, referenced as follows.

#### **SUMMARY OF CHANGES**

Delete the requirement for a Mining Study:

☞ Mining is the only use in the Lee Plan that requires a market analysis, demonstrating regional limerock demand, would not be required; which is consistent with other uses/markets.

That's an absurd justification to eliminate a market analysis need as there is no other land use nearly as destructive and obliterating of the environment, water resources and conservation value of land and has as much of an impact on quality of life for any life form: human, animal, tree or plant, as mining! Of course there should be a market value determination.

From a planning and zoning perspective there is no redeeming or mitigating value to the community at large that justifies the permitting of more mines, without a market need. Mines not only render arable land into 'moonscapes' and rob habitat from native species they have a definite impact on sheetflow and the ability of surrounding greenscapes and agricultural areas to maintain a hydric balance. This is exactly the argument Sakata Seeds is making to counter the Troyer Bros. proposed mine which is adjacent to Sakata's agricultural production on State Rd. 82. Sakata hired esteemed hydrologist Dr. Gary Danemiller to prepare findings on the hydrological impacts of mining adjacent to their agricultural operations. The first paragraph of Dr. Danemiller's report (attached) reads as follows:

#### **I. MINE LAKES WILL LOWER GROUNDWATER ELEVATION**

##### **A. Maintaining a high water table is required in the dry season for wetlands and agriculture.**

Wetlands and farming are located around the proposed mining area at the Troyer and Old Corkscrew mining area. The soil type on the Sakata and Troyer farm (located west of OLP) is mainly Immokalee sand with 0 to 2 percent slope. The available water supply for this soil is rated to be at a depth of 8.02 centimeters (NRCS Soil Data). The



depth to the water table is classified to be from 6 to 18 inches below the surface. This sandy marine deposit soil has a depth of at least 80 inches. It is formed on flatwoods on marine terraces. The water table has to be maintained at the 6 to 18 inch depth to grow the intended crops and to support the existing wetland ecosystem.

**Point #3-** Rescinding Map 14 and allowing widespread mining throughout the DRGR particularly in the immediate vicinity of Conservation Lands and the Environmental Enhancement and Preservation Overlay defeats the very objectives laid out by the Environmental Enhancement and Preservation Overlay Study (also known as the Corkscrew Rd. Study). From the following Leegov.com document:

<https://www.leegov.com/corkscrew/Documents/Corkscrew-eNewsletter-3-30-18.pdf>

“This approach, known as the Corkscrew Road Study (“Study”), looks at the cumulative impacts of development within the Overlay in-lieu of an analysis on an individual case-by-case basis. **The Study will also identify: opportunities for regional environmental enhancements** in conjunction with the identified transportation improvements;”

From: <https://www.leegov.com/corkscrew>

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Corkscrew

- Story Map
- Purpose of the Study
- Overlay Study Presentation
- Tasks & Status
- Traffic Analysis
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## Corkscrew Road Improvement Study

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The Corkscrew Road corridor is one of the fastest growing areas in Lee County. The goal of the Corkscrew Road Improvement Study is to identify enhancements to handle existing traffic and to prepare for future traffic increases.

This area lies within the Environmental Enhancement & Preservation Communities Overlay (EEPCO) which was established to promote restoration, enhancement and preservation of natural resources within the Density Reduction / Groundwater Resource (DR/GR) land use category.



Along with developing transportation improvements, the County will also look at opportunities for environmental enhancements. The County's objective is to provide our residents and visitors with an improved driving experience along with being environmentally conscious in this sensitive area.

Public Involvement Program

**Rescinding Map 14 defeats the Objective of b(10) of Chapter 12 Lee County LDC**

*Provide interconnection to off-site preserves and conservation lands via indigenous preservation, flowway preservation or restoration...*

**Point #4 – What are the ultimate land use goals of the DRGR?** – The name itself Density Reduction/ Groundwater Resource implies a continuation of mostly rural land uses: Agriculture, Conservation and Farmette style homesteads. The Environmental Enhancement and Overlay Comp Plan change attempts to balance higher density with an environmental enhancement component. The enhancements are not intended as ‘stand alone’ improvements within the boundary of individual CDD and development community but as a robust effort to repair historical flowways and conservation corridors region wide. The intrusion of massive mines in the midst of these restoration efforts will nullify and negate these efforts.

The Southeast DRGR is a limited land area: it extends from I-75 to State Road 82 it comprises roughly 83,000 acres down from over 95,000 acres since the location of FGCU in its Northern quadrant.

Citation: [http://www.spikowski.com/documents-Lee/Prospects\\_for\\_Southeast\\_Lee\\_County.pdf](http://www.spikowski.com/documents-Lee/Prospects_for_Southeast_Lee_County.pdf)

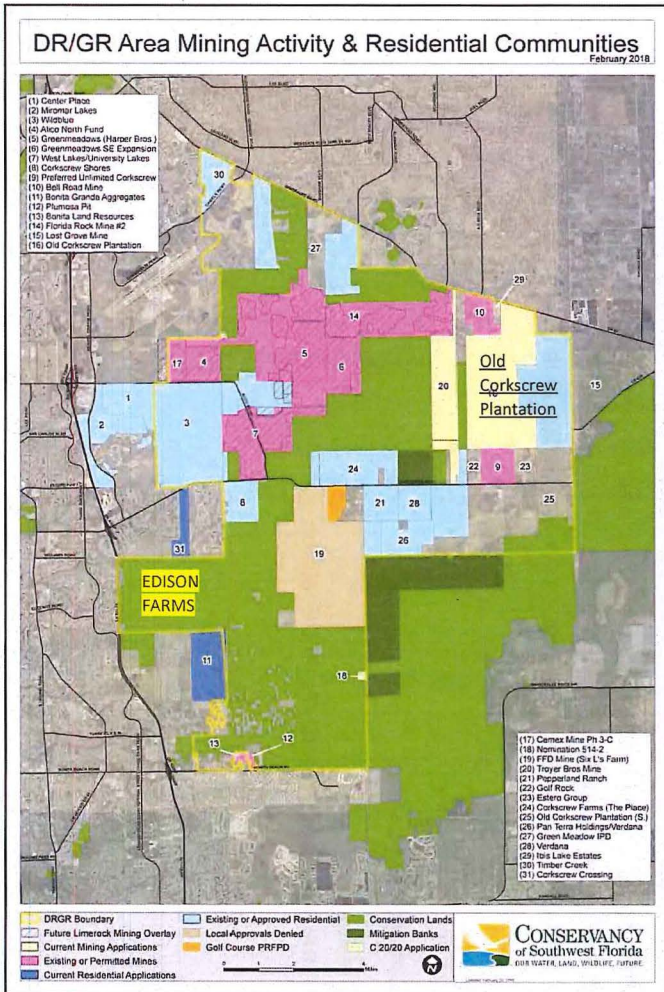
The question Local Government leaders must ask themselves is: how much degradation will be allowed within this vital Conservation and Water Resource Area? Are we going to ensure preservation of the DRGR through predominately agricultural and conservation land uses? Or are we going to suburbanize and industrialize what remains of vast tracts of land that continue to serve the vital function of habitat for our native wildlife and that still provide adequate hydrological and geological characteristics to ensure a reliable source of drinking water for generations of Southwest Florida residents yet to come.

We leave you with this thought... you hold our quality of life and the potential of a sustainable future for Southwest Florida in your hands by the vote you take on Wednesday. The Responsible Growth Management Coalition is fully prepared to be a co-petitioner in any legal challenge to preserve Map 14 in the Lee County Comprehensive Plan.

Respectfully Submitted,

*Connie Langmann*

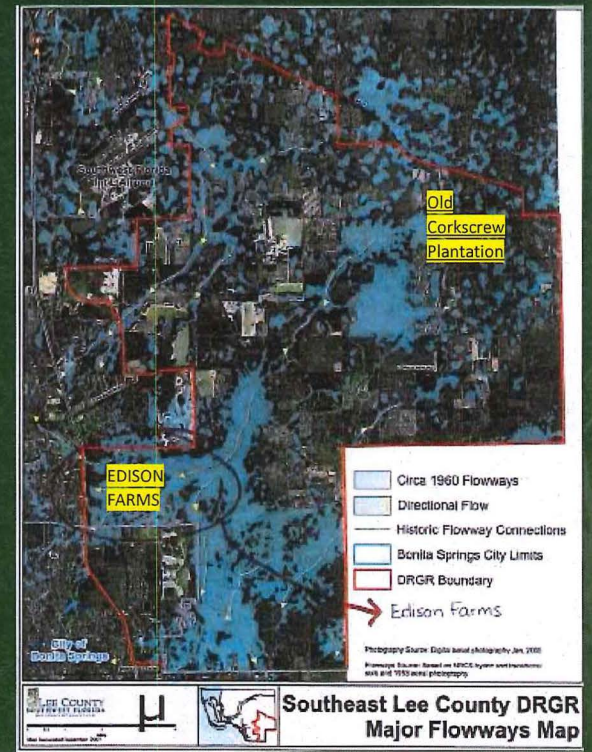
Connie Langmann, President,  
on behalf of The Responsible Growth Management Coalition



## Water Quality

### Lee County DR/GR

- Restoring flowways
- Wetlands naturally filter nutrient pollution



**Dunn, Brandon**

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**From:** Rohland, Stacey  
**Sent:** Wednesday, April 17, 2019 1:47 PM  
**To:** Loveland, David  
**Cc:** Rozdolski, Mikki; Dunn, Brandon; Desjarlais, Roger  
**Subject:** FW: [EXTERNAL] CPA2018-10014 Limerock Mining - have to leave

FYI

Stacey Rohland  
Executive Assistant to Commissioner John Manning  
Lee County Board of County Commissioners  
District 1  
239-533-2224

**From:** Brad Cornell  
**Sent:** Wednesday, April 17, 2019 1:10 PM  
**To:** Dist5, Frank Mann ; Dist4, Brian Hamman ; Dist2, Cecil Pendergrass ; Dist1, John Manning  
**Cc:** Dist3, Larry Kiker  
**Subject:** [EXTERNAL] CPA2018-10014 Limerock Mining - have to leave

Hello Commissioners,

I am writing this at 1pm as the lunch recess is starting - I must head out to Corkscrew Swamp Sanctuary for a 2pm meeting so cannot share my comments on the proposed transmittal of these Lee Plan amendments. When my card comes up, please note my opposition to this transmittal for the primary reason that it undoes the balance amongst all the DR/GR public interests:

Homes  
Rock  
Water  
Habitat

The deletion of Map 14 and associated policies removes the necessity to add to this map via CPA process, which is superior to the re-zoning process from a land use compatibility standpoint.

My 2pm meeting is with a hydrologic modeler to find restoration strategies which are going to cost Corkscrew Sanctuary \$100's of thousands to try to fix hydrologic impacts from incompatible land uses immediately to our north in Lee County (rock mining and citrus). This is what the siting provisions in Map 14 help protect against - incompatibility. The current policies achieved the balance on siting of such land uses. Deleting Map 14 undoes that balance.

Thanks,

Brad

Brad Cornell  
Southwest Florida Policy Associate  
Audubon of the Western Everglades/Audubon Florida  
1048 Goodlette-Frank Road, North, Suite 201  
Naples, FL 34102  
239-280-6278  
[bcornell@audubonwe.org](mailto:bcornell@audubonwe.org)

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