

August 26, 2019

John E. Manning
District One

Cecil L. Pendergrass
District Two

Ray Sandelli
District Three

Brian Hamman
District Four

Frank Mann
District Five

Roger Desjarlais
County Manager

Richard Wesch
County Attorney

Donna Marie Collins
County Hearing Examiner

Ray Eubanks, Plan Processing Administrator
State Land Planning Agency
Caldwell Building
107 East Madison – MSC 160
Tallahassee, FL. 32399-0800

Re: Amendment 17-3 ESR
Adoption Submission Package

Dear Mr. Eubanks:

In accordance with the provisions of F.S. Chapter 163, this submission package constitutes the adoption of Comprehensive Plan Amendment known locally as CPA2016-06 (Troyer Brothers Map 14 Amendment) and CPA2016-10 (Troyer Brothers Conservation Lands). This amendment packet includes the final action and adopting ordinances for the following amendments:

CPA2016-06 - Troyer Brothers Map 14:

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. **(Adopted by Lee County Ord. 19-16)**

CPA2016-10 - 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. **(Adopted by Lee County Ord. 19-17)**

The Lee County Board of County Commissioners held an adoption hearing to adopt the above identified ordinance for the plan amendment on August 21, 2019. Lee County and the applicant agreed to extensions to the deadline for final adoption to allow for the concurrent rezoning. The extension requests met the requirements of F.S. 163.3184. The final action on this amendment was completed prior to the most recent extension deadline of September 29, 2019.

No additional changes were made to the adopted amendment that the State Land Planning Agency did not previously review.

The name of the local newspaper in which the Adoption Hearing was published is The News-Press, Fort Myers, Florida.

The name, title, address, telephone number, and email address of the person for the local government who is most familiar with the proposed amendment is as follows:

Mr. Brandon Dunn, Principal Planner
Department of Community Development
Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398
(239) 533-8585
Email: bdunn@leegov.com

Included with this package are one paper copy and two CD ROM copies, in PDF format, of the adopted amendment and supporting data and analysis. All documents and reports attendant to this submission are also being sent, by copy of this cover, to:

Comprehensive Plan Review
Department of Agriculture and Consumer Services

Mark Weigly
Department of Education

Plan Review
Department of Environmental Protection

Robin Jackson
Florida Department of State

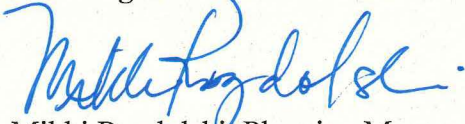
Scott Sanders
Florida Fish and Wildlife Conservation Commission

Sarah Catala
FDOT District One

Margaret Wuerstle
Southwest Florida Regional Planning Council

Terry Manning, A.I.C.P., Senior Planner, Intergovernmental Coordination Section
South Florida Water Management District

Sincerely,
DEPT. OF COMMUNITY DEVELOPMENT
Planning Section



Mikki Rozdolski, Planning Manager

The News-Press media group

news-press.com A GANNETT COMPANY

Attn:

LCBC-DEPT OF COMM DEVELOPMEN-D
1500 MONROE ST
FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared Sue Bridges, who on oath says that he or she is a Legal Assistant of the News-Press, a daily newspaper published at Fort Myers in Lee County, Florida; that the attached copy of advertisement, being a Legal Ad in the matter of


Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in said newspaper in the issues of:

03/24/17

Affiant further says that the said News-Press is a paper of general circulation daily in Lee, Charlotte, Collier, Glades and Hendry Counties and published at Fort Myers, in said Lee County, Florida, and that the said newspaper has heretofore been continuously published in said Lee County, Florida each day and has been entered as periodicals matter at the post office in Fort Myers, in said Lee County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he or she has never paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

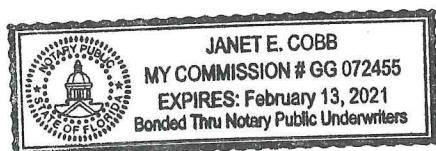
Sworn to and Subscribed before me this 24th of March 2017, by Sue Bridges who is personally known to me.



Janet E Cobb

Notary Public for the State of Florida

My Commission expires February 13, 2021



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, at least five business days in advance.
AD# 2007369 Mar. 24, 2017

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

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AD# 2007369 Mar. 24, 2017

RECEIVED
MAR 24 2017

COMMUNITY DEVELOPMENT

The News-Press media group

news-press.com A GANNETT COMPANY

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

Attn:

LCBC-DEPT OF COMM DEVELOPMENT-
1500 MONROE ST
FORT MYERS, FL 33901

STATE OF FLORIDA COUNTY OF LEE:

Before the undersigned authority personally appeared ,
who on oath says that he or she is a Legal Assistant of
the News-Press, a daily newspaper published at Fort
Myers in Lee County, Florida; that the attached copy of
advertisement, being a Legal Ad in the matter of

Notice Public Hearing

In the Twentieth Judicial Circuit Court was published in
said newspaper in the issues of:

08/09/19

Affiant further says that the said News-Press is a paper
of general circulation daily in Lee County and published
at Fort Myers, in said Lee County, Florida, and that the
said newspaper has heretofore been continuously
published in said Lee County, Florida each day and has
been entered as periodicals matter at the post office in
Fort Myers, in said Lee County, Florida, for a period of
one year next preceding the first publication of the
attached copy of advertisement; and affiant further says
that he or she has never paid nor promised any person,
firm or corporation any discount, rebate, commission or
refund for the purpose of securing this advertisement for
publication in the said newspaper.

Sworn to and Subscribed before me this 9th of August
2019, by who is personally known to me.

Affiant

Notary

The Lee County Board of County Commissioners will hold a public hearing to
consider the adoption of proposed amendments to the Lee County Compre-
hensive Land Use Plan (Lee Plan) on Wednesday, August 21, 2019. The hear-
ing will commence at 9:30 a.m., or as soon thereafter as can be heard, in the
Board Chambers, 2120 Main Street in Downtown Fort Myers.

The Board proposes to adopt an ordinance amending the Lee Plan as fol-
lows:

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.

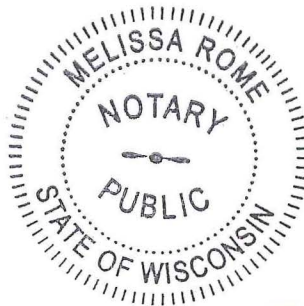
CPA2016-00010 – Troyer Brothers Conservation Lands: Redesignate 453±
acres, a portion of the Troyer Brothers property, from DR/GR and Wetlands
to Conservation Lands on the Future Land Use Map.

Copies of this Notice and the proposed ordinance are available for inspec-
tion or copying during regular business hours at the Minutes Office of the
Clerk of Courts of Lee County, located in the Courthouse Administration
Building, 2115 Second Street, Fort Myers, Florida. 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 pro-
ceeding will be necessary to appeal a decision made at this hearing.

It is the intent of the Board of County Commissioners that the provisions of
this Ordinance may be modified as a result of consideration that may arise
during Public Hearing(s). Such modifications shall be incorporated into the
final version.

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

Ad#3712546 8/9/2019



RECEIVED
AUG 19 2019

COMMUNITY DEVELOPMENT

LEE COUNTY ORDINANCE NO. 19-16
(Troyer Brothers Map 14 Amendment)
(CPA2016-00006)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE TROYER BROTHERS MAP 14 AMENDMENT (CPA2016-00006) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP AND TEXT; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on February 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 5, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Troyer Brothers Map 14 Amendment (CPA2016-00006) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 5, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 5, 2017, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until March 15, 2018; and

WHEREAS, on October 9, 2017 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until March 15, 2018; and

WHEREAS, on January 23, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until December 3, 2018; and

WHEREAS, on January 24, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until December 3, 2018; and

WHEREAS, on November 14, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until June 1, 2019; and

WHEREAS, on November 15, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until June 1, 2019; and

WHEREAS, on May 10, 2019, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until September 29, 2019; and

WHEREAS, on May 13, 2019 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until September 29, 2019; and

WHEREAS, on August 21, 2019, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map and text amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Troyer Brothers Map 14 Amendment Ordinance (CPA2016-00006)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, which amends 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), known as Troyer Brothers Map 14 Amendment (CPA2016-00006).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Sandelli. The vote was as follows:

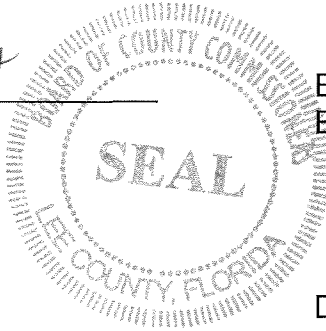
| | |
|-------------------|--------|
| John Manning | Absent |
| Cecil Pendergrass | Aye |
| Raymond Sandelli | Aye |
| Brian Hamman | Aye |
| Frank Mann | Nay |

DONE AND ADOPTED this 21st day of August 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk



BY: Brian Hamman
Brian Hamman, Chair

DATE: 8/22/19

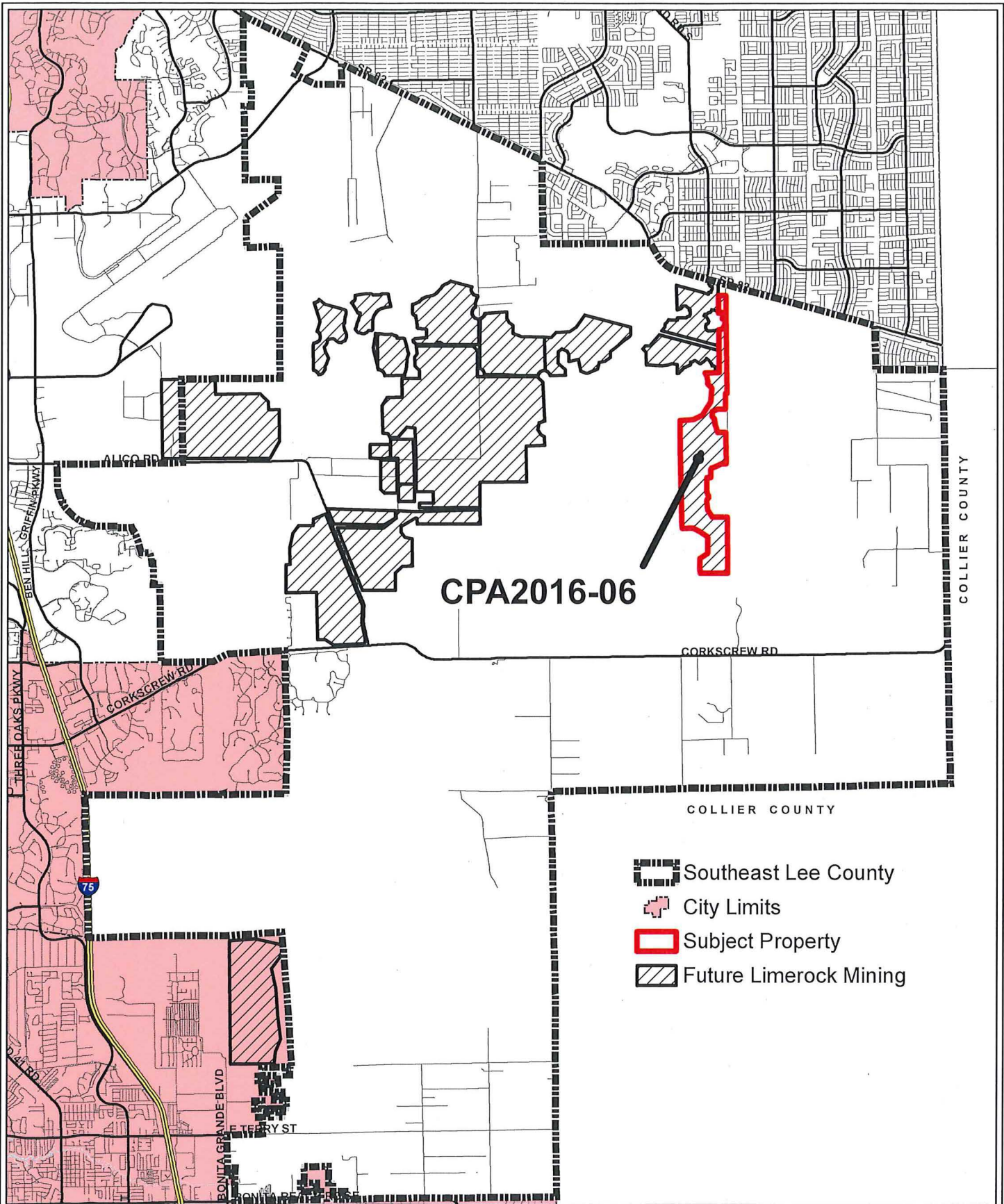
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Map 14 and Table 1(b)
(Adopted by BOCC August 21, 2019)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.







-  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 | | | | | | | | | | | |
| Residential By Future Land Use Category | 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 | | | | | | | | | | | | | |
| Unincorporated County Total Residential | | 80,955 | 80,955 | 3,464 | 485 | | 4,500 | 1,250 | 29 | 651 | 604 | | 1,284 | 3,204 |
| Commercial | | 12,793 | 12,793 | 57 | 52 | | 400 | 50 | 17 | 125 | 150 | | 1,100 | 440 |
| Industrial | | 13,801 | 14,708 | 26 | 3 | | 400 | 5 | 26 | | 300 | | 3,100 | 10 |
| Non Regulatory Allocations | | | | | | | | | | | | | | |
| Public | | 82,313 | 82,313 | 7,100 | 421 | | 2,000 | 7,000 | 20 | 1,961 | 350 | | 7,500 | 2,477 |
| Active AG | | 17,027 | 16,120 | 5,100 | | | 550 | 150 | | | | | | 20 |
| Passive AG | | 45,585 | 45,585 | 13,549 | | | 2,500 | 109 | | | | | 1,241 | 20 |
| Conservation | | 81,933 | 81,933 | 2,214 | 611 | | 1,142 | 3,236 | 133 | 1,603 | 748 | | 2,798 | 1,733 |
| Vacant | | 22,841 | 22,841 | 1,953 | | | 226 | 931 | 34 | | 45 | | 300 | 136 |
| Total | | 357,248 | 357,248 | 33,463 | 1,572 | | 11,718 | 12,731 | 259 | 4,340 | 2,197 | | 17,323 | 7,967 |
| Population Distribution (unincorporated Lee County) | | 495,000 | 495,000 | 5,090 | 1,531 | | 30,861 | 3,270 | 225 | 530 | 5,744 | | 15,115 | 16,375 |

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 | | | | |
| Residential By Future Land Use Category | 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 | | | | | | | 15 | 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 | | | | | | | | | | | | |
| Unincorporated County Total Residential | | 4,104 | 3,962 | | 5,870 | 3,313 | 20,657 | 4,015 | 4,015 | 10,753 | 3,326 | 3,254 | 6,230 |
| 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 |
| Non Regulatory Allocations | | | | | | | | | | | | | |
| 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 |
| Total | | 19,355 | 12,978 | | 12,867 | 27,466 | 47,904 | 80,329 | 80,329 | 22,103 | 10,201 | 18,234 | 14,168 |
| Population Distribution (unincorporated Lee County) | | 34,538 | 36,963 | | 58,363 | 13,265 | 160,405 | 1,270 | 1,270 | 71,001 | 6,117 | 25,577 | 8,760 |

FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee

COUNTY ORDINANCE #: 19-16
(e.g., 93-001)

PRIMARY KEYFIELD

DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD

DESCRIPTOR: Planning

OTHER KEYFIELD

DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Troyer Brothers Map 14
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

AMENDMENT #1: 89-02 AMENDMENT #2: _____

ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)

REPEAL #1: _____ ; REPEAL #3: _____
REPEAL #2: _____ ; REPEAL #4: _____

(Others Repealed: List All That Apply): _____

(FOR OFFICE USE ONLY): COUNTY CODE NUMBER: _____
KEYFIELD 1 CODE: _____ KEYFIELD 2 CODE: _____
KEYFIELD 3 CODE: _____



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

August 23, 2019

Honorable Linda Doggett
Clerk of the Circuit Courts
Lee County
Post Office Box 2469
Fort Myers, Florida 33902-2469

Attention: Missy Flint

Dear Ms. Doggett:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Ordinance No. 19-16, which was filed in this office on August 22, 2019.

Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

LEE COUNTY ORDINANCE NO. 19-17
(Troyer Brothers Conservation Lands)
(CPA2016-00010)

AN ORDINANCE AMENDING THE LEE COUNTY COMPREHENSIVE PLAN, COMMONLY KNOWN AS THE "LEE PLAN," ADOPTED BY ORDINANCE NO. 89-02, AS AMENDED, SO AS TO ADOPT AMENDMENT PERTAINING TO THE TROYER BROTHERS CONSERVATION LANDS (CPA2016-00010) APPROVED DURING A PUBLIC HEARING; PROVIDING FOR PURPOSE, INTENT, AND SHORT TITLE; AMENDMENTS TO ADOPTED MAP; LEGAL EFFECT OF "THE LEE PLAN"; PERTAINING TO MODIFICATIONS THAT MAY ARISE FROM CONSIDERATION AT PUBLIC HEARING; GEOGRAPHICAL APPLICABILITY; SEVERABILITY, CODIFICATION, SCRIVENER'S ERRORS, AND AN EFFECTIVE DATE.

WHEREAS, the Lee County Comprehensive Plan ("Lee Plan") and Chapter XIII, provides for adoption of amendments to the Plan in compliance with State statutes and in accordance with administrative procedures adopted by the Board of County Commissioners ("Board"); and,

WHEREAS, the Board, in accordance with Section 163.3181, Florida Statutes, and Lee County Administrative Code AC-13-6 provide an opportunity for the public to participate in the plan amendment public hearing process; and,

WHEREAS, the Lee County Local Planning Agency ("LPA") held a public hearing on the proposed amendment in accordance with Florida Statutes and the Lee County Administrative Code on February 27, 2017; and,

WHEREAS, the Board held a public hearing for the transmittal of the proposed amendment on April 5, 2017. At that hearing, the Board approved a motion to send, and did later send, proposed amendment pertaining to Troyer Brothers Conservation Lands (CPA2016-00010) to the reviewing agencies set forth in Section 163.3184(1)(c), F.S. for review and comment; and,

WHEREAS, at the April 5, 2017 meeting, the Board announced its intention to hold a public hearing after the receipt of the reviewing agencies' written comments; and,

WHEREAS, on October 5, 2017, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until March 15, 2018; and

WHEREAS, on October 9, 2017 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until March 15, 2018; and

WHEREAS, on January 23, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until December 3, 2018; and

WHEREAS, on January 24, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until December 3, 2018; and

WHEREAS, on November 14, 2018, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until June 1, 2019; and

WHEREAS, on November 15, 2018 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until June 1, 2019; and

WHEREAS, on May 10, 2019, the applicant, Troyer Brothers Florida, Inc., and Lee County agreed to request a time extension for the adoption of the Comprehensive Plan Amendment until September 29, 2019; and

WHEREAS, on May 13, 2019 the Florida Department of Economic Opportunity granted the extension for the adoption of the proposed amendment until September 29, 2019; and

WHEREAS, on August 21, 2019, the Board held a public hearing and adopted the proposed amendment to the Lee Plan set forth herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF LEE COUNTY, FLORIDA, THAT:

SECTION ONE: PURPOSE, INTENT AND SHORT TITLE

The Board of County Commissioners of Lee County, Florida, in compliance with Chapter 163, Part II, Florida Statutes, and with Lee County Administrative Code AC-13-6, conducted public hearings to review proposed amendments to the Lee Plan. The purpose of this ordinance is to adopt map amendments to the Lee Plan discussed at those meetings and approved by a majority of the Board of County Commissioners. The short title and proper reference for the Lee County Comprehensive Land Use Plan, as hereby amended, will continue to be the "Lee Plan." **This amending ordinance may be referred to as the "Troyer Brothers Conservation Lands Ordinance (CPA2016-00010)."**

SECTION TWO: ADOPTION OF COMPREHENSIVE PLAN AMENDMENT

The Lee County Board of County Commissioners amends the existing Lee Plan, adopted by Ordinance Number 89-02, as amended, by adopting an amendment, to redesignate 453± acres, a portion of the Troyer Brothers property, from DR/GR and

Wetlands to Conservation Lands on the Future Land Use Map, known as Troyer Brothers Conservation Lands (CPA2016-00010).

The corresponding Staff Reports and Analysis, along with all attachments and application submittals for this amendment are adopted as "Support Documentation" for the Lee Plan. Proposed amendments adopted by this Ordinance are attached as Exhibit A.

SECTION THREE: LEGAL EFFECT OF THE "LEE PLAN"

No public or private development will be permitted except in conformity with the Lee Plan. All land development regulations and land development orders must be consistent with the Lee Plan as amended.

SECTION FOUR: MODIFICATION

It is the intent of the Board of County Commissioners that the provisions of this Ordinance may be modified as a result of consideration that may arise during Public Hearing(s). Such modifications shall be incorporated into the final version.

SECTION FIVE: GEOGRAPHIC APPLICABILITY

The Lee Plan is applicable throughout the unincorporated area of Lee County, Florida, except in those unincorporated areas included in joint or interlocal agreements with other local governments that specifically provide otherwise.

SECTION SIX: SEVERABILITY

The provisions of this ordinance are severable and it is the intention of the Board of County Commissioners of Lee County, Florida, to confer the whole or any part of the powers herein provided. If any of the provisions of this ordinance are held unconstitutional by a court of competent jurisdiction, the decision of that court will not affect or impair the remaining provisions of this ordinance. It is hereby declared to be the legislative intent of the Board that this ordinance would have been adopted had the unconstitutional provisions not been included therein.

SECTION SEVEN: INCLUSION IN CODE, CODIFICATION, SCRIVENERS' ERROR

It is the intention of the Board of County Commissioners that the provisions of this ordinance will become and be made a part of the Lee County Code. Sections of this ordinance may be renumbered or relettered and the word "ordinance" may be changed to "section," "article," or other appropriate word or phrase in order to accomplish this intention; and regardless of whether inclusion in the code is accomplished, sections of this ordinance may be renumbered or relettered. The correction of typographical errors that do not affect the intent, may be authorized by the County Manager, or his designee, without need of public hearing, by filing a corrected or recodified copy with the Clerk of the Circuit Court.

SECTION EIGHT: EFFECTIVE DATE

The plan amendments adopted herein are not effective until 31 days after the State Land Planning Agency notifies the County that the plan amendment package is complete. If timely challenged, an amendment does not become effective until the State Land Planning Agency or the Administrative Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before the amendment has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status.

THE FOREGOING ORDINANCE was offered by Commissioner Pendergrass, who moved its adoption. The motion was seconded by Commissioner Sandelli. The vote was as follows:

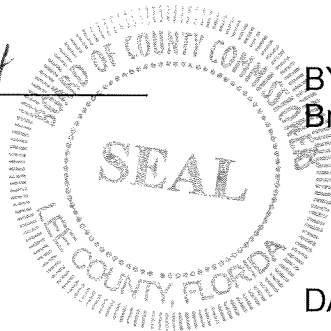
| | |
|-------------------|--------|
| John Manning | Absent |
| Cecil Pendergrass | Aye |
| Raymond Sandelli | Aye |
| Brian Hamman | Aye |
| Frank Mann | Nay |

DONE AND ADOPTED this 21st day of August 2019.

ATTEST:
LINDA DOGGETT, CLERK

LEE COUNTY BOARD OF
COUNTY COMMISSIONERS

BY: Missy Flint
Deputy Clerk



BY: Brian Hamman
Brian Hamman, Chair

DATE: 8/22/19

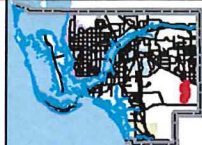
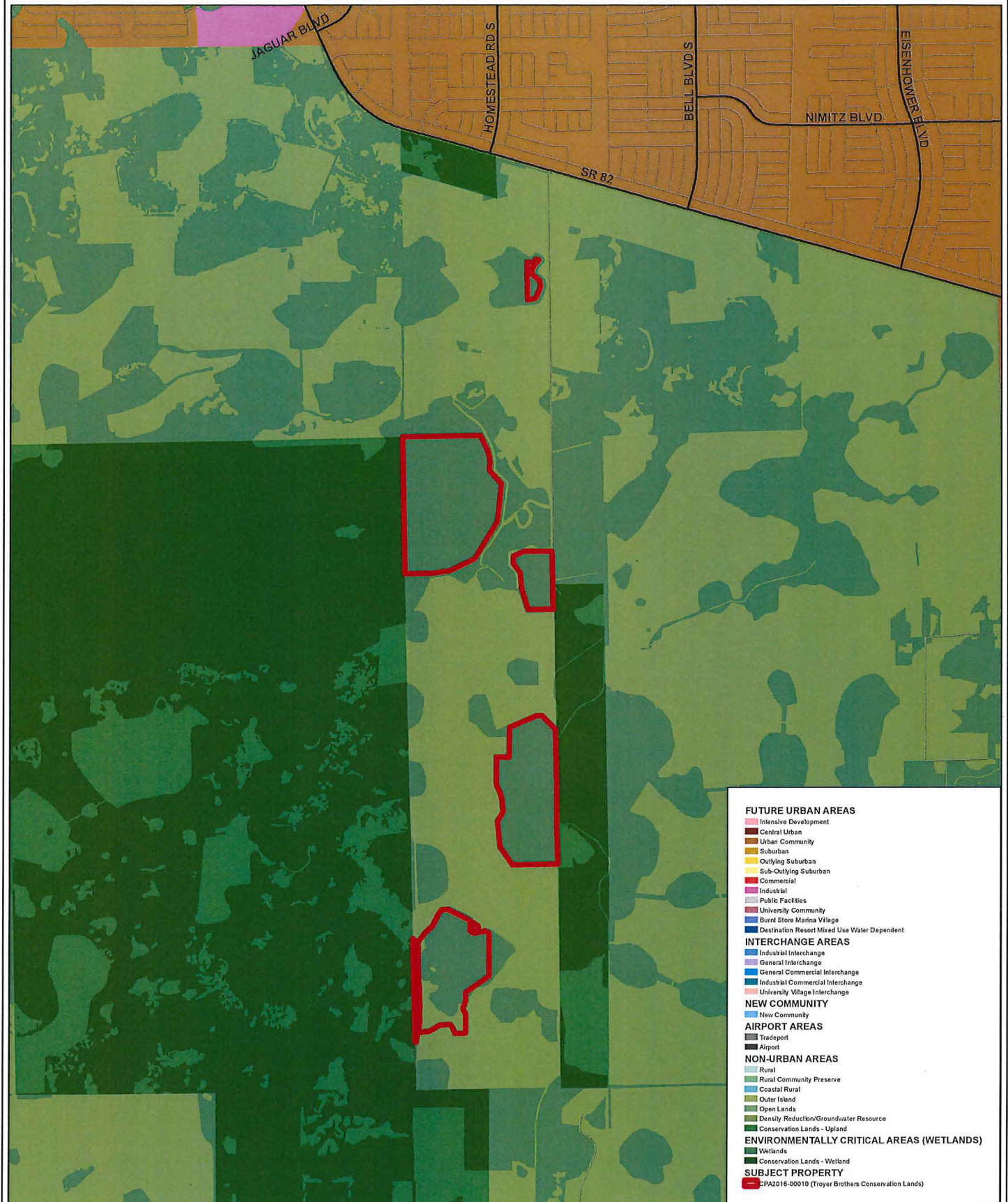
APPROVED AS TO FORM FOR THE
RELIANCE OF LEE COUNTY ONLY

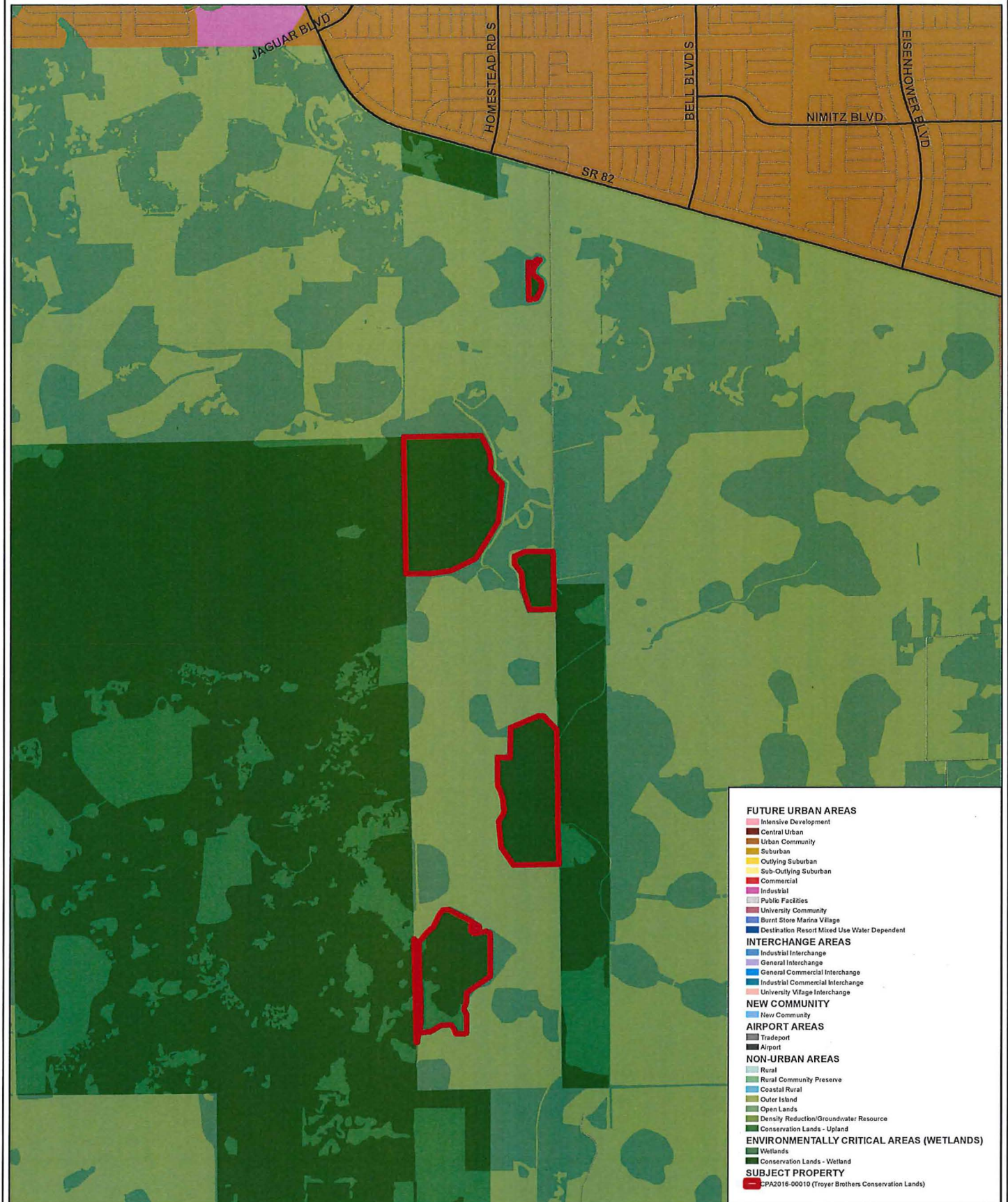
[Signature]
County Attorney's Office

Exhibit A: Adopted revisions to Future Land Use Map
(Adopted by BOCC August 21, 2019)

EXHIBIT A

Note: Text depicted with underscore represents additions to the Lee Plan.
Strike-through text represents deletions from the Lee Plan.





FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM
CODRS CODING FORM

COUNTY: Lee COUNTY ORDINANCE #: 19-17
(e.g., 93-001)

PRIMARY KEYFIELD
DESCRIPTOR: Comprehensive Planning

SECONDARY KEYFIELD
DESCRIPTOR: Planning

OTHER KEYFIELD
DESCRIPTOR: Land Use Planning

ORDINANCE DESCRIPTION: Troyer Conservation Lands
(25 Characters Maximum Including Spaces)

ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)

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August 23, 2019

Honorable Linda Doggett
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Attention: Missy Flint

Dear Ms. Doggett:

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Sincerely,

Ernest L. Reddick
Program Administrator

ELR/lb

**STAFF REPORT FOR
CPA2016-00006 & CPA2016-00010: TROYER
BROTHERS**

Privately Initiated Map & Text Amendments to the Lee Plan



Applicant:

Troyer Brothers Florida,
Inc.

Representative:

Dr. David Depew, AICP
Morris-Depew Assoc., Inc.

Planning Community:

Southeast Lee

Commissioner District:

District #3

Attachments:

Existing & Proposed
Maps 1 & 14
Table 1(b)

Hearing Dates:

LPA: 2/27/17
BOCC - Transmittal:
4/5/2017
BOCC – Adoption:
8/21/2019

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.

SUMMARY

The requested amendments would:

- 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.

PROJECT 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.



RECOMMENDATION

Staff recommends that the Board of County Commissioners find the proposed amendment to Map 14 will not have adverse impacts on surface and groundwater levels and water quality and **adopt** the requested amendments based on the analysis and findings provided in this staff report.

PART I 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 **adopted** as 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.

The applicant provided the modeling as part of the concurrent Troyer Brothers’ MEPD (DCI2016-00025). The Hearing Examiners’ recommendation, pages 10 through 15, includes a discussion of surface water, groundwater, and water quality. In this discussion the Hearing Examiner concludes that:

- 1) The design of the surface water management system avoids negative impacts to water resources;
- 2) In all simulations, the modeling results demonstrated increased groundwater storage;

- 3) The results of water modeling confirm the mine lake will capture and store excess water during the wet season, and release water to the aquifer during the dry season, thereby increasing hydrology and improving hydrology; and
- 4) Terminating agricultural operations will improve the quality of surface water flowing into onsite wetland systems and the mine lake.

Staff agrees with the conclusions made as part of the concurrent MEPD and recommends that the Board of County Commissioners find the proposed amendment to Map 14 will not have adverse impacts on surface and groundwater levels and water quality.

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, near the “traditional Alico Road corridor.”

CURRENT ZONING AND USE: The property is zoned agricultural (AG-2). The property is disturbed with active agricultural row crops and an agricultural processing facility. The row crops required alteration of the property’s hydrology to allow for artificial drainage and storage of surface water and use of groundwater for irrigation purposes.

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.

Discussion concerning Objective 33.1 and Map 14 is no longer relevant since the BoCC adopted amendments to the Lee Plan (CPA2018-10014) by Ordinance 19-13. Regardless, the applicant has demonstrated consistency with Objective 33.1 and the requirements to add property to Map 14 that were in place at the time their application was submitted and found to be sufficient.

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. Florida Rock Mine #2 was included on Map 14 as part of CPA2008-00006. The mine extends from near Alico Road north and east to SR 82 and is immediately adjacent to the subject property. The location of Florida Rock Mine #2 was found consistent with the undefined term "traditional Alico Road corridor" which confirms this un-delineated area extends well beyond Alico Road. It 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, 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*."

In order to determine the meanings of these terms, transcripts¹ of testimonies given by the original authors of the 2010 Lee Plan amendments, which implemented the 2008 Dover Kohl reports, were reviewed. The testimonies explain how clear necessity could be interpreted. Based on the review of the transcript, and the language adopted into the Lee Plan, it is staff's opinion that clear necessity applies only when lands are found to be less disturbed, and that regional demand is addressed in Table 1(b), not Map 14.

Staff finds that the subject property is a disturbed property and a finding of clear necessity is not required. Notwithstanding, it is also staff's opinion that, at a minimum, a "clear necessity" is

¹ State of Florida Division of Administrative Hearings, Case No. 10-2988GM, Transcript of Proceedings, Volume IV, pages 472, 493 and 568. (transcript)

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. However, as clarified in the transcripts, “clear necessity” may be demonstrated in other ways; it may be as simple as ascertaining there is a need beyond the desire of the property owner to mine. 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.

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 2019.

On December 20, 2016, in compliance with Policy 33.1.4, the Board adopted the 2016 Southeast Lee County DR/GR Mining Study (the Waldrop Study). The Waldrop Study demonstrated that there is insufficient land to meet the regional limerock demands through the 2040 planning horizon. In addition, during the Lee Plan amendment application process, the Applicant provided an 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.

Staff finds that, at a minimum, there is a “clear necessity” for adding land to the Future Limerock Mining Overlay. 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 it is not necessary to demonstrate a “clear necessity” to add property to Map 14 since the property is clearly a disturbed site; however the applicant has demonstrated, and the County confirmed with the Waldrop Study, an inadequate aggregate supply to meet needs for continued growth and redevelopment throughout the region. The needs analysis is one way a “clear necessity” to support adding additional land to Map 14 could be demonstrated.

Location Analysis:

The subject property was not included on the Future Limerock Mining Overlay, as adopted by the Board of County Commissioners in 2008. 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, an undefined area.

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.

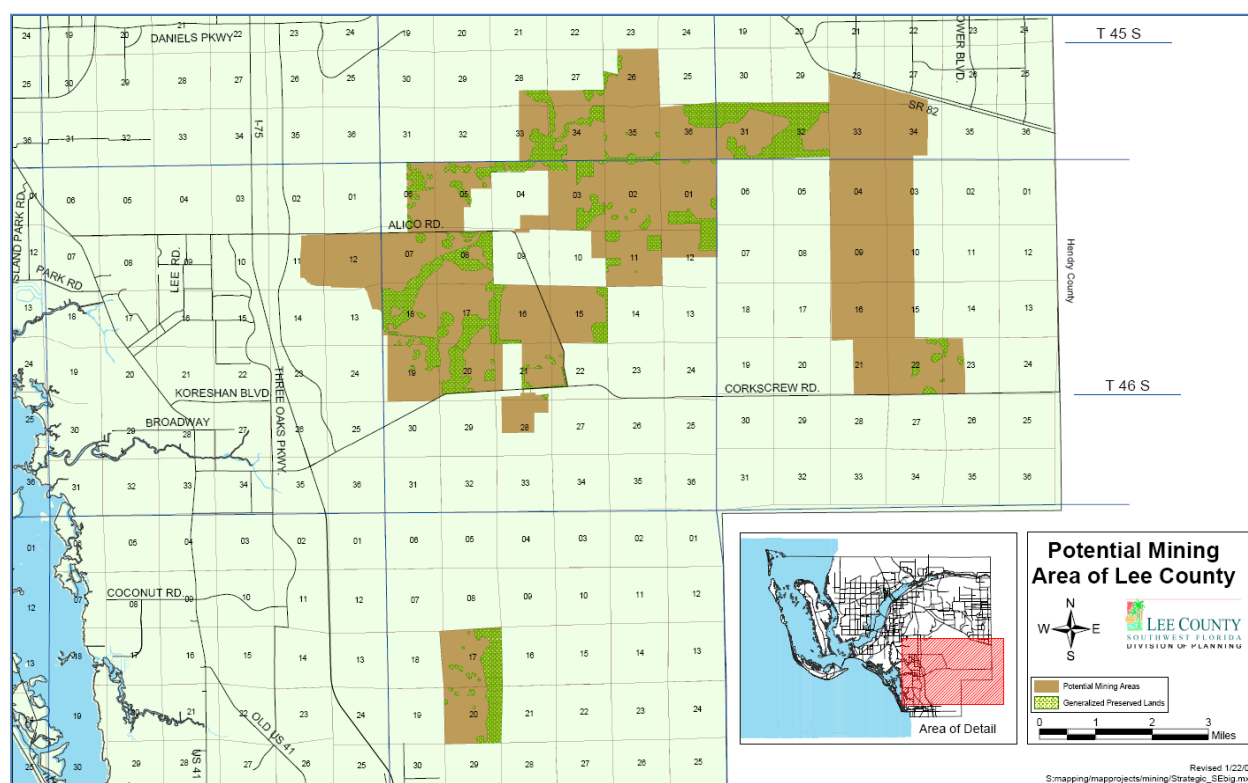


Figure 1: Potential Mining Area of Lee County (2002 Strategic Mining Study). This map identifies limerock deposits in Southeast Lee County known as of 2002.

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 trips 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 23rd 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 also be 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 common misconception of the Future Limerock Mining Overlay is that it would help to protect mines from encroachment of incompatible uses by restricting mines to certain locations. Map 14 was intended to be a dynamic map that would be updated in order to accommodate future need and future growth. Currently Map 14 identifies where mines have been approved; it does not identify where mines could be approved in the future. It has always been acknowledged that Map 14 would need to be updated to reflect locations for new mines. As part of the concurrent zoning review for future mines, Chapter 12 requirements and other Lee Plan provisions address both mine design and location and ensure 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.

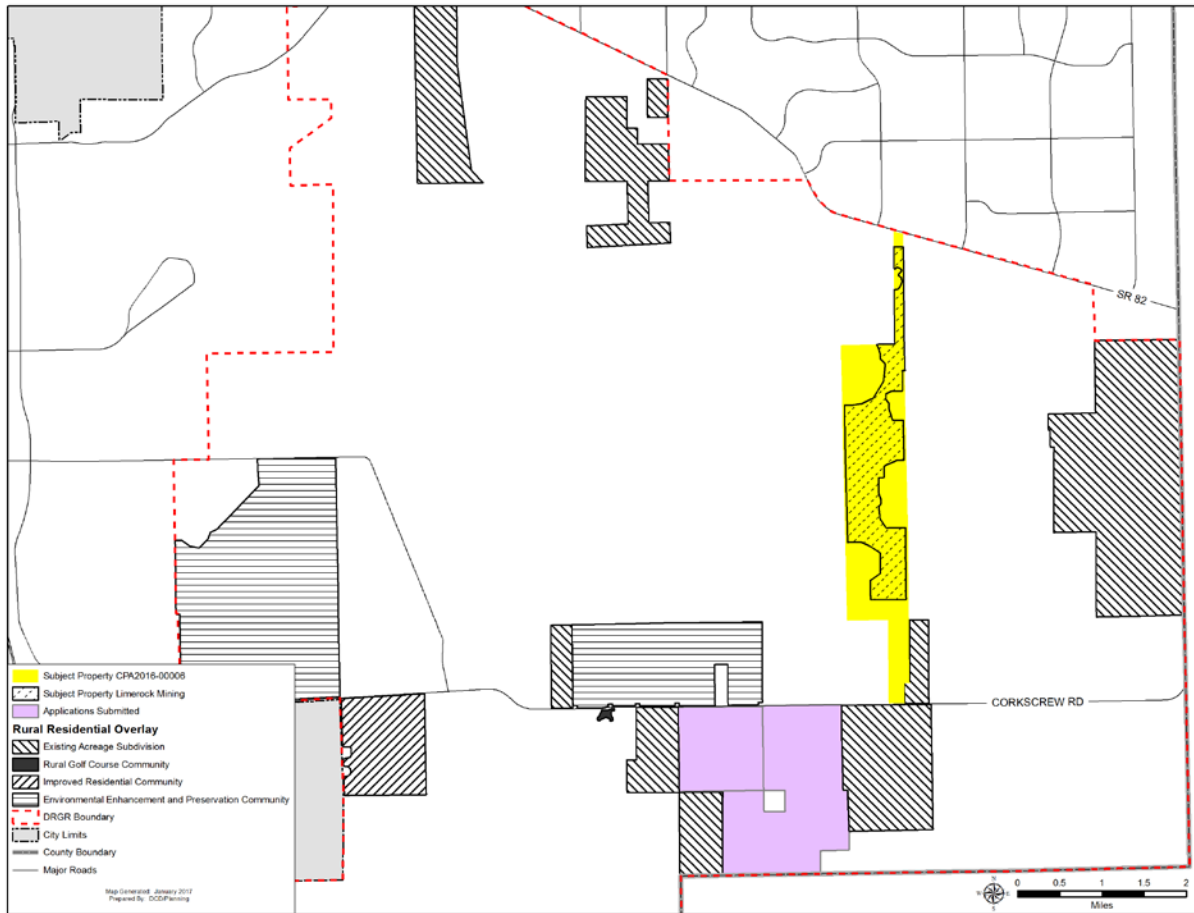


Figure 2: Existing Southeast Lee County residential areas in relation to the subject property.

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 through compliance with Chapter 12, supplemented with conditions where needed, it is possible 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 |
| TOTAL | 926.94 acres |

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.

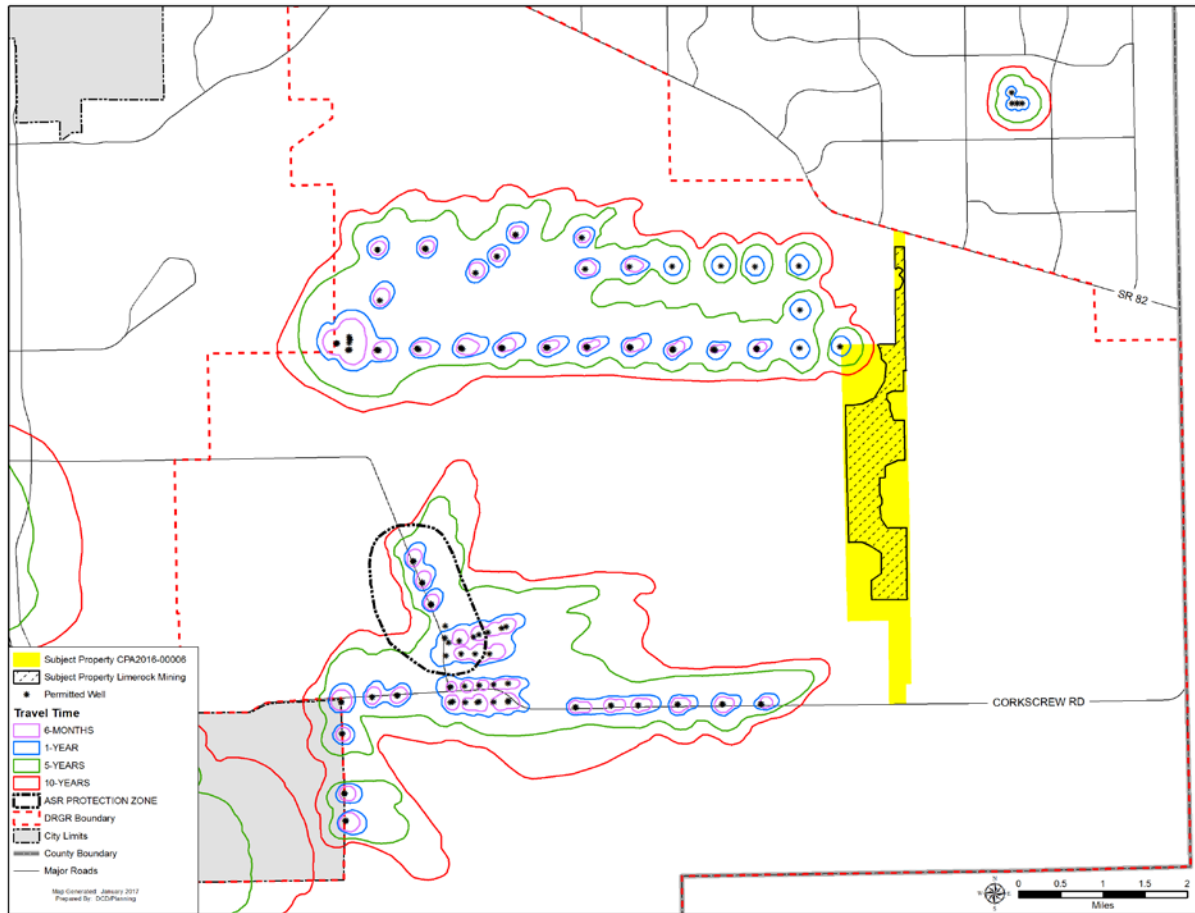


Figure 3: Southeast Lee County Wellfield Protection Zones in relation to the subject property.

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 the 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. The applicant provided the groundwater modeling and, as previously stated, staff supports the conclusions made in the Hearing Examiners' recommendation, and find the amendments compatible with maintaining or improving groundwater resources.

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.

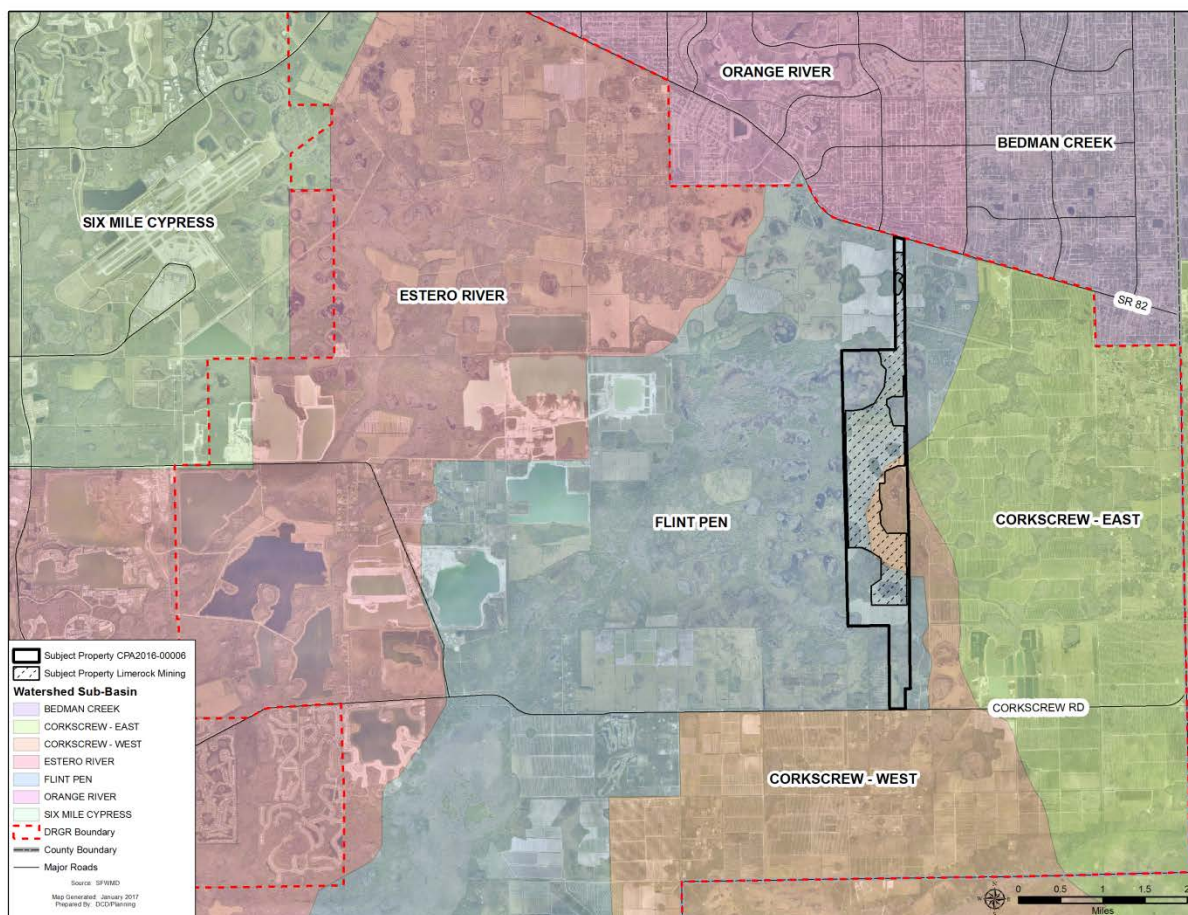


Figure 4: Lee County Watershed Sub-Basins in relation to the subject property.

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, is located near the "traditional Alico Road corridor", has been disturbed for agricultural use, 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: It is not necessary to demonstrate a “clear necessity” to add property to Map 14 since the property is clearly a disturbed site. Notwithstanding this, a “clear necessity” has been established by the applicant’s needs analysis, which finds there will be a deficit by 2030, and is supported by the study initiated and accepted by the County (the Waldrop Study) which confirmed 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 may 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. As stated previously, the applicant provided the necessary groundwater modeling with the concurrent MEPD. Staff agrees with the Hearing Examiners’ conclusions regarding impact on groundwater levels and find the amendments compatible with maintaining or improving groundwater resources. Therefore, staff recommends that in addition to the other requested amendments, that the amendment to Map 14 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:

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

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:

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

**PART VII
BOARD OF COUNTY COMMISSIONERS
HEARING FOR TRANSMITTAL OF PROPOSED AMENDMENT**

DATE OF TRANSMITTAL HEARING: April 5, 2017

A. BOARD REVIEW:

Staff gave a brief presentation and made a recommendation that the BOCC transmit the proposed amendments. The presentation included staff's findings of fact and the recommendations from the LPA to transmit CPA2016-10, and not transmit CPA2016-06.

The applicant and their representatives gave a detailed presentation for the proposed amendments which covered consistency with the Lee Plan, wildlife movement, hydrology, transportation/access, and limerock supply and demand.

Seventeen members of the public provided public comment to the Board of County Commissioners. Concerns raised by the public included compatibility with nearby residential and conservation uses, traffic on Corkscrew Road, and lack of need for additional mining areas.

A motion, which included both CPAs, was made that the BOCC transmit staff recommendations. The motion was called and passed 4-1.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners ***transmitted*** the proposed amendments as recommended by staff.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff.

C. VOTE:

| | |
|-----------------------------|------------|
| BRIAN HAMMAN | AYE |
| LARRY KIKER | AYE |
| FRANK MANN | NAY |
| JOHN MANNING | AYE |
| CECIL L. PENDERGRASS | AYE |

PART VIII
STATE REVIEWING AGENCIES'
OBJECTIONS, RECOMMENDATIONS, AND COMMENTS

Comments from the State Reviewing Agencies were due to Lee County by May 12, 2017.

A. OBJECTIONS, RECOMMENDATIONS AND COMMENTS:

Lee County received responses from the following review agencies addressing the transmitted amendment:

- Florida Department of Economic Opportunity (DEO)
- Florida Fish and Wildlife Conservation Commission (FWC)
- Florida Department of Environmental Protection (DEP)
- Florida Department of Agriculture & Consumer Services
- South Florida Water Management District (SFWMD)
- Florida Department of Transportation (FDOT)
- Southwest Florida Regional Planning Council (SWFRPC)

There were no objections concerning the proposed amendments; however, a technical assistance comment was received from FDOT which encouraged continued coordination with District One Access Management Staff.

Lee County staff appreciates the technical guidance provided by Florida Department of Transportation. Lee County will continue to coordinate with FDOT. Coordination between the applicant and County will also continue during the regulatory approval process to address potential impacts resulting from the proposed development.

B. STAFF RECOMMENDATION

Staff recommends that the Board of County Commissioners ***adopt*** the amendment to the Lee Plan as transmitted to the State Reviewing Agencies as provided in Attachment 1.

PART IX
DOCUMENTS INCORPORATED BY REFERENCE

DCI2016-00025 – Troyer Brothers MEPD, Entire Case File, including Hearing Examiner Recommendation dated July 3, 2019.

State of Florida Division of Administrative Hearings, Case No. 10-2988GM, Transcript of Proceedings, Volume IV. (transcript)

PART IX
BOARD OF COUNTY COMMISSIONERS
HEARING FOR ADOPTION OF PROPOSED AMENDMENTS

DATE OF ADOPTION HEARING: April 5, 2017

A. BOARD REVIEW:

Staff gave a brief presentation and made a recommendation that the BOCC adopt the proposed amendments. The presentation included staff's findings and conclusions and the Hearing Examiners findings and conclusions, which addressed the outstanding questions and required findings at the time of transmittal.

The applicant and their representatives gave a detailed presentation for the proposed amendments which covered consistency with the Lee Plan, wildlife movement, hydrology, transportation/access, limerock supply and demand, condition of the subject property and additional data and analysis provided through the rezoning process that demonstrated consistency with the Lee Plans water resources requirements.

Twenty-one members of the public provided public comment to the Board of County Commissioners. Concerns raised by the public included compatibility with nearby residential and conservation uses, traffic, and lack of need for additional mining areas in the planning horizon.

Following public comment members of the Board of County Commissioners asked for clarification concerning impacts to wetlands and the affect of evaporation from the mine lake on water resources. The applicant provided the results of modeling that had been run. This analysis shows an overall increase in groundwater levels, benefiting surrounding wetlands, when all variables are considered.

Separate motions were made to adopt staff recommendation for both CPA2016-06 and CPA2016-10. The motions were called and passed 3-1, with one member being absent.

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. **BOARD ACTION:** The Board of County Commissioners ***adopted*** the proposed amendments as recommended by staff and as previously transmitted for state review.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board of County Commissioners accepted the findings of fact as advanced by staff.

C. VOTE:

1. CPA2016-06 (Map 14 Amendment)

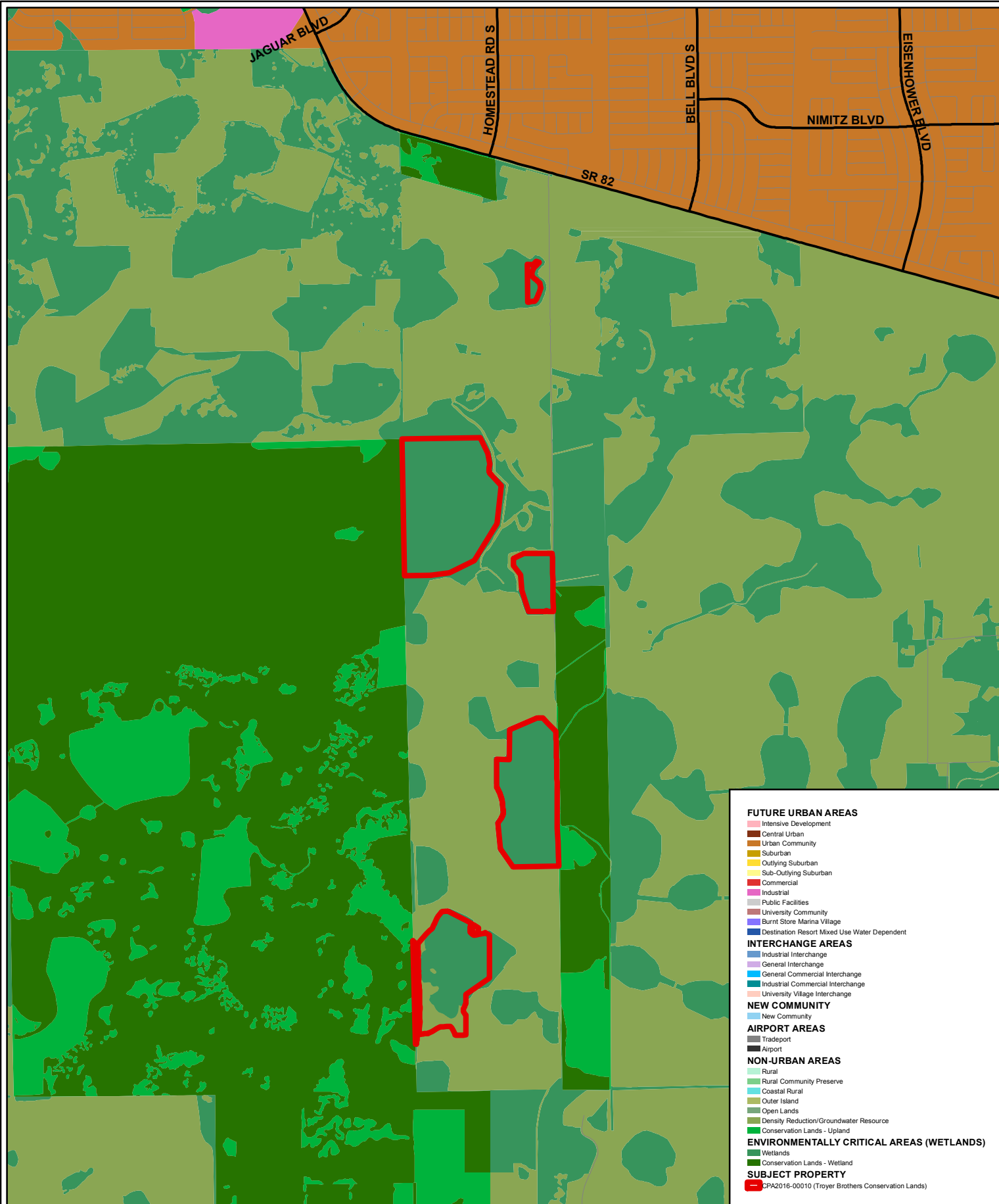
| | |
|----------------------|---------------|
| BRIAN HAMMAN | <u>AYE</u> |
| FRANK MANN | <u>NAY</u> |
| JOHN MANNING | <u>ABSENT</u> |
| CECIL L. PENDERGRASS | <u>AYE</u> |
| RAY SANDELLI | <u>AYE</u> |

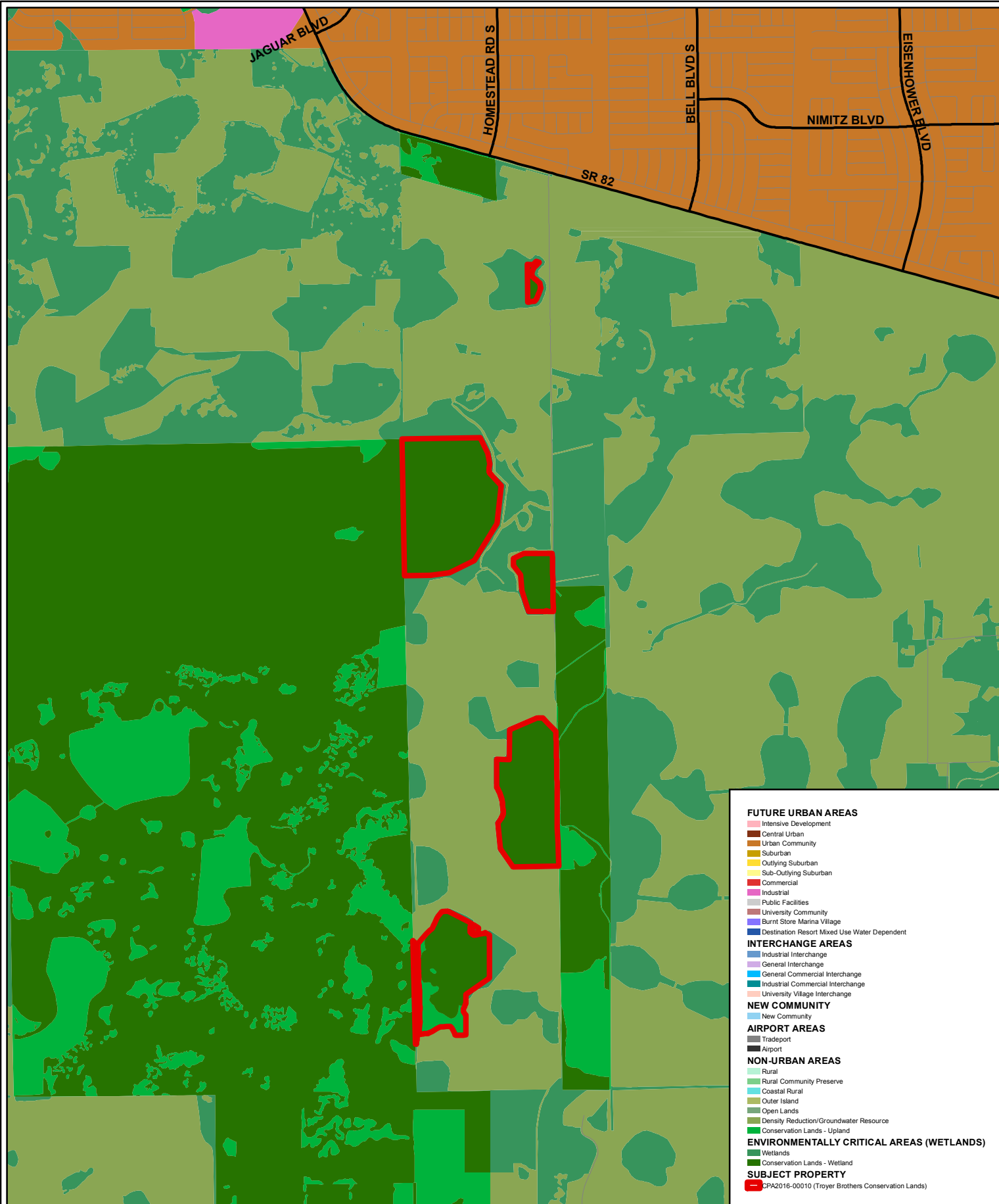
2. VOTE: CPA2016-10 (Conservation Lands)

| | |
|----------------------|---------------|
| BRIAN HAMMAN | <u>AYE</u> |
| FRANK MANN | <u>NAY</u> |
| JOHN MANNING | <u>ABSENT</u> |
| CECIL L. PENDERGRASS | <u>AYE</u> |
| RAY SANDELLI | <u>AYE</u> |

ATTACHMENT 1

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





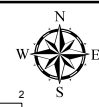
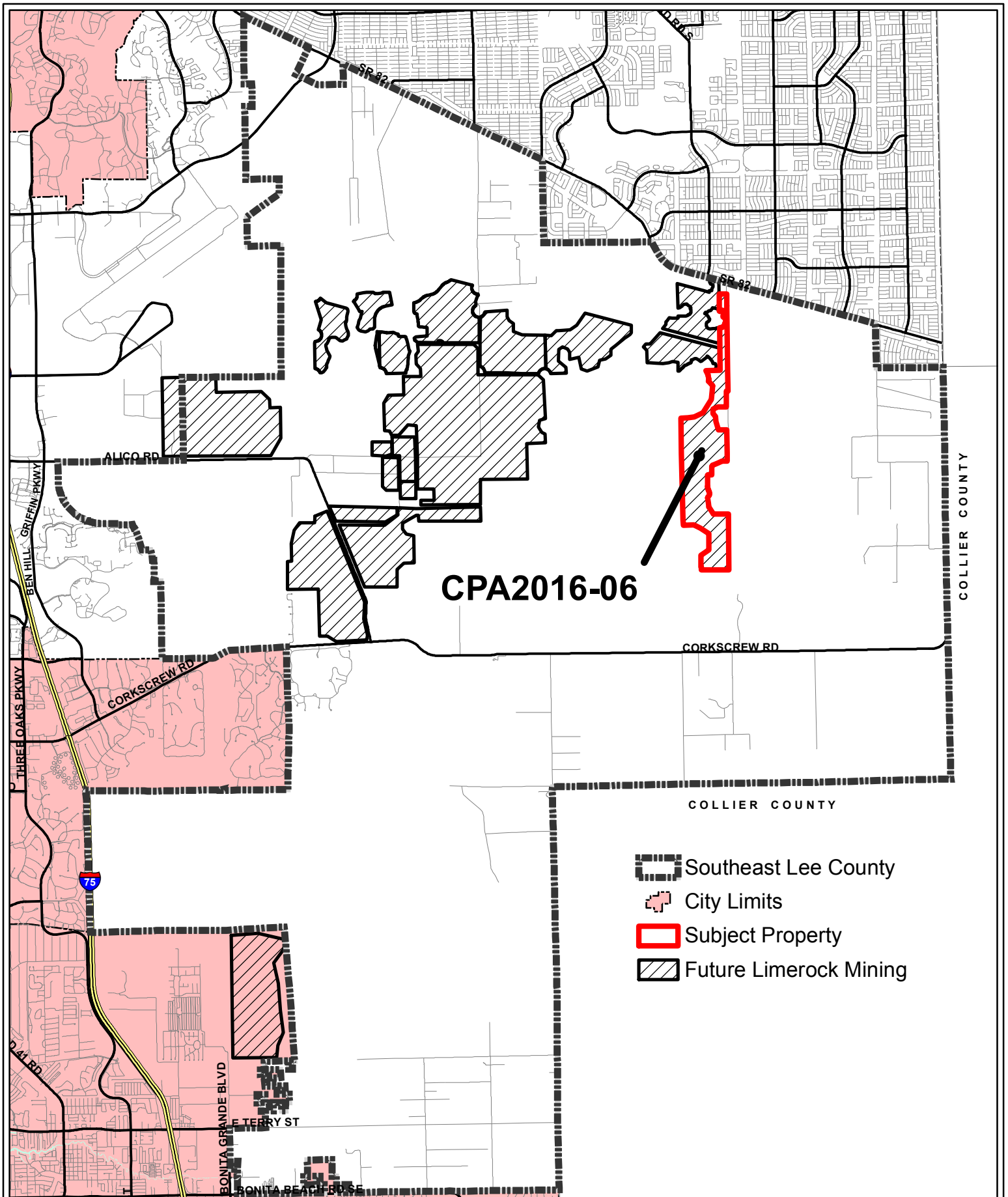


TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

| 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 | | | | | | | | | | | |
| Residential By Future Land Use Category | 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 | | | | | | | | | | | | | |
| Unincorporated County Total Residential | | 80,955 | 80,955 | 3,464 | 485 | | 4,500 | 1,250 | 29 | 651 | 604 | | 1,284 | 3,204 |
| Commercial | | 12,793 | 12,793 | 57 | 52 | | 400 | 50 | 17 | 125 | 150 | | 1,100 | 440 |
| Industrial | | 13,801 | 14,708 | 26 | 3 | | 400 | 5 | 26 | | 300 | | 3,100 | 10 |
| Non Regulatory Allocations | | | | | | | | | | | | | | |
| Public | | 82,313 | 82,313 | 7,100 | 421 | | 2,000 | 7,000 | 20 | 1,961 | 350 | | 7,500 | 2,477 |
| Active AG | | 17,027 | 16,120 | 5,100 | | | 550 | 150 | | | | | | 20 |
| Passive AG | | 45,585 | 45,585 | 13,549 | | | 2,500 | 109 | | | | | 1,241 | 20 |
| Conservation | | 81,933 | 81,933 | 2,214 | 611 | | 1,142 | 3,236 | 133 | 1,603 | 748 | | 2,798 | 1,733 |
| Vacant | | 22,841 | 22,841 | 1,953 | | | 226 | 931 | 34 | | 45 | | 300 | 136 |
| Total | | 357,248 | 357,248 | 33,463 | 1,572 | | 11,718 | 12,731 | 259 | 4,340 | 2,197 | | 17,323 | 7,967 |
| Population Distribution (unincorporated Lee County) | | 495,000 | 495,000 | 5,090 | 1,531 | | 30,861 | 3,270 | 225 | 530 | 5,744 | | 15,115 | 16,375 |

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 | | | | |
| Residential By Future Land Use Category | 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 | | | | | | | | | | | | |
| Unincorporated County Total Residential | | 4,104 | 3,962 | | 5,870 | 3,313 | 20,657 | 4,045 | 4,015 | 10,753 | 3,326 | 3,254 | 6,230 |
| 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 |
| Non Regulatory Allocations | | | | | | | | | | | | | |
| 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 |
| Total | | 19,355 | 12,978 | | 12,867 | 27,466 | 47,904 | 80,329 | 80,329 | 22,103 | 10,201 | 18,234 | 14,168 |
| Population Distribution (unincorporated Lee County) | | 34,538 | 36,963 | | 58,363 | 13,265 | 160,405 | 1,270 | 1,270 | 71,001 | 6,117 | 25,577 | 8,760 |

ADDITIONAL DATA AND ANALYSIS

Troyer Brothers
Comprehensive Plan Amendment
Water Modeling Summary

The Troyer Brothers Map 14 Comprehensive Plan Amendment was approved for transmittal to the Department of Economic Opportunity on April 5, 2017. At the time the staff recommendation of transmittal was conditioned that the water modeling being conducted as part of the Mine Excavation Planned Development (MEPD) be found sufficient. On April 20, 2018, Lee County Zoning Staff found the MEPD application sufficient and the Quasi-Judicial Hearings in front of the Hearing Examiner were conducted over several days in June, July and August, 2018. On July 3, 2019, the Hearing Examiner issued a recommendation of approval for the MEPD application. All applications were scheduled for hearing before the Lee County Board of County Commissioners on August 21, 2019.

As part of the MEPD application, 4 different groundwater models were developed to evaluate the impacts on groundwater and surface water of the proposed Troyer Brothers Mine. The detailed analysis of the modeling was submitted as part of the MEPD application and was found sufficient by Lee County Staff as well as the Lee County Hearing Examiner. Below is a summary of the conclusions found by the 4 models.

Three MODFLOW models were run with slightly different conditions and a MIKE SHE model was run regarding the proposed mine plan.

1. MODFLOW – Coarse-grid, dry season (90 day no recharge) simulations
2. MODFLOW – Finer-grid, dry season (120 day no recharge) simulations
3. MODFLOW – Full year transient model
4. MIKE SHE integrated Surface Water and Groundwater model

The MODFLOW model was utilized with different conditions due to the flexibility of modules and general acceptability by regulatory agencies. The model run for the Troyer Brothers mine was based on an existing calibrated South Florida Water Management District MODFLOW model and was locally recalibrated using site-specific data. Lee County Staff were provided all model input and output files enabling them to independently evaluate the models. The models included the termination of agricultural irrigation, the 781 acre mine lake and site-specific data acquired from long term on-site monitoring. Each set of MODFLOW simulations showed that post-mining groundwater levels will be higher in the dry season than under current conditions due to the storage provided by the lake as well as the termination of the agricultural pumping. The MODFLOW full year transient model also found that post mining there would be little variation in water levels between the mine lake and adjacent wetlands.

The MIKE SHE model utilized the existing DHI DR/GR model prepared for Lee County, which covered the project site and had been peer reviewed, which met the specific requirement of Lee Plan Policy 33.2.7. Additionally, this model considered surface water and groundwater collectively. The MIKE SHE simulations involved using the existing DHI model as is and with the only modification being the addition of the proposed mine lake with its associated higher evapotranspiration (ET) rate.

The MIKE SHE modeling results found that groundwater levels would be higher in the dry season than under the current conditions due to the water storage provided by the proposed mine lake and the termination of agricultural irrigation pumping. Additionally, water levels on nearby wetlands would be higher in the dry season than under current conditions and closer to historic (pre-development) conditions. Wet season water levels will change little as compared to current conditions. Under current conditions water levels in the mine vicinity currently rise close to or above land surface during the wet season and will continue to do so during and after mine excavation.

AGENCY COMMENTS

CPA2016-00006

&

CPA2016-00010

TROYER BROTHERS

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

May 10, 2017

The Honorable John Manning, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

Dear Chairman Manning:

The Department of Economic Opportunity has completed its review of the proposed comprehensive plan amendment for Lee County (Amendment No. 17-3ESR), which was received on April 12, 2017. We have reviewed the proposed amendment pursuant to Sections 163.3184(2) and (3), Florida Statutes (F.S.), and identified no comments related to important state resources and facilities within the Department's authorized scope of review that will be adversely impacted by the amendment if adopted.

The County is reminded that pursuant to Section 163.3184(3)(b), F.S., other reviewing agencies have the authority to provide comments directly to the County. If other reviewing agencies provide comments, we recommend the County consider appropriate changes to the amendment based on those comments. If unresolved, such reviewing agency comments could form the basis for a challenge to the amendment after adoption.

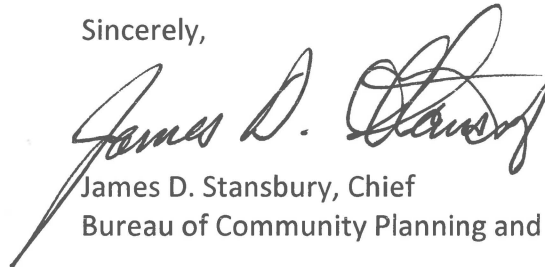
The County should act by choosing to adopt, adopt with changes, or not adopt the proposed amendment. Also, please note that Section 163.3184(3)(c)1, F.S., provides that if the second public hearing is not held within 180 days of your receipt of agency comments, the amendment shall be deemed withdrawn unless extended by agreement with notice to the Department and any affected party that provided comment on the amendment. For your assistance, we have enclosed the procedures for adoption and transmittal of the comprehensive plan amendment.

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
850.245.7105 | www.floridajobs.org
www.twitter.com/FLDEO | www.facebook.com/FLDEO

An equal opportunity employer/program. Auxiliary aids and service are available upon request to individuals with disabilities. All voice telephone numbers on this document may be reached by persons using TTY/TTD equipment via the Florida Relay Service at 711.

If you have any questions concerning this review, please contact Scott Rogers, Planning Analyst, at (850) 717-8510, or by email at scott.rogers@deo.myflorida.com.

Sincerely,

A handwritten signature in black ink, appearing to read "James D. Stansbury". The signature is fluid and cursive, with a long horizontal stroke extending to the left.

James D. Stansbury, Chief
Bureau of Community Planning and Growth

JDS/sr

Enclosure: Procedures for Adoption

cc: David Loveland, Director, Lee County Department of Community Development
Margaret Wuerstle, Executive Director, Southwest Florida Regional Planning Council

SUBMITTAL OF ADOPTED COMPREHENSIVE PLAN AMENDMENTS

FOR EXPEDITED STATE REVIEW

Section 163.3184(3), Florida Statutes

NUMBER OF COPIES TO BE SUBMITTED: Please submit three complete copies of all comprehensive plan materials, of which one complete paper copy and two complete electronic copies on CD ROM in Portable Document Format (PDF) to the Department of Economic Opportunity and one copy to each entity below that provided timely comments to the local government: the appropriate Regional Planning Council; Water Management District; Department of Transportation; Department of Environmental Protection; Department of State; the appropriate county (municipal amendments only); the Florida Fish and Wildlife Conservation Commission and the Department of Agriculture and Consumer Services (county plan amendments only); and the Department of Education (amendments relating to public schools); and for certain local governments, the appropriate military installation and any other local government or governmental agency that has filed a written request.

SUBMITTAL LETTER: Please include the following information in the cover letter transmitting the adopted amendment:

_____ Department of Economic Opportunity identification number for adopted amendment package;

_____ Summary description of the adoption package, including any amendments proposed but not adopted;

_____ Identify if concurrency has been rescinded and indicate for which public facilities. (Transportation, schools, recreation and open space).

_____ Ordinance number and adoption date;

_____ Certification that the adopted amendment(s) has been submitted to all parties that provided timely comments to the local government;

_____ Name, title, address, telephone, FAX number and e-mail address of local government contact;

_____ Letter signed by the chief elected official or the person designated by the local government.

ADOPTION AMENDMENT PACKAGE: Please include the following information in the amendment package:

_____ In the case of text amendments, changes should be shown in strike-through/underline format.

_____ In the case of future land use map amendments, an adopted future land use map, **in color format**, clearly depicting the parcel, its future land use designation, and its adopted designation.

_____ A copy of any data and analyses the local government deems appropriate.

Note: If the local government is relying on previously submitted data and analysis, no additional data and analysis is required;

_____ Copy of the executed ordinance adopting the comprehensive plan amendment(s);

Suggested effective date language for the adoption ordinance for expedited review:

The effective date of this plan amendment, if the amendment is not timely challenged, shall be 31 days after the Department of Economic Opportunity notifies the local government that the plan amendment package is complete. If timely challenged, this amendment shall become effective on the date the Department of Economic Opportunity or the Administration Commission enters a final order determining this adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on this amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, this amendment may nevertheless be made effective by adoption of a resolution affirming its effective status, a copy of which resolution shall be sent to the Department of Economic Opportunity.

_____ List of additional changes made in the adopted amendment that the Department of Economic Opportunity did not previously review;

_____ List of findings of the local governing body, if any, that were not included in the ordinance and which provided the basis of the adoption or determination not to adopt the proposed amendment;

_____ Statement indicating the relationship of the additional changes not previously reviewed by the Department of Economic Opportunity in response to the comment letter from the Department of Economic Opportunity.

Miller, Janet

From: Dunn, Brandon
Sent: Wednesday, April 19, 2017 12:51 PM
To: Miller, Janet; Rozdolski, Mikki
Subject: FW: Lee County 17-3ESR (CPA2016-06 & CPA2016-10)

FYI...

From: Hight, Jason [<mailto:Jason.Hight@MyFWC.com>]
Sent: Wednesday, April 19, 2017 10:50 AM
To: DCPexternalagencycomments@deo.myflorida.com; Dunn, Brandon
Cc: Keltner, James; Wallace, Traci; Chabre, Jane
Subject: Lee County 17-3ESR (CPA2016-06 & CPA2016-10)

Dear Mr. Dunn:

Florida Fish and Wildlife Conservation Commission (FWC) staff has reviewed the proposed comprehensive plan amendment in accordance with Chapter 163.3184(3), Florida Statutes. We have no comments, recommendations, or objections related to fish and wildlife or listed species and their habitat to offer on this amendment.

If you need any further assistance, please do not hesitate to contact Jane Chabre either by phone at (850) 410-5367 or by email at FWCConservationPlanningServices@MyFWC.com. If you have specific technical questions, Jim Keltner at (239) 332-6972 x9209 or by email at James.Keltner@MyFWC.com.

Sincerely,

Jason Hight
Biological Administrator II
Office of Conservation Planning Services
Division of Habitat and Species Conservation
620 S. Meridian Street, MS 5B5
Tallahassee, FL 32399-1600
(850) 228-2055

Lee County 17-3ESR_32877

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.

Miller, Janet

From: Dunn, Brandon
Sent: Thursday, April 27, 2017 9:49 AM
To: Rozdolski, Mikki; Miller, Janet
Subject: FW: Lee County 17-3ESR Proposed

Please see FDEP correspondence below.

Brandon D. Dunn, Principal Planner

Lee County Department of Community Development
Planning Section
bdunn@leegov.com
239.533.8585

From: Plan_Review [<mailto:Plan.Review@dep.state.fl.us>]
Sent: Thursday, April 27, 2017 9:18 AM
To: Dunn, Brandon; DCPexternalagencycomments
Cc: Plan_Review
Subject: Lee County 17-3ESR Proposed

To: Brandon Dunn, Principal Planner

Re: Lee County 17-3ESR – Expedited Review of Proposed Comprehensive Plan Amendment

***Please note the new contact information below.**

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (Department) has reviewed the above-referenced amendment package under the provisions of Chapter 163, Florida Statutes. The Department conducted a detailed review that focused on potential adverse impacts to important state resources and facilities, specifically: air and water pollution; wetlands and other surface waters of the state; federal and state-owned lands and interest in lands, including state parks, greenways and trails, conservation easements; solid waste; and water and wastewater treatment.

Based on our review of the submitted amendment package, the Department has found no provision that, if adopted, would result in adverse impacts to important state resources subject to the Department's jurisdiction.

Feel free to contact me at Suzanne.e.ray@dep.state.fl.us or (850) 717-9037 for assistance or additional information. Please send all amendments, both proposed and adopted, to plan.review@dep.state.fl.us or

Florida Department of Environmental Protection
Office of Intergovernmental Programs, Plan Review
2600 Blair Stone Rd. MS 47
Tallahassee, Florida 32399-2400

Miller, Janet

From: Dunn, Brandon
Sent: Thursday, May 04, 2017 8:31 AM
To: Miller, Janet
Subject: FW: DEO #17-3ESR Comments on Proposed Comprehensive Plan Amendment Package

From: Oblaczynski, Deborah [<mailto:doblaczy@sfwmd.gov>]
Sent: Thursday, May 04, 2017 8:17 AM
To: Rozdolski, Mikki
Cc: Dunn, Brandon; Ray Eubanks (DCPexternalagencycomments@deo.myflorida.com); Brenda Winningham (brenda.winningham@deo.myflorida.com); ext-Wuerstle, Margaret (swfrpc.org)
Subject: DEO #17-3ESR Comments on Proposed Comprehensive Plan Amendment Package

Dear Ms. Rozdolski:

The South Florida Water Management District (District) has completed its review of the proposed amendment package from Lee County (County). The amendment package amends the land use designation on 453.32 acres from Density Reduction/Groundwater Resource (DR/GR) and Wetlands to Conservation. The amendment package also includes adding 907.6 acres to the Future Limerock Mining Overlay and adds industrial acreage to the Southeast Lee County Planning Community. Based on review of the submitted materials, the District has no comments on the proposed amendment package.

The District offers technical assistance to the County in developing sound, sustainable solutions to meet the County's future water supply needs and to protect the region's water resources. Please forward a copy of the adopted amendments to the District. Please contact me if you need assistance or additional information.

Sincerely,

Deb Oblaczynski
Policy & Planning Analyst
Water Supply Implementation Unit
South Florida Water Management District
3301 Gun Club Road
West Palm Beach, FL 33406
(561) 682-2544 or doblaczy@sfwmd.gov

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.



FLORIDA DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES
COMMISSIONER ADAM H. PUTNAM

May 11, 2017

VIA EMAIL (bdunn@leegov.com)

Lee County Department of community Development
Mr. Brandon Dunn
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: DACS Docket # -- 20170410-905
Lee County CPA2016-00006 (Troyer Brothers Map) 14 and
CPA2016-00010 (Troyer Brothers Conservation Lands)
Submission dated April 10, 2017

Dear Mr. Dunn:

The Florida Department of Agriculture and Consumer Services (the "Department") received the above-referenced proposed comprehensive plan amendment on April 10, 2017 and has reviewed it pursuant to the provisions of Chapter 163, Florida Statutes to address any potential adverse impacts to important state resources or facilities related to agricultural, aquacultural, or forestry resources in Florida if the proposed amendment(s) are adopted. Based on our review of your county's submission, the Department has no comment on the proposal.

If we may be of further assistance, please do not hesitate to contact me at 850-410-2280.

Sincerely,

Stormie Knight
Sr. Management Analyst I
Office of Policy and Budget

cc: Florida Department of Economic Opportunity
(SLPA #: Lee County 17-3 ESR)



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

RACHEL D. CONE
INTERIM SECRETARY

May 12, 2017

Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398

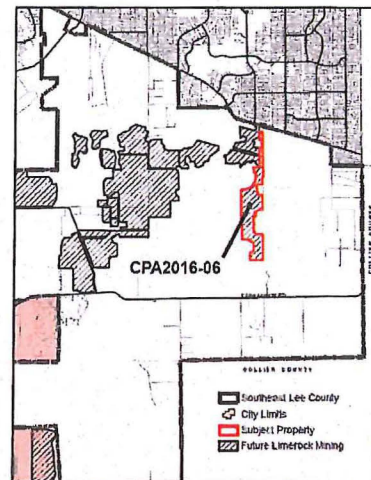
RE: Lee County 17-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-3ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-3ESR CPA includes two separate amendments for land within the 1,804± acres Troyer Brothers site, located in Southeast Lee County (about 7 miles to the east of Daniels/Gunnery Road, and on the south side of State Route 82). The CPAs are summarized below:

- CPA2016-00006, Troyer Brothers Map 14: This amendment includes two primary changes, as summarized below:
 - Amend Map 14 (Future Limerock Mining Overlay) to add 907± acres within the Troyer Brothers property to the Future Limerock Mining Overlay; and
 - Add the corresponding 907± acres to Table 1(b) for Year 2030 Allocations under Industrial acreage, within the Southeast Lee County planning area.



Per the staff report, the limerock mining operation will generate 313 trips (passenger-car equivalent trips) in the AM peak hour, 205 trips in the mid-day peak hour, 46 trips in the PM peak hour, and 2,092 daily trips. The staff report also identifies four widening projects along SR 82, which will provide adequate transportation facilities for a Limerock mine at this location. Each

widening project is included in the FDOT Adopted 5-Year Work Program, and are listed in the following table:

| Segment | FM # | Improvement | Construction/ Funding Year |
|--|----------|------------------|-------------------------------|
| SR 82 from CR 884/ Colonial Blvd. to Shawnee Rd. | 425841-1 | Widen to 6 lanes | 2017 |
| SR 82 from Shawnee Rd. to Alabama Rd. | 425841-2 | Widen to 6 lanes | 2022 |
| SR 82 from Alabama Rd. to Homestead Rd. | 425841-3 | Widen to 4 lanes | 2018 |
| SR 82 from Homestead Rd. to County Line | 425841-4 | Widen to 4 lanes | 2018 |

- CPA2016-00010, Troyer Brothers Conservation Lands: Amend the Future Land Use (FLU) Map (Map 1) to redesignate 453± acres within the Troyer Brothers property, from the Density Reduction/Groundwater (DR/GR) and Wetlands FLU designation to Conservation Lands.

Per the staff report and consistent with Lee Plan Policies 1.4.3 (DR/GR) and 1.4.6 (Conservation Lands), the DR/GR FLU category allows residential development up to 10 dwelling units (DUs) per acre totaling 45 residential DUs, while the Conservation Lands FLU category does not allow residential densities. The proposed Conservation Lands FLU areas represent native habitat that will be preserved during the Mine Excavation Planned Development (MEPD) process to allow mining in the adjacent Map 14 Amendment area.

FDOT Technical Assistance Comments, CPA2016-00006:

*The trip generation results included in the Staff Report (page 9 of 18) represent the trip generation from an older Traffic Impact Analysis report. The revised Traffic Impact Analysis, dated February 9, 2017, shows slightly different numbers for the AM and PM peak hours (352 AM and 81 PM peak hour trips). **Please revise the trip generation volumes to reflect the latest Traffic Impact Analysis in the Adoption package, for consistency.***

The proposed changes to add land from the subject property to Map 14 for future mining activities, and the addition of 907± acres allocated to industrial uses in Table 1(b) do not create adverse capacity impacts to State or Strategic Intermodal System (SIS) facilities due to the widening of SR 82 (an Emerging SIS facility) in current and future years. Therefore, FDOT offers no capacity comments on CPA2016-00006. FDOT encourages the property owners to coordinate with District One Permitting/Access Management staff to evaluate the existing driveway permit in terms of the land use change to assure the safe and efficient operation of SR 82 at the connection of SR 82/Troyers Bros Road.

FDOT Technical Assistance Comments, CPA2016-00010:

The proposed FLU Map change from DR/GR to Conservation Lands reduces the development potential on the subject properties making up the 453± acres. Therefore, FDOT offers no comments on CPA2016-00010.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,



Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity

1400 Colonial Blvd., Suite 1
Fort Myers, FL 33907



P: 239.938.1813 | F: 239.938.1817
www.swfipc.org



June 5, 2017

Ms. Mikki Rozdolski
Planning Manager
Department of Community Development
P.O. Box 398
Fort Myers, Florida 33902-0398

Re: Lee County CPA2014-00006 & CPA2016-00010 / DEO 17-3ESR

Dear Ms. Rozdolski:

The staff of the Southwest Florida Regional Planning Council has reviewed the proposed amendment (DEO 17-3ESR) to the Lee County Comprehensive Plan. The review was performed according to the requirements of the Local Government Comprehensive Planning and Land Development Regulation Act.

The Council will review the proposed amendment and the staff recommendations at its June 15, 2017 meeting. Council staff is recommending that the request be found regionally significant with regards to location. Council staff is also recommending that the proposed changes are conditionally consistent with the SRPP, awaiting the results of the applicants' modeling and given that staff's recommendations are followed.

A copy of the official staff report explaining the Council staff's recommendation is attached. If Council action differs from the staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council

Margaret Wuerstle, AICP
Executive Director

MW/DEC
Attachment

Cc: Mr. Eubanks, Administrator, Plan Review and Processing, Department of Economic Development



**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed the proposed evaluation and appraisal based amendments to the Lee County Comprehensive Plan (DEO 17-3ESR). These amendments were developed under the Local Government Comprehensive Planning and Land Development Regulation Act. A synopsis of the requirements of the Act and Council responsibilities is provided as Attachment I. Comments are provided in Attachment II. Site location maps can be reviewed in Attachment III.

Staff review of the proposed amendments was based on whether they were likely to be of regional concern. This was determined through assessment of the following factors:

1. Location--in or near a regional resource or regional activity center, such that it impacts the regional resource or facility; on or within one mile of a county boundary; generally applied to sites of five acres or more; size alone is not necessarily a determinant of regional significance;
2. Magnitude--equal to or greater than the threshold for a Development of Regional Impact of the same type (a DRI-related amendment is considered regionally significant); and
3. Character--of a unique type or use, a use of regional significance, or a change in the local comprehensive plan that could be applied throughout the local jurisdiction; updates, editorial revisions, etc. are not regionally significant.

A summary of the results of the review follows:

Factors of Regional Significance

| <u>Proposed Amendment</u> | <u>Location</u> | <u>Magnitude</u> | <u>Character</u> | <u>Consistent</u> |
|-------------------------------|-----------------|------------------|------------------|--|
| DEO 17-3ESR | Yes | No | No | (1) Regionally significant (2) Conditionally consistent with SRPP |

RECOMMENDED ACTION:

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County

05/2017

COMMUNITY PLANNING ACT

Local Government Comprehensive Plans

The Act requires each municipal and county government to prepare a comprehensive plan that must include at least the following nine elements:

1. Future Land Use Element;
2. Traffic Circulation Element;
A local government with all or part of its jurisdiction within the urbanized area of a Metropolitan Planning Organization shall prepare and adopt a transportation element to replace the traffic circulation; mass transit; and ports, aviation, and related facilities elements. [9J-5.019(1), FAC]
3. General Sanitary Sewer, Solid Waste, Drainage, and Potable Water and Natural Groundwater Aquifer Recharge Element;
4. Conservation Element;
5. Recreation and Open Space Element;
6. Housing Element;
7. Coastal Management Element for coastal jurisdictions;
8. Intergovernmental Coordination Element; and
9. Capital Improvements Element.

The local government may add optional elements (e. g., community design, redevelopment, safety, historical and scenic preservation, and economic).

All local governments in Southwest Florida have adopted revised plans:

Charlotte County, Punta Gorda

Collier County, Everglades City, Marco Island, Naples

Glades County, Moore Haven

Hendry County, Clewiston, LaBelle

Lee County, Bonita Springs, Cape Coral, Fort Myers, Fort Myers Beach, Sanibel

Sarasota County, Longboat Key, North Port, Sarasota, Venice

COMPREHENSIVE PLAN AMENDMENTS

A local government may amend its plan at any time during the calendar year. Six copies of the amendment are sent to the Department of Economic Opportunity (DEO) for review. A copy is also sent to the Regional Planning Council, the Water Management District, the Florida Department of Transportation, and the Florida Department of Environmental Protection.

The proposed amendments will be reviewed by DEO in two situations. In the first, there must be a written request to DEO. The request for review must be received within forty-five days after transmittal of the proposed amendment. Reviews can be requested by one of the following:

- the local government that transmits the amendment,
- the regional planning council, or
- an affected person.

In the second situation, DEO can decide to review the proposed amendment without a request. In that case, DEO must give notice within thirty days of transmittal.

Within five working days after deciding to conduct a review, DEO may forward copies to various reviewing agencies, including the Regional Planning Council.

Regional Planning Council Review

The Regional Planning Council must submit its comments in writing within thirty days of receipt of the proposed amendment from DEO. It must specify any objections and may make recommendations for changes. The review of the proposed amendment by the Regional Planning Council must be limited to "effects on regional resources or facilities identified in the Strategic Regional Policy Plan and extra-jurisdictional impacts which would be inconsistent with the comprehensive plan of the affected local government".

After receipt of comments from the Regional Planning Council and other reviewing agencies, DEO has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DEO transmits its written comments to the local government.

NOTE: THE ABOVE IS A SIMPLIFIED VERSION OF THE LAW. REFER TO THE STATUTE (CH. 163, FS) FOR DETAILS.

LEE COUNTY COMPREHENSIVE PLAN AMENDMENT (DEO 17-3ESR)

Summary of Proposed Amendment

Lee County DEO 17-3ESR consists of two amendments:

CPA2016-00006 (Troyer Brothers Map 14): Amend Map 14 to add lands within the Troyer Brothers property to the Future Limerock Mining Overlay and corresponding industrial acreage to Table 1(b).

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.

The total size of the property is 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). 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. The property is zoned agricultural (AG-2) to accommodate agricultural row crops and an agricultural processing facility and the FLU Category is Density Reduction/Groundwater Resource (DR/GR) and wetlands. 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.

Lee Plan Goal 33 and its subsequent Objectives and Policies are based on the July 2008 Dover, Kohl & Partners' Prospects for Southeast Lee County and the July 2009 Dover, Kohl & Partners' Natural Resource Strategies for Southeast Lee County. 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.

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.

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

State Route 82 Improvement Schedule

| Segment | Improvement | Construction Funding Year |
|-----------------------------|------------------|---------------------------|
| 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 |

Although County 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.

Regional Impacts

Since the restoration post-mining is not completed until after the site has been impacted and would not commence until the future, in approximately 2040 or later, a performance bond to pay for the restoration is recommended to guarantee that the site would be restored even if the mining company(s) who undertake the impacts declare bankruptcy or no longer exist before that time.

The proposal extends the Map 14 Mining Overlay further east than any current projects or entitlements for mining. The configuration extends across 5 and one half sections (miles) of land between SR82 and Corkscrew Road blocking the northeast to southwest flowways of this part of the DR/GR and bisecting these northeastern portions of the DR/GR. The application asserts that these flow paths are currently blocked by agricultural ditching and that upon the future completion of the project the flowways would be restored through the remnant mining pit. Given the hydrotropic behaviors of mining pits in southwest Florida it is unlikely the flows will cross across the pit since the pit will form a hydrological low in the surficial aquifer and capture water for some distance around the pit particularly during the dry season. So it is unlikely the proposed flowway restoration will be effective.

The project site is in an area of documented Florida panther use with telemetry points on the site. Other federal and state listed species can be found on the site. We recommend that in addition to the review of federally listed species impacts, a review of impacts to state-listed species should occur. The recommendations of the USFWS and FWC should be implemented with regard to wildlife and listed species. The determination of how the connectivity of the proposed on-site wildlife corridors to wildlife habitats off-site including the need for wildlife underpasses within on the site, on SR 82 and Corkscrew Road should be addressed in coordination with the USFWS and FWC.

Staff finds this project is regionally significant in regards to location. This project is located in the DR/GR which is an ecologically important resource. Staff also finds this project conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

Extra-Jurisdictional Impacts

Council staff has reviewed the requested changes and finds that the requested Comprehensive Plan amendments do not directly produce any significant extra-jurisdictional impacts that would be inconsistent with the Comprehensive Plan of any other local government within the region.

Conclusion

Staff finds this project is regionally significant in regards to location and conditionally consistent with the SRPP given the recommendations above are followed and the results of the applicant's modeling show no adverse impacts on surface and groundwater levels and water quality.

Recommended Action

Approve staff comments. Authorize staff to forward comments to the Department of Economic Opportunity and Lee County.



Florida Department of Transportation

RICK SCOTT
GOVERNOR

10041 Daniels Parkway
Fort Myers, FL 33913

RACHEL D. CONE
INTERIM SECRETARY

May 12, 2017

Brandon Dunn, Principal Planner
Lee County Planning Section
P.O. Box 398
Fort Myers, Florida 33902-0398

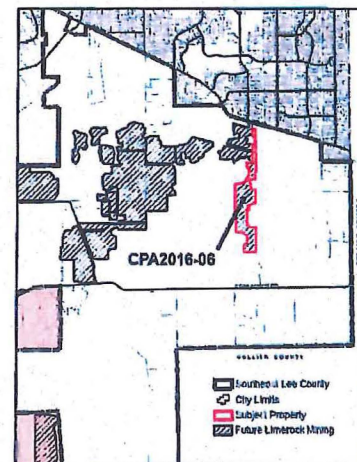
RE: Lee County 17-3ESR Proposed Comprehensive Plan Amendment (Expedited State Review Process) – FDOT Technical Assistance Comments

Dear Mr. Dunn:

The Florida Department of Transportation (FDOT), District One, has reviewed the Lee County 17-3ESR Proposed Comprehensive Plan Map Amendment (CPA). The CPA proposal package was transmitted under the Expedited State Review process by the Lee County Board of County Commissioners in accordance with the requirements of Florida Statutes Chapter 163. FDOT offers the following technical assistance comments.

The Lee County 17-3ESR CPA includes two separate amendments for land within the 1,804± acres Troyer Brothers site, located in Southeast Lee County (about 7 miles to the east of Daniels/Gunnery Road, and on the south side of State Route 82). The CPAs are summarized below:

- CPA2016-00006, Troyer Brothers Map 14: This amendment includes two primary changes, as summarized below:
 - Amend Map 14 (Future Limerock Mining Overlay) to add 907± acres within the Troyer Brothers property to the Future Limerock Mining Overlay; and
 - Add the corresponding 907± acres to Table 1(b) for Year 2030 Allocations under Industrial acreage, within the Southeast Lee County planning area.



Per the staff report, the limerock mining operation will generate 313 trips (passenger-car equivalent trips) in the AM peak hour, 205 trips in the mid-day peak hour, 46 trips in the PM peak hour, and 2,092 daily trips. The staff report also identifies four widening projects along SR 82, which will provide adequate transportation facilities for a Limerock mine at this location. Each

widening project is included in the FDOT Adopted 5-Year Work Program, and are listed in the following table:

| Segment | FM # | Improvement | Construction/ Funding Year |
|--|----------|------------------|-------------------------------|
| SR 82 from CR 884/ Colonial Blvd. to Shawnee Rd. | 425841-1 | Widen to 6 lanes | 2017 |
| SR 82 from Shawnee Rd. to Alabama Rd. | 425841-2 | Widen to 6 lanes | 2022 |
| SR 82 from Alabama Rd. to Homestead Rd. | 425841-3 | Widen to 4 lanes | 2018 |
| SR 82 from Homestead Rd. to County Line | 425841-4 | Widen to 4 lanes | 2018 |

- CPA2016-00010, Troyer Brothers Conservation Lands: Amend the Future Land Use (FLU) Map (Map 1) to redesignate 453± acres within the Troyer Brothers property, from the Density Reduction/Groundwater (DR/GR) and Wetlands FLU designation to Conservation Lands.

Per the staff report and consistent with Lee Plan Policies 1.4.3 (DR/GR) and 1.4.6 (Conservation Lands), the DR/GR FLU category allows residential development up to 10 dwelling units (DUs) per acre totaling 45 residential DUs, while the Conservation Lands FLU category does not allow residential densities. The proposed Conservation Lands FLU areas represent native habitat that will be preserved during the Mine Excavation Planned Development (MEPD) process to allow mining in the adjacent Map 14 Amendment area.

FDOT Technical Assistance Comments, CPA2016-00006:

*The trip generation results included in the Staff Report (page 9 of 18) represent the trip generation from an older Traffic Impact Analysis report. The revised Traffic Impact Analysis, dated February 9, 2017, shows slightly different numbers for the AM and PM peak hours (352 AM and 81 PM peak hour trips). **Please revise the trip generation volumes to reflect the latest Traffic Impact Analysis in the Adoption package, for consistency.***

The proposed changes to add land from the subject property to Map 14 for future mining activities, and the addition of 907± acres allocated to industrial uses in Table 1(b) do not create adverse capacity impacts to State or Strategic Intermodal System (SIS) facilities due to the widening of SR 82 (an Emerging SIS facility) in current and future years. Therefore, FDOT offers no capacity comments on CPA2016-00006. FDOT encourages the property owners to coordinate with District One Permitting/Access Management staff to evaluate the existing driveway permit in terms of the land use change to assure the safe and efficient operation of SR 82 at the connection of SR 82/Troyers Bros Road.

FDOT Technical Assistance Comments, CPA2016-00010:

The proposed FLU Map change from DR/GR to Conservation Lands reduces the development potential on the subject properties making up the 453± acres. Therefore, FDOT offers no comments on CPA2016-00010.

Thank you for providing FDOT with the opportunity to review and comment on the proposed amendment. If you have any questions or need to discuss these comments further, please contact me at (239) 225-1981 or sarah.catala@dot.state.fl.us.

Sincerely,



Sarah Catala
SIS/Growth Management Coordinator
FDOT District One

CC: Mr. Ray Eubanks, Florida Department of Economic Opportunity

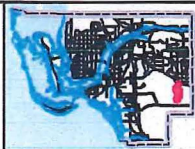
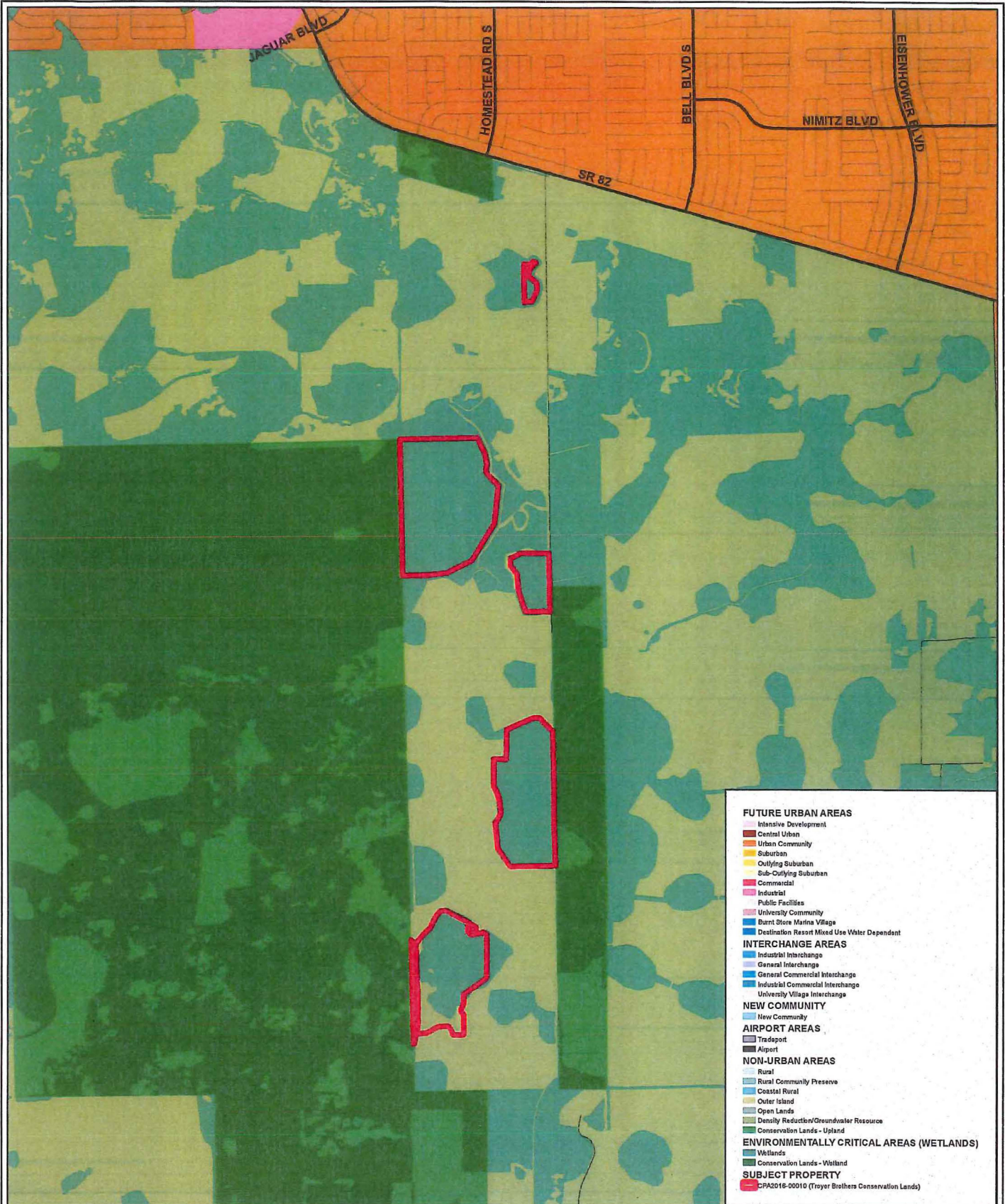
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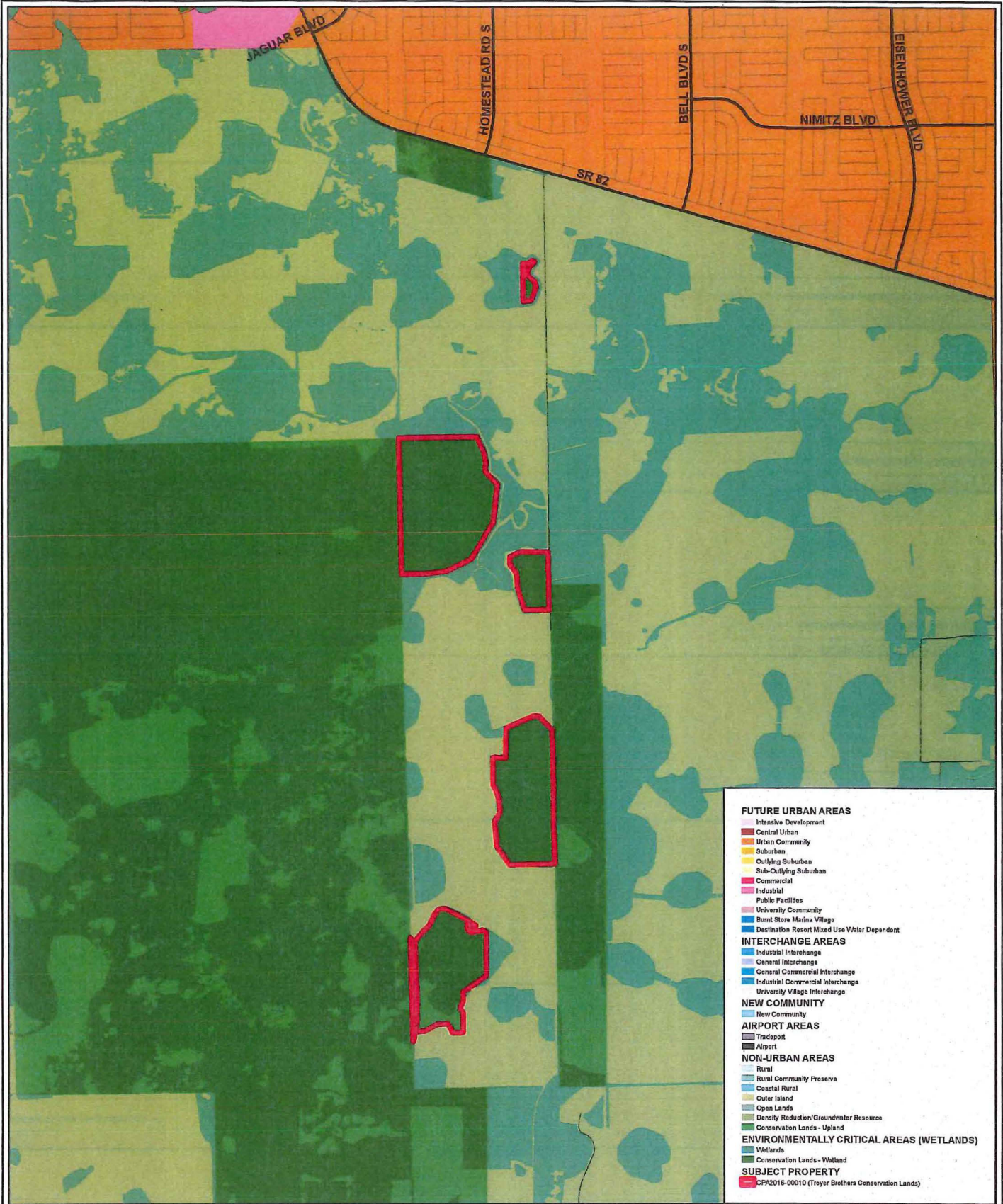
Lee County

DEO 17-3ESR

Growth Management Plan

Comprehensive Plan Amendment





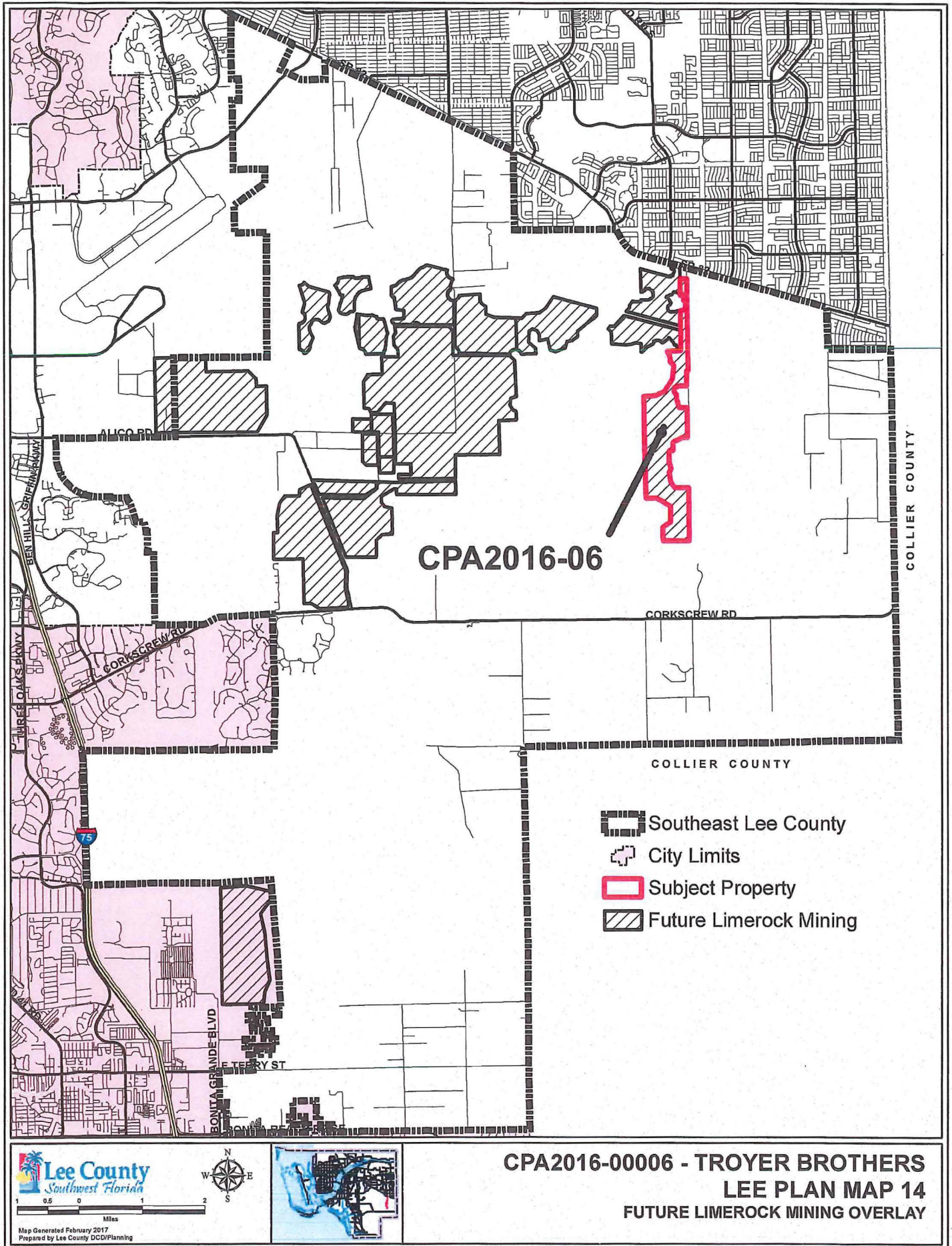


TABLE 1(b)
Year 2030 Allocation
CPA2016-00006

| 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 | | | | | | | | | | | |
| Residential By Future Land Use Category | | | | | | | | | | | | | |
| Intensive Development | 4,376 | 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 | 4,548 | 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 | | | | | | | | | | | | | |
| Unincorporated County Total Residential | 80,955 | 80,955 | 3,464 | 485 | | 4,500 | 1,250 | 29 | 651 | 604 | | 1,284 | 3,204 |
| Commercial | 12,793 | 12,793 | 57 | 52 | | 400 | 50 | 17 | 125 | 150 | | 1,100 | 440 |
| Industrial | 13,801 | 14,708 | 26 | 3 | | 400 | 5 | 26 | | 300 | | 3,100 | 10 |
| Non Regulatory Allocations | | | | | | | | | | | | | |
| Public | 82,313 | 82,313 | 7,100 | 421 | | 2,000 | 7,000 | 20 | 1,961 | 350 | | 7,500 | 2,477 |
| Active AG | 17,827 | 16,120 | 5,100 | | | 550 | 150 | | | | | | 20 |
| Passive AG | 45,585 | 45,585 | 13,549 | | | 2,500 | 109 | | | | | 1,241 | 20 |
| Conservation | 81,933 | 81,933 | 2,214 | 611 | | 1,142 | 3,236 | 133 | 1,603 | 748 | | 2,798 | 1,733 |
| Vacant | 22,841 | 22,841 | 1,953 | | | 226 | 931 | 34 | | 45 | | 300 | 136 |
| Total | 357,248 | 357,248 | 33,463 | 1,572 | | 11,718 | 12,731 | 259 | 4,340 | 2,197 | | 17,323 | 7,967 |
| Population Distribution (unincorporated Lee County) | 495,000 | 495,000 | 5,090 | 1,531 | | 30,861 | 3,270 | 225 | 530 | 5,744 | | 15,115 | 16,375 |

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 | | | | |
| Residential By Future Land Use Category | | | | | | | | | | | | |
| 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 | | | | | | | 15 | 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 | | | | | | | | | | | | |
| Unincorporated County Total Residential | 4,104 | 3,962 | | 5,870 | 3,313 | 20,657 | 4,015 | 4,015 | 10,753 | 3,326 | 3,254 | 6,230 |
| 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 |
| Non Regulatory Allocations | | | | | | | | | | | | |
| 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 |
| Total | 19,355 | 12,978 | | 12,867 | 27,466 | 47,904 | 80,329 | 80,329 | 22,103 | 10,201 | 18,234 | 14,168 |
| Population Distribution (unincorporated Lee County) | 34,538 | 36,963 | | 58,363 | 13,265 | 160,405 | 1,270 | 1,270 | 71,001 | 6,117 | 25,577 | 8,760 |

TO VIEW APPLICANT MATERIALS,
CLICK THE LINKS BELOW:

CPA2016-00006

Part 1 of 2

[Click Here](#)

CPA2016-00006

Part 2 of 2

[Click Here](#)

CPA2016-00010

[Click Here](#)