



**LEE COUNTY**  
SOUTHWEST FLORIDA

**BOARD OF COUNTY COMMISSIONERS**

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September 12, 2001

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Ray Eubank, Community Program Administrator  
Florida Department of Community Affairs  
Division of Community Planning  
Bureau of Local Planning  
2555 Shumard Oak Boulevard  
Tallahassee, FL. 32399-2100

Re: Amendments to the Lee Plan  
Transmittal Submission Package for the 2000/2001 Regular Amendment Cycle

Dear Mr. Eubank:

In accordance with the provisions of F.S. Chapter 163.3184 and of 9J-11.006, this submission package constitutes the transmittal of the proposed 2000/2001 Regular Amendment Cycle to the Lee Plan. The Local Planning Agency held public hearings for these plan amendments on the following dates: January 22, 2001; February 26, 2001; March 26, 2001; April 23, 2001; June 4, 2001, June 25, 2001 and, July 23, 2001. The Board of County Commissioners transmittal hearing for the plan amendments was held on August 29, 2001. Per 9J-11.006(1)(a)(3), Lee County is requesting that the Department review the proposed amendments and provide an Objections, Recommendations, and Comments (ORC) Report. The proposed amendments are not applicable to an area of critical state concern. The Board of County Commissioners has stated its intent to hold an adoption hearing upon receipt of the ORC Report.

A summary of the plan amendment content and effect is attached to this letter. The name, title, address, telephone number, facsimile number, and email address of the person for the local government who is most familiar with the proposed amendments is as follows:

Mr. Paul O'Connor, AICP  
Lee County Planning Division Director  
P.O. Box 398  
Fort Myers, Florida 33902-0398  
(941)479-8585  
Fax (941)479-8319  
Email: oconnops@leegov.com

Included with this package, per 9J-11.006, are six copies of the adopted amendment, and supporting data and analysis. By copy of this letter and its attachments I certify that these amendments have been sent to the Regional Planning Council, the Florida Department of Transportation (FDOT),

P.O. Box 398, Fort Myers, Florida 33902-0398 (941) 335-2111  
Internet address <http://www.lee-county.com>

AN EQUAL OPPORTUNITY AFFIRMATIVE ACTION EMPLOYER

the Department of Environmental Protection, Florida Department of State, Florida Fish and Wildlife Conservation Commission, the Department of Agriculture and Consumer Services, Division of Forestry, and the South Florida Water Management District.

Sincerely,  
**DEPT. OF COMMUNITY DEVELOPMENT**  
**Division of Planning**



Paul O'Connor, AICP  
Director

All documents and reports attendant to this transmittal are also being sent, by copy of this cover, to:

Wayne Daltry  
Executive Director  
Southwest Florida Regional Planning Council

Mike Rippe, District Director  
FDOT District One

Executive Director  
South Florida Water Management District

Plan Review Section  
Department of Environmental Protection

Florida Department of State

Florida Fish and Wildlife Conservation Commission

The Department of Agriculture and Consumer Services, Division of Forestry

## **2000/2001 LEE PLAN AMENDMENT CYCLE**

### **SUMMARY OF PLAN AMENDMENT CONTENT AND EFFECT**

- PAM 98-06** Amends the Future Land Use Map series for a portion of a specified parcel of land located in Section 20, Township 46 South, Range 25 East to change the classification shown on Map 1, the Future Land Use Map, from "Rural" to "Outlying Suburban." Also, amends Lee Plan Policy 1.1.6 and Table 1(a), Note 6.
- PAT 99-14** Amends the Community Facilities and Services Element by modifying Policy 39.1.4 to reflect the current status of Lee County Division of Natural Resources in completing the identified basin studies and providing technical floodplain information and analysis. Given that the identified basin studies have been completed, the amendment proposes that the references to the basin studies be removed from Policy 39.1.4. Policy 39.1.4 has been amended to contain references to the appropriate government agencies that will be assisting Lee County in the development of new floodplain information.
- PAT 99-20** Reevaluates the allocations of Table 1(b), Planning Community Year 2020 Allocations, for consistency with existing and approved developments.
- Amends Map 16, Planning Communities, of the Future Land Use Map series to revise the Planning Community boundaries to reflect the incorporation of Bonita Springs and on going "grass roots" planning efforts.
1. CPA2000-04 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Orange River property. This request was included in PAT 99-20, as part of the analysis for the Fort Myers Planning Community. The specific request of this privately initiated amendment were not transmitted.
  2. CPA2001-01 Amends the Planning Community Year 2020 Allocation Table, Table 1(b), to provide sufficient allocations to accommodate the proposed residential component of the Bonita Beach Road Residential Planned Development. This request was included in PAT 99-20, as part of the analysis for the Bonita Springs Planning Community. The specific request of this privately initiated amendment were not transmitted.
- CPA2000-02** Amends Map 12 of the Future Land Use Map Series to delete the Boca Grande Pass Marina from the Water Dependent Overlay (WDO) zone, and,

amends Goal 15 of the Lee Plan by adding the following Objective and Policy:

**Objective 15.5: Port Facility. The Water Dependent Overlay for South Boca Grande is limited to the Port Facility south of Belcher Road.**

**Policy 15.5.1: The commercial and industrial uses permitted in the Port District (excluding those specific uses approved pursuant to resolutions Z-86-166, Z-93-009, and Z-99-054) are not permitted within that portion of the boundaries of the Boca Bay Community with the zoning designation of Port District.**

**CPA2000-03**

Amends the Future Land Use Map series, Map 1, the Future Land Use Map, to change the Future Land Use designation from Mixed Use Interchange and General Interchange to Outlying Suburban for approximately 152.37 +/- acres of land generally located in the northwest quadrant of the interchange of I-75 and Daniels Parkway. The amendment also deletes Policy 1.3.6, the Mixed Use Interchange descriptor policy, and reclassifies approximately 2 +/- acres that would remain in the Mixed Use Interchange category as General Interchange. Also, amends the Planning Communities Acreage Allocation Table 1(b), for the Daniels Parkway Planning Community, to remove 68 residential acres from the Mixed Use Interchange category and add 68 residential acres to the Outlying Suburban category.

**CPA2000-06**

Amends Map 1 of the Future Land Use Map series for land near Eagle Road, Section 24, Township 43S, Range 23E, from Open Lands to Rural. In addition, the amendment adds a Footnote to Table 1 (a) clarifying an exception to the Rural category for the area limiting the density in this area to 1 du/2.25 acres. Staff believes that the Rural category is a more suitable designation for the site than the Open Lands category given the existing density of residential uses and the character of the area. The area will remain designated as a non-urban area without increases in the allowable commercial and industrial intensities and the request will have a minimal impact on public service providers.

**CPA2000-07**

Amends the Future Land Use Map Series by adding a map delineating an area in Sections 13 and 24, Township 44 South, Range 24 East and Sections 17, 18, 19, and 20 Township 44 South, Range 25 East as an urban infill area. In addition, amends Objective 1.7, Special Treatment Areas, of the Future Land Use Element by adding a new policy describing urban infill areas of the County.

The state of Florida may have money available, for both planning and implementation, for Urban Infill and Redevelopment Grants. The City of Fort Myers Planning staff have identified an area along Martin Luther King Boulevard that has already qualified for a planning grant. The area contains both incorporated and unincorporated properties. The proposed plan

amendment, identifying the area for the planning study, is required in order to qualify for and receive the grant funding. At this time the grant application has been submitted and the City has been approved for the planning grant funding. The Board of County Commissioners, when they co-signed the grant application, committed to a plan amendment that would identify the subject property as an Urban Infill area.

**CPA2000-08**

Amends the Future Land Use Map (FLUM) series, Map 1, to more closely reflect the Town of Fort Myers Beach adopted Future Land Use Map. The categories used in the Fort Myers Beach Future Land Use Map are intended for different purposes than the Lee County Future Land Use categories. The Town's categories are targeted specifically for conditions on Estero Island, whereas the County categories were created for use in the entire County and have to address a broader range of conditions. As such, there are no exact matches between the two. Some Fort Myers Beach Categories such as Boulevard and Pedestrian Commercial have only approximate matches with Lee County FLUM categories.

**CPA2000-09**

Amends the Future Land Use Series, Map 1, by updating the Conservation Lands land use categories to include lands purchased by Lee County with the Conservation 2020 program and one property bought by the State of Florida (TIITF). New language was added to Policy 1.4.6 which states, "2020 lands designated as conservation are also subject to more stringent use provisions of 2020 Program or the 2020 ordinances." The Conservation Lands designation will give the County a competitive edge in obtaining grants, such as the Florida Community Trust, Greenways and Trails grant programs, through demonstrating Lee County's commitment to preserving natural areas as large parcels. The Conservation 2020 Program objective is to put into the public domain private lands that will sustain native plant and animal populations, help protect people and property from flooding, help replenish our underground drinking water supply, it will also help to improve or sustain the water quality of our coastal bays, inlets, and sounds, provide eco-tourism opportunities, and provide local environmentally-oriented recreational and educational opportunities.

**CPA2000-10**

Amends the Future Land Use Element by adding Research and Development as a permitted use under Policy 1.2.2, the Airport Commerce descriptor policy. The Research and Development land use is consistent with the uses that are already permitted in the Airport Commerce land use category. Providing for this use in Airport Commerce allows the County to better use the airport to attract new business in order to promote economic growth and diversification. Research and Development uses would benefit from a location proximate to the airport, the University, and I-75.

**CPA2000-11**

Amends the Future Land Use Element by modifying Policy 6.1.2.6 to clarify that extension of the interstate interchange use is not by right, but is permissive and subject to County review and approval.

Policy 6.1.2.6 states that “any contiguous property under one ownership **may** be developed as part of the interstate interchange...” This language does not guarantee that the interchange uses will be extended, nor does it state that the expansion of interchange uses is a choice made solely by the developer. The policy provides that certain criteria must be met in order to qualify for the expansion of the interchange, and once those criteria have been met, then the County has the ability to decide whether or not to allow it. The decision of whether or not to allow an interchange to be expanded should be made at the full discretion of the Board of County Commissioners given the potential impacts to the surrounding existing and future land uses. The existing language of Policy 6.1.2.6 does not make it clear enough that the County has full discretion over the expansion of the interchange uses. Staff has proposed amended language to the policy to help clarify this issue.

**CPA2000-13**

Amends the future Land Use Element by adding a policy to Goal 16, Private Recreational Facilities in the DR/GR, specifying minimum indigenous preserve area requirements. The purpose of the 200 acre indigenous preservation requirement for golf courses within the DR/GR is to protect water recharge, stormwater storage, and wildlife habitat. The criteria for achieving the indigenous preservation within these DR/GR developments should be stricter than areas within other Land Use Categories due to the sensitivity and importance of these lands to the general public. Policy 16.8 does not currently contain all the pertinent information for establishing minimum indigenous preservation criteria. It is important to amend Policy 16.8.12(2) of the Lee Plan to include minimum standards for indigenous preservation areas to insure the intent of the design criteria under Goal 16 is achieved.

**CPA2000-14**

Amends the Future Land Use Element by modifying Policy 16.3.9 to clarify the maintenance area intensity limitations. Policy 16.3.9 is ambiguous in its limitation on golf course maintenance areas. The 25,000 square feet per 18 hole regulation was intended to apply to the area of the maintenance building. Staff’s examination of the regulation, however, reveals that the limitation needs to be expanded to also include an acreage limitation that can accommodate other maintenance functions that may fall outside the primary maintenance building. The combination of the two limitations would prevent future confusion over the intent of the policy.

**CPA2000-15**

Amends the Future Land Use Element by modifying Policy 16.3.8.3 to clarify the setbacks from adjacent existing and planned residential uses. The LDC clearly states that the setback from golf course maintenance facilities to residential uses is measured from the edge of the “development area” to the residential property line. The proposed amendment to Lee Plan policy 16.3.8.3 is a reflection of the existing LDC regulation.

Certain vacant parcels in the DR/GR may be considered potential residential properties based on the property’s size, use, the zoning of surrounding

properties, the size of surrounding properties, and the ownership patterns in the area.

Golf course maintenance facilities present a negative visual appearance to the public when located immediately adjacent to public rights-of-way. The visual appearance along public roadways is a legitimate public interest. Additional standards for golf course maintenance areas are needed so that the public is not subjected to the negative visual impact that is brought about by these facilities. This impact should be kept internal to the development.

**CPA2000-17**

Amends the Future Land Use Element by removing Goal 13, Bonita Springs, and relocates policies which should continue to apply to the remaining unincorporated areas of Bonita Springs. The amendment evaluates the affect of the incorporation of the City of Bonita Springs and the provisions of Lee Plan Goal 13. The amendment proposes to delete from the Lee Plan those provisions in Goal 13 that will be responsibility of the City of Bonita Springs. The provisions of Goal 13 that do apply to the areas in south Lee County outside of the city limits are proposed to be retained and relocated. The amendment also adds a map, Map 13, depicting an irrigation well overlay to the Future Land Use Map series.

**CPA2000-19**

Amends the Lee Plan, text and Future Land Use Map series, to incorporate the recommendations of the Estero Community Planning Effort, establishing a Goal and subsequent Objectives and Policies specific to the Estero Community. The proposed goals, objectives, and policies are the result of a year long planning process. They directly reflect the vision that the Estero Community has for its future growth and development. Staff believes that this amendment should be viewed as a first step in a continuous process that addresses planning needs in Estero. Many issues have been addressed through this amendment, but there are others, such as those policies (or portions thereof) that staff has recommended for deletion, that will require more consideration in the future. The initial establishment of Goal 19 of the Lee Plan is the important first step that will open the door to address other land use planning issues in Estero as they arise. The Community identified a desire to maintain a "small town" feel and avoid high-rise residential uses while protecting existing neighborhoods from encroachment of potentially incompatible uses. The community has a desire to limit "tourist oriented uses," certain "detrimental uses," and high intensity uses along specific corridors. At the same time, the community expressed a desire for small-scale neighborhood commercial development.

**CPA2000-21**

This is a general update of the transportation element. The changes include a modification of Policy 22.1.4 to update the references to particular versions of the Highway Capacity Manual and the FDOT Level of Service Manual, a modification of Policy 26.1.3 to distinguish between traffic control devices and plans, an expansion of Goal 27 to include operations and maintenance among the aspects of transportation improvements that require coordination

with other governmental entities, addition of the new City of Bonita Springs to the list of cities in which the County declares a position of interest on land use decisions in Policy 27.1.3, and update of Policy 21.1.1 and the transportation map series to reflect the most recent MPO 2020 highway and transit plans.

**CPA2000-22**

Amends the Conservation and Coastal Management Element by adding a policy under Goal 78, Policy 78.1.6, stating that Lee County encourages the efforts of the South Florida Water Management District in establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River. The South Florida Water Management District, the delegating entity over Southwest Florida's waterways, is establishing a Caloosahatchee Water Management Plan for the Caloosahatchee River through the participation of several studies and plans. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan supporting the effort.

**CPA2000-23**

Amends the Conservation and Coastal Management Element by adding a Policy under Goal 78, Policy 78.2.2, stating the County will review the Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed by the year 2002. The Charlotte Harbor National Estuary Program has issued a draft Comprehensive Conservation and Management Plan for the Greater Charlotte Harbor Watershed. Natural Resource staff and Planning staff recommend adding the proposed Policy to the Conservation and Coastal Management element of the Lee Plan stating the County will review the plan in order to identify goals, objectives and policies relating to the recommendations of the drafted plan.

**CPA2000-25**

Amends the Parks, Recreation and Open Space Element by adding a new Objective and/or policies to Goal 52, Development Requirements, clarifying the purpose of open space in non-residential projects. The purpose of open space in a development is to provide pervious land area to achieve appropriate buffering, visual relief, landscaping, surface water treatment, and preservation of existing native trees and plant communities. Open space in non-residential developments serves these functions as it does in residential developments. Goal 52 of the Lee Plan currently does not treat all types of open space equally, addressing only residential open space. In addition, a new objective is proposed to require innovative open space design at the time of zoning review. This is consistent with other provisions of the Lee Plan and with the LDC. The purpose of the open space design is to assess the natural features of the site early in the development process, thereby incorporating the existing native vegetation in a manner that provides visual relief and buffers adjacent uses. Goal 52 of the Lee Plan should be modified to recognize the importance of open space and innovative design that incorporates natural features within developments.



- CPA2000-26** Prior changes to the Transportation Element of the Lee Plan eliminated references to "backlogged" roads because they had all been addressed in one fashion or another, and clarified some references related to "constrained" roads. These changes were not reflected in the Capital Improvements Element, where Policy 70.1.3 still includes "backlogged" and "constrained" roads references that are now inconsistent with language in the Transportation Element. The amendment eliminates the "backlogged" roads reference and updates the "constrained" roads reference in Policy 70.1.3.
- CPA2000-27** Amends the Capital Improvements Element (Tables 3 & 4) to reflect the latest adopted Capital Improvement Program. Lee Plan Policy 70.1.1 requires a Capital Improvements Program to be prepared and adopted on an annual basis. Florida Statute 163.3177(3)(b) requires that the Capital Improvements Element of the comprehensive plan be amended annually to reflect the modifications of the adopted Capital Improvement Program (CIP). This amendment incorporates the most recently adopted CIP in the Capital Improvements Element.
- CPA2000-29** Adds a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, amends the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, where applicable, clarifying that natural resources other than minerals are subject to Goal 10 requirements. Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials. It should be ensured that all mined materials, organic and inorganic, are included under the language of Goal 10. The improved term, "Natural Resource Extraction," should be placed in the Lee Plan Glossary to support the new term.
- CPA2000-31** Amends Policy 1.7.1, Airport Noise Zones, of the Future Land Use Element by removing language pertaining to the dedication of noise and aviation easements to Lee County within noise zones 2 and 3. Also amends the Lee Plan by deleting Policy 32.2.6. pertaining to the Aviation Easements Program. In addition, amends the Lee Plan Glossary by removing the definition of the term aviation easement as it will no longer apply in the Lee Plan. The proposed amendment has no effect on existing or future land uses.

**CPA2000-29  
BoCC SPONSORED  
AMENDMENT  
TO THE**

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LEE COUNTY COMPREHENSIVE PLAN

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**THE LEE PLAN**

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DCA Transmittal Document

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*Lee County Planning Division  
1500 Monroe Street  
P.O. Box 398  
Fort Myers, FL 33902-0398  
(941) 479-8585*

**August 29, 2001**

**LEE COUNTY  
DIVISION OF PLANNING  
STAFF REPORT FOR  
COMPREHENSIVE PLAN AMENDMENT  
CPA2000-29**

☒

**Text Amendment**

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**Map Amendment**

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

STAFF REPORT PREPARATION DATE: February 19, 2001

**PART I - BACKGROUND AND STAFF RECOMMENDATION**

**A. SUMMARY OF APPLICATION**

**1. APPLICANT:**

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

**2. REQUEST:**

Evaluate adding a definition for the term "Natural Resource Extraction" to the Lee Plan Glossary. In addition, amend the Future Land Use Element by adding the term "Natural Resource Extraction" to Goal 10 and its Objectives and Policies, where applicable, clarifying that natural resources other than minerals are subject to Goal 10 requirements.

**B. STAFF RECOMMENDATION AND FINDINGS OF FACT SUMMARY:**

**1. RECOMMENDATION:** Planning staff recommends that the Board of County Commissioners transmit the proposed amendment as provided under Part III.B., the Revised Staff Analysis & Recommended Language portion of this report.

## 2. BASIS AND RECOMMENDED FINDINGS OF FACT:

- A broader term for mineral extraction is needed to clarify that natural resources other than minerals are subject to Goal 10 requirements.
- Principal resources sought in Lee County are sand, gravel, limestone, oil and gas which include both organic and inorganic materials.
- It should be ensured that all mined materials, organic and inorganic, are included under the language of Goal 10.
- The improved term, "Natural Resource Extraction," should be placed in the Lee Plan Glossary to support the new term.

### C. BACKGROUND INFORMATION

This amendment was initiated by the Board of County Commissioners on September 19, 2000. The amendment stems from a suggested improvement to the Lee Plan by an LPA member. This issue was brought up during a public hearing in which the upcoming amendment cycle was being discussed and suggestions taken. The proposal was for staff to evaluate Goal 10, Mineral Extraction, and its references to limerock. This member of the LPA noted that technically limerock is not a mineral, but is an organic material and suggested adding improved language such as a definition for natural resource extraction.

## PART II - STAFF ANALYSIS

### A. STAFF DISCUSSION

Goal 10 and its Objective and Policies address the extractive industry in Lee County and provides for the protection of natural resources, such as mineral resources, while limiting the potential adverse effects associated with the extraction of such resources. Goal 10, Objective 10.1, and the policies that follow are reproduced below:

**GOAL 10: MINERAL EXTRACTION.** *To protect areas containing identified mineral resources from incompatible urban development, while insuring that extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources.*

**OBJECTIVE 10.1:** *Designate through the rezoning process sufficient lands suitable for providing fill material and limerock to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30)*

**POLICY 10.1.1:** *Mineral extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts.*

**POLICY 10.1.2:** *Applications for mineral extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22)*



**POLICY 10.1.3:** *Applications for mineral extraction permits for new or expanding sites must include a reclamation plan which provides assurance of implementation. Reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation. (Amended by Ordinance No. 00-22)*

**POLICY 10.1.4:** *Mineral extraction activities (and industrial uses which are ancillary to mineral extraction) may be permitted in areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 10.1.5:** *Lee County will support efforts by government, community leaders, and the rock mining industry owners and businesses to seek incentives that will help to facilitate the connection of rock mining borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, provide for human recreation, educational and other appropriate uses, and/or strengthen community environmental benefits. (Added by Ordinance No. 99-15)*

The Goal provides specific language for the protection of mineral resources, the protection of surrounding land uses, reclamation, the prevention of the degradation of environmental resources and existing infrastructure, and provides language on the enhancement of the environment as an end result of extraction activities. The principal resources sought in Lee County, pertaining to the extraction industry, are sand, gravel, limestone, oil, and gas. These resources include both organic and inorganic materials according to the following two definitions of “mineral” and “limestone” taken from the Dictionary of Natural Resource Management (1996):

**MINERAL** *A non-technical word more specifically defined by legislation, usually involving one or more of the following: (1) a scientifically recognized inorganic material; (2) a material classified commercially as a mineral; (3) a material derived from the earth that possesses economic value and utility aside from the agricultural purposes of the land surface itself.*

*Minerals include sand, gravel (common minerals), precious or semi-precious stones, coal, petroleum resources, and natural gas, even though the latter three are not inorganic. Some definitions limit the term to inorganic materials having a distinct chemical composition, characteristic crystalline structure, colour, and hardness.*

**LIMESTONE** *A sedimentary rock consisting mainly (greater than 50 per cent) of calcium carbonate, typically as calcite. Limestone is formed by a combination of organic and inorganic processes and includes chemical and clastic (soluble and insoluble) constituents. Many forms of limestone contain fossils.*

Staff has evaluated Goal 10 and its Objectives and Policies, where applicable, and concur that a broader term for mineral extraction is needed to clarify that natural resources other than minerals are subject to Goal 10 requirements. Staff has evaluated the term *natural resource extraction* and also concurs that this would be the best term to ensure the inclusion of all materials, organic and inorganic, sought by the extractive industry. Throughout the language under Goal 10, mineral extraction, limerock, and rock mining are referenced.

Mining and fill dirt operations are required elements in a well balanced economy. Such operations provide fill allowing development to occur and provide raw materials for many other products. The proposed amendment will correct and bring all of the resources intended to be regulated under the Goal under unified terminology. Staff is proposing to add a definition of *natural resource extraction* to the Lee Plan Glossary.

In addition to the broader term and Glossary definition, staff is recommending that the term rock mining industry in Policy 10.1.5 be replaced with the term extractive industry. This will allow the language of the policy to include all types of mining. Staff is also recommending that Policy 1.1.7, Policy 1.4.5, and Policy 9.1.4 of the Future Land Use Element, which include references to mineral extraction, be amended to include the proposed term *natural resource extraction*.

## **B. CONCLUSIONS**

Goal 10 and its Objectives and Policies give specific language in regards to extraction requirements yet refers only to mineral extraction. In light of the fact that limerock is a major resource found within the County but would not technically fall under the term "mineral" due to its organic properties, staff is proposing that the term *natural resource extraction* be adopted to replace the references to mineral extraction. Staff also proposes a definition in the Lee Plan Glossary to support the new term and also proposes the replacement of references to mineral extraction in Policy 1.1.7, Policy 1.4.5, and Policy 9.1.4 of the Future Land Use Element.

## **C. STAFF RECOMMENDATION**

Planning staff recommends that the Board of County Commissioners transmit the proposed plan amendment. The proposed language is as follows.

**GOAL 10: ~~MINERAL~~ NATURAL RESOURCE EXTRACTION.** To protect areas containing identified ~~mineral~~ natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources.

**OBJECTIVE 10.1:** Designate through the rezoning process sufficient lands suitable for providing fill material, and limerock, and other natural resource extraction materials to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30)

**POLICY 10.1.1:** ~~Mineral~~ Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts.

**POLICY 10.1.2:** Applications for ~~mineral~~ natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22)

**POLICY 10.1.3:** Applications for ~~mineral~~ natural resource extraction permits for new or expanding sites must include a reclamation plan which provides assurance of implementation. Reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation. (Amended by Ordinance No. 00-22)



**POLICY 10.1.4:** ~~Mineral~~ Natural resource extraction activities (and industrial uses which are ancillary to ~~mineral~~ natural resource extraction) may be permitted in areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 10.1.5:** Lee County will support efforts by government, community leaders, and the ~~rock mining~~ extractive industry owners and businesses to seek incentives that will help to facilitate the connection of ~~rock mining~~ natural resource extraction borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, provide for human recreation, educational and other appropriate uses, and/or strengthen community environmental benefits. (Added by Ordinance No. 99-15)

**OBJECTIVE 10.2:** Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents of its Future Urban Areas. (Added by Ordinance No. 98-09)

**POLICY 10.2.1:** By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil-related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

***Glossary Term:***

**NATURAL RESOURCE EXTRACTION** - The act of extracting, through various techniques, renewable and non-renewable resources in their natural state on or below the surface of the earth.

***Additional Policies:***

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New ~~mineral~~ natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map

16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15)

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, ~~mineral or limestone~~ natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas. (Amended by Ordinance 91-19, 94-30, 99-16)

**POLICY 9.1.4:** Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new ~~mineral~~ natural resource extraction operations, recreational uses, and residential developments. (Amended by Ordinance No. 94-30)



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

DATE OF PUBLIC HEARING: February 26, 2001

#### **A. LOCAL PLANNING AGENCY REVIEW**

Staff presented this amendment before the LPA on February 26, 2001. After some discussion the LPA voted to continue the amendment. One member of the LPA asked for examples of materials that would fall under the definition. Staff noted that sand, gravel, limestone, oil, and gas are some of the most sought out resources in the county. Another member noted there are other materials sought after and suggested staff add language to the glossary term providing examples but not limiting the term to only these materials. Another member of the LPA noted that the glossary term should not be defined with the same words used within the term (extraction) and suggested this be changed. Another member of the LPA questioned if water had been given proper consideration with the proposed changes, due to the fact that water is also a natural resource. A motion was called and carried to continue the amendment until water can be reviewed and given adequate consideration under the context of the proposed amendment.

#### **B. REVISED STAFF ANALYSIS & RECOMMENDED LANGUAGE**

Staff has evaluated the concerns of the LPA and offer the revised language provided below. In order to address the word *extraction* within the proposed glossary term staff has replaced it with the word *removing*. According to Black's Law Dictionary the word *removal* is defined as follows:

*Removal - In a broad sense, the transfer of a person, thing, or case from one place to another.*

In this case the word would be relating to the transfer of a thing, a natural resource, from one place to another. Staff finds that the word *removing* would be a clear and concise word to be included in the glossary term, replacing the word *extraction*.

Staff has also reviewed water under the context of the amendment. There are sufficient safeguards contained within the Lee Plan, the County's plan amendment application, and the Land Development Code in addition to South Florida Water Management District rules protecting and regulating water supply. In addition, after discussions with Lee County Natural Resource staff, it is commonly perceived that the removal of water is considered in conjunction with the term *withdrawal*, rather than the term *extraction*.

#### **Lee Plan**

The Lee Plan provides language addressing critical areas for future water supply, the protection of such critical areas, the staff appointed for reviewing proposed development near public utility wellfields, coordination with and criteria set forth by the SFWMD, identifying water pollutant sources, identifying water needs, inspections, the wellfield protection ordinance, and avoidance of premature urbanization. Following are the Goals, Objectives, and Policies from the Future Land Use, Community Facilities and Services, Conservation and Coastal Management, and Housing elements of the Lee Plan which provide the language noted above:

***POLICY 2.4.2:** All proposed changes to the Future Land Use Map in critical areas for future potable water supply (Bonita Springs as described in Policy 13.2.2; Lehigh Acres as described in Policy 34.1.9; and all land in the Density Reduction/ Groundwater Resource land use category) will be subject to a special review by the staff of Lee County. This review will analyze the proposed land uses to determine the short-term and long-term availability of irrigation and domestic water sources, and will assess whether the proposed land uses would cause any significant*

impact on present or future water resources. If the Board of County Commissioners wishes to approve any such changes to the Future Land Use Map, it must make a formal finding that no significant impacts on present or future water resources will result from the change. (Amended by Ordinance No. 92-47) (Amended by Ordinance No. 94-30, 00-22)

**POLICY 2.4.3:** Future Land Use Map Amendments to the existing DR/GR areas south of SR 82 east of I-75, excluding areas designated by the Port Authority as needed for airport expansion, which increase the current allowable density or intensity of land use will be discouraged by the county. It is Lee County's policy not to approve further urban designations there for the same reasons that supported its 1990 decision to establish this category. In addition to satisfying the requirements in 163 Part II Florida Statutes, Rule 9J-5 of the Florida Administrative Code, the Strategic Regional Policy Plan, the State Comprehensive Plan, and all of the criteria in the Lee Plan, applicants seeking such an amendment must:

1. analyze the proposed allowable land uses to determine the availability of irrigation and domestic water sources; and,
2. identify potential irrigation and domestic water sources, consistent with the Regional Water Supply Plan. Since regional water suppliers cannot obtain permits consistent with the planning time frame of the Lee Plan, water sources do not have to be currently permitted and available, but they must be reasonably capable of being permitted; and,
3. present data and analysis that the proposed land uses will not cause any significant harm to present and future public water resources; and,
4. supply data and analysis specifically addressing the urban sprawl criteria listed in Rule 9J-5.006(5) (g), (h), (i) and (j), FAC.

During the transmittal and adoption process, the Board of County Commissioners must review the application for all these analytical requirements and make a finding that the amendment complies with all of them. (Added by Ordinance No. 97-05)

**POLICY 13.2.2: IRRIGATION WELLS.** Bonita Springs (as defined in this plan) is hereby declared a critical area for future potable water supply, based on evidence that withdrawals from the main potable aquifer, the lower Tamiami aquifer, are approaching or exceeding the maximum safe yield. In response to this designation, the county will maintain current regulations to provide that new irrigation well permits in Bonita Springs may not utilize the main potable water source. (Also see Policy 34.1.9 for new permit requirements for wells in Lehigh Acres, and Policy 2.4.2 for special requirements for amendments to the Future Land Use Map.) (Amended by Ordinance No. 94-30, 00-22)

**POLICY 16.4.8:** If a proposed Private Recreation Facilities falls within an area identified as anticipated drawdown zone for existing or future public well development, the project must utilize an alternative water supply such as reuse or withdrawal from a different non-competing aquifer or show that adequate supply is available in excess of that being used for planned public water supply development. (Added by Ordinance No. 99-16)

**POLICY 35.1.2:** The Lee County Regional Water Supply Authority will plan and coordinate with all member governments in the development of comprehensive plans as they relate to wellfield protection, aquifer recharge, water supply, and related capital facilities. (Added by Ordinance No. 00-22)

**POLICY 35.1.3:** The Lee County Regional Water Supply Authority will perform groundwater modeling and analysis for new development, as requested by the member governments, to assess the potential impact on the water resources of member governments. The analysis will focus on the following issues:

- Adequacy of water supply, including groundwater level draw-down
- Avoidance of adverse impacts on natural systems from water supply withdrawals.

(Added by Ordinance No. 00-22)

## *e. Groundwater Recharge*

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**GOAL 43: GROUNDWATER.** *To protect the county's groundwater supplies from those activities having the potential for depleting or degrading those supplies.*

**OBJECTIVE 43.1: WELLFIELD PROTECTION.** *The county will maintain a wellfield protection ordinance to provide regulations protecting the quality of water flowing into potable water wellfields. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 43.1.1:** *The wellfield protection ordinance will be amended whenever better technical data is developed and whenever additional potable wellfields are proposed. (Amended by Ordinance No. 00-22)*

**POLICY 43.1.2:** *The staff hydrogeologist will review and comment on all development applications near public utility potable water wellfields, with particular attention to proposed land uses within a 10-year travel time from the wellheads. (Amended by Ordinance No. 00-22)*

**OBJECTIVE 43.2: POTABLE GROUNDWATER.** *Base all future development and use of groundwater resources on determinations of the safe yield of the aquifer system(s) in order not to impair the native groundwater quality or create other environmental damage. Criteria for safe-yield determinations will be determined by the SFWMD, the agency charged with permitting these activities. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 43.2.1:** *For maximum protection of groundwater resources, identify future wellfields and/or relocation site(s) for existing wellfields well in advance of need. Coordinate with SFWMD, other water suppliers, and DEP to avoid duplication and to assist in data collection and interchange. (Amended by Ordinance No. 94-30)*

**POLICY 43.2.2:** *Institute a program to identify sources of groundwater pollutants in Lee County and to map these (point and non-point) on a county-wide basis.*

**POLICY 43.2.3:** *Identify water needs consistent with projections of human population and the needs of natural systems in order to determine the future demands for groundwater. (Amended by Ordinance No. 94-30)*

**POLICY 43.2.4:** *Expand current programs to identify and map the contamination potential of groundwater resources for those areas of Lee County not currently under public ownership.*

**POLICY 43.2.5:** *Lee County, in cooperation with other agencies and the municipalities, will budget to maintain its current program of plugging non- valved, abandoned, or improperly-cased artesian wells so that at least seventy-five of these wells are plugged each year until such wells are eliminated. (Amended by Ordinance No. 94-30, 00-22)*

**POLICY 85.1.7:** *Valid permits and inspection shall be required prior and subsequent to drilling operations for wells, elevator shafts, foundation holes, and test borings.*

**POLICY 85.1.8:** *The county shall continue its program of plugging improperly constructed wells which are detrimental to groundwater resources. (Amended by Ordinance No. 94-30)*

**POLICY 100.9.7:** *The county shall coordinate residential development within urban areas to coincide with existing or planned and programmed services and facilities so as to avoid premature or non-contiguous urbanization and the use of septic tanks and private wells for potable water within developed urban areas.*

### **Plan Amendment Application**

Lee County's application for a comprehensive plan amendment requests various forms of support documentation under Part IV of the application. Section F of Part IV provides for additional requirements for specific amendments. Under this section #3 requires requests involving lands in critical areas be evaluated based on Policy 2.4.2. Part IV.F.3. is reproduced below:

*3. Requests involving lands in critical areas for future water supply must be evaluated based on policy 2.4.2.*

### **Wellfield Protection Ordinance**

The wellfield protection ordinance (Ordinance No. 95-01) was adopted by the Lee County Board of County Commissioners in 1995 and is located under Article III, Section 14-201 through 14-258 of the Land Development Code. The intent of the article, under Section 14-202(b), is reproduced below:

*b) The intent of this article is further to safeguard the public health, safety and welfare of the residents of the county by providing criteria for the regulation of activities which may allow the entrance of brackish water into identified protection zones surrounding existing wellfields, and prohibiting or regulating hazardous or toxic substances within identified protection zones surrounding such wellfields, thereby protecting existing public potable water supply wells from contamination. The provisions of this article apply only to the unincorporated areas of the county.*

The article establishes and defines four types of wellfield protection zones and adopts protection zone maps. Under Section 14-214, titled *prohibited and regulated activities within protection zones*, earth mining within a 500-foot radius of an existing wellhead is prohibited. Also under this section of the article all protection zones, 1 through 4, are regulated that any stormwater or surface water discharge within the zones will conform to existing South Florida Water Management District and State Department of Environmental Protection rules.

Staff has reviewed and evaluated the natural resource water under the context of the proposed amendment and has determined that there is significant documentation regarding the protection and regulation of this natural resource. All of the County's regulating documents discussed above in addition to the South Florida Water Management Districts regulations, provide standards and prohibitions on the withdrawal of groundwater and the impacts of development and activities on the County's water resources. Staff has concluded that although water is a natural resource the proposed glossary term should exclude this natural resource due to the fact that it is adequately addressed through other regulations and the fact that Goal 10 and its Objectives and Policies primarily concentrate on the extraction of materials, rather than the withdrawal of groundwater.

The revised language to the Glossary term is as follows. No other changes have been made to the initial proposal also shown below. New changes to the proposed term are shown in strike through and double underlining.

### ***Glossary Term:***

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



**GOAL 10: ~~MINERAL~~ NATURAL RESOURCE EXTRACTION.** To protect areas containing identified ~~mineral~~ natural resources from incompatible urban development, while insuring that natural resource extraction operations minimize or eliminate adverse effects on surrounding land use and natural resources.

**OBJECTIVE 10.1:** Designate through the rezoning process sufficient lands suitable for providing fill material, ~~and~~ limerock, and other natural resource extraction materials to meet the county's needs and to export to other communities, while providing adequate protection for the county's natural resources. (Amended by Ordinance No. 94-30)

**POLICY 10.1.1:** ~~Mineral~~ Natural resource extraction operations intending to withdraw groundwater for any purpose must provide a monitoring system to measure groundwater impacts.

**POLICY 10.1.2:** Applications for ~~mineral~~ natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. (Amended by Ordinance No. 00-22)

**POLICY 10.1.3:** Applications for ~~mineral~~ natural resource extraction permits for new or expanding sites must include a reclamation plan which provides assurance of implementation. Reclamation plans in or near important groundwater resource areas must be designed to minimize the possibility of contamination of the groundwater during mining and after completion of the reclamation. (Amended by Ordinance No. 00-22)

**POLICY 10.1.4:** ~~Mineral~~ Natural resource extraction activities (and industrial uses which are ancillary to ~~mineral~~ natural resource extraction) may be permitted in areas indicated on the Future Land Use Map as Rural, Open Lands, and Density Reduction/Groundwater Resources, provided they have adequate fire protection, transportation facilities, wastewater treatment and water supply, and provided further that they have no significant adverse effects such as dust and noise on surrounding land uses and natural resources. In order to reduce transport costs and minimize wear on the county's roadways, the extraction and transport of fill material may also be permitted as an interim use in the Future Urban Areas provided that the above requirements are met; however, special restrictions may also be applied to protect other land uses. These determinations will be made during the rezoning process. (Amended by Ordinance No. 94-30, 00-22)

**POLICY 10.1.5:** Lee County will support efforts by government, community leaders, and the ~~rock mining~~ extractive industry owners and businesses to seek incentives that will help to facilitate the connection of ~~rock mining~~ natural resource extraction borrow lake excavations into a system of interconnected lakes and flowways that will enhance wildlife habitat values, provide for human recreation, educational and other appropriate uses, and/or strengthen community environmental benefits. (Added by Ordinance No. 99-15)

**OBJECTIVE 10.2:** Determine and maintain a balance between the County's petroleum resources and the health, safety and welfare of the residents of its Future Urban Areas. (Added by Ordinance No. 98-09)

**POLICY 10.2.1:** By 2000, the county will conduct a study to determine the appropriateness of oil exploration, drilling, or production. The study will address the issues of the compatibility of oil-related activities with the environment and urban uses. This study will include recommendations regarding the appropriateness of such activities within Lee County as well as guidelines under which such activities should be regulated under the Lee County Land Development Code. (Added by Ordinance No. 98-09, Amended by Ordinance No. 00-22)

### *Additional Policies:*

**POLICY 1.1.7:** The Industrial Development areas play an important role in strengthening the county's economic base and will become increasingly important as the county grows in size and urban complexity. To a great extent these are the areas to which Lee County must look for expanded job opportunities, investments and production opportunities, and a balanced and sufficient tax base. These areas have special locational requirements that are more stringent than those for residential areas, including transportation needs (e.g., air, rail, highway); industrial levels of water, sewer, fire protection, and other urban services; and locations that are convenient for employees to reach. Whereas the other Future Urban Areas will include a broad combination of residential, commercial, public, and limited industrial land uses, the Industrial Development area is to be reserved mainly for industrial activities per se, as well as for selective land use mixtures such as the combined uses of industrial, manufacturing, research, properly buffered recreational uses (except where precluded by airport hazard zone regulations), and office complexes (if specifically related to adjoining industrial uses) that constitute a growing part of Florida's economic development sector. New ~~mineral~~ natural resource extraction (mining) activities and fill dirt operations must be approved through the Industrial Planned Development rezoning process. Retail or wholesale of products manufactured or processed upon the premises may be allowed at a ratio of 1 square foot of commercial uses to 10 square feet of industrial use in association with a Planned Development. Ancillary minor retail commercial uses intended to support the surrounding industrial land uses may not exceed 30,000 square feet per development; and, at buildout, may not exceed more than ten percent (10%) of the total acreage of the lands designated as Industrial Development areas in each community outlined in Map 16. Residential uses, other than bona fide caretaker residences, are not permitted in this category except to the extent provided in Chapter XIII of the Plan. (Amended by Ordinance No. 94-30, 98-09, 99-15)

**POLICY 1.4.5:** The Density Reduction/Groundwater Resource (DR/GR) areas include upland areas that provide substantial recharge to aquifers most suitable for future wellfield development. These areas also are the most favorable locations for physical withdrawal of water from those aquifers. Only minimal public facilities exist or are programmed. Land uses in these areas must be compatible with maintaining surface and groundwater levels at their historic levels. Permitted land uses include agriculture, ~~mineral or limestone~~ natural resource extraction and related facilities, conservation uses, publicly-owned gun range facilities, private recreation facilities, and residential uses at a maximum density of one dwelling unit per ten acres (1 du/10 acres). Individual residential parcels may contain up to two acres of Wetlands without losing the right to have a dwelling unit, provided that no alterations are made to those wetland areas. (Amended by Ordinance 91-19, 94-30, 99-16)

**POLICY 9.1.4:** Protect agricultural activities on lands designated as Agricultural on the agricultural overlay from the impacts of new ~~mineral~~ natural resource extraction operations, recreational uses, and residential developments. (Amended by Ordinance No. 94-30)

**LOCAL PLANNING AGENCY  
REVIEW AND RECOMMENDATION**

DATE OF PUBLIC HEARING: March 26, 2001

**C. LOCAL PLANNING AGENCY REVIEW**

Staff presented this amendment before the LPA on March 26, 2001. Staff clarified the changes made to the proposed language since it had been presented before the LPA in February. The LPA provided no discussion concerning the proposed amendment.

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

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

**E. VOTE:**

NOEL ANDRESS	<u>AYE</u>
SUSAN BROOKMAN	<u>AYE</u>
BARRY ERNST	<u>AYE</u>
RONALD INGE	<u>AYE</u>
GORDON REIGELMAN	<u>AYE</u>
VIRGINIA SPLITT	<u>ABSENT</u>
GREG STUART	<u>AYE</u>

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

DATE OF TRANSMITTAL HEARING: August 29, 2001

**A. BOARD REVIEW:** The Board of County Commissioners provided no discussion concerning the proposed plan amendment. This item was approved on the consent agenda.

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

1. **BOARD ACTION:** The Board of County Commissioners voted to transmit the proposed plan amendment.
2. **BASIS AND RECOMMENDED FINDINGS OF FACT:** The Board accepted the findings of fact advanced by staff and the LPA.

**C. VOTE:**

JOHN ALBION	<u>AYE</u>
ANDREW COY	<u>AYE</u>
BOB JANES	<u>AYE</u>
RAY JUDAH	<u>AYE</u>
DOUG ST. CERNY	<u>AYE</u>



## DATE OF ORC REPORT: \_\_\_\_\_

- August 29, 2001  
PAGE 16 OF 17

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

DATE OF ADOPTION HEARING: \_\_\_\_\_

**A. BOARD REVIEW:**

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

**1. BOARD ACTION:**

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

**C. VOTE:**

**JOHN ALBION**

**ANDREW COY**

**BOB JANES**

**RAY JUDAH**

**DOUG ST. CERNY**

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_____
_____
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**Boylan Environmental Consultants, Inc.**

Wetland & Wildlife Surveys, Environmental Permitting,  
Impact Assessments  
11000 Metro Pkwy., Suite 4, Ft. Myers, Florida 33912

South Florida Water Management District  
Wetland Jurisdictional Determination

Project: The Renaissance

*Craig D. Schmittle* 8-25-2000  
Craig Schmittle Date

**WETLANDS**

FLUCCS		APPROX. ACREAGE
211H	WET PASTURE	29.80
411H	FLATWOOD WETLANDS	3.46
424H	MELALEUCA WETLANDS	62.29
500	DITCHES - OPEN WATER	27.86
621	CYPRESS	30.09
621/424	CYPRESS - MELALEUCA	3.17
624	PINE - CYPRESS	4.70
624/424	PINE - CYPRESS - MELALEUCA	16.20
645	WET PRAIRIE	1.15
740H	DISTURBED WETLANDS	2.35
	<b>TOTAL</b>	<b>143.61</b>

**UPLANDS**

FLUCCS		APPROX. ACREAGE
100	RESIDENTIAL	1.77
211	IMPROVED PASTURE	253.20
320	WAX MYRTLE	10.79
321	PALMETTO	12.14
411	PINE FLATWOODS	26.33
424	MELALEUCA	1.45
432	MIXED HARDWOODS	1.62
437	AUSTRALIAN PINE	0.40
740	DISTURBED	0.98
743	SOIL	0.09
800	ROADS	14.68
	<b>TOTAL</b>	<b>335.45</b>

TOTAL UPLANDS = +/- 335.45 ACRES  
TOTAL ACOE & SFWMD WETLANDS = +/- 143.61 ACRES  
OPEN WATER = +/- 27.86 ACRES

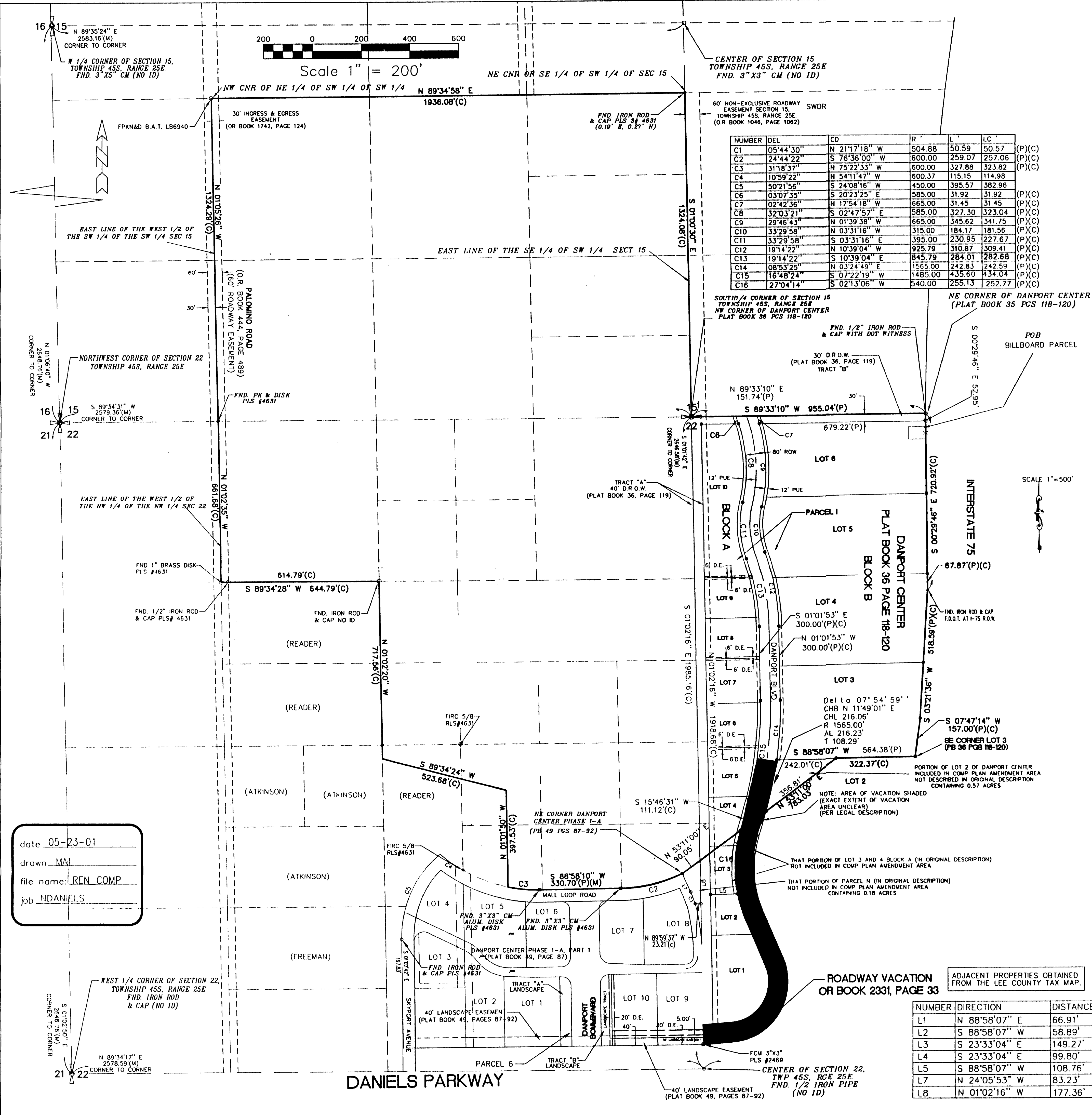
JD Conducted  
2-99

Wetlands  
OSW, Swales

NOV 6 2000

File: \\Bac\Bac\Bac\The Renaissance\2000\16152130





BOUNDARY SKETCH  
TO  
ACCOMPANY LEGAL DESCRIPTION  
FOR  
RENAISSANCE  
COMP PLAN AMENDMENT AREA

A PORTION OF SECTIONS 15 & 22, TWP 45S, RGE 25E  
LEE COUNTY, FLORIDA

ACREAGE BREAKDOWN  
TOTAL AREA = 152.37 ACRES

LEGAL DESCRIPTION AS PREPARED BY SURVEYOR  
(SEE ATTACHED)

SURVEYORS NOTES

1. THE BEARINGS SHOWN ARE BASED ON THE SOUTH LINE OF THE SOUTHWEST ONE QUARTER OF SECTION 15, TOWNSHIP 45 SOUTH, RANGE 25 EAST, BEING NORTH 89°35'24" EAST.
2. THIS LEGAL DESCRIPTION OR SURVEY SKETCH IS NOT VALID UNLESS THE LEGAL DESCRIPTION THAT ACCOMPANIES SKETCH BEARS THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.
3. THE PURPOSE OF THIS SURVEY SKETCH IS TO DELINEATE THE BOUNDARIES OF CERTAIN PORTIONS OF LAND THAT DESCRIBED THE MPD AREA AS NOTED

LEGEND

- NO ID= NO IDENTIFICATION  
(D) = DEED  
PRM = PERMANENT REFERENCE MONUMENT  
FND = FOUND  
(C) = CALCULATED  
(M) = MEASURED  
(P) = PLAT  
(DS) = DEED SURVEY PER CPD/RPD DOCUMENTS  
NGVD = NATIONAL GEODETIC VERTICAL DATUM  
USGS = UNITED STATES GEODETIC SURVEY  
R/W = RIGHT OF WAY  
CD = CHORD BEARING  
LC = CHORD LENGTH  
L = ARC LENGTH  
R = RADIUS  
F.D.O.T. = FLORIDA DEPARTMENT OF TRANSPORTATION  
F.P.L. = FLORIDA POWER & LIGHT  
F.P.L. = FLORIDA POWER & LIGHT
- MPD = MASTER PLANNED DEVELOPMENT  
DEL = DELTA  
PG. = PAGE  
O.R. = OFFICIAL RECORDS BOOK  
Δ = DELTA ANGLE  
CM = CONCRETE MONUMENT  
POC = POINT OF COMMENCEMENT  
POB = POINT OF BEGINNING  
PLS = PROFESSIONAL LAND SURVEYOR  
EOP = EDGE OF PAVEMENT  
CNR = CORNER  
SEC = SECTION  
AC = ACRES  
FCM = FOUND CONCRETE MONUMENT  
● = SET 1/2" IRON REBAR & CAP (1B#6572 OR PSM#529)  
■ = SET CONCRETE MONUMENT  
○ = FOUND IRON REBAR & CAP  
□ = FOUND CONCRETE MONUMENT

**CES** COMMUNITY ENGINEERING SERVICES, INC.  
Civil Engineering • Surveying • Project Management  
LBR 0572  
9700 Bonita Beach Road, Suite 213  
Bonita Springs, Florida 34135  
Telephone (941) 495-0009 Fax (941) 495-7814

date 05-23-01  
drawn MAI  
file name: REN\_COMP  
job: NDANIELS

NUMBER	DIRECTION	DISTANCE
L1	N 88°58'07" E	66.91'
L2	S 88°58'07" W	58.89'
L3	S 23°33'04" E	149.27'
L4	S 23°33'04" E	99.80'
L5	S 88°58'07" W	108.76'
L7	N 24°05'53" W	83.23'
L8	N 01°02'16" W	177.36'

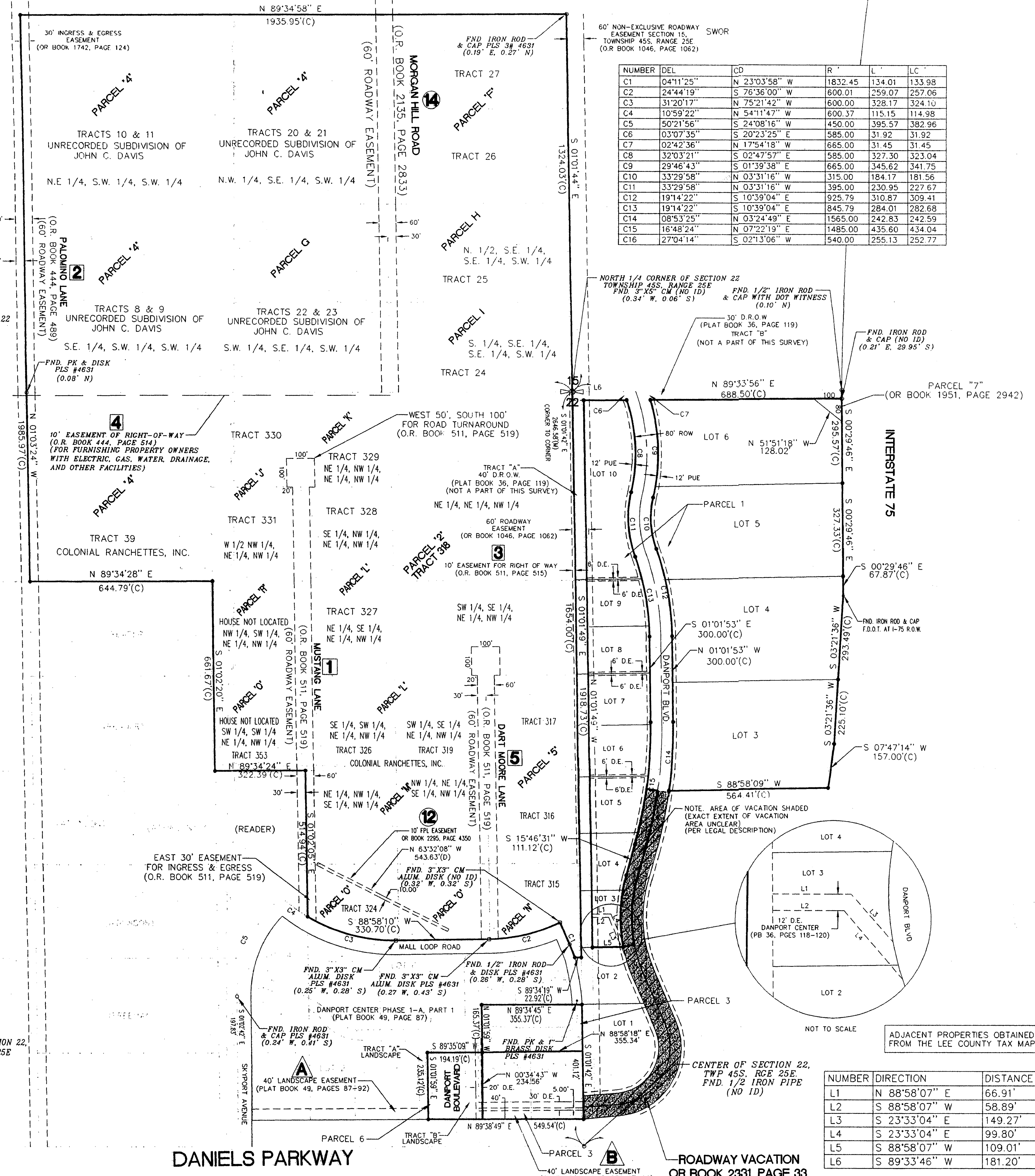
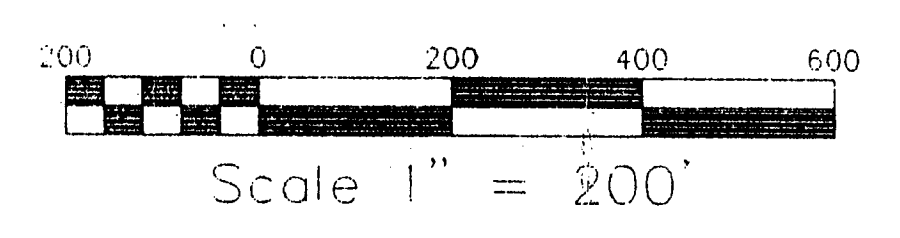


16 15  
N 89°35'24" E  
2583.16(M)  
CORNER TO CORNER  
SW 1/4 CORNER OF SECTION 15,  
TOWNSHIP 45S, RANGE 25E  
FND. 3" X 3" CM (NO ID)

16 15  
N 89°34'17" E  
2578.59(M)  
CORNER TO CORNER  
WEST 1/4 CORNER OF SECTION 22,  
TOWNSHIP 45S, RANGE 25E  
FND. IRON ROD  
& CAP (NO ID)

16 15  
N 89°34'17" E  
2578.59(M)  
CORNER TO CORNER  
WEST 1/4 CORNER OF SECTION 22,  
TOWNSHIP 45S, RANGE 25E  
FND. IRON ROD  
& CAP (NO ID)

16 15  
N 89°34'17" E  
2578.59(M)  
CORNER TO CORNER  
WEST 1/4 CORNER OF SECTION 22,  
TOWNSHIP 45S, RANGE 25E  
FND. IRON ROD  
& CAP (NO ID)

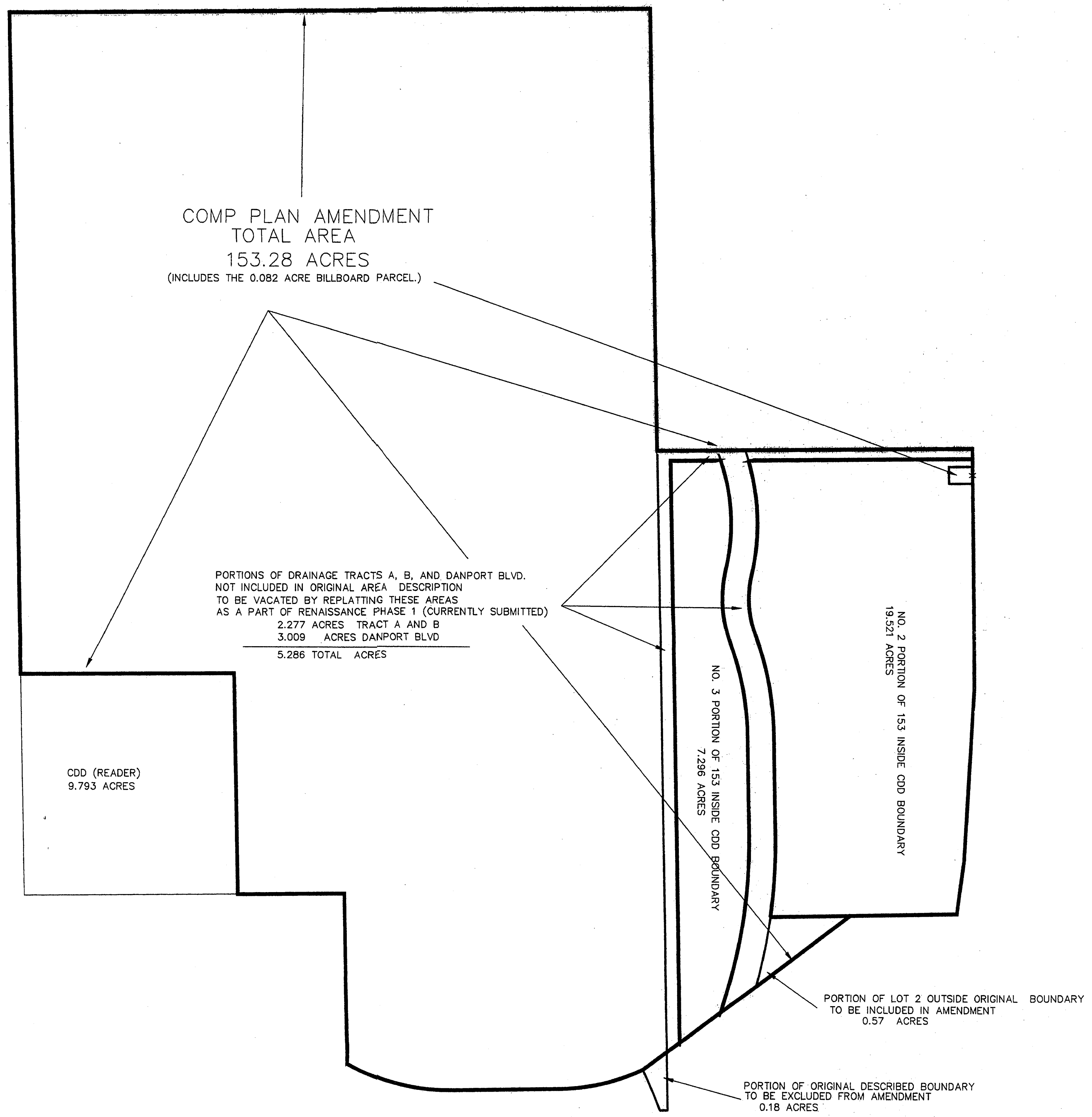






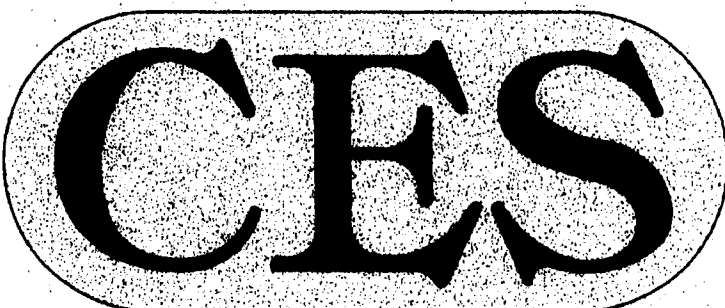


511.728 ACRES



PLEASE NOTE THAT THE AREAS AS SHOWN ARE BASED ON ACTUAL SURVEY DATA AND MAY VARY FROM THOSE AREAS AS INDICATED ON PARCEL INFORMATION ON RECORD IN OFFICES OF LEE COUNTY FLORIDA.

date 032901	No.	Date	Revisions
drawn			
file name: AMEND_KEY			
job_CDD/153			



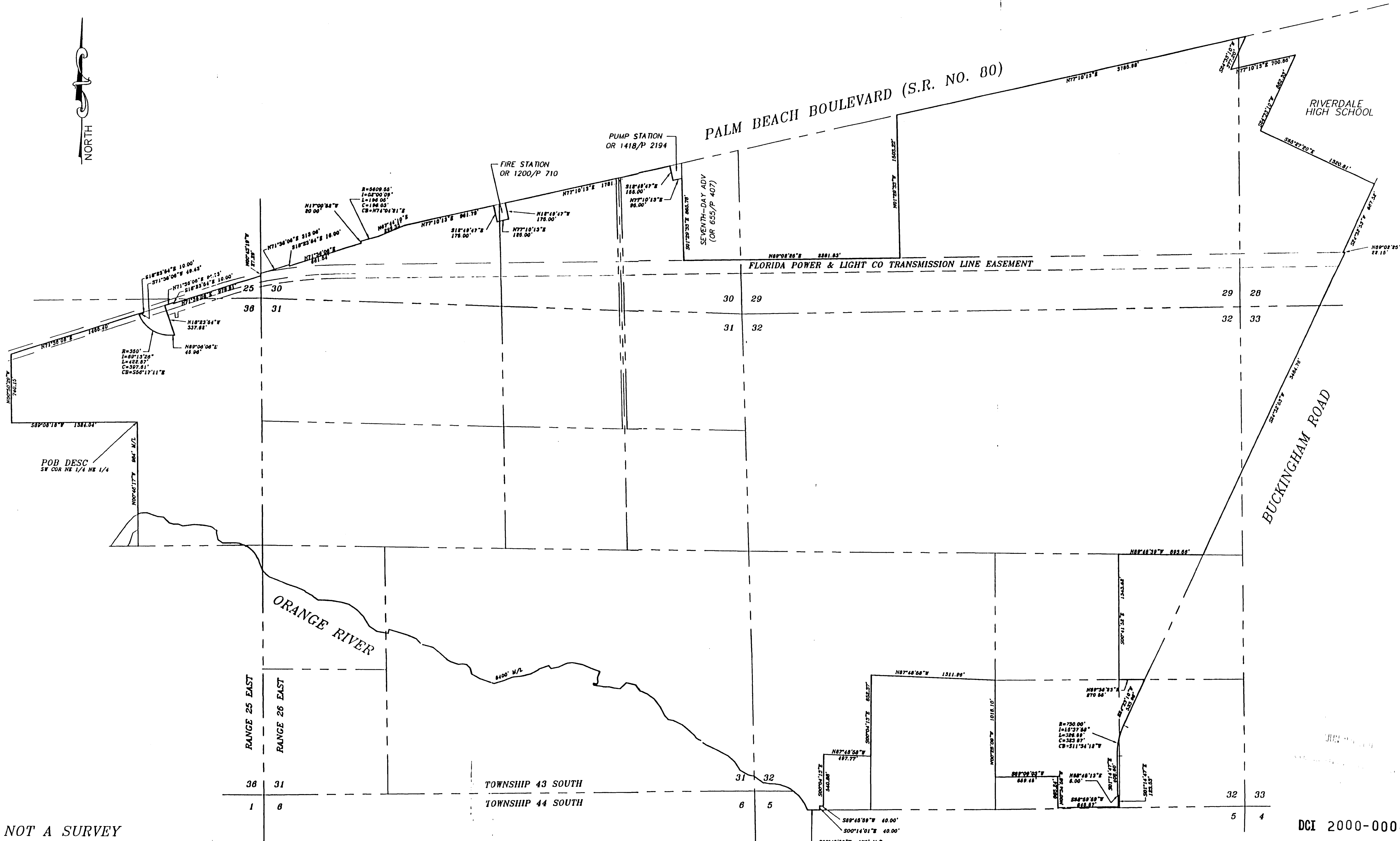
COMMUNITY ENGINEERING SERVICES, INC.  
Civil Engineering • Surveying • Project Management  
9200 Bonita Beach Road Suite 213  
Bonita Springs, Florida 33923  
Telephone (941) 495-0009 Fax (941) 495-7934

COMP PLAN AMENDMENT AREAS  
PARCEL KEY MAP

scale: 1"=200' 1"=10'	date
SHEET	
1 of 1	







THIS IS NOT A SURVEY

*W. Britt Pomeroy, Jr.*  
W. BRITT POMEROY, JR. (FOR THE FIRM - LB#642)  
PROFESSIONAL LAND SURVEYOR  
FLORIDA CERTIFICATE NO. 4448

DATE SIGNED: 9-19-00

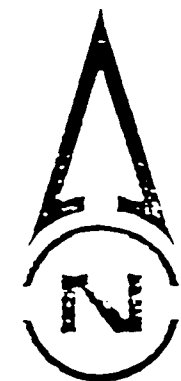
NOT VALID WITHOUT THE SIGNATURE AND THE ORIGINAL RAISED SEAL OF A FLORIDA LICENSED SURVEYOR AND MAPPER.

DCI 2000-00069

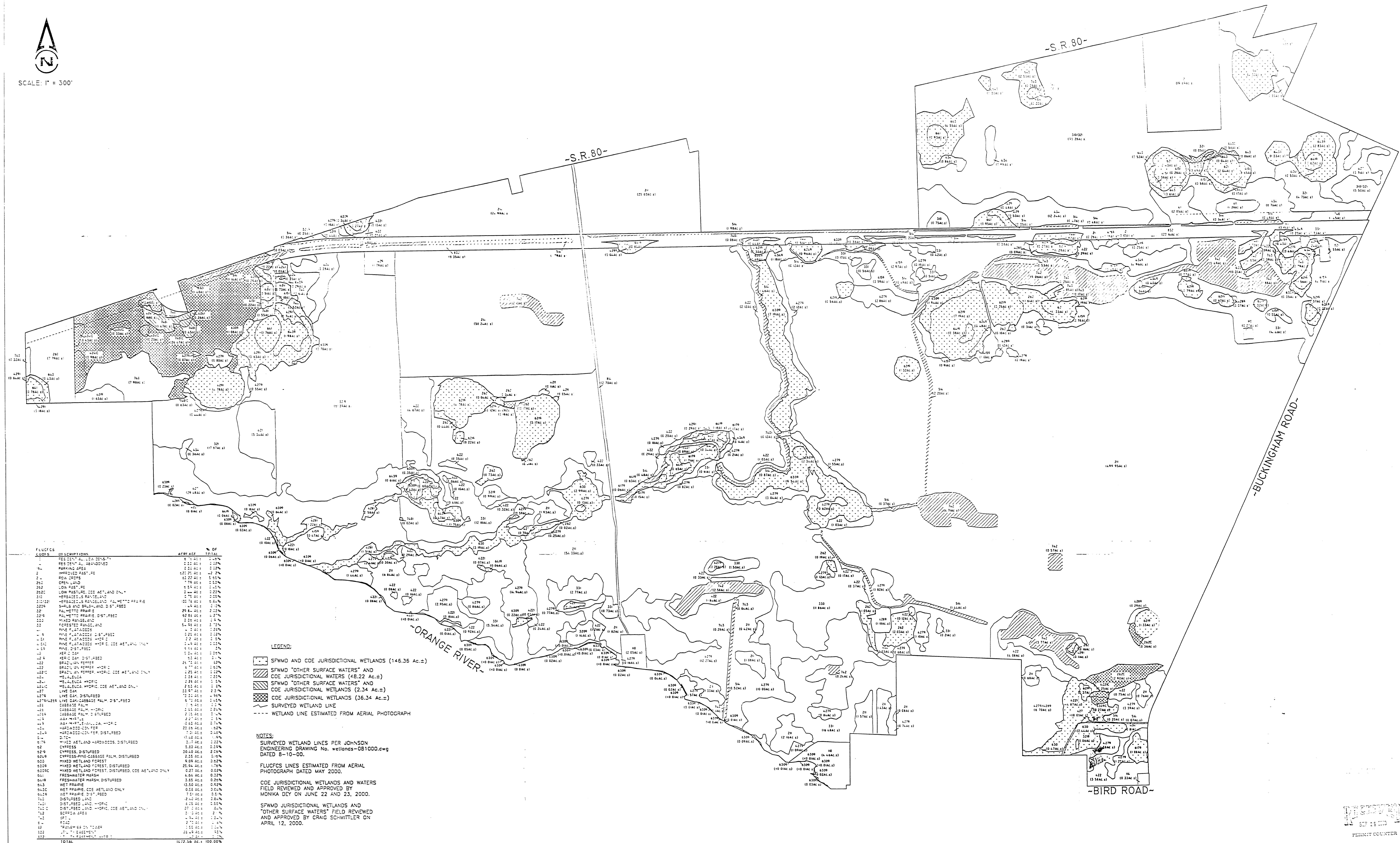
SKETCH TO ACCOMPANY DESCRIPTION  
PARCEL IN  
SECTIONS 25 & 36, T. 43 S., R. 25 E.  
SECTIONS 28, 29, 30, 31, 32 & 33, T. 43 S., R. 26 E.  
LEE COUNTY, FLORIDA

JOHNSON ENGINEERING, INC.				
ENGINEERS, SURVEYORS AND ECOLOGISTS				
2158 JOHNSON STREET, P.O. BOX 1550, FORT MYERS, FLORIDA 33902-1550, PHONE (941) 334-0046				
DATE	PROJECT NO.	FILE NO.	SCALE	SHEET
Sept., 2000	991536	25-43-25	1" = 500'	1 OF 1





SCALE: 1" = 300'



FLUCFCS CODES	DESCRIPTIONS	ACRES	% OF TOTAL
1	RES. DEV. / OPEN DEV.	0.15	0.05
2	RES. DEV. / OPEN DEV.	0.15	0.05
3	IMPROVED PASTURE	12.21	4.78
4	POW. CORP.	0.15	0.05
5	OPEN LAND	0.15	0.05
6	LOW PASTURE	0.15	0.05
7	LOW PASTURE / OPEN DEV.	0.15	0.05
8	HERBACEOUS / OPEN DEV.	0.15	0.05
9	HERBACEOUS / OPEN DEV.	0.15	0.05
10	SHRUB AND BUSH / OPEN DEV.	0.15	0.05
11	SHRUB AND BUSH / OPEN DEV.	0.15	0.05
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100	SHRUB AND BUSH / OPEN DEV.	0.15	0.05

- LEGEND:
- SPWMD AND COE JURISDICTIONAL WETLANDS (146.35 AC.±)
  - SPWMD "OTHER SURFACE WATERS" AND COE JURISDICTIONAL WATERS (48.22 AC.±)
  - SPWMD "OTHER SURFACE WATERS" AND COE JURISDICTIONAL WATERS (2.34 AC.±)
  - COE JURISDICTIONAL WETLANDS (36.34 AC.±)
  - SURVEYED WETLAND LINE
  - WETLAND LINE ESTIMATED FROM AERIAL PHOTOGRAPH

NOTES:

SURVEYED WETLAND LINES PER JOHNSON ENGINEERING DRAWING No. wetlands-081000.dwg DATED 8-10-00.

FLUCFCS LINES ESTIMATED FROM AERIAL PHOTOGRAPH DATED MAY 2000.

COE JURISDICTIONAL WETLANDS AND WATERS FIELD REVIEWED AND APPROVED BY MONIKA DEY ON JUNE 22 AND 23, 2000.

SPWMD JURISDICTIONAL WETLANDS AND "OTHER SURFACE WATERS" FIELD REVIEWED AND APPROVED BY CRAIG SCHMITTLER ON APRIL 12, 2000.

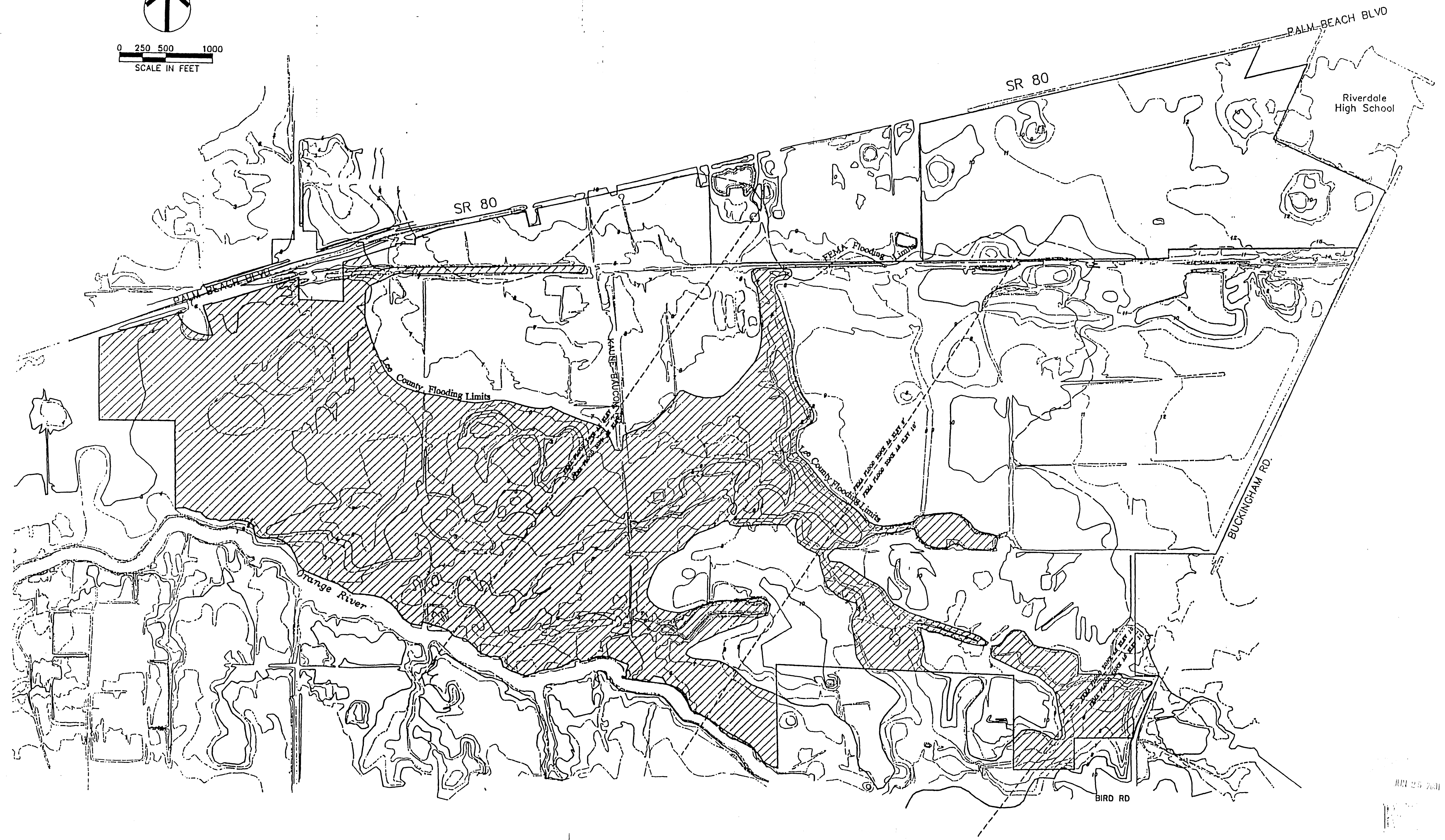
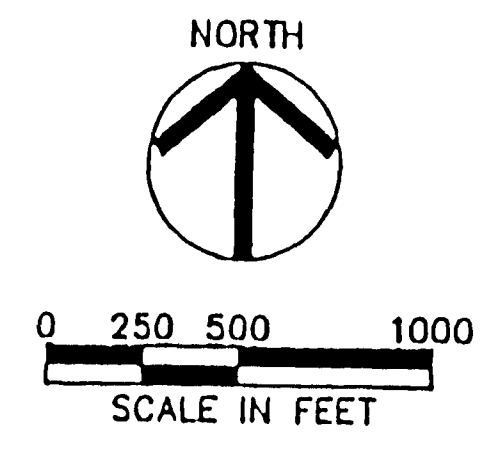
PASSARELLA and ASSOCIATES, INC.  
Consulting Ecologists  
4575 Via Royale Suite 201 Ft. Myers, FL 33919

BAUCOM PROPERTY  
FLUCFCS AND WETLANDS MAP

EXHIBIT C.1
DRAWING No.: 99BBP402FW-1
SHEET No.: 1

REVISIONS	DESIGNED BY	DATE	HORIZONTAL SCALE
REVISED WETLANDS 11 AND 14	A.W.	9/14/00	1"=300'
REVISED BOUNDARY ALONG RIVER	K.C.P.	9/14/00	N/A
	P.A.F.	9/14/00	SEC. 29.36/43S/25E 29.30.31.32/43S/26E





1' CONTOUR BASED ON LEE COUNTY AERIAL DATA OF VARIOUS DATES.

EXHIBIT C.3 OCT 2000-00069

Lee County, Florida

Topographic Map  
and Flooding Limits

JOHNSON ENGINEERING, INC.  
ENGINEERS, SURVEYORS AND ECOLOGISTS  
2158 JOHNSON STREET, P.O. BOX 1350, FORT MYERS, FLORIDA 33902-1350, PHONE (813) 334-0048

DATE	PROJECT NO.	FILE NO.	SCALE
09/23/99	19991536	28-44-26	1" = 500'