



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

"Dedicated to making Florida a better place to call home"

CHARLIE CRIST
Governor

THOMAS G. PELHAM
Secretary

January 15, 2010

RECEIVED
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The Honorable Ray Judah, Chairman
Lee County Board of County Commissioners
Post Office Box 398
Fort Myers, Florida 33902-0398

COMMUNITY DEVELOPMENT

Dear Chairman Judah:

The Department has completed its review of the proposed Comprehensive Plan Amendment for Lee County (DCA 10-1), which was received on November 18, 2009. Based on Chapter 163, Florida Statutes, we have prepared the attached report, which outlines our findings concerning the amendment. It is particularly important that the County address the objections set forth in our review report so that these issues can be successfully resolved prior to adoption. We have also included a copy of local, regional and state agency comments for your consideration. Within the next 60 days, the County should act by choosing to adopt, adopt with changes or not adopt the proposed amendment. For your assistance, our report outlines procedures for final adoption and transmittal.

The County is proposing 17 separate amendments. The Department has identified issues with Amendment CPA2008-06 (Implementing Density Reduction/Groundwater Resource Study) regarding: (1) guidelines and standards for the transfer of development rights program; (2) amendments to the Rural Residential Overlay Map 17; (3) the lack of guidelines addressing density, intensity, mix of land uses, and urban form for the Rural Community and Mixed-Use Community; (4) additional urban land uses associated with private recreational facilities; (5) a self-amending provision on Map 14 regarding the addition of acreage to the Limerock Mining Overlay; (6) the lack of meaningful and predictable guidelines and standards regarding natural resource strategies and appropriate mitigation for impacts to natural resources. In addition, we have identified issues with Amendment CPA2008-07 (Lehigh Acres Community Plan) regarding: (1) the lack of guidelines for the mixture of land uses for the specialized mixed-use nodes; (2) the potential for strip commercial sprawl related to the Commercial Overlay Zones along State Road 82; (3) transportation planning for the Future Land Use Map amendment to Parcel Area 1; (4) the lack of intensity of use standards for the Industrial Development and Intensive Development future land use categories. These and all of the issues identified in the attached report should be addressed before adoption of the plan amendments.

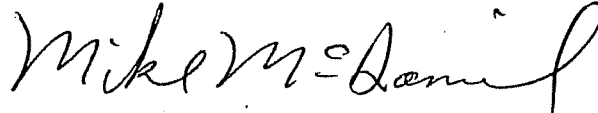
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♦ COMMUNITY PLANNING 850-488-2356 (p) 850-488-3309 (f) ♦ FLORIDA COMMUNITIES TRUST 850-922-2207 (p) 850-921-1747 (f) ♦
♦ HOUSING AND COMMUNITY DEVELOPMENT 850-488-7956 (p) 850-922-5623 (f) ♦

The Honorable Ray Judah, Chairman
January 15, 2010
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If you, or your staff, have any questions or if we may be of further assistance as you formulate your response to this Report, please contact Scott Rogers, Principal Planner, at (850) 922-1758, or Brenda Winningham, Regional Planning Administrator, at (850) 487-4545.

Sincerely,

A handwritten signature in black ink that reads "Mike McDaniel". The signature is written in a cursive style with a large, prominent "M" and "D".

Mike McDaniel, Chief
Office of Comprehensive Planning

MM/sr

Enclosures: Objections, Recommendations and Comments Report
Review Agency Comments

cc: Ken Heatherington, Executive Director, Southwest Florida Regional Planning
Council
Paul O'Connor, AICP, Lee County Planning Director

TRANSMITTAL PROCEDURES

The process for adoption of local comprehensive plan amendments is outlined in Section 163.3184, F.S., and Rule 9J-11.011, Florida Administrative Code (F.A.C.).

Within ten working days of the date of adoption, the County must submit the following to the Department:

- Three copies of the adopted comprehensive plan amendment;
- A copy of the adoption ordinance;
- A listing of additional changes not previously reviewed;
- A listing of findings by the local governing body, if any, which were not included in the ordinance; and
- A statement indicating the relationship of the additional changes to the Department's Objections, Recommendations and Comments Report.

The above amendment and documentation are required for the Department to conduct a compliance review, make a compliance determination and issue the appropriate notice of intent.

In order to expedite the regional planning council's review of the amendment, and pursuant to Rule 9J-11.011(5), F.A.C., please provide a copy of the adopted amendment directly to Executive Director of the Southwest Florida Regional Planning Council.

Please be advised that the Florida legislature amended Section 163.3184(8)(b), F.S., requiring the Department to provide a courtesy information statement regarding the Department's Notice of Intent to citizens who furnish their names and addresses at the local government's plan amendment transmittal (proposed) or adoption hearings. In order to provide this courtesy information statement, local governments are required by the law to furnish to the Department the names and addresses of the citizens requesting this information. This list is to be submitted at the time of transmittal of the adopted plan amendment (a sample Information Sheet is attached for your use).

INTRODUCTION

The following objections, recommendations and comments are based upon the Department's review of the Lee County proposed comprehensive plan amendment, pursuant to Section 163.3184, Florida Statutes (F.S.).

The objections relate to specific requirements of relevant portions of Chapter 9J-5, Florida Administrative Code (F.A.C.), and Chapter 163, Part II, F.S. The objections include a recommendation of approaches that might be taken to address the cited objections. Other approaches may be more suitable in specific situations. Some of these objections may have initially been raised by one of the other external review agencies. If there is a difference between the Department's objection and the external agency advisory objection or comment, the Department's objection would take precedence.

The County should address each of these objections when the amendment is resubmitted for our compliance review. Objections that are not addressed may result in a determination that the amendment is not in compliance. The Department may have raised an objection regarding missing data and analysis items that the Town considers not applicable to its amendment. If that is the case, a statement, justifying its non-applicability, pursuant to Rule 9J-5.002(2), F.A.C., must be submitted. The Department will make a determination on the non-applicability of the requirement, and if the justification is sufficient, the objection will be considered addressed.

The comments that follow the objections and recommendations are advisory in nature. Comments will not form the basis of a determination of non-compliance. They are included to call attention to items raised by our reviewers. The comments can be substantive, concerning planning principles, methodology or logic, as well as editorial in nature dealing with grammar, organization, mapping, and reader comprehension.

Appended to the back of the Department's report are the comment letters from the other state review agencies and other agencies. These comments are advisory to the Department and may not form the basis of Departmental objections unless they appear under the "Objections" heading in this report.

DEPARTMENT OF COMMUNITY AFFAIRS
OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
LEE COUNTY
AMENDMENT 10-1

January 15, 2009
Division of Community Planning
Bureau of Local Planning

This report is prepared pursuant to Rule 9J-11.010, F.A.C.

**OBJECTIONS, RECOMMENDATIONS AND COMMENTS
FOR
LEE COUNTY
AMENDMENT 10-1**

I. CONSISTENCY WITH CHAPTER 163, PART II, F.S., AND RULE 9J-5, F.A.C.

The proposed Amendment 10-1 consists of seventeen amendments to the Comprehensive Plan.

A. Amendment CPA2008-06 (Implementing DR/GR Study): The proposed amendment pertains to 82,560 acres commonly known as the Density Reduction/Groundwater Resource (DR/GR) area located in the southeastern portion of Lee County, east of Interstate-75, south of State Road 82, south and east of the Southwest Florida International Airport, and extending all the way to the county lines of Collier and Hendry Counties. The Department raises the following objections and comments to the proposed amendments:

1. **Objection (Transfer of Development Rights):** This objection applies to the proposed amendments to Future Land Use Element Policies 1.4.5, 1.7.13, 9.1.6, 16.2.6, 16.2.7, 16.3.9, 30.1.3, 30.3.3, 30.3.4, and 30.3.5; FLUM Series Map 17; and Table 1(a) Summary of Residential Densities. The proposed amendments establish the opportunity to transfer development rights from within the DR/GR area to specified areas located within the DR/GR area and areas located outside of the DR/GR area. The proposed amendments for the transfer of development rights (TDR) program do not establish meaningful and predictable guidelines and standards for the transfer rate (the rate at which development units are transferred), the rate at which nonresidential development credits are created and transferred, requirements to appropriately restrict the development potential on the sending parcels in relation to the development rights which are transferred, and the maximum gross density and intensity of development in the receiving area. The proposed amendment to Table 1(a) allows an increase in allowable dwelling units that can be transferred to a cumulative total of 9,000 dwelling units; however, the amendment is not supported by data and analysis supporting the land use need for an additional 9,000 dwelling units to serve as an effective incentive to transfer development rights from DR/GR lands into the Mixed-Use Communities.

Rules 9J-5.005(2), (5) and (6); 9J-5.006(1) and (2); and 9J-5.006(3)(b) and (c), Florida Administrative Code (F.A.C.); and Section 163.3177(6)(a), Florida Statutes (F.S.).

Recommendation: Revise the plan policies to establish meaningful and predictable guidelines/standards for the TDR program in order to guide the more specific land development regulations. The guidelines/standards need to address the transfer rate (the rate at which development units are transferred), the rate at which nonresidential development credits are

created and transferred, requirements to appropriately restrict the development potential on the sending parcels in relation to the development rights which are transferred, and the maximum gross density and intensity of development in the receiving area. Revise the data and analysis to demonstrate the appropriateness of an additional 9,000 dwelling units for the TDR program to be feasible.

2. Objection (Residential Overlay): The proposed amendment to Lee Plan Map 17 (Rural Residential Overlay) and Future Land Use Element Objective 30.3 and Policies 1.4.5(2)(a), 1.7.13, 30.3.2, 30.3.3, and 30.3.4 establish three residential overlays (Existing Acreage Subdivision; Mixed-Use Community; and Rural Community) and an overlay for Rural Golf Course Community all within the DR/GR area. These amendments do not establish meaningful and predictable guidelines and standards to ensure: (1) the appropriate mix of land uses within the Mixed-Use Community and Rural Community; (2) appropriate density and intensity of land use; and (3) appropriate urban form of development occurs as recommended by the supporting data and analysis studies addressing the overlay areas. These proposed amendments are not supported by quantitative data and analysis demonstrating the coordination of the resulting maximum development potential of the land uses with the short-term and long-term planning and provision of public facilities (central potable water, central sanitary sewer, adequate water supply, roads, and schools) in order to achieve and maintain the adopted level of service standards for public facilities. The proposed Mixed-Use Community designation (referred to as Western Corkscrew Road location) along the western boundary of the DR/GR area near Corkscrew Road and the Rural Community designations on the proposed locations on Map 17 are not supported by data and analysis demonstrating that the proposed locations and land uses are consistent with maintaining the rural character of the area. The proposed Mixed-Use Community designation (Western Corkscrew Road location) and the Rural Community designations on the proposed locations on Map 17 are not environmentally suitable in order to protect natural resources (wetlands, wildlife habitat, wildlife, panther movement, and hydrological resources). The Mixed-Use Community designation (Western Corkscrew Road location) and the proposed Rural Community designations on the proposed locations on Map 17 are not supported by data and analysis demonstrating that the locations of the proposed designations are environmentally suitable for the proposed land use types and densities and intensities of land use that would be allowed by the Mixed-Use Community and Rural Community designations.

Rules 9J-5.005(2), (5) and (6); 9J-5.006(1) and (2); 9J-5.006(3)(b)1., and 10.; 9J-5.006(3)(c)1., (3)(c)3., (3)(c)5., and (3)(c)7.; 9J-5.006(4)(c); 9J-5.011(1) and (2); 9J-5.013(1), (2), and (3); 9J-5.016(1), (2), (3), and (4); 9J-5.019(2), (3), (4), and (5); 9J-5.025(1), (2), (3), and (4), F.A.C.; and Sections 163.3177(2), (3), (4), (8), (10), and (12); 163.3177(6)(a), (c), (d), and (j), F.S.

Recommendation: Remove the Mixed-Use Community designation at the "Western Corkscrew Road location" and remove the Rural Communities from the proposed designations from Map 17. Use the TDR program to transfer development from properties along Corkscrew Road and the Edison Farms tract to more appropriate locations in the Mixed-Use Communities along State Road 82. Revise the text amendments to establish meaningful and predictable guidelines and standards to ensure: (1) the appropriate mix of land uses within the Mixed-Use

Community and Rural Community; (2) appropriate density and intensity of land use; and (3) appropriate urban form of development occurs as recommended by the supporting data and analysis studies addressing the overlay areas. Support the amendments with data and analysis demonstrating the coordination of the resulting maximum development potential of the land uses with the planning and provision of public facilities (central potable water, central sanitary sewer, adequate water supply, roads, and schools) in order to achieve and maintain the adopted level of service standards for public facilities.

3. Objection (Limerock Mining): The proposed Map 14 (Future Limerock Mining Overlay) contains a self-amending provision which states that "Area may be added to Future Mining Overlay (Map 14) in portions of Sections 28, 31, 32, and 33, T45S, R27E, if the Board of County Commissioners adopts a potential settlement of litigation with Florida Rock Industries, Inc." This provision potentially allows additions to the area designated as Future Limerock Mining overlay to occur without undergoing the plan amendment process pursuant to Chapter 163, Part II, F.S. This provision does not ensure that any additions of area designated as Future Limerock Mining overlay are designated through the plan amendment process.

Sections 163.3177(6)(a); 163.3184; 163.3187; and 163.3189, F.S.

Recommendation: Revise Map 14 to delete the self-amending provision.

4. Objection (Surface Water and Groundwater): The proposed amendment to Future Land Use Element Policy 30.1.3 states that "*An exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, land in Future Limerock Mining areas may be rezoned for mining when impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.*" The proposed amendment to Policy 30.1.3 does not establish meaningful and predictable guidelines/standards defining "appropriate mitigation" in order to implement the policy in a meaningful and predictable manner to ensure that impacts are offset. Similarly, the proposed amendment to Future Land Use Element Policy 30.3.3 states that "*In 2009 an exception was made to the requirement in Policy 1.4.5 that all DR/GR land uses must be compatible with maintaining surface and groundwater levels at their historic levels. Under this exception, construction may occur on land so designated on Map 17 provided the impacts to natural resources including water levels and wetlands are offset through appropriate mitigation within Southeast Lee County.*" The proposed amendment to Policy 30.3.3 does not establish meaningful and predictable guidelines and standards defining "appropriate mitigation" in order to implement the policy in a meaningful and predictable manner to ensure that impacts are offset. Finally, the proposed amendment to Conservation and Coastal Management Element Policy 114.1.1 (development in wetlands) states that "*In Future Limerock Mining areas only (see Map 14), impacts to wetlands resulting from mining will be allowed by Lee County when those impacts are offset through appropriate mitigation within Southeast Lee County (see also Policy 30.1.3).*" The proposed amendment to Policy 114.1.1 does not establish meaningful and predictable guidelines and standards defining "appropriate mitigation" in order to implement the policy in a meaningful and predictable manner to ensure that impacts are offset.

Rules 9J-5.005(2), (5), and (6); 9J-5.006(1) and (2); 9J-5.006(3)(b)1., and 4.; 9J-5.006(3)(c); 9J-5.011(1); 9J-5.013(1); 9J-5.013(2)(b) and (c); 9J-5.013(3)(a) and (b), F.A.C.; and Sections 163.3177(6)(a), (c), and (d), F.S.

Recommendation: Revise the proposed plan policies to establish to establish meaningful and predictable guidelines/standards defining “appropriate mitigation” in order to implement the policy in a meaningful and predictable manner to ensure that impacts are offset.

5. **Objection (Natural Resource Strategies):** The proposed amendment to Objective 30.2 and its implementing policies (Policies 30.2.1 through 30.2.7) do not establish meaningful and predictable guidelines and standards and do not adequately describe how programs and activities are to be implemented to protect water, habitat, and other natural resources. The proposed policies include language that is tentative, conditional, and aspirational (e.g., should be; can; would be; would provide; will consider; may also occur; can be carried out; would include; should consider; should be analyzed) and do not adequately describe how programs, activities, and land development regulations will be initiated, modified, or continued to achieve the stated objective and establish meaningful and predictable guidelines and standards.

Rules 9J-5.005(6); 9J-5.006(3)(b) and (c); 9J-5.011(2); 9J-5.013(2)(b) and (c); 9J-5.013(3), F.A.C.; and Sections 163.3177(6)(a, c, and d); 163.3177(2), F.S.

Recommendation: Revise the policies to establish meaningful and predictable guidelines and standards that adequately describe how programs and activities are to be implemented to protect water, habitat, and other natural resources as intended by Objective 30.2.

6. **Objection (Limerock Mining):** The proposed Policy 30.1.4(1) limits the amount of limerock mining acreage to the amount established in Table 1(b); however the proposed Policy 30.1.4(2) allows the amount of limerock mining acreage to exceed the amount established in Table 1(b). Therefore, the proposed amendments to Policies 30.1.4(1 and 2) are internally inconsistent and do not establish meaningful and predictable guidelines and standards regarding limits on the amount of limerock mining acreage.

Rules 9J-5.005(2), (5), and (6); 9J-5.006(3)(c), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: Revise the proposed amendments to ensure that the acreage amounts established in Table 1(b) control.

7. **Objection (Private Recreational Facilities):** The proposed amendments to Policies 16.2.6, 16.2.7, and 16.3.9 allow “Fractional Ownership/Time-share Units” and “Bed and Breakfast Establishments” in the DR/GR area if the property for such use is included on Map 17 as a Rural Golf Course Community Residential Overlay. These uses must be ancillary to or in conjunction with uses within the Private Recreational Facilities Overlay Map 4. These uses may only be constructed through transferring density in accordance with Policy 30.3.2(1). For fractional ownership/time-share units, the maximum allowable units will be calculated based on 1 dwelling unit per 10 acres for the entire area of the Private Recreational Facility. For bed and breakfast establishments, the maximum number of establishments will be limited to one per 18 holes of

golf, and bedrooms within a bed and breakfast establishment will be limited to a maximum of 7 per unit, with a maximum of two adult occupants per bedroom. The proposed amendment to Map 17 (Rural Residential Overlay map) proposes to designate a Rural Golf Course Community Residential Overlay on a small area in Section 25, Range 26E, Township 46S, and this proposed area is located within a larger area that is currently designated as Private Recreational Facilities Overlay on Map 4 (Private Recreational Facilities Overlay Map). The currently adopted Comprehensive Plan extinguishes the residential density on Private Recreational Facilities property in the DR/GR area once the property is zoned as Private Recreational Facilities. Overlay Map 4 currently designates 5 large areas where private recreational facilities and fractional ownership/time-share units and bed and breakfast establishments could be allowed in the future. The proposed amendments to Policies 16.2.6, 16.2.7 and 16.3.9 and Map 17 would result in additional urban development within the DR/GR area, and this additional urban development would be located in areas that are not environmentally suitable in order to protect natural resources (wetlands, wildlife habitat, wildlife, panther movement, and hydrological resources) and would be inconsistent with maintaining the rural character of the area. The proposed amendments are not supported by data and analysis demonstrating that the locations of the proposed designations are environmentally suitable for the proposed land use types and densities and intensities of land use that would be allowed by the amendments and demonstrating the planning of public facilities that would be needed to support such land uses. The proposed amendments to Policies 16.2.6, 16.2.7, and 16.3.9 do not establish meaningful and predictable guidelines and standards to ensure that the Fractional Ownership/Time-share Units are for transient use only.

Rules 9J-5.005(2), (5), and (6); 9J-5.006(1), (2), and (3)(b) and (c); 9J-5.011(1) and (2); and 9J-5.013(1), (2), and (3), F.A.C.; and Sections 163.3177(2), (8), and (10); and 163.3177(6)(a), (c), and (d), F.S.

Recommendation: Do not adopt the amendments.

B. Amendment CPA2008-07 (Lehigh Acres Community Plan): The purpose of the amendment is to implement the *Lehigh Acres Comprehensive Planning Study (March 2009)* by revising text and maps of the Future Land Use Element (FLUE), Parks/Recreation/Open Space Element, and development allocation Table 1(b). The Lee County Comprehensive Plan utilizes a similar approach (establish a vision statement, goal, objectives/policies, and maps to implement a community planning study) for most of the other planning communities. The Department raises the following objections and comments to the proposed amendments:

8. Objection (Mixed Use Nodes): Proposed FLUE Policy 32.2.2 requires that development in the “specialized mixed-use nodes” must include a design that integrates a mixture of at least two or more varied uses, such as retail, office, residential, or public. Although the proposed policy requires a “mixture,” Policy 32.2.2 does not establish meaningful and predictable guidelines and standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function. The proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) designates three types of mixed-use nodes: “Downtown” in the downtown area; “Community” nodes for 3 locations;

and “Neighborhood” nodes at 6 locations. Because Policy 32.2.2 does not establish meaningful and predictable guidelines and standards for the mixed-use nodes, the proposed amendment to create new Lee Plan Map 1 (Specialized Mixed Use Nodes) lacks these guidelines/standards to implement the map. Therefore, the Department objects to the proposed FLUE Policy 32.2.2. The Department recommends that the mixture require at least some minimum amount (percentage) of nonresidential use in order to ensure that the nonresidential use is not simply an inconsequential token amount that does not achieve the function of the mixed-use node.

Rules 9J-5.005(6); and 9J-5.006(3)(c)1., 5., and 7.; 9J-5.006(4)(c), F.A.C.; and Section 163.3177(6)(a), F.S.

Recommendation: Revise Policy 32.2.2 to establish a meaningful and predictable guidelines/standards to define the quantitative composition of the mixture with regard to each land use in a manner that ensures that the resulting mixed-use nodes will achieve their function.

9. Objection (Commercial Overlay): Proposed Objective 32.7 (renumbered from Objective 1.8) establishes Commercial Overlay Zones as shown on Map 1, page 7 of 8 of the Lee Plan. The proposed amendment exhibits characteristics of strip commercial sprawl along State Road 82, and the amendment is not supported by data and analysis demonstrating that the amendment discourages the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C.

Rules 9J-5.005(2); 9J-5.006(1) and (2); 9J-5.006(3)(b)8; 9J-5.006(5), F.A.C.; and Sections 163.3177(6)(a); 163.3177(8) and (10), F.S.

Recommendation: Support the amendment with data and analysis demonstrating that the Commercial Overlay Zones discourage the proliferation of urban sprawl consistent with the requirements of Rule 9J-5.006(5), F.A.C. Revise the FLUM, if necessary, to be supported by and consistent with the data and analysis.

10. Objection (Transportation; and Intensity Standards): The County proposes four FLUM amendments to change the land uses within Lehigh Acres as shown in the table below:

Parcel Area	Acres	Currently Adopted FLUM	Proposed FLUM
1	158	Central Urban	Intensive Development
2	42	Central Urban	Industrial Development
3	6	Central Urban	Industrial Development
4	41	Urban Community	Industrial Development

The proposed FLUM amendment for Parcel Area 1 (158 acres) is located in the Downtown Lehigh Acres area. Parcel Area 2 (42 acres) is located immediately south of the existing “Industrial Development” area near Leonard Boulevard. Parcel Area 3 (6 acres) includes a strip of lots immediately north of the existing “Industrial Development” area located along Leonard

Boulevard, and these lots have already been developed with light industrial uses. Parcel Area 4 (41 acres) is located south of SR 82.

The proposed FLUM amendment to Parcel Area 1 is not supported with data and analysis (based on the maximum development potential of the proposed land uses) addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element (including the Five-Year Schedule of Capital Improvements and plan policies for long-term transportation strategies) and Transportation Element (including the Future Transportation Map). The proposed FLUM amendments to Parcel Area 2, 3, and 4 designate the Industrial Development future land use category to the subject parcel areas; however, the Lee County Comprehensive Plan does not establish an intensity of use standard for the Industrial Development future land use category. Therefore, the proposed amendment does not guide the intensity of industrial land use on the subject Parcel Areas 2, 3, and 4. The proposed FLUM amendment to Parcel Area 1 designates 158 acres as Intensive Development, which allows office use and light industrial use; however, the Lee County Comprehensive Plan does not establish an intensity of use standard to guide the office use or light industrial use that are allowed in the Intensive Development future land use category. Therefore, the proposed amendment to Parcel Area 1 does not guide the intensity of office use and light industrial use on the subject Parcel Area 1.

Rules 9J-5.005(2) and (5); 9J-5.006(1), (2), (3)(b), and (3)(c); 9J-5.006(4); 9J-5.016(1), (2), and (4); 9J-5.019(2), (3), and (4), F.A.C.; and Sections 163.3177(6)(a), (b), and (j); and 163.3177(2), (3), (8), and (10), F.S.

Recommendation: Support the amendment to Parcel Area 1 with data and analysis addressing the potential impacts to transportation facilities for the short-term and long-term planning timeframes, the impacts upon the adopted level of service standards for the transportation facilities, and the coordination of any transportation facilities improvements that are needed to maintain the adopted level of service standards with the Capital Improvements Element and Transportation Element, including amendments to the Five-Year Schedule of Capital Improvements, Future Transportation Map, and plan policies addressing long-term strategies for road improvements. Revise the Comprehensive Plan to establish an intensity of use standard for the Industrial Development future land use category. Revise the Comprehensive Plan to establish an intensity of use standard to guide the office use and light industrial use that are allowed in the Intensive Development future land use category.

11. **Comment:** Proposed Policy 32.11.1 states that *“Lee County will encourage on-site preservation of indigenous plant communities and listed species habitat. Any required mitigation will be of similar habitat, and provided whenever possible, within one mile of the Lehigh Acres Planning Community boundary.”* The Department recommends this policy be strengthened by identifying the circumstances under which the County will require on-site preservation of indigenous plant communities and listed species habitat.

12. Comment: Proposed Policy 32.11.2 states that “*Lee County will work with various agencies to identify existing wetlands that are worth saving or restoring within the Lehigh Acres Planning Community.*” The Lee County Comprehensive Plan establishes wetland protection requirements in other objectives/policies that are generally applicable throughout the County. The proposed Policy 32.11.2 is unclear as to the relationship of Policy 32.11.2 with the other wetland protection requirements and as to the applicability within the Lehigh Acres Planning Community of the wetland protection requirements established elsewhere in the Lee County Comprehensive Plan. The Department recommends that Policy 32.11.2 be revised to clarify that the wetland protection requirements of the Lee County Comprehensive Plan (with reference to specific plan objectives/policies) apply to the Lehigh Acres Planning Community area.

II. CONSISTENCY WITH STATE COMPREHENSIVE PLAN

Objection: The proposed Comprehensive Plan amendments related to the objections raised above are not consistent with and do not further the following provisions of the State Comprehensive Plan (Chapter 187, Florida Statutes) for the reasons noted in the objections raised above in Section I:

- (a) Goal 7.a (Water Resources); Policies 7.b.1, 7.b.2, 7.b.5, 7.b.8, 7.b.9, and 7.b.10 (the amendments related to Objections 2, 4, 5, and 7);
- (b) Goal 9.a (Natural Systems and Recreational Lands); Policies 9.b.1, 9.b.3, 9.b.7 (the amendments related to Objections 2, 4, 5, and 7);
- (c) Goal 15.a (Land Use); Policies 15.b.1, 15.b.2, 15.b.3, and 15.b.6; (the amendments related to Objections 1, 2, 4, 5, 7, 8, 9, and 10);
- (d) Goal 17.a (Public Facilities); Policy 17.b.7; (the amendments related to Objection 2);
- (e) Goal 19.a (Transportation); Policies 19.b.3, 19.b.9, and 19.b.13; (the amendments related to Objections 2 and 10); and
- (f) Goal 25.a (Plan Implementation); Policy 25.b.7; (the amendments related to Objections 1 through 10).

Recommendation: Revise the plan amendments as recommended for the objections raised above.



FLORIDA DEPARTMENT OF STATE
Kurt S. Browning
Secretary of State
DIVISION OF HISTORICAL RESOURCES

December 10, 2009

Mr. Ray Eubanks
Department of Community Affairs
Bureau of State Planning
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

Re: Historic Preservation Review of the Lee County 10-1 Comprehensive Plan Amendment

Dear Mr. Eubanks:

According to this agency's responsibilities under Section 163, *Florida Statutes*, and Chapter 9J-5, *Florida Administrative Code*, we reviewed the above document to determine if data regarding historic resources were given sufficient consideration in the request to amend the Lee County Comprehensive Plan.

We reviewed seventeen proposed map and text amendments to the Lee County Comprehensive Plan to consider the potential effects of these actions on historic resources. We note that for Amendment CPA2008-24, the potential adverse impact to historic resources has been added to the list of conditions for constrained roads, in particular for Pine Island Road.

For the remaining amendments, while our cursory review suggests that the proposed changes may have no adverse effects on historic resources, it is the county's responsibility to ensure that the proposed revisions will not have an adverse effect on significant archaeological or historic resources.

If you have any questions regarding our comments, please feel free to contact Susan M. Harp of the Division's Compliance Review staff at (850) 245-6333.

Sincerely,

Laura A. Kammerer, Historic Preservationist Supervisor
Compliance Review Section
Bureau of Historic Preservation

xc: Ms. Brenda Winningham

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9 BW



"Scott, W Ray"
<scotra@doacs.state.fl.us>
12/11/2009 09:54 AM

To "Ray Eubanks" <ray.eubanks@dca.state.fl.us>
cc
bcc
Subject FDACS LGCP Amendment Review

Mr. Eubanks:

FDACS has reviewed the following LGCP amendments and has no objections, recommendations, or comments:

~~Lee County 10-1^{re}~~
~~Taylor County 10-1ER~~

Please call if you have any questions or comments:

W. Ray Scott
Conservation & Water Policy Federal Programs Coordinator
Office of Agricultural Water Policy
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The Capitol (PL-10)
Tallahassee, FL 32399-0810
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December 23, 2009

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Ray Eubanks, Administrator
Plan Review and Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100

RE: Comprehensive Plan Amendment Lee County 10-1, Amend the Future Land Use Element to incorporate the recommendations of the 2008 report entitled *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area*

Dear Mr. Eubanks:

The Division of Habitat and Species Conservation, Habitat Conservation Scientific Services Section, of the Florida Fish and Wildlife Conservation Commission (FWC) has coordinated our agency's review of the proposed Lee County Comprehensive Plan Amendment transmittal package (Department of Community Affairs' designation Lee County 10-1), which contains seventeen proposed amendments. The FWC has specifically identified the county's proposed amendment CPA 2008-06 as having the potential to significantly impact, either positively or negatively, existing Florida panther habitat and offers the following comments and recommendations in accordance with Chapter 163.3184(4), Florida Statutes.

Proposal Description

This proposed amendment (CPA2008-06) would affect approximately 83,000 acres of land in southeastern Lee County by amending the Future Land Use Element to incorporate the recommendations of the 2008 report entitled *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area*. The proposal includes a revision to Goal 10 (Natural Resource Extraction) and creates a new Goal 30 with objectives, including Objective 30.1 (Limerock Mining) and Objective 30.2 (Other Natural Resources). Changes in land use designations and their potential to have effects on fish and wildlife resources are the focus of our comments.

The Density Reduction/Groundwater Resource (DR/GR) future land use category was incorporated into the Lee County Comprehensive Plan in accordance with the 1990 Stipulated Settlement Agreement between Lee County and Florida's Department of Community Affairs (DCA). The Settlement Agreement required that the Future Land Use Map be amended to lower the allowable density in a new water resource category to one dwelling unit per ten acres in three specified areas of the County. The amendment describes the three areas as: most non-urban land east of Interstate 75, southeast of the airport, and south of State Road 82; all non-urban land located north of the City of Cape Coral between Burnt Store road and U.S. Highway 41 (U.S. 41); and all non-urban land lying east of U.S. 41 and bounded on the south by a line lying two miles south of the Charlotte County line. There were two underlying reasons for the inclusion of this new future land use category. The first was a desire to protect the County's shallow aquifers.

The second was to contribute to a reduction of future demand on the carrying capacity of the County's Future Land Use Map.

Comments and Recommendations

Staff of the FWC has reviewed the supporting document "CPA 2008-06, DR/GR Study Implementation, Board of County Commissioner's Transmittal Language," and we offer the following comments pertaining to our agencies' long-term panther conservation goals. Much of the DR/GR area falls within the Florida panther Primary Zone, an area described as "the most important...because preservation of these lands will contribute most to the long-term persistence of the Florida panther in the wild" (Kautz et al. 2006). The FWC has monitored panthers that utilize the DR/GR, and the resulting location data points demonstrate the importance of the DR/GR area to panthers (Enclosure 1). We recommend that Lee County integrate the Florida panther Primary Zone into the DR/GR planning processes with an emphasis on minimizing habitat loss within this zone. Below, we offer more specific recommendations that could be incorporated into specific sections and policies of the Comprehensive Plan.

Section 18. Southeast Lee County -

Some existing farmland will be restored to natural conditions to increase the natural storage of water and to improve wildlife habitat.

RESPONSE: Recent habitat analyses have shown that panthers select for forested habitats although they use other habitats in proportion to their availability (Kautz et al. 2006, Cox et al. 2006, Land et al. 2008). Restoration of farmlands to forest lands, where appropriate, within the DR/GR would benefit panthers; therefore, we recommend that priority be placed on restoration activities that benefit this species, and particularly on those farmlands that become available for restoration that are adjacent to existing conservation lands within the panther Primary Zone.

POLICY 9.1.7: Existing agricultural lands within the DR/GR land use category provide important surface and subsurface connections for water and wildlife resources. The county supports the integration of agriculture within a comprehensive and coordinated effort of county and regional agencies to manage the water resources in a manner that includes the protection and restoration of natural systems within southeast Lee County.

RESPONSE: Florida panthers use agricultural lands as long as there is a mosaic of native habitats in the area. Agricultural preservation adjacent to existing conservation lands provide buffers against more intensive land uses. In general, locations that fit this description appear on our Strategic Habitat Conservation Areas map; however, a review of historic conditions and the panther telemetry data mentioned previously, combined with land cover verification, would be appropriate steps in the prioritization process for inclusion in such a network. Again, we recommend that the County consider developing criteria for prioritizing agricultural properties for these efforts.

POLICY 10.1.5: Lee County will support efforts by government, community leaders, and the extractive industry owners and businesses to seek incentives that will help to facilitate the connection of natural resource extraction borrow lake excavations

incorporate reclaimed mining pits into a comprehensive and coordinated effort of county and regional agencies to system of intereconnected lakes and flowways that will enhance wildlife habitat values, minimize or repair the long-term impacts to adjoining natural systems, provide for human recreation, educational, and other appropriate uses, and/or strengthen community environmental benefits.

RESPONSE: The FWC supports this policy.

POLICY 10.2.2: [previously Policy 10.1.2] Applications for natural resource extraction permits for new or expanding areas must include an environmental assessment. The assessment will include (but not be limited to) consideration of air emissions, impact on environmental and natural resources, effect on nearby land uses, degradation of water quality, depletion of water quantity, drainage, fire and safety, noise, odor, visual impacts, transportation including access roads, sewage disposal, and solid waste disposal. Assessments will also include:

1. Potential impacts on the aquatic ecology and water quality of mining pits that will result from mining pit design.
2. Likely post-mining impacts such as runoff or groundwater flow on land uses surrounding the site.
3. Consideration of the primary and secondary impacts at the local and watershed levels.

RESPONSE: We recommend that the amount of panther habitat being affected by an extraction permit application be assessed, both in terms of the total acreage affected and their relative value to panthers. The U.S. Fish and Wildlife Service has developed a panther methodology (Panther Habitat Unit [PHU] tool) that we recommend be used for this assessment. This PHU tool will assess not only the quantity of affected habitat but also the quality of the habitat relative to panthers. This information may help to minimize impacts.

OBJECTIVE 30.2: WATER, HABITAT, AND OTHER NATURAL RESOURCES.
Designate on a Future Land Use Map overlay the land in Southeast Lee County that is most critical toward restoring historic surface and groundwater levels and for improving the protection of other natural resources such as wetlands and wildlife habitat.

RESPONSE: we recommend that the Future Land Use Map utilize the panther Primary Zone as an additional data layer to help guide the restoration and protection of wildlife habitat.

POLICY 30.2.1: Large-scale ecosystem integrity in Southeast Lee County should be maintained and restored. Protection and/or restoration of land can connect existing corridors and conservation areas. Restoration is also highly desirable when it can be achieved in conjunction with other uses on privately owned land including agriculture.

RESPONSE: We recommend that Lee County consider the restoration potential of a corridor that would connect the eastern DR/GR lands southward to the CREW area. Florida panther telemetry data could prove useful in determining areas for such a project.

POLICY 30.2.3: It is in southwest Florida's interest for public and nonprofit agencies

to actively pursue acquisition of partial or full interest in land within the Tier 1 areas in this overlay through direct purchase; partnerships with other government agencies; longterm purchase agreements; right of first refusal contracts; land swaps; and other appropriate means. These lands would provide critical connections to other conservation lands that serve as the backbone for water resource management and wildlife movement within the DR/GR. Tier 2 lands are of equal ecological and water resource importance as Tier 1 but have better potential to remain in productive agricultural use as described in Policies 30.2.5 and 30.2.6.

1. The county will consider incentives for private landowners to maintain and improve water resources and natural ecosystems on properties within Tier 2 through Tier 7, including but not limited to acquiring agricultural or conservation easements; compensation for water storage that is in the public interest; and providing matching funds to secure federal and state funds/grants for improving agricultural best management practices or protection/restoration of wetlands on existing agricultural operations.

2. Permanent protection of land within all tiers may also occur through:

a. Using resource extraction mitigation fees to acquire land;

b. Establishing a Regional Offsite Mitigation Area (ROMA); and

c. Concentrating of development as depicted in the Rural Residential overlay (Map 17) as detailed in Policies 30.3.2 and 30.3.3.

POLICY 30.2.4: Restoration of critical lands in Southeast Lee County is a long-term program that will progress in phases based on available funding, land ownership, and water-resource priority. On individual sites, restoration can be carried out in stages:

1. Initial restoration efforts would include techniques such as filling agricultural ditches and/or establishing control structures to restore the historic water levels as much as possible without adversely impacting nearby properties.

2. Future restoration efforts would include the eradication of invasive exotic vegetation and the reestablishment of appropriate native ecosystems based upon the restored hydrology.

POLICY 30.2.5: Lee County recognizes the importance of maintaining agricultural lands within Southeast Lee County for local food production, water conservation and storage, land conservation, wildlife habitat, and wetland restoration. The continued use of ever evolving agricultural best management practices will protect native soils and potentially improve the quantity and quality of water resources, allowing sustainable agriculture to be integrated into restoration planning for southeast Lee County.

POLICY 30.2.6: On existing farmland, the county should consider incentives to encourage the continuation of agricultural operations that implement and maintain best management practices. Continued agricultural use may be a desirable long-term use even within land designated on the priority restoration overlay as potentially eligible for protection (see Policy 9.1.7).

POLICY 30.2.7: Impacts of proposed land disturbances on surface and groundwater resources should be analyzed using integrated surface and groundwater models that utilize site-specific data to assess potential adverse impacts on water resources and natural systems within southeast Lee County.

RESPONSE: We support the use of incentives to accomplish natural resource conservation. We further recommend that best management practices as mentioned in the above policies (30.2.4, 5, 6, and 7) include elements that would emphasize protecting the extent of panther Primary Zone within the DR/GR as well as protecting existing forest habitats adjacent to conservation lands.

We commend Lee County's efforts to improve and restore wildlife habitat within the DR/GR area. If you or your staff would like to coordinate further on the comments contained in this letter, please contact Dr. Joseph Walsh at (772) 778-6354 or by email at joe.walsh@myfwc.com.

Sincerely,



Mary Ann Poole
Commenting Program Administrator

map/lg
Lee County 10-1_2518_12-23-09
ENV 2-3-3

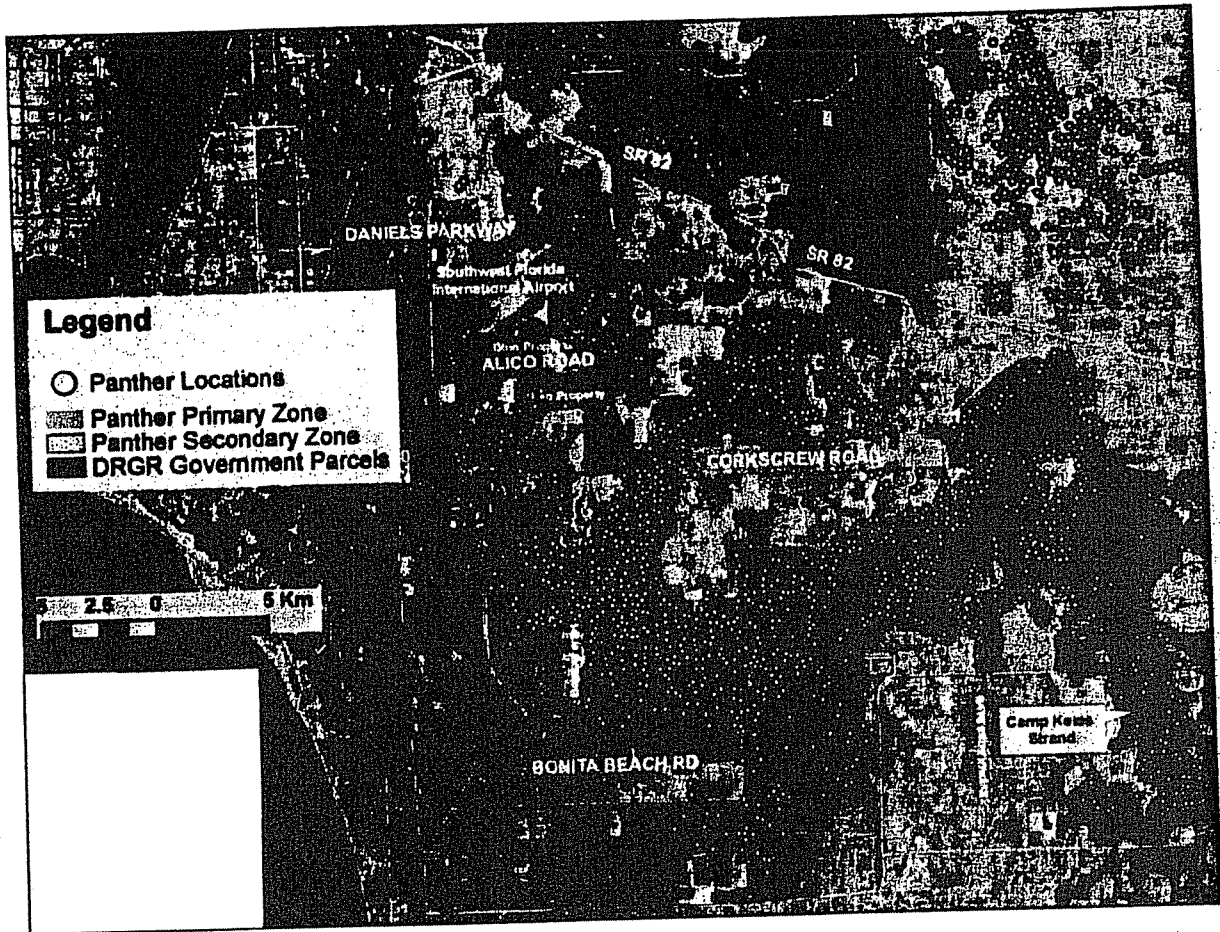
Enclosure

cc: Brenda Winningham, DCA, Tallahassee (Brenda.Winningham@dca.state.fl.us)
Scott Rogers, DCA, Tallahassee (Scott.Rogers@dca.state.fl.us)
Daniel L. Trescott, SWFRPC (dtrescott@swfrpc.org)
Jim Beever, SWFRPC (jbeever@swfrpc.org)
Nancy Payton, Florida Wildlife Federation (nancypayton@fwfonline.org)
Paul O'Connor, Lee County (oconnops@leegov.com)
Darrell Land, FWC
Tom Champeau, FWC

References Cited:

- Cox, J.J., D. Maehr, J. Larkin. 2006. Florida panther habitat use: New approach to an old problem. *Journal of Wildlife Management* 70: 1778-1785.
- Kautz, R.A., R. Kawula, T. Hctor, J. Comiskey, D. Jansen, D. Jennings, J. Kasbohm, F. Mazzotti, R. McBride, L. Richardson and K. Root. 2006. How much is enough? Landscape scale conservation for the Florida panther. *Biological Conservation* 30:118-133.
- Land, D.E., D. Shindle, R. Kawula, J. Benson, M. Lotz, D. Onorato. 2008. Florida Panther habitat selection analysis of concurrent GPS and VHF telemetry data, *Journal of Wildlife Management* 72(3): 633-639.

Enclosure 1.

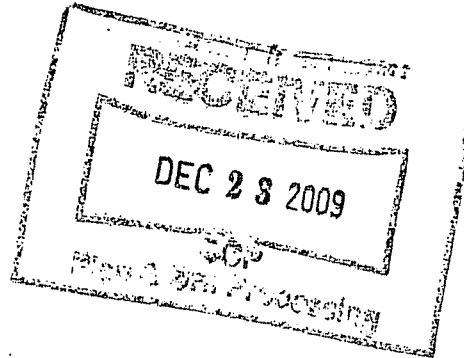




SOUTH FLORIDA WATER MANAGEMENT DISTRICT

December 18, 2009

Ray Eubanks, Administrator
Plan Review and DRI Processing
Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, FL 32399-2100



Dear Mr. Eubanks:

**Subject: Lee County, DCA # 10-1
SFWMD Comments on Proposed Comprehensive Plan Amendment**

The South Florida Water Management District (District) has completed its review of the proposed amendment from Lee County (County). The proposed changes to the Lee County Comprehensive Plan include: Implementation of the Density Reduction / Groundwater Resources (DR/GR) Study; Conservation Lands Update; and Updates to the Lee County Utilities Service Areas.


The District offers the following recommendations, which we request that the Department include in the report to the County:

- Include in the data and analysis the projected water demand, the specific source of the water supply, and the proposed water supply facilities needed for the CPA 2008-06 DR/GR Study Implementation amendment, especially the mixed-use communities. The amendment site is located in an area of limited groundwater availability and the District will need to evaluate the magnitude and location of water sources and facilities. The County needs to more clearly describe the plans to provide potable water to the mixed-use communities.
- Update the Water Supply Facilities Work Plan to be consistent with the proposed changes in CPA 2008-08 Update Map 6, Lee County Utilities Future Water Service Areas.
- Update the references to District owned lands in CPA 2008-22 that changes the land use to conservation to reflect the pending transfer of approximately 10 acres of land from the District to the State of Florida. The land being transferred to the State is to provide housing for Florida Fish and Wildlife Conservation Commission employee(s).

Mr. Ray Eubanks, Administrator
December 18, 2009
Page 2

We look forward to collaborating with Lee County and the Department of Community Affairs in developing sound, sustainable solutions to the County's future water needs. For assistance or additional information, please contact Kim Shugar, Department Director, Intergovernmental Programs, at (561) 682-6016 or kshugar@sfwmd.gov.

Sincerely,



Deena Reppen
Deputy Executive Director
Regulatory and Public Affairs
South Florida Water Management District

c: Rod Braun, SFWMD
Brandy L. Gonzalez, Lee County Planning Department
Ken Heatherington, AICP, Southwest Florida Regional Planning Council
Doug Muerer, Lee County Utilities Department Director
Jim Quinn, DEP
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Jeff Kottkamp
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Michael W. Sole
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12/23/09

December 23, 2009

Mr. D. Ray Eubanks
Plan Review and DRI Processing Team
Florida Department of Community Affairs
2555 Shumard Oak Boulevard
Tallahassee, Florida 32399-2100

**RE: Lee County 10-1 ~~10~~ Comprehensive Plan Amendment
Objections, Comments and Recommendations Report**

Dear Mr. Eubanks:

The Office of Intergovernmental Programs of the Florida Department of Environmental Protection (DEP or Department) has reviewed the above-referenced comprehensive plan amendment under the provisions of Chapter 163, Part II, *Florida Statutes (F.S.)*, and Chapter 9J-5 and 9J-11, *Florida Administrative Code (F.A.C.)*. Our comments address the potential impacts of the proposed text and map changes on resources or facilities within the scope of the Department's regulatory and proprietary authorities. The Department provides the following comments and recommendations to assist your agency in developing the state's response to the proposed amendment.

Introduction

Amendment CPA2008-06 would amend the Future Land Use Map and text applicable to approximately 83,000 acres in southeastern Lee County known as the *Density Reduction /Groundwater Recharge (DR/GR)* area. A mixture of wetlands and uplands, the DR/GR area is vital for storage and recharge of ground and surface water, and also serves as habitat for several threatened and endangered species including the Florida Panther and the Florida Black Bear.

Comments - Wetlands/Proposed Land Use Pattern

The best data available to the Department shows that the DR/GR contains an extensive and regionally significant wetlands system known as the Corkscrew Swamp Regional Ecosystem Watershed. Owned and managed by the South Florida Water Management District (SFWMD), the system is a 25,821-acre mix of forested and herbaceous wetlands

that ultimately drains to the Estero Bay Aquatic Preserve, which is also an Outstanding Florida Waters (OFW). Development of these wetlands and adjacent flood zone areas may hydrologically affect and will likely reduce natural watershed functions, such as the collection, storage, filtering and discharge of runoff. As a result, nonpoint source runoff will be an issue of concern.

The Lee County Comprehensive Plan presently allows a gross density of one dwelling unit per ten acres within the *DR/GR* area, which is essentially a rural density designed to maintain low urban growth potential. In this amendment, Lee County has proposed a Transfer of Development Rights (TDR) program to guide suburban and urban land uses away from the more intact, regionally significant wetlands to the south, and to provide compact "Mixed-Use" nodes to the north along State Road 82, where urban growth is more prevalent.

The Department encourages this approach, finding it consistent with Rule 9J-5.013(3)(a), *F.A.C.*, which states that wetlands protection must include the "consideration of the types, values, functions, sizes, conditions and locations of wetlands [] based on supporting data and analysis," and Rule 9J-5.013(3)(b), *F.A.C.*, which states that "future land uses which are incompatible with the protection and conservation of wetlands and wetland functions shall be directed away from wetlands.

Recommendation

While the proposed TDR program will guide land uses away from regionally significant wetlands systems, significant palustrine wetlands do exist in the northern portion of the *DR/GR* area. Therefore, for any development within the *DR/GR*, the design of stormwater treatment systems should ensure that the pre-development volume and natural fluctuation of runoff into wetlands are maintained. A delineation of the landward extent of wetlands, in accordance with the guidelines of Chapter 62-340, *F.A.C.*, and an evaluation of the quality of those wetlands should be obtained from the SFWMD prior to finalizing development plans. The Department also recommends that the proposed land use changes pertain only to upland areas, and that the wetland areas be designated as *Conservation*.

Water and Wastewater

According to Table 1(a) of the amendment package, the County will impose a cap of 9,000 dwelling units on residential development in the *DR/GR* area. Although the amendment package contained conceptual plans for *Office* and *Commercial* development, however, it did not reflect the maximum allowable square footage, floor area ratio or

impervious surface ratio for those land use categories. According to Mr. Paul O'Conner, Director of the Lee County Division of Planning, potable water and wastewater capacity will be available concurrent with development in mixed-use communities.

Recommendation

The Department understands that with a transfer of development rights, the water demands associated with "sending" properties is already included in the County's potable water demand projections. In the DR/GR area, for example, residential potable water demand is currently based on one dwelling unit per ten acres. We do, however, believe that prior to adopting the amendment, the County should submit additional data and analysis to demonstrate the means by which adequate potable water and wastewater service will be provided for the maximum potential development allowed within the mixed-use communities.

Comments - Limerock Mining

Objective 30.1 and its supporting policies set forth the concept of a "Future Limerock Mining" overlay map that would designate sufficient land near the Alico Road Industrial corridor for continued limerock mining to meet regional needs to the year 2030. By limiting new and expanded limerock mines to the areas indicated on proposed Map 14 (Proposed Limerock Mining Overlay), limerock resources in or near existing disturbed areas will be more fully utilized and mining impacts limited until expansion is necessary. To allow additional mining, Map 14 must be amended.

While the Department has determined that the County's limitation of mining activity in the DR/GR is commendable, we are concerned with the language of proposed policies 30.1.1 and 114.1.1 in CPA 2008-06.

Policy 30.1.1 states that "[l]imerock mining is a high-disturbance activity whose effects on the surrounding area cannot be completely mitigated." Although this statement may reflect the County's general belief about the long-range effects of mining activities, the amendment's use of the word "mitigation" may create confusion in the context of the Department's regulatory authorities.

Recommendation

The Department recommends that Policy 30.1.1 more closely track the following statutory provisions: "mitigation must offset the adverse effects caused by the regulated activity" [§ 373.414(1)(b), F.S.] and "[m]itigation activities for limerock and sand mining must offset the regulated activities' adverse impacts on surface water and wetlands." Section 373.414(6)(d)1., F.S.

The amendment's revision of **Policy 114.1.1** would allow impacts to wetlands in Future Limerock Mining areas when the impacts are "offset through appropriate mitigation within Southeast Lee County." The new language, however, is inconsistent with **Policy 1.5.1**, which states as follows: "Permitted land uses in Wetlands consist of very low density residential use and recreation uses that will not adversely affect the ecological functions of wetlands."

Mr. Paul O'Conner explained that the policy revision was necessary to maintain a continuum of limerock mining in the designated area, as long as wetlands impacts were appropriately mitigated. Mr. O'Conner referred the Department to the study upon which the *DR/GR* land use amendments were based, entitled *Prospects For Southeastern Lee County*, which states the following about allowing mining in wetlands:

If no mining is allowed within the Wetlands land use category, there may be negative consequences to protecting the overall water resources within the *DR/GR*. This could create greater fragmentation of natural systems than already is occurring by forcing mines to excavate around the wetlands. In essence, this would create "mining sprawl," to obtain the same quantity of limerock that is being excavated under the current designs or future maximized, limited location mines. * * * It is typically more ecologically sound to allow critically-evaluated wetland impacts within a mining designated area in order to preserve or restore larger contiguous systems within the *DR/GR* for water storage[.]

Recommendation

The County should submit additional data and analysis detailing the extent of wetlands that could be impacted by the proposed change in **Policy 114.1.1**. The Department recognizes that Lee County's approach to future limerock mining in the *DR/GR* area is focused on keeping existing wetlands systems intact and mining in a more compact area. We support this approach, but believe as plans for limerock mining proceed, the County should focus on **avoiding and minimizing** wetland impacts to the greatest extent possible. Thereafter, mitigation can be considered for remaining wetland impacts.

Comments - Public Lands

As noted earlier, the 25,821-acre Corkscrew Swamp Regional Ecosystem Watershed, owned and managed by the SFWMD, is located within and adjacent to the *DR/GR* area. The watershed and surrounding lands of the *DR/GR* provide home range habitat for the

Mr. D. Ray Eubanks
Lee County 10-1ER
Page 5 of 5
December 23, 2009

Florida panther, an endangered species. The planning approach proposed by Lee County would guide more intense land uses to the northern portion of the *DR/GR* and away from the wetlands of the Corkscrew Swamp Regional Ecosystem Watershed, a positive step toward maintaining habitat connectivity and reducing fragmentation of the ecosystem.

Recommendation

Florida panther habitat will continue to face limitations from current and future urban, suburban, agricultural and mining activities in the *DR/GR*. The County should work closely with the Florida Fish and Wildlife Conservation Commission (FWCC) to address panther protection and habitat. Staff should coordinate with Mr. Luis Gonzalez, in the FWCC's Lakeland office, to ensure panther-related issues are adequately addressed in this amendment and in future land use decisions.

Thank you for the opportunity to comment on the proposed amendment. If I may be of further assistance, please call me at (850) 245-2182.

Sincerely,

Robin Branda

Robin Branda
Environmental Specialist III
Office of Intergovernmental Programs



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

2295 Victoria Avenue, Suite 292
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STEPHANIE C. KOPELOUSOS
SECRETARY

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12/22/09

December 21, 2009

Mr. Ray Eubanks
Plan Review and Processing Administrator
Department of Community Affairs (DCA)
Division of Community Planning
2555 Shumard Oaks Blvd.
Tallahassee, FL 32399

RE: Lee County 10-1 Proposed Comprehensive Plan Amendments – FDOT Comments

Dear Mr. Eubanks:

The Florida Department of Transportation, District 1, has reviewed the proposed version of the Lee County 10-1 comprehensive plan amendments. The submittal consists of 17 map and text amendments. This letter offers comments on the proposed amendments.

1. CPA2006-08 (BABCOCK RANCH COMMUNITY)

This amendment adds Transportation Objective 36.3 and four policies to the comprehensive plan to address the impacts of the Babcock Ranch development (which is located in Charlotte County) on roadways in Lee County. The content of the policies is as follows:

- New Policy 36.3.1 states that certain Babcock Ranch transportation projects anticipated to reduce traffic impacts in Lee County should be a priority. The policy also states that Lee County supports including the projects (or alternatives to the projects) in the MPO planning process, subject to new Policy 36.3.3.
- New Policy 36.3.2 states that Lee County is not responsible for funding improvements needed by Babcock Ranch. Instead, the improvements will be developer-funded.
- New Policy 36.3.3 governs amendments to the Transportation Element and Capital Improvements Program (CIP) related to Babcock Ranch. It states that Babcock Ranch may need to pay more than its proportionate share amount to ensure the financial feasibility of needed improvements in Lee County in the long term. When such funding commitments are made, Lee County will update the Transportation Element and CIP. The funding commitments may take the form of developer agreements or interlocal agreements.
- New Policy 36.3.4 states that transportation improvements in Lee County or within two miles of Lee County must be accompanied by a wildlife crossings analysis.

The Department continues to review the impacts of Babcock Ranch on the State Highway System through the associated Development of Regional Impact (DRI) process. Because funding of the needed State roadway improvements is being addressed through the DRI process, the Department has no comments on this amendment.

2. CPA2007-49 (BUCKINGHAM COMMUNITY PLAN)

This amendment modifies Future Land Use Goal 17 and its objectives and policies to reflect the recommendations of the Buckingham Community Plan. Revisions to the comprehensive plan include the following:

- Added text to Goal 17 about land development code (LDC) amendments to implement the Buckingham Community Plan
- Added text to Goal 17 and Objective 17.1 about preserving rural and agricultural land uses
- Added text to Policy 17.1.2 allowing new commercial uses outside the commercial node if such uses are permitted by zoning (with no associated change to the future land use map)
- Added text to Policy 17.1.3 allowing lot sizes smaller than one acre
- Added Policy 17.1.4 to prohibit density bonuses under the Rural Community Preserve future land use designation
- Added Policy 17.1.5 requiring clustered developments to have planned development zoning and meet specific requirements for setbacks and minimum acreage
- Added Policy 17.1.6 about Rural Community Preserve buffers and density transitions
- Added Policy 17.1.7 about shoreline preservation setbacks
- Added text to Objective 17.2 requiring public meetings for transportation projects in the community and requiring roadway capacity projects to consider protection of rural character
- Revised text in Policy 17.2.1 regarding the alignment of Luckett Road
- Added Policy 17.2.2 regarding coordination between the Lee County Department of Transportation (LCDOT) and the community on matters such as roadway safety
- Revised Objective 17.3 and added Policies 17.3.1 through 17.3.7 regarding provision of public facilities in a manner that protects the community's rural character
- Added Objective 17.4 and policies regarding requirements for landscaping, buffers, and aesthetics that protect the community's rural character
- Added Objective 17.5 and policies regarding protecting the environment, open spaces, and parks in the community
- Added Objective 17.6 and policies regarding protection of agricultural uses in the community
- Added Objective 17.1 and policies regarding public input from the community on LDC, zoning, and comprehensive plan amendments

The Department has no comments on this amendment.

3. CPA2008-01 (BIKEWAYS/WALKWAYS FACILITIES PLAN MAP UPDATE)

This amendment replaces Map 3D (Unincorporated Bikeways/Walkways Facilities) with Map 3D-1 (Unincorporated Lee County State/County-Maintained Facilities Bikeways/Walkways Facility Plan - Planned Facilities) and Map 3D-2 (Unincorporated Lee County State/County-Maintained Facilities Bikeways/Walkways Facility Plan - Existing Facilities). According to the staff report, Map 3D has not been updated since 1999. LDC amendments will follow.

The Department has no comments on this amendment.

4. CPA2008-05 (COMMERCIAL FUTURE LAND USE CATEGORY COMMERCIAL SITE LOCATION STANDARDS)

This amendment adds text to Future Land Use Policy 6.1.2 to make it consistent with the description of the Commercial future land use category regarding exceptions to commercial site location criteria.

The Department has no comments on this amendment.

5. CPA2008-06 (IMPLEMENTING DR/GR STUDY)

This amendment incorporates the recommendations of the *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area* report. Density Reduction/Groundwater Resource (DR/GR) is an adopted future land use category. Revisions to the comprehensive plan include the following:

- Deleted DR/GR from the Gateway/Airport vision statement
- Revised Southeast Lee County vision statement to recognize public well fields, water treatment plants, preservation areas, and a golf course as existing uses
- Added text to Southeast Lee County vision statement to describe anticipated long-term growth and development
- Revised Future Land Use Policy 1.4.1 to state that natural resource extraction is allowed in Rural areas (which is already allowed per Future Land Use Policy 10.1.4)
- Revised Future Land Use Policy 1.4.5 regarding DR/GR areas and the following:
 - Impact of new land uses on surface water and groundwater
 - Transfers of development rights
 - Incorporation of civic and commercial uses
 - The Limerock Mining overlay (which is a proposed overlay)
- Added text to Future Land Use Policy 1.7.6 regarding limerock mining
- Added Future Land Use Policy 1.7.12 describing the Future Limerock Mining overlay (*which is a proposed overlay*)
- Added Future Land Use Policy 1.7.13 describing the Rural Residential overlay (*which is a proposed overlay*)
- Added Future Land Use Policy 1.7.14 describing the Historic Surface and Groundwater Levels overlay (*which is a proposed overlay*)
- Revised Future Land Use Policy 6.1.2 regarding DR/GR exceptions to general commercial site location criteria
- Revised Future Land Use Policy 9.1.4 regarding the time period for which agricultural activities are allowed under the Future Limerock Mining overlay
- Revised Future Land Use Policy 9.1.6 and added Future Land Use Policy 9.1.7 regarding agricultural impacts on natural resources and a potential transfer of development rights bank
- Added Future Land Use Policies 10.1.1 and 10.1.2 and revised Future Land Use Policies 10.1.3 through 10.1.5 regarding extraction of limerock and other materials, future uses of extraction sites, reclamation plans, and restrictions on fill dirt operations.
- Added Future Land Use Objective 10.2 and added/revised policies regarding management of mining activities in concert with natural resource protection and future residential development
- Added Future Land Use Policies 16.2.6 and 16.2.7 regarding the allowance of short-term residential and lodging units associated with Private Recreational Facilities Planned Developments (PRFPDs) in the DR/GR
- Revised Future Land Use Policy 16.3.9 to state the maximum densities for fractional ownership/timeshare units (*1 transferred unit per 10 acres*) and bed-and-breakfast establishments (*1 per 18 holes of golf with no more than seven bedrooms each*) associated with PRFPDs in the DR/GR

- Added Future Land Use Goal 30 and its objectives and policies regarding protection of natural resources in Southeast Lee County
 - Objective 30.1 establishes the Future Limerock Mining overlay. Policies discuss minimization of mining impacts on natural resources and surrounding areas. Amended Map 14 shows the overlay.
 - Objective 30.2 establishes the DR/GR Priority Restoration overlay. Policy 30.2.2 describes seven tiers to be applied to lands for prioritization of protection and restoration activities. Other policies address acquisition of Tier 1 lands, permanent protection of lands within the overlay, restoration efforts, sustainable agriculture, and evaluation of impacts on water resources.
 - Objective 30.3 establishes the Rural Residential overlay. Policies addresses unsubdivided lands, compact development, transfers of development rights for the purpose of creating Mixed-Use Communities per Map 17, forthcoming land development code (LDC) amendments, promotion of “significant” commercial and civic uses in Mixed-Use Communities, and potential creation of a DR/GR transfer of development rights bank. Map 17 identifies locations of future rural and Mixed-Use Communities.
- Added a footnote to Future Land Use Table 1(a) (“Summary of Residential Densities”) to state that (1) the maximum gross residential density can be increased through transfer of development rights to Mixed-Use Communities and (2) the transfer of development rights program cannot result in an increase of more than 9,000 dwelling units.
- Revised industrial acreage in Future Land Use Table 1(b) (“Year 2030 Allocations”) to reflect acreage of limerock mining pits in Planning Community #18
- Revised Page 1 of Lee Plan Map 1 (“Proposed Future Land Use Map”) to reflect adjusted boundaries for Wetlands and Conservation Lands
- Revised Page 2 of Lee Plan Map 1 (“Proposed Community Planning Areas”) to show the boundary of Southeast Lee County
- Revised Page 4 of Lee Plan Map 1 (“Public Acquisition Overlay”) to reflect a revised Public Acquisition overlay boundary for Planning Community #18
- Revised Lee Plan Map 4 (“Private Recreational Facilities Overlay”) to remove public lands and completed mining pits
- Revised Lee Plan Map 14 (“Future Limerock Mining Overlay”) to show the Future Limerock Mining overlay
- Added Lee Plan Map 17 (“Rural Residential Overlay”)
- Revised Lee Plan Map 20 (“Agricultural Overlay”) to reflect revised acreage for Planning Community #18
- Added Lee Plan Map 24 (“Historical Surface and Groundwater Levels”)
- Added “Priority Restoration Overlay” to Lee Plan Map 1, Page 4
- Added and revised related policies in the Groundwater Recharge Sub-Element, the Conservation & Coastal Management Element, and the glossary

The Department has the following comments on this amendment:

FDOT Comment 1: Revised Future Land Use Policy 1.4.5 and new Policy 30.3.3 will allow commercial and civic land uses in DR/GR areas whereas the adopted version of Policy 1.4.5 currently allows less-intense nonresidential uses with only 1 unit per 10 acres. Furthermore, the revised version of Table 1(a) indicates that up to 9,000 additional, cumulative dwelling units may be allowed (*beyond the maximum density of 1 unit per 10 acres*) if the additional units result from transferred development rights. Allowing commercial and civic uses in DR/GR areas and increasing the amount of allowed residential

development will result in increased trip generation potential for DR/GR areas. This increase in trip generation potential (*the low end of which is estimated in the table below*) must be fully quantified, and its impact on State roadways should be evaluated for the near term and the long term per Rule 9J-5.019(3)(f)-(h), F.A.C. The Department also notes that the maximum intensity of allowed commercial and civic development allowed should be stated in the comprehensive plan so that “meaningful and predictable standards for the use and development of land” are provided per Rule 9J-5.005(6), F.A.C.

Impact of Future Land Use Policy 1.4.5 Revisions on DR/GR Trip Generation Potential

Scenario	Land Use Designation	Maximum Allowed Density/Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres*	Allowed Development		
Newly Allowed Land Uses	Commercial and civic	Unknown	N/A	6,905	Unknown	Unknown	Unknown
	Residential	9,000 cumulative dwelling units	210	6,905	9,000 units	65,289	6,030
Change in Trips						+ >65,289	+ >6,030

*Per Future Land Use Table 1(b)

NOTE: Trip generation calculations are based on ITE's *Trip Generation*, 8th Edition.

FDOT Comment 2: Regarding the required level of service (LOS) evaluations to support this amendment, please identify needed State roadway improvements, specific and dedicated funding sources for any near-term improvements, and appropriate policies and strategies for any long-term improvements. Please also add any needed improvements to the appropriate plans and programs. Long-term strategies may include transit investments or development of parallel corridors; such strategies should be coordinated with the Department and any affected local governments.

The Department is prepared to review a cumulative evaluation of the amendment's impacts if segment-specific traffic analyses and full supporting data are provided. The Department notes that current planning-level data demonstrates that segments of I-75 (Strategic Intermodal System (SIS), S.R. 82 (Emerging SIS), S.R. 80 (SIS), S.R. 78 (FIHS), US 41, USB 41, S.R. 739, S.R. 865, S.R. 867, S.R. 876, and S.R. 884 within the county do not currently meet adopted LOS standards and/or are not projected to meet adopted LOS standards in the near term and/or long term.

FDOT Comment 3: The Department is particularly concerned about the LOS impacts of Objective 30.3 and related implementing policies which establish a Rural Residential Overlay that relies on a transfer of development rights (TDR) program. This overlay creates Mixed-Use Communities and promotes significant commercial and civic uses in the proximity of, and adjacent to, S.R. 82 (*see FDOT Comments 1 and 2*),

S.R. 82 in east Lee County is a SIS facility that is currently operating below the minimum adopted LOS standard in the area of the referenced overlay. There are no FDOT or local government financially feasible plans to construct capacity improvements to S.R. 82. Therefore, adoption of any land use policies resulting in added trips to this portion of S.R. 82 would require the County to implement strategies to address the LOS deficiencies. These options could include seeking a LOS variance from the Department conditioned upon financially feasible strategies for constructing improvements necessary to maintain an acceptable LOS (*ref: section 120.542 F.S., Chapter 28-104 F.A.C.*), creating a backlog authority or availing itself of other options under the growth management statutes.

FDOT Comment 4: Revised Future Land Use Policy 16.2.3 and new Policies 16.2.6, 16.2.7, and 16.3.9 will allow short-term residential and lodging uses in PRFPDs in DR/GR areas whereas the adopted version of the policies currently allows no residential uses except caretaker or resident manager units. Allowing these additional uses for existing PRFPD sites may result in an increase in trip generation potential. As indicated in the table below, critical unknown quantities remain. These quantities should be

stated in the comprehensive plan so that “meaningful and predictable standards for the use and development of land” are provided per Rule 9J-5.005(6), F.A.C., and the impact of these unknown quantities on State roadways must be fully evaluated for the near term and the long term per Rule 9J-5.019(3) (f)-(h), F.A.C.

Impact of Future Land Use Policy 16.3.9 Revisions on Trip Generation Potential of DR/GR PRFPDs

Scenario	Land Use	Maximum Allowed Density/Intensity	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres	Allowed Development		
Newly Allowed Land Uses	Fractional ownership/time-share residential	1 unit/10 acres	265	Unknown	Unknown	Unknown	Unknown
	Bed-and-breakfast	1 establishment per 18 holes of golf, maximum 7 bedrooms per establishment	320*	Unknown	5 establishments with 7 rooms each**	319	20
Reduction in Allowed Land Uses	Golf course	Five 18-hole golf courses***	430	Unknown	90 golf holes	3,217	250
Change in Trips:						Unknown	Unknown

*Collection of trip generation data specifically for bed-and-breakfasts may be warranted.

**90 golf holes allowed through 2030 per revised Future Land Use Objective 16.8

***In the adopted version of the comprehensive plan, a maximum of 10 golf courses is allowed, so this change is a reduction in golf course trip generation potential.

NOTE: Trip generation calculations are based on ITE’s *Trip Generation*, 8th Edition.

FDOT Comment 5: The submittal for CPA 2008-06 includes maps showing a change in future land use designation for a project identified as Fountains Tradeport. This change in future land use designation appears to be related to revisions to the Gateway/Airport vision statement, but it is not analyzed in the submittal. Assuming maximum development potential, please provide an analysis of the potential near-term and long-term impacts of this change in future land use designation on State roadways.

FDOT Comment 6: FDOT is concerned that, in preparation of CPA 2008-06, the County has not fulfilled the intent of Section 337.0261, Florida Statutes, which provides that “[n]o local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state.” The Department has not been contacted by the County concerning this amendment, nor have we been provided the opportunity to provide any information regarding its effect on the availability of these construction aggregate resources statewide.

The legislature recognizes that “construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest,” section 337.0261(2), Florida Statutes. More specifically, the legislature provides that local government decision making regarding construction aggregate materials should be considered concomitant with information provided by FDOT regarding the affect of such decision, section 337.0261(3), Florida Statutes. Because FDOT is the largest user of crushed stone resources in the state, the State of Florida

needs to consider aggregates on a statewide basis. Most of the limerock used for construction purposes (83.1%) in the state of Florida is produced within the state. Only 9.7% is imported from other states or countries and 7.2% comes from recycled products like crushed concrete or recycled asphalt (aka RAP). Because of this, any curtailment on the ability of FDOT to get quality aggregates for our Work Program construction projects needs to be strenuously evaluated (*ref: Strategic Aggregates Study: sources, Constraints, and Economic Value of Limestone and Sand in Florida* prepared by Lampf Herbert Consultants, March 2007).

The Department further notes that quality aggregates for use in construction are considered a “place based resource”. This means that the highest quality materials are located in only certain areas within the state. Two of these areas are the Lake Belt in Miami and the Density Reduction/Groundwater Resource (DRGR) area in Lee County. Any loss of production of quality aggregates from either location will result in higher aggregate prices because imports and other mines will have to produce more aggregates to fill in the gap. However, the only “mega-mine” outside the Lake Belt is in Lee County and unfortunately it will run out of reserves in the next few years. This mega-mine takes on a large portion of Lee County’s Mining overlay area and if depleted could endanger the FDOT and others from getting quality aggregates from within the region.

The Department has concerns that the proposed amendment sets forth Map 14 as a regulatory map which restricts mining to the areas identified on the overlay; thereby excluding potential areas previously available for this purpose. This restriction of the available potential areas for future mining construction aggregate material could result in shortages and/or cost increases in the future by limiting supply; and was apparently grounded in the conclusory opinion of a single consultant without seeking input from the Department on the future regional and state wide needs.

6. CPA2008-07 (LEHIGH ACRES COMMUNITY PLAN)

This amendment incorporates the recommendations of the *Lehigh Acres Community Plan*. The recommendations include changing the future land use designation for four properties and making several text and map changes. Specific revisions to the Lee County comprehensive plan include the following:

- Revised the Lehigh Acres vision statement
- Added references to new Future Land Use Goal 32 (*which contains objectives and policies specifically for Lehigh Acres*)
- Added Future Land Use Goal 32 and objectives and policies that address transition of Lehigh Acres into a “vibrant residential and commercial community consisting of safe and secure single-family and multi-family neighborhoods, vibrant commercial and employment centers, [and] pedestrian-friendly mixed-use activity centers and neighborhood nodes, with adequate green space and recreational opportunities”
 - Objective 32.1 and its policies address mixed-use nodal development (*possibly incentivized by transfer of development rights*), employment diversity, range of housing options, preservation of natural resources, pedestrian-friendly development, connectivity, coordination with Lee Tran, Sustainable Development Design, and amendment of the LDC with respect to design standards for mixed-use nodes, S.R. 82 and Lee Boulevard, and multi-family structures. Policy 32.1.10 identifies three “tiers” into which the community can be divided. Tier 1 is the older urbanized core, Tier 2 is areas adjacent to the core, and Tier 3 is the fringe. Tiers 1 and 2 are the priority locations for capital improvements. These tiers are depicted on Page 8 of Lee Plan Map 1.
 - Objective 32.2 and its policies address Specialized Mixed-Use Nodes, which are classified as Downtown Lehigh Acres, Community Mixed-Use Activity Centers, and Neighborhood Mixed-Use Activity Centers and shown on Page 7 of Lee Plan Map 1. These classifications require Planned Development review and specific design features; they are not new future land use designations.

- Objective 32.3 and its policies describe the Downtown Lehigh Acres Specialized Mixed-Use Node. This node is a receiving area for transferred development rights.
- Objective 32.4 and its policies describe the Community Mixed-Use Activity Centers Specialized Mixed-Use Node.
- Objective 32.5 and its policies describe the Neighborhood Mixed-Use Activity Centers Specialized Mixed-Use Node.
- Objective 32.6 describes Local Mixed-Use Activity Centers.
- Objective 32.7 (formerly Objective 1.8) and its policies have been revised to describe Commercial Overlay Zones, which are shown on Page 7 of Lee Plan Map 1. According to revised Policy 32.7.1 (previously 1.8.1), residential and institutional uses are allowed under this overlay. Single-family development was limited in the adopted version of Policy 32.7.1. The description of the Reclaimed Strip Overlay has been deleted.
- Objective 32.8 and its policies discuss parks, recreation, open space, and public facilities.
- Objective 32.9 and its policies address transportation, parking, and traffic circulation. Specifically, the policies discuss access management, cross-access easements, new bridge locations, transit improvements, and the location of model homes.
- Objective 32.10 and its policies discuss sewer and water.
- Objective 32.11 and its policies address natural resource preservation and protection. Policy 32.11.3 identifies transfers of development rights as a potential tool for preserving natural resources.
- Objective 32.12 and its policies discuss public participation in LDC revisions, comprehensive plan amendments, and zoning approvals.
- Objective 32.13 and its policies address coordination between agencies such as Lee County, Hendry County, and the East County Water Control District.
- Objective 32.14 and its policies discuss Lee County’s oversight of the Lehigh Acres Planning Community. Implementation of a transfer of development rights program and LDC amendments pertaining to Lee Boulevard and S.R. 82 are listed among the activities that the County will undertake to support development of Lehigh Acres according to the community’s vision.
- Added Parks, Recreation, & Open Space policy regarding the Harns Marsh regional park
- Showed Lockett Road extension on Pages 7 and 8 of Lee Plan Map 1
- Revised 2030 acreage allocations for Lehigh Acres and Buckingham in Table 1(b)
- Amended the future land use designations for four sites. These amendments reflect staff recommendations, and potential trip generation impacts are assessed in the following four tables.

Downtown Lehigh Acres

Scenario	Land Use Designation	Maximum Allowed Density/Intensity*	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres	Allowed Development		
Adopted	Central Urban	80% commercial @ 2.0 FAR 20% residential @ 15 units/acre	820 220	158	11,011,968 sf 474 units	144,261 2,996	14,846 278
Proposed	Intensive Development	90% commercial @ 3.0 FAR 10% residential @ 22 units/acre	820 220	158	18,582,696 sf 347 units	202,702 2,226	21,080 209
Change in Trips						+57,671	+6,165

* Maximum density/intensity and land use mix for mixed-use future land use designations are from Table 1(c). Densities reflect bonuses.

NOTE: Trip generation calculations are based on ITE's *Trip Generation*, 8th Edition.

Parcels South of Existing Industrial Area

Scenario	Land Use Designation	Maximum Allowed Density/Intensity*	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres	Allowed Development		
Adopted	Central Urban	80% commercial @ 2.0 FAR 20% residential @ 15 units/acre	820	42	2,927,232 sf 126 units	60,972 887	6,111 87
			220				
Proposed	Industrial Development	80% industrial at 1.0 FAR** 20% commercial at 1.0 FAR	110	42	1,463,616 sf 365,904 sf	10,831 15,781	1,936 1,517
			820				
Change in Trips						-35,247	-2,745

* Maximum density/intensity and land use mix for mixed-use future land use designations are from Table 1(c). Densities reflect bonuses.

** FDOT assumed Industrial FAR

NOTE: Trip generation calculations are based on ITE's *Trip Generation*, 8th Edition.

Parcels North of Existing Industrial Area

Scenario	Land Use Designation	Maximum Allowed Density/Intensity*	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres	Allowed Development		
Adopted	Central Urban	80% commercial @ 2.0 FAR 20% residential @ 15 units/acre	820	6	418,176 sf 18 units	17,212 120	1,659 11
			220				
Proposed	Industrial Development	80% industrial at 1.0 FAR** 20% commercial at 1.0 FAR	110	6	209,088 sf 52,272 sf	1,460 4,455	142 412
			820				
Change in Trips						-11,417	-1,116

* Maximum density/intensity and land use mix for mixed-use future land use designations are from Table 1(c). Densities reflect bonuses.

** FDOT assumed Industrial FAR

NOTE: Trip generation calculations are based on ITE's *Trip Generation*, 8th Edition.

Parcels at S.R. 82 and Blackstone Drive

Scenario	Land Use Designation	Maximum Allowed Density/Intensity*	ITE Land Use Code	Size of Development		Daily Trips	P.M. Peak Trips
				Acres	Allowed Development		
Adopted	Urban Community	75% commercial @ 2.0 FAR 25% residential @ 10 units/acre	820	41	2,678,940 sf 102 units	57,559 742	5,758 74
			220				
Proposed	Industrial Development	80% industrial at 1.0 FAR** 20% commercial at 1.0 FAR	110	41	1,428,768 sf 357,192 sf	10,571 15,535	1,886 1,493
			820				
Change in Trips						-32,195	-2,453

* Maximum density/intensity and land use mix for mixed-use future land use designations are from Table 1(c). Densities reflect bonuses.

** FDOT assumed Industrial FAR

NOTE: Trip generation calculations are based on ITE's *Trip Generation*, 8th Edition.

The Department has the following comments on this amendment:

FDOT Comment 7: Objective 32.6 describes Local Mixed-Use Activity Centers, but these are not mentioned as Specialized Mixed-Use Nodes in Objective 32.2 and are not shown on Page 7 of Lee Plan Map 1. Please confirm whether or not specific Local Mixed-Use Activity Centers have been proposed.

FDOT Comment 8: The amended future land use designation for Downtown Lehigh Acres will result in an increase in the trip generation potential of the affected parcels, as shown above. The Department's current data indicate that segments of S.R. 82 (an Emerging SIS Facility) in the vicinity of Downtown Lehigh Acres do not currently meet the LOS standard and are not projected to meet the LOS standard in the near term and long term. Please provide a traffic study to identify appropriate near-term mitigation projects and long-term mitigation projects and/or strategies. Near-term mitigation projects should be added to the five-year schedule of capital improvements. Long-term mitigation projects should be added to the Future Transportation Map and the long-range transportation plan. Long-term mitigation strategies may take the form of activities such as transit investments or development of parallel corridors. Such strategies should be coordinated with the Department and any affected local governments.

The Department is prepared to review a cumulative traffic study that accounts for Downtown Lehigh Acres and the other three sites if segment-specific traffic analyses and full supporting data are provided.

FDOT Comment 9: The Department recommends specifying maximum intensities for the Industrial Development future land use category so that "meaningful and predictable standards for the use and development of land" are provided per Rule 9J-5.005(6), F.A.C.

7. CPA2008-08 (UPDATE MAP 6, LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS)

This amendment revises Map 6 ("Lee County Utilities Future Water Service Areas") to include new sites and remove annexed sites.

The Department has no comments on this amendment.

8. CPA2008-09 (UPDATE MAP 7, LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREAS)

This amendment revises Map 7 ("Lee County Utilities Future Sewer Service Areas") to include new sites and remove annexed sites.

The Department has no comments on this amendment.

9. CPA2008-15 (PRE-DISASTER BUILDBACK)

This text amendment adds Future Land Use Objective 5.2 and its policies to allow redevelopment of multi-family properties that were built before 1984 at their existing densities. The policies list specific redevelopment requirements, including requirements that apply specifically to properties in the Coastal High Hazard Area. The text amendment also adds the term "build-back" to the glossary.

The Department has the following comment on this amendment:

FDOT Comment 10: The Department notes that it may be more appropriate to amend the applicable future land use designation descriptions and/or the future land use map to reflect the desired maximum densities for properties affected by this amendment, thus more accurately reflecting the County's desired future land use pattern and assuring consistency with the Transportation Element and Capital Improvements Element.

10. CPA2008-16 (2020 FINANCIALLY FEASIBLE TRANSIT NETWORK MAP UPDATE)

This amendment changes the planning horizon in Map 3C ("2020 Financially Feasible Transit Network") to 2030 for consistency with the 2030 LRTP. Map 3C has also been reformatted, and some routing and service changes have been made.

The Department has no comments on this amendment.

11. CPA2008-17 (COMMERCIAL USES IN THE COASTAL RURAL FUTURE LAND USE CATEGORY)

This amendment revises policies to clarify commercial uses allowed under the Coastal Rural future land use designation. Specific revisions include the following:

- Added text to Future Land Use Policy 1.4.7 to state that Coastal Rural allows “minor commercial” uses to serve island residents and visitors
- Revised Future Land Use Policy 14.4.2 to list example locations for commercial development and reiterate new text in Policy 1.4.7
- Added Future Land Use Policy 14.4.6 to limit commercial development under Coastal Rural to no more than 5,000 square feet, no more than two impervious acres, and uses that are compatible with Coastal Rural character (*e.g., animal clinics, bait and tackle shops, ecotourism, farm and feed supply stores, food stores, lawn and garden supply stores, restaurants other than fast-food restaurants, roadside stands, specialty retail, and nurseries*)
- Added Future Land Use Policy 14.4.7 to state the County’s intent to analyze commercial development in Coastal Rural areas as part of the next Evaluation & Appraisal Report (EAR)
- Added Future Land Use Objective 14.7 and Policy 14.7.1 regarding public involvement from the Greater Pine Island community

The Department has no comments on this amendment.

12. CPA2008-20 (UPDATE FLUM TO REFLECT ANNEXATIONS)

This amendment revises maps and text to reflect recent annexations. Specific revisions include the following:

- Revised the Bonita vision statement
- Removed references to incorporated cities from Future Land Use Policy 1.1.1
- Clarified in Future Land Use Policy 1.1.2 that Intensive Development areas are located along major arterials in Fort Myers, North Fort Myers, East Fort Myers west of I-75, and South Fort Myers and not in Cape Coral
- Added South Fort Myers to the list of Central Urban areas in Future Land Use Policy 1.1.3 and removed references to Cape Coral and Bonita Springs
- Added Iona/McGregor to the list of Urban Community areas in Future Land Use Policy 1.1.4 and removed the reference to Bonita Springs
- Added public transportation to the list of publicly owned lands under the Public Facilities future land use designation in Future Land Use Policy 1.1.8
- Removed municipality future land use designations from Page 1 of Lee Plan Map 1 (*as shown on the first page of Attachment 1 of the staff report*)

The Department has no comments on this amendment.

13. CPA2008-22 (UPDATE CONSERVATION LANDS)

This amendment changes the future land use designation of sites with the Conservation Lands designation (*totaling 30 acres*) where the sites were incorrectly designated as such or are not compliant with Conservation Lands requirements. The amendment also applies the Conservation Lands designation to several sites (*totaling 3,441 acres*).

The Department has the following comment on this amendment:

FDOT Comment 11: While the cumulative impact of amending the future land use designations of the affected sites is likely to be a decrease in trip generation potential countywide, a traffic study should be provided to show how individual State roadway segments are affected by the changes proposed in this amendment. The traffic study should quantify changes in trip generation potential on a parcel-by-parcel basis and identify needed near-term mitigation projects and long-term mitigation projects and/or strategies. Near-term mitigation projects should be added to the five-year schedule of capital improvements. Long-term mitigation projects should be added to the Future Transportation Map and the long-range transportation plan. Long-term mitigation strategies may take the form of activities such as transit investments or development of parallel corridors. Such strategies should be coordinated with the Department and any affected local governments.

14. CPA2008-23 (PUBLIC FACILITIES UPDATE)

This amendment changes the future land use designation of eight sites to the Public Facilities designation

The Department has the following comment on this amendment:

FDOT Comment 12: The adopted future land use designations of seven of the affected sites are Intensive Development and Urban community, which allow more intense development than the proposed Public Facilities designation (which allows public schools, parks, airports, and other governmental facilities). For these seven sites, the amendment is likely to result in a decrease in trip generation potential.

The eighth site is currently designated DR/GR, which may allow less intense development than the proposed Public Facilities designation. This site equates to 66% of the acreage affected by the amendment. Because of the potential increase in trip generation associated with the DR/GR site, a traffic study should be provided to show how individual State roadway segments are affected by the changes proposed in this amendment.

The traffic study should account for the CPA2008-06 amendment (*and the Department's comments on the CPA2008-06 amendment*), quantify changes in trip generation potential on a parcel-by-parcel basis, and identify appropriate near-term mitigation projects and long-term mitigation projects and/or strategies. Near-term mitigation projects should be added to the five-year schedule of capital improvements. Long-term mitigation projects should be added to the Future Transportation Map and the long-range transportation plan. Long-term mitigation strategies may take the form of activities such as transit investments or development of parallel corridors. Such strategies should be coordinated with the Department and any affected local governments.

15. CPA2008-24 (UPDATE CONSTRAINED ROADS TABLE)

This amendment updates Table 2(a) ("Constrained Roads") to indicate that Pine Island Road through Matlacha is constrained for historic reasons as well as right-of-way, scenic, aesthetic, and environmental reasons.

The Department has no comments on this amendment.

16. CPA2008-25 (UPDATE LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MAP)

This amendment updates Lee Plan Map 22 ("Lee County Multi-Purpose Recreational Trails and Greenways Master Plan") to show new Connector trails and new blueways. The map has also been reformatted.

The Department has no comments on this amendment.

17. CPA2008-27 (COMMERCIAL/INDUSTRIAL LANDS STUDY)

This amendment reflects additional recommendations of the Commercial/Industrial Study that was completed in 2007 for the County Office of Economic Development. Specific revisions include the following:

- Added text to Future Land Use Policy 1.1.7 stating that retail/wholesaling of products related to products manufactured on site is allowed under the Industrial Development future land use designation
- Added text to Future Land Use Policy 1.2.2 allowing temporary housing for research and development activities under the Tradeport future land use designation
- Deleted Economic Policy 158.4.10 regarding the Lee County Community Redevelopment Agency's involvement in leveraging private reinvestment activities
- Revised Economic Objective 158.6 and added Policies 158.6.3 and 158.6.4 regarding expedited review of "economic projects"

The Department has the following comment on this amendment:

FDOT Comment 13: Please provide more information about "temporary" housing (e.g., maximum duration and trip-making characteristics of anticipated users) so that the Department can adequately evaluate the potential traffic impact of allowing such housing under the Industrial Development future land use designation. Please also state the maximum allowed density for temporary housing so that "meaningful and predictable standards for the use and development of land" are provided per Rule 9J-5.005(6), F.A.C.

If you have any questions or need additional information, please contact me at (239) 461-4300 or lawrence.massey@dot.state.fl.us.

Sincerely,



Lawrence Massey
District 1 Growth Management Coordinator

LLM/llm/ka

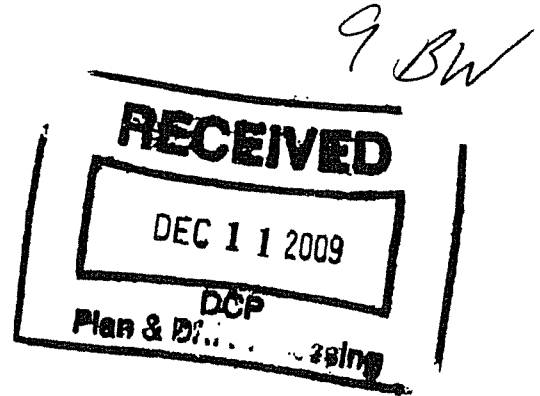


Southwest Florida Regional Planning Council

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December 9, 2009

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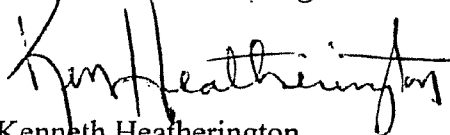
Re: Lee County / DCA 09-2

Dear Mr. McDaniel:

Staff of the Southwest Florida Regional Planning Council reviewed the proposed amendments (DCA 09-2) 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 seventeen proposed amendments at its February 19, 2009 meeting. Council staff has recommended that the Council approve its recommendations as found in the attached official staff report. If the Council's action differs from staff recommendation, we will notify you.

Sincerely,
Southwest Florida Regional Planning Council


Kenneth Heatherington
Executive Director

KH/DEC
Attachment

Cc: Paul O'Connor, AICP, Director, Lee County

**LOCAL GOVERNMENT COMPREHENSIVE PLAN AMENDMENTS
LEE COUNTY**

The Council staff has reviewed a proposed amendment to the Lee County Comprehensive Plan (DCA 09-2). 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. Location maps are provided as 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 county 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:

<u>Proposed Amendment</u>	Factors of Regional Significance			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA 2006-08 Babcock Ranch Community	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
CPA 2007-49 Buckingham Community Plan	yes	yes	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP

<u>Proposed Amendment</u>	Factors of Regional Significance			
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	<u>Consistent</u>
CPA 2008-01 Lee County Bikeways/ Walkways Facilities Plan	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
CPA 2008-05 Commercial Future Land Use Category Commercial Site Location Standards	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
CPA 2008-06 Implementing DR/GR Study	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
CPA 2008-07 Lehigh Acres Community Plan	yes	yes	yes	(1) regionally significant; and (2) consistent with SRPP
CPA 2008-08 Update Map 6 Future Water Service Lee County Utilities Areas	no	no	no	(1) procedural (2) not regionally (3) consistent with SRPP
CPA 2008-09 Update Map 7 Lee County Utilities Future Sewer Service Area	no	no	yes	(1) procedural; (2) regionally significant; and (3) consistent with SRPP
CPA 2008-15 Pre-Disaster Buildback	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
CPA 2008-16 2020 Financially Feasible Transit Network Map Update	no	no	yes	(1) procedural (2) regionally significant; and (3) consistent with SRPP
CPA 2008-17 Commercial Uses Coastal Rural Land Use Category	no	no	no	(1) not regionally significant; and (2) consistent with SRPP
CPA 2008-20 Update FLUM to Reflect Annexations	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
CPA 2008-22 Update Conservation Lands	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
CPA 2008-23 Public Facilities Update	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
CPA 2008-24 Update Constrained Roads Table 2(a)	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP
CPA 2008-25 Update Map 22 Lee County Greenways Multi-Purpose Recreational Trails	no	no	no	(1) procedural; (2) not regionally significant; and (3) consistent with SRPP

<u>Proposed Amendment</u>	<u>Factors of Regional Significance</u>			<u>Consistent</u>
	<u>Location</u>	<u>Magnitude</u>	<u>Character</u>	
CPA 2008-27 Commercial/Industrial Lands Study	no	no	no	(1) not regionally significant; and (2) consistent with SRPP

RECOMMENDED ACTION: Approve staff comments. Authorize staff to forward comments to the Department of Community Affairs and Lee County.

12/09

**LOCAL GOVERNMENT COMPREHENSIVE PLANNING AND LAND
DEVELOPMENT REGULATION 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 twice a year. (Amendments related to developments of regional impact, certain small developments, compliance agreements, and the Job Siting Act are not restricted by this limitation.) Six copies of the amendment are sent to the Department of Community Affairs 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. [s. 163.3184(3)(a)]

The proposed amendment will be reviewed by DCA in two situations. In the first, there must be a written request to DCA. The request for review must be received within forty-five days after transmittal of the proposed amendment. [s. 163.3184(6)(a)] Review 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, DCA can decide to review the proposed amendment without a request. In that case, DCA must give notice within thirty days of transmittal. [(s. 163.3184(6)(b))]

Within five working days after deciding to conduct a review, DCA must forward copies to various reviewing agencies, including the regional planning council. [s. 163.3184(4)]

Regional Planning Council Review

The regional planning council must submit its comments in writing within thirty days of receipt of the proposed amendment from DCA. 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." [s. 163.3184(5)]

After receipt of comments from the regional planning council and other reviewing agencies, DCA has thirty days to conduct its own review and determine compliance with state law. Within that thirty-day period, DCA 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) AND THE RULE (9J-11, FAC) FOR DETAILS.

SWFRPC COMMENTS
Lee County Comprehensive Plan Amendments
DCA 09-2

The Lee County amendments submitted for review by the Council contains seventeen amendments to the Lee Plan. These amendments are as follows:

Proposed Amendment (CPA 2006-8) Babcock Ranch Community

This proposed amendment is a privately sponsored request by Babcock Property Holdings, LLC to amend the Lee Plan Transportation Element to address the potential transportation impacts from the future development of the Babcock Ranch Community located in Charlotte County. The request proposes to incorporate Objective 36.3 into the Plan. The new Objective supports policies and references tables to document a potential list of road impacts through 2030, the final buildout of the proposed development. The requested amendments also establish a process by which any required road improvements will be added to Lee Plan Map 3A, "2030 Financially Feasible Transportation Plan," and amends the Lee Plan Capital Improvement Program. Finally, the amendment redefines needed road improvements as individual increments that are analyzed and as development agreements that are executed to address specific improvements.

Regional Significance and Consistency

This proposed amendment provides recommended language for the new transportation policies addressing the impacts from the Babcock Ranch Community in Charlotte County. Through meetings with the developer, affected parties and County staff, revised the policy language was developed and considered by the Lee County Board of County Commissioners. In an attempt to reduce concerns that the amendment is in fact adopting specific roadway improvements, the tables that identified possible roadway additions and improvements have been removed. Additional language has been added in this request to emphasize the County's support of the proposed East-West connector as a priority and to stress transportation/mobility improvements as alternatives to simply widening roadways.

Council staff has reviewed the transportation-related section of the transmitted Lee Comp Plan amendment relevant to Babcock Ranch. Based on that review, Council staff finds that the amendment establishes acceptable processes that will address the long-term impacts of the of Babcock Ranch development on Lee County.

Based on the County staff analysis of the proposed additional language and map changes to the Lee Plan, Council staff finds that the proposed amendment promotes sound planning and produces a coordinated transportation process in this area of the region. Council staff also finds

that the request will significantly impact the regional roadway network in the future to be regionally significant.

Council staff finds that this amendment regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Balanced Intermodal/Multimodal System

Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.

Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.

Regional Cooperation

Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.

Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.

Action 2: In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

- Action 3:** Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.
- Action 4:** Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.
- Action 9:** In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.
- Action 10:** In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.
- Action 11:** Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

Proposed Amendment (CPA 2007-49) Buckingham Community Plan

This requested change is a Board of County Commissioners initiated amendment intended to revise the Lee Plan Future Land Use Element to incorporate the recommendations of the Buckingham Community Planning effort. The requested amendments establish a revised Goal and new and revised Objectives and Policies specific to the Buckingham Community. The requests also update Table 1(b), Year 2030 Allocations.

Regional Significance and Consistency

Lee County staff and the representatives of the Buckingham community to amend the Lee Plan to incorporate a revised Goal and too provide new Objectives and Policies. After working with the community, Lee staff provided acceptable language for a new Goal and identified remaining issues. County staff provided a revised Map 16 and with an agreed upon revised Buckingham Community boundary and recommended revisions to Table 1(b) and the Year 2030 Allocations Table. These staff recommendations were reviewed and approved by the LPA. Council staff has reviewed the proposed language for the proposed amendment and supports the County staff recommendations and the LPA findings.

Council staff finds this amendment to be regionally significant, procedural and consistent with the following Goal, Strategy and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 1: Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

Action 6: Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that is, or is in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Proposed Amendment (CPA 2008-01) Lee County Bikeways/Walkways Facilities Plan Map 3D Update

This proposed change is a Board of County Commissioners initiated amendment to update the Bikeways/Walkways Facilities Plan Map 3D in accordance with the *Unincorporated Bikeways/Walkways Facilities Plan* which consists of the two maps attached to this report. The maps were originally reviewed and approved by the Lee County Bicycle/Pedestrian Advisory Committee.

Regional Significance and Consistency

The *Unincorporated Bikeways/Walkways Facilities Plan* included in Map 3D of the Lee Plan identifies both existing bicycle and pedestrian facilities on major roadways in unincorporated Lee County, and proposed (planned) facilities. The bicycle facilities are depicted on the current map as Bike Path/Trail (Class I/Off Road), Bike Lane/Paved Shoulder (Class II/On Road), and Bike route (Class III/On Road). The pedestrian facilities are identified as sidewalks. The current Unincorporated Bikeways/Walkways Facilities Plan, which has not been updated since 1999, was included in the submittal. The Lee Plan and Land Development Code (LDC) references to the map were also provided by the County staff in the submittal.

Council staff has reviewed the requested changes and agrees with the County staff that clearly Map 3D is an integral component of the Count's efforts to expand the availability of bicycle and

pedestrian facilities. Because the map has not been updated since 1999 and changes have occurred in terms of both the inventory of built facilities and the planned future roadway network, changes to the Lee Plan relevant to this issue needed to be made. The County's Bicycle/Pedestrian Advisory Committee worked on changes to Section 10-256 of the County's LDC to clarify and expand the requirements for private developments to provide bicycle/pedestrian facilities, which has resulted in some the Map 3D changes. One key change being made by the County in this request is to provide two new maps, one to reflect the proposed facilities that are needed (Map 3D-1) and one to reflect existing facilities (Map 3D-2). These new maps are intended to help make the Map 3D series easier to read. The maps have also been expanded to include a wider range of facility types, reflecting the current engineering and design trends. Council staff supports the findings of the County staff and recommends approval of the requested amendment.

Council staff also finds this amendment not to be regionally significant, procedural and consistent with and supported by the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

Actions 4: Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Proposed Amendment (CPA 2008-05) Commercial Future Land Use Category Commercial Site Location Standards

This proposed change is a Board of County Commissioners initiated amendment intended to revise Policy 6.1.2.9 to add a cross reference exempting the Commercial Future Land Use category from the Lee Plan Commercial Site Location Standard requirements when appropriate site development regulations are incorporated into a planned development.

Regional Significance and Consistency

The Board of County Commissioners adopted a new Commercial Future Land Use Map category in 2007. The Commercial Future Land Use Map category is exempt from site location standards when appropriate site development regulations are incorporated into the required planned

development zoning. County staff did not add the commercial Future Land Use Map category to Policy 6.1.2.9 when the Commercial category was adopted, thereby creating a conflict between the existing Future Land Use description of the subject category and the existing Lee Plan policy.

Because the proposed amendment will bring the existing Lee Commercial Future Land Use Map category into consistency with the Lee Plan by removing the internal Plan conflict, Council staff supports the efforts of the County and recommends approval of the requested amendment as identified by County staff.

Council staff also finds this amendment to be procedural, not regionally significant, and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 5:** Review proposed public facilities and services to ensure that costs are allocated on the basis of benefits received by existing and future residents.
- Action 6:** Review proposed development to require the developer to install or finance the necessary infrastructure and to provide land for the needed support services.
- Action 7:** Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

- Action 1:** Map or assist in mapping the appropriate distribution of urban uses for growth.
- Action 2:** Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.
- Action 3:** Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.
- Action 4:** Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.
- Action 5:** Review proposed development for increased densities and infill in suitable urban areas.

Proposed Amendment (CPA 2008-06) Implementing DR/GR Study

This proposed amendment is a Board of County Commissioners initiated request to incorporate the recommendations of the 2008 *Prospects for Southeast Lee County: Planning for the Density Reduction/Groundwater Resource Area* report. These changes include:

- 1) Amending the Vision Statements for the Gateway/Airport and the Southeast Lee County planning communities;
- 2) Revising Goal 10, Natural Resource Extraction;
- 3) Adding a new Goal 30 with subsequent objectives and policies to regulate limerock mining, natural resources, and clustered mixed-use residential development; authorizing potential density bonuses for Transferable Development Rights (TDRs) to existing urban areas and land designated in the new Mixed-Use Communities overlay;
- 4) Adding industrial acreage allocations for limerock mining to meet local and regional demand;
- 5) Amending the Future Land Use Map Series to modify the Public Facilities and Wetland land use categories;
- 6) Updating the public acquisition overlay;
- 7) Modifying the Private recreational Facilities overlay;
- 8) Designating a Future Limerock Mining Overlay;
- 9) Adding a new map to designate new residential overlays;
- 10) Amending the Agricultural overlay;
- 11) Adding a new map to depict Historical Surface and Groundwater Levels;
- 12) Adding a new map to depict the Priority Restoration overlay;
- 13) Adding a boundary and text for Southeast Lee County; and
- 14) Adding definitions for aggregate, limerock, and public recreation facilities.

Regional Significance and Consistency

The Density Reduction/Groundwater Resources (DR/GR) Future Land Use designation mostly is found in the southeastern portion of Lee County and impacts over 80,000 acres of land located south of the Southwest Florida International Airport, south and west of SR 82, east of the Florida Gulf Coast University, and north of the Lee-Collier County line. The subject area has a long history related to planning and has been an area of highly contested land use issues that run the full gambit of problems. The DR/GR has significant sporadic residential development, agricultural land used, mining activities, water resources, environmentally important lands and wildlife habitats. All these resources are important to the both County and Regional water resources and future development activities. County staff has provided significant studies and has utilized substantial planning efforts to address these historic planning, development and resource issues. Council staff strongly supports the County's planning efforts found as a basis for these propose amendments.

The DR/GR planning effort officially commenced with the release of the McLane Report in May of 2007. Since that time, all stakeholders and interested parties, including environmental organizations, civic groups, landowners and mining interests have participated in the planning process for this extremely important area in Lee County. Over a two-year period, there were 23 official DR/GR advisory committee meetings and no less than nine public hearings to solicit input on the DR/GR planning effort. Countless technical reports and data sources were utilized in the creation of the DR/GR amendments, resulting in a propose overlay that is comprehensive, data-driven, equitable and defensible. These amendments represent one of the most comprehensive planning efforts ever put forth in Lee County. They are proceeding based upon the Board of County Commission required timeframe for transmittal within this year's growth management plan amendment cycle.

These DR/GR amendments may the County's best change to provide a meaningful framework for planning for the future of Southeast Lee County. Council staff supports the County staff's recommended amendment and requests that five additional policy recommendations be considered with respect to these amendments:

1. Future Limerock Mining Overlay

The policies and accompany map provided in the amendment submittal provides a well-defined process to direct future mining to locations where extraction of aggregate would not result in incompatibility with groundwater recharge, conservation and existing residential land uses. Council staff would suggest that the Future Limerock Overlay provide for Objective 30.1 and its implementing policies, Goal 10, Objective 10.1 and 10.2 and their implementing policies, Map 14, including Area B in an amended Map 14, which contains the eastern 240 acres of the Galvano property.

2. Historic Surface and Groundwater Levels Overlay

The Lee Plan currently requires all land uses within the DR/GR to be compatible with “maintaining surface and groundwater levels at their historic level” (FLUE Policy 1.4.5). The difficulty in applying this policy is due to the subjectivity in defining “historic levels” and implementation has been hindered because no specific date for “historic” has been established. The proposed addition to this policy and accompanying map would establish 1953 as the benchmark for “historic” and delineate the surface and groundwater levels at this date. Council staff would support the Dover Kohl and County Definition of Historic Levels for the Surface Groundwater Overlay. (FLUE Policies 1.4.5 and 1.7.14 and Map 24)

3. Priority Restoration Overlay

Identification of lands for potential future restoration and/or acquisition is an important planning tool that can be utilized for the DR/GR. The future restoration/acquisition areas and their prioritization as proposed by county staff and Dover Kohl coincide with both currently established public acquisition boundaries and lands that will provide additional environmental benefit and connectivity with public lands. Council staff supports inclusion of the Priority Restoration Overlay. (FLUE Objective 30.2 and its implementing policies and Map 25 - to be replaced by Page 4 of Map 1).

4. Transfer of Development Rights (TDR) Program – Directing Mixed Use Development to Appropriate Locations

Council staff supports the utilization of a TDR program that directs development to designated Mixed Use Communities, especially along SR 82. As the County is beginning the 2035 Long Range Transportation Planning process, designation of these two development nodes will allow Lee County to focus future transportation dollars on roads that correspond to future planned developments in this area. Linking land use and transportation planning in this manner will greatly benefit Lee County and Regional planning for the future. Council staff also concurs with County staff and Dover Kohl in recommending that the allowable increase in dwelling units from the TDRs within the DR/GR is limited to 6,000 residential units. (FLUE Policy 1.7.13, Objective 30.3 and its implementing policies, and Map 17 as proposed by the County staff).

5. Rural Community Designation at Appropriate Locations and Removal of Edison Farms and Six Ls Farms as a future Rural Community

Council staff supports the County staff recommendation to remove the Rural Community designation from the Edison Farms site, based upon the site’s location within the Corkscrew Regional Ecosystem Watershed (CREW) boundary. Its status as a primary panther habitat, the amount of wetlands contained on the site, and the lack of infrastructure (roads, water and sewer) to adequately support development make the site

inappropriate for future development activities. The Rural Community developments proposed within the Six Ls Farms should also be eliminated, as it is in a Priority 1 restoration area identified in the Erwin Ecological Memorandum and occupies quality panther habitat. Council staff recommends that an overall assessment of the costs and benefits of the Rural Communities designation be conducted to ensure this land use designation can support the development it proposes to generate. (Map 17 as proposed by County staff).

In addition to the changes mentioned above, Council staff provides several additional suggestions for consideration that in Council staff opinion will further provide structure to the DR/GR amendments and County planning efforts:

1. Strengthen FLUE Policy 1.4.5.2.c by adding language that requires density from mine pits be extinguished and density from remaining mine acreages be extinguished or transferred to a Mixed Use Community.
2. Restrict fill dirt pits within the DR/GR to the allowed mining areas of Map 14 – Future Limerock Mining Overlay.
3. Include language that requires minimum standards for zoning or development order approvals for mines and for all required monitoring reports with FLUE Policies 10.2.6 and 10.2.7.
4. Include language in Policy 30.2.3 to provide a Lee County commitment to seek funding and/or other government approval for acquisition, protection and restoration of the lands within the Priority Restoration Areas, as depicted on the proposed amendment of Page 4 of Map 13.

Council staff strongly supports the County's efforts update the Lee Plan with respect to the DR/GR land use designation and finds that the proposed amendments are regionally significant and consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

Actions 4: Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking;

and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Strategy: Review projects for impacts on our neighborhoods, commercial centers, and natural areas due to roadway expansions and right-of-way reservations.

Actions 1: Report on comprehensive plans and land development regulations that protect future state, regional, and local public facilities, corridors, and rights-of-way from building encroachment.

Actions 2: Depict in the annual report, right-of-way for transportation projects in designated transportation corridors that make effective use of conventional and innovative approaches to protection and acquisition.

Actions 3: During the development approval process, assist local government in requiring dedicated right-of-way where there is a relationship between the land use and need for the transportation improvement.

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

- Action 1:** Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.
- Action 2:** Assist communities in identifying neighborhoods that is, or is in danger of, deteriorating.
- Action 3:** Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.
- Action 6:** Work with local agencies to apply for state or federal programs that assist in community revitalization.
- Action 7:** Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.
- Action 8:** Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Livable Communities

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

- Action 1:** Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.
- Action 4:** Working in cooperation with agencies and local governments, insure that all mining and borrow operations prepare and implement reclamation programs that restore and ensure long-term sustainability of their watersheds and native habitats.
- Action 8:** Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Action 9: Insure that opportunities for governmental partnerships and public/private partnerships in preserving wildlife habitats are maximized.

Proposed Amendment (CPA 2008-07) Lehigh Acres Community Plan

This proposed amendment is a Board of County Commissioners initiated request to implement the *Lehigh Acres Comprehensive Planning Study* amending the Future Land Use Element to include Goals, Objectives, and Policies specific to the Lehigh Acres Specialized Mixed-Use Nodes and Commercial Overlay Zones.

Regional Significance and Consistency

The Board of County Commissioners directed County staff by resolution to cooperate with the Lehigh Acres community to pursue Lee County Comprehensive Plan and Land Development Code amendments reflecting the recommendations set forth in the *Lehigh Acres Comprehensive Study*. The Vision for Lehigh Acres as expressed by interested citizens of Lee County has guided the proposed amendments. The vision expressed by the residents stated "...to become a sustainable community of choice, a community that is safe, affordable, connected, well served, livable, attractive, and populated by a diverse and engaged citizenry." Achieving the vision will require overcoming difficult challenges as a result of the platted lands nature of the community, the lack of infrastructure, and the scattered residential development pattern that currently exists. Based on these problems, the community identified the following items that would need to be achieved to obtain the vision:

- 1) **Managed/Balanced Growth:** Growth is encouraged in areas where a full range of public services are in place or planned, and discouraged in outlying areas lacking in water, sewer, and other basic infrastructure;
- 2) **Community Character:** Enhance community identity and pride by improving development quality, architectural character and quality, and quality of landscape materials. Integrate parks, open space, greenways, and amenities to enhance quality of life;
- 3) **Natural Resource Protection:** Reduce the impact of septic systems and provide for adequate groundwater and aquifer recharge. Promote the "greening" of Lehigh Acres, emphasizing the use of native landscape species;
- 4) **Efficient Transportation:** Upgrade the condition and capacity of the local road system, improve connectivity and apply principles of access management along major roadway corridors. Promote alternatives to auto reliance through transit and improved networks of sidewalks and pedestrian and bicycle trails as part of community greenways; and
- 5) **Full Array of Public Services and Facilities:** Expedite the staged extension of water and sewer systems, connect lots previously served by on-site septic and wells, and discourage additional development reliant on on-site well and septic systems. Reserve land and promote intergovernmental coordination for the

development of schools, libraries, recreation centers, and other facilities and services necessary for a sustainable community of choice.

In August 2006, Lee County contracted with the firm Wallace Roberts and Todd, LLC (WRT) to develop a Comprehensive Plan for the Lehigh Acres Planning Community to guide future development of all kinds.

The comprehensive evaluation of Lehigh Acres took over two and a half years to complete. The result was a planning document by WRT entitled Lehigh Acres Comprehensive Planning Study dated March 2009. This document was developed in five phases: Framework for Plan Development; Existing Conditions and Trends; Vision for the Future; Alternative Concepts and Scenarios; and, Plan Document. Based on this document, the recommendations that were made resulted in the County's best attempt to implement the Lehigh Acres Plan.

Council staff reviewed the proposed changes that will implement the Lehigh Acres Plan and finds that the proposed changes to the Lee Plan relative to Lehigh Acres are regionally significant. Council staff also finds that the proposed amendments are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Regional Cooperation

Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.

Strategy: Promote regional cooperation and coordination for economic development.

Action 1: Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

Livable Communities

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 1: Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation of air, ground, and water resources.

Action 6: Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Action 1: Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

Action 2: Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

Action 3: Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

Action 6: Work with local agencies to apply for state or federal programs that assist in community revitalization.

Action 7: Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

Action 8: Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Action 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Proposed Amendment (CPA 2008-08) Update Map 6, Lee County Utilities Future Water Service Areas

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 6m Lee County Utilities Future Water Service Areas to add areas currently outside of the Future Water Service Areas and remove areas within the Future Water Service Areas that are served by other utility entities.

Regional Significance and Consistency

The Lee County Utilities Future Water Service Areas (Lee Plan Map 6) was first adopted as part of the 1998 Lee Plan. PAT 92-32 amended Policy 31.1.1 (Policy 53.1.1) to reflect that the intent of the was to show areas where Lee County Utilities will ensure service availability when needed rather than where service will be provided regardless of demand. On November 1, 2000, the Lee County Board of County Commissioners adopted PAM 99-04 (Ordinance 00-22) which amended the map to reflect changes in conditions due to utility acquisitions, expansions, and annexations. The map was amended again by Lee County Ordinance 03-19 (CAP2002-00011) to include the majority of the Buckingham Community Planning area within the Lee County Utilities Future Water Service Areas.

The purpose of this amendment is to adjust the Lee County Utilities Future Water Service Areas Map 6 to more accurately reflect the areas of service (current and future). The adjustments to the map included additions of areas where service is currently provided directly or indirectly by Lee County Utilities, and areas where new service may be provided within the future. The service areas map is being contracted in areas where service is or will be provided by the City of Ft. Myers due to annexations or where another utility is currently serving the property.

Council staff has reviewed the proposed map changes and finds that the changes to the Lee Plan Map 6 relative to future utility service areas are procedural, not regionally significant. Council staff also finds that the proposed map changes are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

Action 1: Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.

Action 2: Assist local governments and state agencies in planning for future support service facilities, before the need arises.

Action 3: Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Proposed Amendment (CPA 2008-09) Update Map 7, Lee County Utilities Future Sewer Service Area

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 7, Lee County Utilities Future Sewer Service Areas to add areas currently outside of the Future Sewer Service Areas and remove areas within the Future Sewer Service Areas that are served by other Utility entities.

Regional Significance and Consistency

The Lee County Utilities Future Sewer Service Areas (Lee Plan Map 7) was first adopted as part of the 1989 Lee Plan. The PAT 92-32 amended Policy 34.1.1 (Policy 56.1.1) to reflect that the intent of the map was to show areas where Lee County Utilities would ensure service availability when needed rather than where service would be provided regardless of demand. On November 1, 2000, the Lee County Board of County Commissioners adopted PAM 99-05 (Ordinance 00-22) which amended the map to reflect changes in conditions due to utility acquisitions, expansions, and annexations. The map was amended by Lee County Ordinance 03-19 (CPA 2002-00011) to include the Gulf Coast Center and Tice Fire Station sites within the Lee county Utilities Future Service Areas. This amendment added language to Objective 17.3 allowing central sewer service within the Buckingham "Rural Community Preserve" to properties identified on Map 7 as Future Sewer Service Areas. In 1996 the State of Florida installed an 8" sewer main along Buckingham Road to serve the Gulf Coast Center site. This line is currently

under utilized by the facility. On October 18, 2007, the Southwest Florida Regional Planning Council passed a resolution with specific recommendations and guidelines to be considered by governmental jurisdictions in Southwest Florida for the regulation and control of treated wastewater discharges containing nitrogen and/or phosphorus. This amendment address that resolution.

The purpose of this amendment is to adjust the Lee county Utilities Future Sewer service Areas (Map 7) to more accurately reflect the areas of service (current and future). The adjustments to the subject map include additions of areas where service is currently provided within the Future Urban Area of Lee County due to environmental issues from onsite wastewater treatment systems. The service areas map is being contracted in areas where service is or will be provided by the City of Fort Myers due to annexations and where another utility has been granted a franchise expansion from the Florida Public Service Commission.

Council staff has reviewed the proposed map changes and finds that the changes to the Lee Plan Map 7 relative to future utility service areas are procedural, not regionally significant. Council staff also finds that the proposed map changes are consistent with and supported by the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 3:** Review proposed public facilities to ensure their location in urban areas that have in place, or are covered by binding agreements to provide, the resources and facilities for desired growth in an environmentally acceptable manner.

Proposed Amendment (CPA 2008-15) Pre-Disaster Buildback

This proposed amendment is a Board of County Commissioners initiated request to add Lee Plan policies to permit pre-disaster buildback of existing multi-family projects that were developed prior to the adoption of the current Lee Plan Standard density limits.

Regional Significance and Consistency

Interested parties approached the County staff to inquire about redeveloping existing multi-family residential areas. In some cases, such as Shell Point Village or on North Key Drive, the multi-family units predate the Lee Plan and have a higher density than is currently permitted for those areas. Since these properties achieved their nonconforming density prior to the adoption of the Lee Plan, they are permitted to retain this density as long as there are no changes to the property. Once a property owner proposed to make changes to the property that would require a rezoning or development order, the property must be brought into conformance with current regulations. This would include removing any residential units in excess of the permitted maximum.

The only exception to this requirement is outlined in Chapter XIII of the Lee Plan under the post-disaster buildback regulations. The existing post-disaster buildback regulations Plan recognize the right of a property owner to rebuild their development if it is destroyed by a natural disaster. It does not apply to the voluntary tearing down of a structure.

Lee Plan Goal 105 concerns the Coastal High Hazard area. The Objectives and Policies in this Goal are intended to maintain lower residential density in order to reduce the possible negative impacts of hurricanes and tropical storm surges. Therefore, much of the Coastal High Hazard areas have been designated with lower density future land use categories. Properties built before the adoption of this future land use categories can and do exceed the maximum permitted residential density.

The County analysis of multi-family residential developments in the County have revealed approximately 38 sites that exceed the standard densities permitted by their designated future land use category and that were built before the adoption of the Lee Plan. If any of these properties were to apply for redevelopment, they would be required to conform to the existing density regulation of the Lee Plan. The subsequent reduction of residential units creates an economic disincentive for the rehabilitation of these multi-family developments. Since this will inhibit owners from improving their properties, over time, this situation may result in the gradual degradation of the properties.

In order to allow landowners who wish to redevelop nonconforming multi-family residences, the propose Lee Plan Policies require that applicants provide full documentation of their existing development on the subject property prior to commencing any onsite modifications. This documentation must be presented to the County staff at a pre-application meeting. This will provide a baseline from which any significant changes in the proposed redevelopment can be measured.

In addition to this requirement, the proposed amendment addresses additional issues associated with the redevelopment of the subject sites. These issues deal with zoning, site design, building height, coastal high hazard area, and utilities. County staff states that by permitting multi-family residences that exceed maximum permitted density to retain their excess units under certain conditions an incentive will be created for the property owners to redevelop the properties that

are currently dilapidated or which become dilapidated in the future. The proposed Lee Plan Goal 5 and Policy changes is intended to mitigate the impacts of excess residential densities.

Based on the review of the proposed submitted materials, Council staff finds that the proposed changes are not regionally significant. In addition, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Action 1: Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

Action 2: Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

Action 3: Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

Action 6: Work with local agencies to apply for state or federal programs that assist in community revitalization.

Action 7: Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

Action 8: Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Proposed Amendment (CPA 2008-16) The 2020 financially Feasible Transit Network Map Update

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 3C, The 2020 Financially Feasible Transit Network Map, to change the planning horizon from 2020 to 2030 to be consistent with the adopted Transit Element of the Metropolitan Planning Organization (MPO) 2030 Transportation Plan.

Regional Significance and Consistency

The 2030 Financial Feasible Transit Map depicts the location of transit facilities which have been identified as financially feasible in the MPO 2030 Transportation Plan. These are facilities which have been identified as being able to be funded by existing and projected revenue sources. Lee Plan Map 3C was not updated as part of CPA 2005-05, which advance the planning horizon for the entire Lee Plan from 2020 to 2030. This happened because CPA 2005-25 was initiated before the MPO adopted its 2030 Transportation Plan.

Florida Statute FS399.175 (7) requires that the MPO develop a long range transportation plan that addresses at least a 20-year planning horizon. The plan must be consistent with future land use elements and the Goals, Objectives and Policies of the Comprehensive Plans of the local governments within the MPO. Further, the MPO Transportation Plan must be considered by the local governments when developing the Transportation Elements of their Comprehensive Plans.

On December 7, 2005 the Lee County MPO adopted the 2030 Transportation Plan. The Transportation Plan includes a Transit Element outlining the processes by which transit needs and funding are to be determined. This process includes a background review and a review of existing

Based on the review, Council staff finds that the plan amendments are procedural, regionally significant. Additionally, Council staff finds these requests consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Balanced Intermodal/Multimodal System

Goal 1: Construct an interconnected multimodal transportation system that supports community goals, increases mobility and enhances Southwest Florida's economic competitiveness.

Strategy: Identify the general transportation system composed of connected corridors, facilities, and services for the effective movement of freight and visitors.

Strategy: In cooperation with FDOT and the region's airport operators develop a mode balanced plan for people and freight.

Actions 1: Assist the region's airports in planning new improvements that will minimize travel delays and improve ground access for passengers, goods and commercial vehicles.

Actions 2: In cooperation with FDOT, local government, and the MPOs, to annually identify airport improvements that optimize Intermodal connections with other transportation modes.

Regional Cooperation

Goal 5: Develop a cost-effective and financially feasible transportation system that adequately maintains all elements of the transportation system to better preserve and manage the Region's urban and non-urban investment.

Strategy: Develop land use plans and policies that assess the potential for adverse impacts to transportation facilities and protect investment in transportation infrastructure.

Action 2: In cooperation with FDOT, local government, and MPOs, collaboratively test coordinated land use and transportation plans.

Action 3: Assist FDOT, local government, and the MPOs in designing plans that connect and serve urban communities with an efficient, transit oriented, and multi-modal transportation system.

Action 4: Review local government transportation concurrency management systems and planning agreements for mediation provisions addressing transportation impacts to neighboring jurisdictions when requested by the affected local government.

Action 9: In cooperation with FDOT, local government, and the MPOs, review transportation plans and projects to direct development in areas where adequate transportation facilities exist or are planned.

Action 10: In conjunction with FDOT, local government, and the MPOs, direct transportation investments in such a way so that it contributes to efficient urban and non-urban development throughout the region.

Action 11: Enhance economic prosperity and competitiveness through development of a transportation system composed of corridors, facilities, and services for the effective movement of freight and visitors throughout the region.

Proposed Amendment (CPA 2008-17) Commercial Uses in the Coastal Rural Future Land Use Category

This proposed amendment is a Board of County Commissioners initiated request to evaluate and incorporate into the Coastal Rural Future Land Use Category appropriate Lee Plan policy modifications to clarify permitted commercial uses in the Coastal Rural Future Land Use Category.

Regional Significance and Consistency

In 1989, the first Pine Island Commercial Study was initiated to research, analyze, and quantify commercial zoning needs for Pine Island, and to identify suitable locations for potential future commercial development. This study was conducted in response to a directive by the Board of County Commissioners to develop a means to identify future commercial sites throughout Lee County and was in direct response to issues emerging from two zoning cases that were under review on Pine Island.

Much of the developed area of Pine Island is concentrated in Pine Island Center, with smaller developed areas (villages) at the north and south ends of the Island (Bokeelia and St. James City). The remainder of the island contains smaller, scattered areas of limited development with a small urban area located centrally at Pineland. Based on this development pattern, the study acknowledged the existing commercially zoned parcels, the concentration of commercial uses in Pine Island Center, St. James City, and Bokeelia, and the possibility of the designation of potential commercial nodes on the island.

The study resulted in the adoption of Lee Plan Policies 16.4.1, 16.4.2 and 16.4.3 by the Board of County Commissioners in June 1991. These policies were later superseded by existing Lee Plan Objective 14.4, Policies 14.4.1 and 14.4.2. Twenty years later, the Board has again directed County staff to address clarification of applicable commercial land uses on Pine Island; however, in this case, the amendment is specific to the Coastal Rural Future Land Use category due to issues raised during a rezoning case that would legitimize an existing business.

In 2001, County staff started working with the Greater Pine Island Community, who had developed a new Pine Island Plan to address planning needs specific to the island. Their plan reflected their vision for Pine Island's future growth and development. In 2003, as a result of a two year long planning process and upon receipt of a no objection, recommendations, or comments from DCA concerning the proposed amendments, the Lee Plan changes were adopted by the Board of County Commissioners. This amendment adopted a new Vision Statement, a revised Goal 14, amended subsequent policies specific to Greater Pine Island, amended Objective 1.4 "Non-Urban Areas" by establishing a new "Coastal Rural" future land use category, and amended the Future Land Use Map series to reclassify 157 acres of agricultural lands located between Bokeelia and September Estates from "Outlying Suburban" to "Coastal Rural" and reclassified all land from "Rural" to the new "Coastal Rural" land use category.

On October 2005 the Board of County Commissioners again amended the Lee Plan with an amendment known as the Pine Island Community Plan Compromise. Among other things, this plan amendment restored the 157 acres back to the Outlying Suburban future land use category and, in an effort to maintain flexibility within the Coastal Rural category, added agriculture as a means of regaining density.

The currently requested amendment is intended to further the goal of capturing trips on the island by clarifying the allowable land uses in the Coastal Rural future land use category by defining permitted, minor commercial uses intended to serve island residents and visitors.

The proposed language is the result of a Board of County Commission initiated amendment recognizing the need to clarify permitted commercial uses within the Coastal Rural future land use category. This issue arose when the board was reviewing a rezoning case intended to legitimize a commercial use on a property in the Coastal Rural area that had existed for many years. The provision of basic commercial services is intended by County staff to minimize the number of trips off and onto the island.

Currently, there are no available economic options for adding significant road capacity to Pine Island. There are also no options to widen the existing bridges without serious economic or environmental impacts. Thus limited commercial uses will serve to negate detrimental traffic flows in Matlacha.

Council staff agrees and supports County staff opinion on this issue that limited minor commercial development is required on Pine Island to provide services to residents, which ultimately reduces trip generation to and from the island. Additionally, Council staff agrees with County staff analyses that the benefit of distributing commercial services at different locations on Pine Island to encourage the support and utilization by residents to reduce on island trip lengths are desirable, especially with the proposed planned developments and code requirements found in the Lee Plan and the Land Development Code.

Council staff has reviewed this requested change finds the proposed changes to the Lee Plan are not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Southwest Florida will develop (or redevelop) communities that are livable and offer residents a wide range of housing and employment opportunities.

Strategy: Development livable, integrated communities that offer residents a high quality of life.

Action 1: Encourage programs that promote infill development in urban areas to maximize the efficient use of existing infrastructure.

Action 2: Work with local governments to promote structures and developments that combine commercial and residential uses as a means of providing housing that is affordable and near employment opportunities.

Action 3: Encourage communities that are pedestrian friendly or offer alternative modes of transportation to overcome transportation problems many low-income families face.

Action 4: Encourage new housing to be built in higher areas to reduce the need for costly flood insurance.

Action 5: Promote the mix of affordable and non-affordable housing to create integrated communities.

Strategy: Protect existing, well-established neighborhoods and communities and revitalize those experiencing deterioration.

Action 1: Encourage communities to fill existing infrastructure gaps (such as sidewalks, parks, lighting, etc.) in neighborhoods that offer affordable housing.

Action 2: Assist communities in identifying neighborhoods that are, or are in danger of, deteriorating.

Action 3: Assist communities in their efforts to develop methods for removing or rehabilitating substandard units, abandon or unsafe property, and blighting influences in residential areas and the surrounding neighborhoods.

Action 6: Work with local agencies to apply for state or federal programs that assist in community revitalization.

Action 7: Encourage communities to focus on troubled areas in a comprehensive method that coordinates programs and services, rather than using a shotgun approach.

Action 8: Promote resident involvement in neighborhood planning efforts, so residents are active in making decisions that will affect their areas.

Proposed Amendment (CPA 2008-20) Update FLUM to Reflect Annexations

This proposed amendment is a Board of County Commissioners initiated request to modify the Lee Plan's Future Land Use Map to reflect City annexations.

Regional Significance and Consistency

The Lee Plan Map 1 of the Future Land Use Map (FLUM) encompasses the entire land area of Lee County. This map regulates property within the unincorporated areas of the County. Within the incorporated areas the intent of this map is to reflect the adopted municipal land use plans as closely as possible using Lee Plan designations. County staff reviewed 54 of the 67 Florida County FLUMs concerning the method of presenting municipal information on the County's FLUM. The County staff found that the Lee Plan map is unique in the depiction of County land use designations within municipalities. Other "countywide" FLUMs have been created where city/county planning agencies are in place. Most counties in Florida show no land use designations within the municipal boundaries. Since local governments continually update their adopted FLUMs, it is difficult for the Lee Plan FLUM to maintain consistency with the municipal maps.

When the Lee Plan FLUM was first adopted in 1984 there were 3 cities in the County and the Lee Plan FLUM contained 18 land use designations. There are now 4 cities and 1 town in Lee County and the Lee Plan FLUM has 29 land use designations (the 2 newest designations have not been reflected on the adopted FLUM). Over time, the number of municipal FLUM designations has also increase. This situation has made it impractical for Lee County to maintain an accurate reflection of the adopted municipal FLUMs on the official Lee County FLUM. County staff therefore has recommended in this amendment that the Lee Plan FLUM be amended to not depict Lee County land use designations on municipally regulated lands.

Council staff has reviewed the requested change to the County's FLUM and finds the proposed changes to the Lee Plan FLUM are procedural, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Maintain the physical infrastructure to meet growth demands.

- Action 1:** Review plan amendments, development proposal, and clearinghouse items for public facility deficits and encourage mitigation of those deficits.
- Action 2:** Assist local governments and state agencies in planning for future support service facilities, before the need arises.
- Action 4:** Study alternative and assist other entities to study alternatives to encourage land development that maximizes the use, rehabilitation, and re-use of existing facilities, structures, and buildings as an alternative to new construction and development.
- Action 7:** Assist local governments to obtain funding to maintain, improve, or expand their infrastructure.

Proposed Amendment (CPA 2008-22) Update Conservation Lands

This proposed amendment is a Board of County Commissioners initiated request to update the Conservation Land Category on the future Land Use Map.

Regional Significance and Consistency

In June 1998, the Board of County Commissioners adopted Lee Plan Policy 1.4.6 to create the Conservation Lands category and classified approximately 50,000 acres of land in the County in this Future Land Use Map category by adopting Comprehensive Plan Amendment PAT 96-08. In January 2002, the Board adopted amendment CPA 200-09 that included additional new language for Lee Plan Policy 1.4.6. The FLUM was revised annually from 2002 to 2004 to update the Conservation Lands category. Map amendment CPA 2000-09, CPA 2001-15, and CPA 2002-08 changed the land uses of 21,359 acres purchased by the Conservation 2020 program, the State of Florida and the Calusa Land Trust. The annual amendments were postponed until the Evaluation and Appraisal Report (EAR) was completed.

The FLUM was again revised annually from 2007-2009 to update the Conservation Lands categories. Map Amendments CPA 2005-28 and CPA 2006-26 changed the land uses on 8,530 acres purchased by the County through the Conservation 2020 program and lands purchased by the Calusa Land Trust, developments within the City of Fort Myers for conservation easements, and lands acquired for mitigation purposes.

The Conservation Lands FLUM category is for lands that are primarily used to conserve important natural resources, or other conservation uses. Conservation Lands typically include such uses as wildlife preserves, large wetland and upland mitigation areas and banks, natural resource based parks, and water conservation lands such as aquifer recharge areas, flowways, flood prone areas, and wellfields.

This amendment contains lands acquired by the County through the Conservation 2020 program, by the DEP through the Florida Forever program, and the SFWMD through mitigation lands. This amendment also removes lands included in the conservation lands category that were incorrectly designated or have non-compliance land uses.

Council staff has reviewed the submitted lands recommended for the map changes and finds the proposed changes to the Lee Plan are procedural, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 4: Livable communities designed to improve quality of life and provide for the sustainability of our natural resources.

Strategy: Promote through the Council's review roles community design and development principles that protect the Region's natural resources and provide for an improved quality of life.

Action 1: Working in cooperation with agencies and local governments, provide for the disposal of man's liquid and solid wastes in a manner that will not lead to long-term degradation or air, ground, and water resources.

Action 6: Working in cooperation with agencies and local governments, insure that new public facilities, facility expansions and additions avoid designated natural resource protection areas.

Action 8: Working with all levels of government within Southwest Florida actively plan for lands that have been acquired for natural resource purposes to be maintained and managed to preserve their environmental integrity.

Natural Resources Protection

Goal 2: The diversity and extent of the Region's protected natural systems will increase consistently beyond that existing in 2001.

Strategy: To identify and include within a land conservation or acquisition program, those lands identified as being necessary for the sustainability of Southwest Florida, utilizing all land preservation tools available.

Action 1: To help eliminate possible duplication or competition on a tract of land between entities, provide a clearinghouse and inventory of lands included in all land acquisition programs in a central location so various entities can see if any other entities were involved in a specific location. A future Web Site would be a useful tool and provide easy access.

Action 2: Support continued acquisition of lands targeted for conservation and recreation by Public Land Acquisition Programs including CARL, SOR, Florida Communities Trust, Lee County CLASC, CREW, WRDA and other efforts in the Region.

Action 5: Facilitate and assist in the coordination of all land acquisition programs in the Southwest Florida Region by sponsoring periodic meetings of all public and private initiatives.

Action 6: Create a map depicting land that has been set aside for conservation purposes within approved developments (existing conservation easements).

Proposed Amendment (CPA 2008-23) Public Facilities Update

This proposed amendment is a Board of County Commissioners initiated request to amend the Future Land Use Map series, Map 1, by updating the mapped Public Facilities future land use category, adding and/or removing lands to more accurately identify publicly owned lands.

Regional Significance and Consistency

In May 2007, the Board of County Commissioners adopted Lee Plan amendment CPA 2005-29. This amendment was the last time the Board amended the Public facilities future land use category on a countywide basis. The amendment proposed to redesignate parcels throughout the county to a Public Facilities future land use category. The decision was passed on the parcel either being acquired by a public agency to be used as a public facility or the parcel was currently being used as a public facility.

Lee County has acquired additional parcels of land since the last countywide review of the Public Facilities future land use category. Other parcels are owned by the City of Fort Myers or the Regional Planning Council.

Council staff has reviewed the proposed parcels that will have the land use designations changed and finds the proposed changes to the Lee Plan are procedural, not regionally significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Regional Cooperation

Goal 6: A system of cooperation and coordination for economic development that includes a broad range of public and private participants.

Strategy: Promote regional cooperation and coordination for economic development.

Action 1: Promote cooperative arrangements and actions for economic development among business, governmental, and environmental groups, and other public and private entities.

Action 2: Maintain the designation of the Southwest Florida Regional Planning Council as an Economic Development District.

Action 3: Continue to utilize the Southwest Florida Development Coalition in the development and review of economic issues.

Action 4: Continue the relationship with the Southwest Florida Regional Development Corporation.

Strategy: Provide technical assistance to member local governments and other public economic development entities.

Action 1: Develop and distribute economic and demographic information.

Action 2: Maintain and expand the SWFRPC library of items about economic development.

Action 3: Exchange information through the Southwest Florida Economic Development Coalition, and other workshops, groups, and committees.

Action 4: Provide examples of economic elements for local comprehensive plans.

Action 5: Review economic proposals, such as plan elements, projects, and grant applications.

Action 6: Assist in development and preparation of applications for funding.

Proposed Amendment (CPA 2008-24) Update Constrained Roads Table 2(a)

This proposed amendment is a Board of County Commissioners initiated request to update Table 2(a) of the Lee Plan, Constrained Roads, to include "Historic" as one of the Constrained Conditions for Pine Island Road (Matlacha).

Regional Significance and Consistency

Matlacha was designated as a Historic Resource by the Lee County Historic Preservation Board on November 29, 1990. Pine Island Road NW passes through the Matlacha Historic District and is designated as a Constrained Road. The Constrained Conditions in Table 2(a) of the Lee Plan does not list Historic as one of the conditions for including this stretch of Pine Island Road.

The community of Matlacha lies on a long narrow strip of land along the right-of-way of Pine Island Road (SR 78). The road is lined with tiny one and two room vernacular houses and commercial buildings erected on the remains of the fill created by the construction of the Matlacha Pass Bridge in 1926. Over 25 buildings were recorded along this narrow stretch of roadway. Generally, the buildings are wood frame structures and have been considerably altered over the years. Many of the structures have small docks access the water to the rear of the structure.

The historic resources of Matlacha are significant to Lee County as a concentration rather than on an individual basis. The resource does not raise to the level of a National Register District, however, the character and scale of this tiny fishing village is based on the many small vernacular buildings. The County has recognized the historic value of Matlacha and designated it a Historical District in the County.

Because Matlacha is designated as a Historic District and Pine Island Road runs through the district from Shoreview Drive to Little Pine Island Road, Pine Island Road has been designated as a Constrained Road. The Constrained Conditions on that section of roadway are listed in Table 2(a) of the Lee Plan as ROW, Scenic, Aesthetic, and Environmental. The addition of Historic to the list of Constrained Conditions is appropriate because of the Historic Designation for Matlacha.

Council staff reviewed the requested amendments and finds that the request is procedural, not regional in nature and consistent with the following Goal, Strategy and Action of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 3: A stable regional economy based on a continuing excellent quality of life.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Action 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Proposed Amendment (CPA 2008-25) Update Map 22 the Lee County Greenways Multi-Purpose Recreational Trails Map

This proposed amendment is a Board of County Commissioners initiated request to update Lee Plan Map 22 to incorporate additional connector trails and blueways, in accordance with the Lee County Multi-Purpose Recreational Trails and Greenways Master Plan.

Regional Significance and Consistency

The Greenways Master Plan process began in September 2002 with a meeting between the County Parks and Recreation staff and the National Park Service. Parks and Recreation staff has conducted many meetings with interested public groups such as bicycle and equestrian clubs, neighborhood organizations, and area businesses in order to determine the needs and desires of the public in regards to greenways and trails in Lee County. Parks and Recreation staff has met with various governmental agencies in order to better align the proposed Greenways Master Plan with existing governmental trail efforts. In October 2003, the Board of County Commissioners passed a resolution recognizing October as Greenways and Trails Month. The Greenways Master Plan was adopted by the on May 16, 2007 in conjunction with Lee Plan amendment CPA 2005-11.

The proposed Map 22 uses a new graphic style to represent the greenway corridors. This is done to convey the fact that the possible alignment of proposed greenway trails are not precisely fixed. Within a broad corridor, a greenway may take various alignments in order to take advantage of local geography or other opportunities.

One of the changes proposed on the new map is the addition of two stretches of Connector Trails. Connector Trails are internal to Lee County. They connect to the larger system or to specific locations. This is in contrast to the main Greenways system that is intended to connect to trails outside of the County. Where feasible, connector trails within urban areas should be designated as transportation alternatives to motorized uses. The first connector trail is in the Greenbriar Swamp area. It continues as a connector trail that extends southwest from the Lee-Hendry Canal Trail to the Sunshine Trial, a connector trail running along Sunshine Boulevard North. The proposed connector corridor will potentially allow greater access to several conservation areas that lay between Lehigh Acres and the Caloosahatchee River. The second proposed connector trail lays approximately 2.5 miles south of SR 82 and runs roughly parallel to that road. It runs west from where the Captiva-Hendry-Collier Trail greenway corridor turns north away from a Florida Power and Light right-of-way. The proposed connector continues northwest along the power right-of-way before rejoining the Captiva-Hendry-Collier Trail greenway corridor at Daniels Parkway. The additional connector closes a loop in the Captiva-Hendry-Collier Trail greenway corridor.

Several additional blueways are also depicted on the proposed map. Blueways are publicly owned waterways with scenic and recreational qualities and are accessible by the public. Blueways are typically used for kayaking and canoeing. Many of the proposed blueways are on creeks and streams that feed directly into the Caloosahatchee River. In the Alva Area, both Bedman Creek and Spanish Creek are now designated as blueways on the proposed Map 22. Further west on the north shore of the Caloosahatchee River, Trout, Owl, and Otter Creeks are also proposed to be designated as blueways. Just east of the Edison Bridge, on the north shore of the Caloosahatchee, Powell and Marsh Point Creeks are also proposed to be added as blue ways on Map 22. At the mouth of the Caloosahatchee, Shell Creek on the south shore and Jewfish Creek on the north shore are included in this proposal. The last proposed additional blueway is

the Underhill Creek blueway which extends from Pine Island to Cape Coral north of the mouth of the Caloosahatchee River.

The additional proposed connector trails will increase potential hiking and biking access to conservation areas in the eastern portion of the County. The new trails will also increase connectivity in the Greenways System. Adding more blueways will increase the potential number of water access points for the public and improve the overall accessibility of the County's water resources. Use of these facilities will also improve the general overall physical activities of the public and thereby improve the health, safety and welfare of the citizens of the County.

Council staff has reviewed the proposed additions to Map 22 and finds that the proposed changes to the Lee Plan are procedural, not regionally significant and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Livable Communities

Goal 2: Livable communities designed to affect behavior, improve quality of life and responsive to community needs.

Strategy: Promote through the Council's review function a good environment for driving, walking, bicycling, and public transit using a highly connected network of public streets, green space, and community centers.

Actions 4: Review comprehensive plans and land development regulations for incentives to develop and redevelop using mixed uses, higher densities, shared parking; and improved vehicular, mass transit, pedestrian and bicycle access and travel, as well as providing a variety of affordable residential densities and types.

Proposed Amendment (CPA 2008-27) Commercial/Industrial Lands Study

This proposed amendment is a Board of County Commissioners initiated request to continue the evaluation of the recommendations of the Commercial/Industrial Lands Study to further refine the appropriate Lee Plan policies and glossary.

Regional Significance and Consistency

In 2006, the Board of County Commissioners at the request of the Office of Economic Development commissioned a Commercial/Industrial Lands Study to identify appropriate lands for economic development. The study was presented to the Board in 2007. In February 2009, the Board adopted Lee Plan Amendment CPA 2007-55, which amended Lee Plan Objectives and Policies based on the recommendations of the Commercial/Industrial Study. In July 2009, County staff received recommendations from the Economic Development Office of Lee County and the Horizon Council regarding Chapter XI, Economic Element, of the Lee Plan.

The County staff met with member of the Office of Economic Development and with members of the Economic Development Task Force. Two recommendations were made regarding Lee Plan Policy 1.1.7. The first was to add language relating to manufacturing to the first condition. The County staff believed that this would allow greater range of retail sales within industrial developments. The second change was to amend Condition 4 of Policy 1.1.7 by allowing retail and commercial uses in up to 20% of the acreage of each planned development rather than 20% of the acreage designated as Industrial Development in each planning community. This was suggested to eliminate any burden to staff from having to keep a running total of the acres developed in commercial uses.

Two recommendations were also made to amend Lee Plan Policy 1.2.2. the first was to remove the words "Corner Store" from the policy. The second recommendation was to provide for temporary residential uses in connection with research and development activity in the Tradeport Future Land Use Category.

Finally, this amendment made some minor changes to the text to reflect new names or correct scrivener errors.

Council staff finds this requested amendments are changes that will improve economic development within the county, not regional in nature and consistent with the following Goals, Strategies and Actions of the Strategic Regional Policy Plan, July 4, 2002:

Economic Infrastructure

Goal 1: A well-maintained social, health, and educational infrastructure to support business and industry.

Strategy: Ensure the adequacy of lands for commercial and industrial centers, with suitable services provided.

- Action 1:** Map or assist in mapping the appropriate distribution of urban uses for growth.
- Action 2:** Identify existing urban lands and transportation corridors for development or redevelopment, and ensure adequate access and services are provided.
- Action 3:** Include in planning efforts the recognition of lands with natural capacity, accessibility, previous preparation for urban purposes, and adequate public facilities.
- Action 4:** Participate, coordinate, or promote intergovernmental coordination for siting unpopular land uses.

Action 5: Review proposed development for increased densities and infill in suitable urban areas.

Livable Communities

Action 1: Promote and assist resource planning programs to incorporate local government population projections and assessments of land consumption.

Action 2: Offer mediation and facilitation to resource-based planning programs that have conflicts with land use-based planning programs.

Strategy: Enhance existing commercial, service, and industrial centers through adequate maintenance and reinvestment.

Action 1: Maintain an inventory of public infrastructure and recommended improvements.

Action 2: Review plan amendments, new plans, and land development regulations for incentives to develop and redevelop.

Action 3: Review proposed development to maximize the use, rehabilitation, and reuse of existing infrastructure.

Strategy: Increase the retention and expansion of local business and industry and encourage local entrepreneurial development.

Action 1: Provide services to facilitate entrepreneurship and the development of small and minority-owned business.

Action 2: Cooperated with the public and private sectors to maintain information on regional economic development needs.

Action 3: Coordinate among learning institutions, employment agencies, and others for training and educational needs.

Action 4: Assist in increased use of economic development tools such as enterprise zones, incubator areas for small business formation, and community development corporations.

Action 5: Identify and publicize programs for business assistance.

Action 6: Identify the needs of local businesses for capital or other assistance and the products they purchase and sell,

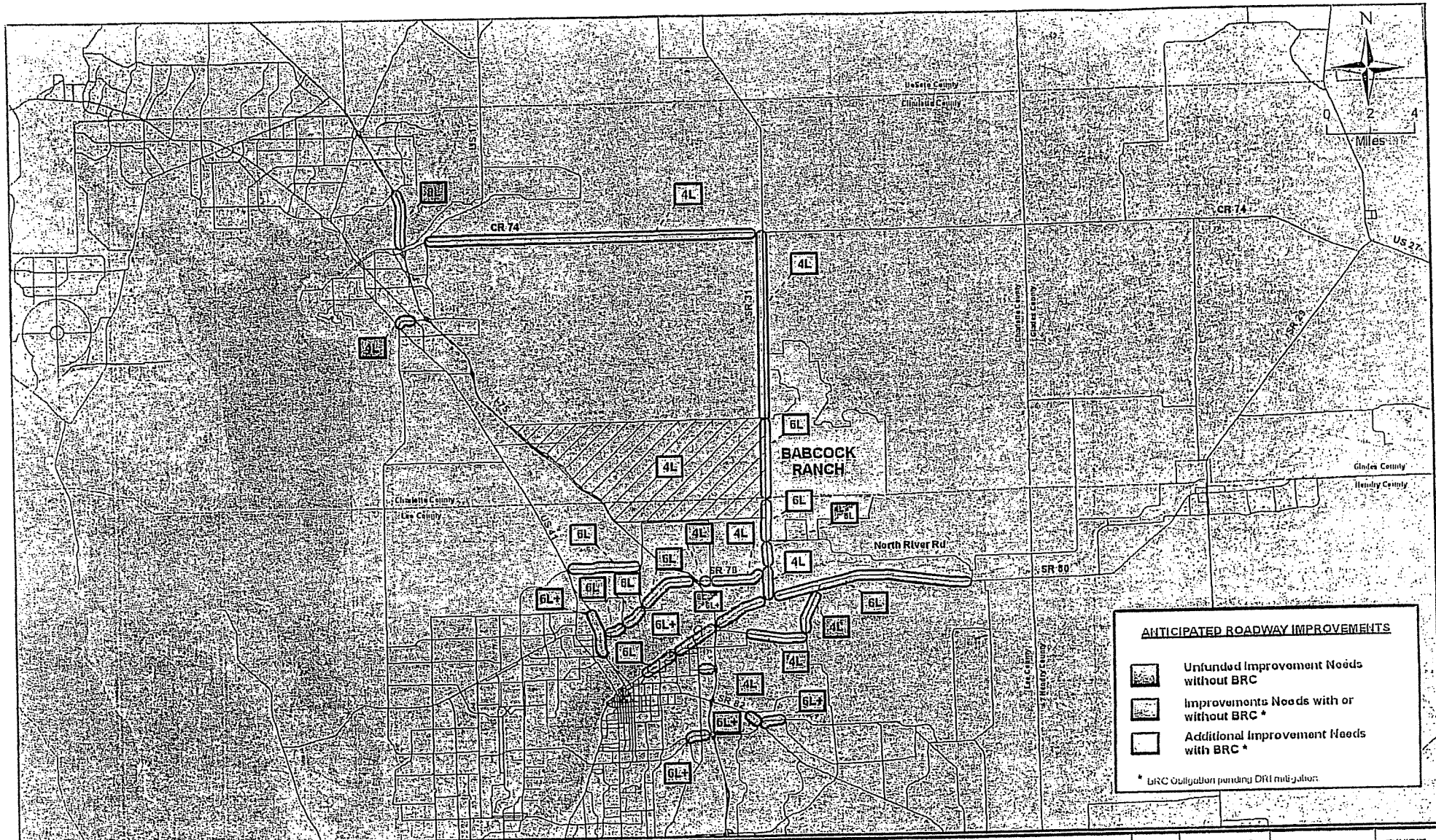
Conclusion

Council staff finds that seven (7) of the seventeen proposed amendments requested are regionally significant; ten (10) are not regionally significant. Council staff also found that eleven (11) are procedural. Council staff found that all seventeen (17) of the requested amendments are consistent with the SRPP.




Attachment III

Maps

**Lee County
DCA 09-2**



ANTICIPATED ROADWAY IMPROVEMENTS

-  Unfunded Improvement Needs without BRC
-  Improvements Needs with or without BRC *
-  Additional Improvement Needs with BRC *

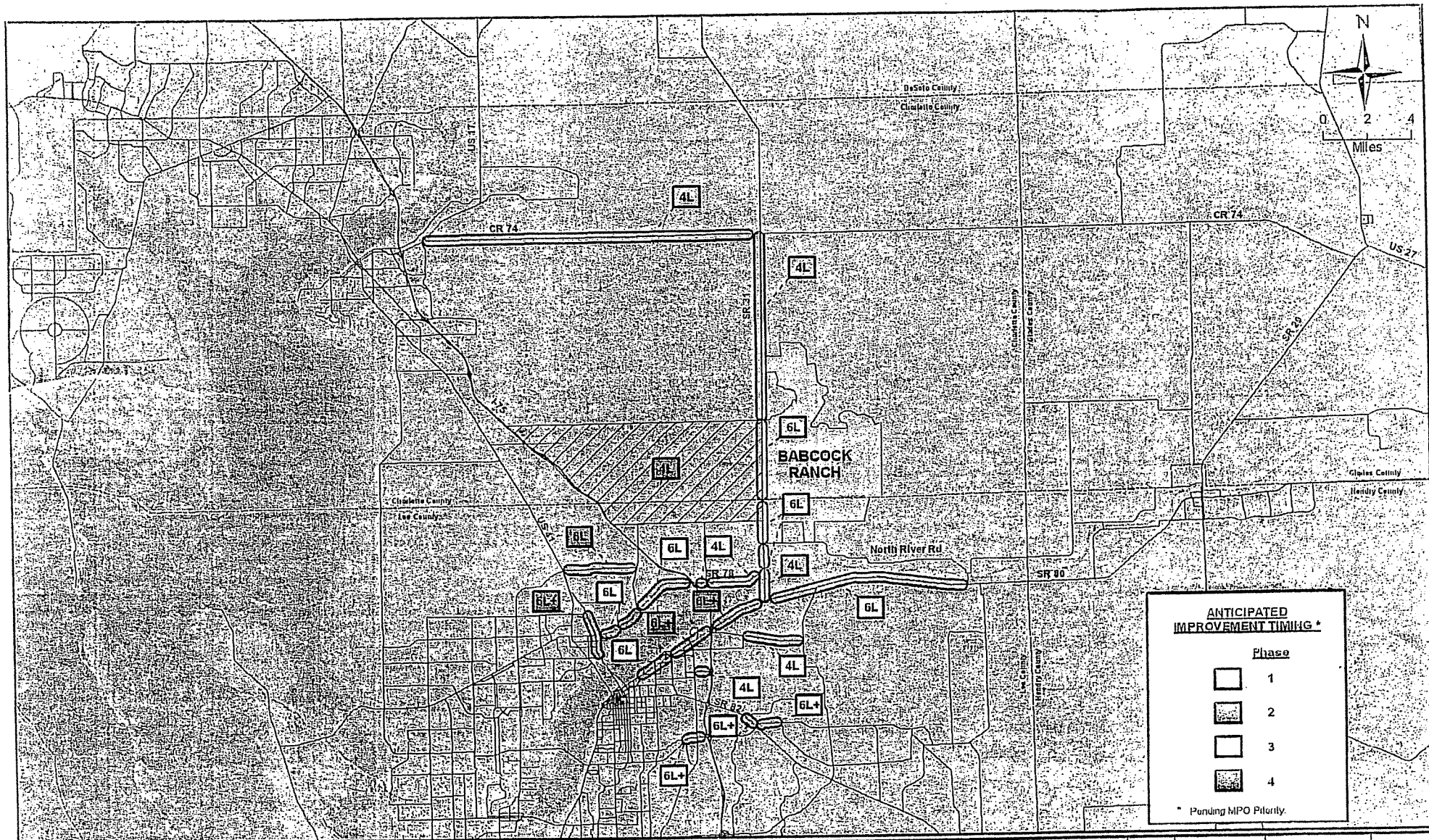
* BRC obligation pending DRI mitigation

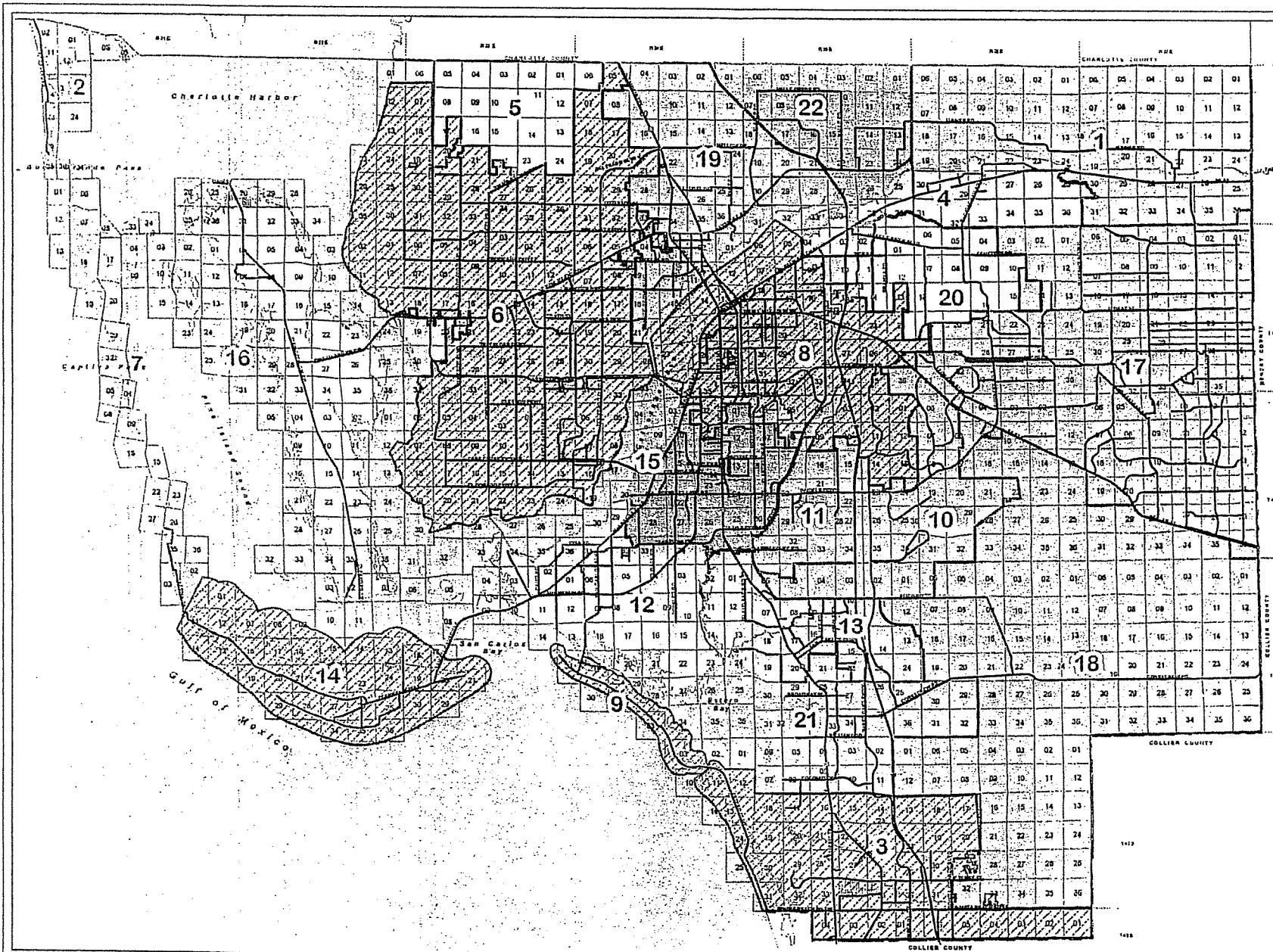


Babcock Ranch Community
Comprehensive Plan Amendment

**ANTICIPATED FINANCIALLY FEASIBLE ROADWAY ADDITIONS TO
SUPPORT AREA WIDE NEEDS COINCIDENT WITH BRC AT 2030**

DATE	PROJECT NO.	FILE NO.	EXHIBIT
05/09	08629	04A/0509	CPA-1





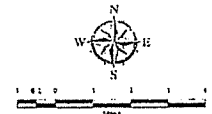
**CPA2007-00049
LEE COUNTY
PLANNING
COMMUNITIES
PROPOSED
Year 2030**

Planning Communities

- City Limits
- Areas Proposed to Change
- 1. Alva
- 2. Boca Grande*
- 3. Bonita Springs
- 4. Fort Myers Shores
- 5. Burnt Store
- 6. Cape Coral
- 7. Captiva
- 8. Fort Myers
- 9. Fort Myers Beach
- 10. Gateway/Airport
- 11. Daniel Parkway
- 12. Iona/McGregor
- 13. San Carlos
- 14. Sambel
- 15. South Fort Myers
- 16. Pine Island*
- 17. Lehigh Acres
- 18. Southeast Lee County
- 19. North Fort Myers
- 20. Buckingham*
- 21. Estero*
- 22. Bayshore*

* Area specific Lee Plan Goals, Objectives, & Policies may apply.

The Planning Commission Map and Average Allocation Table (see Table 1(D) and Annexes 1.1.1 and 2.2.2) depict the proposed distribution, extent, and location of generalized land uses for the year 2030.



























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City Limits current to date of map generation

Last Amended: August 13, 2007
Adopted by Ordinance No. 08-09
Amended by Ordinance No.
02-02, 03-01, 03-02, 03-04, 03-21, 07-09, 07-13

**PROPOSED
Lee Plan Map 16**

CPA2007-00049
LEE COUNTY
PLANNING
COMMUNITIES
ADOPTED
Year 2030

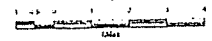
Planning Communities

-  City Limits
-  Areas Proposed to Change
-  1. Alva
-  2. Boca Grande*
-  3. Bonita Springs
-  4. Fort Myers Shores
-  5. Burnt Store
-  6. Capo Coral
-  7. Captiva
-  8. Fort Myers
-  9. Fort Myers Beach
-  10. Gateway/Airport
-  11. Daniel Parkway
-  12. Iona/McGregor
-  13. San Carlos
-  14. Sanibel
-  15. South Fort Myers
-  16. Pine Island*
-  17. Lehigh Acres
-  18. Southeast Lee County
-  19. North Fort Myers
-  20. Buckingham*
-  21. Estero*
-  22. Baysshore*

* Area specific Lee Man Goals, Objectives, & Policies may apply.

The Planning Communities Map and Average Allocation Table (see Table 1(b)) and Figures 1.1.1 and 2.2.2 depict the proposed distribution, extent, and location of generalized land uses for the year 2030.

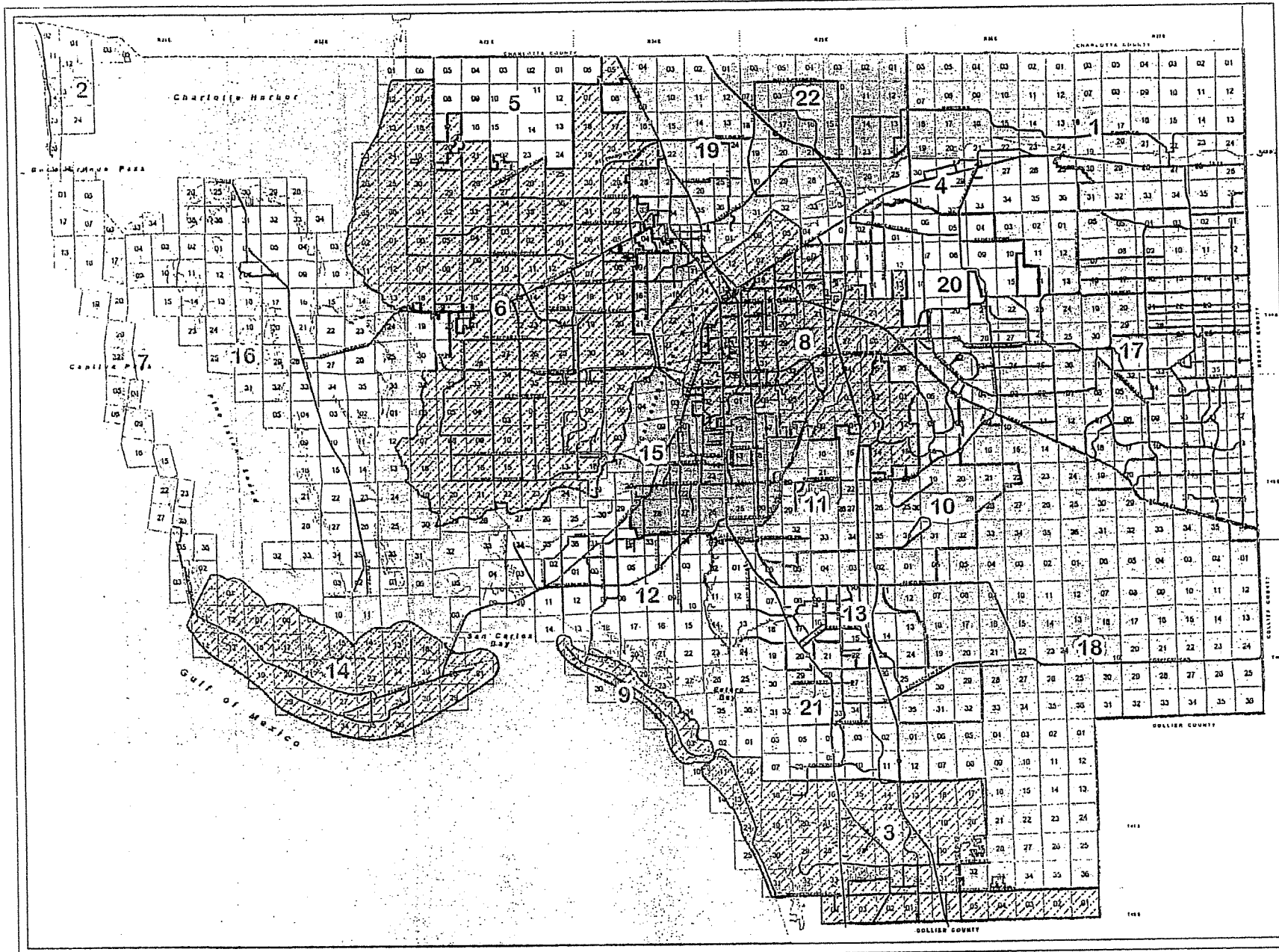
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



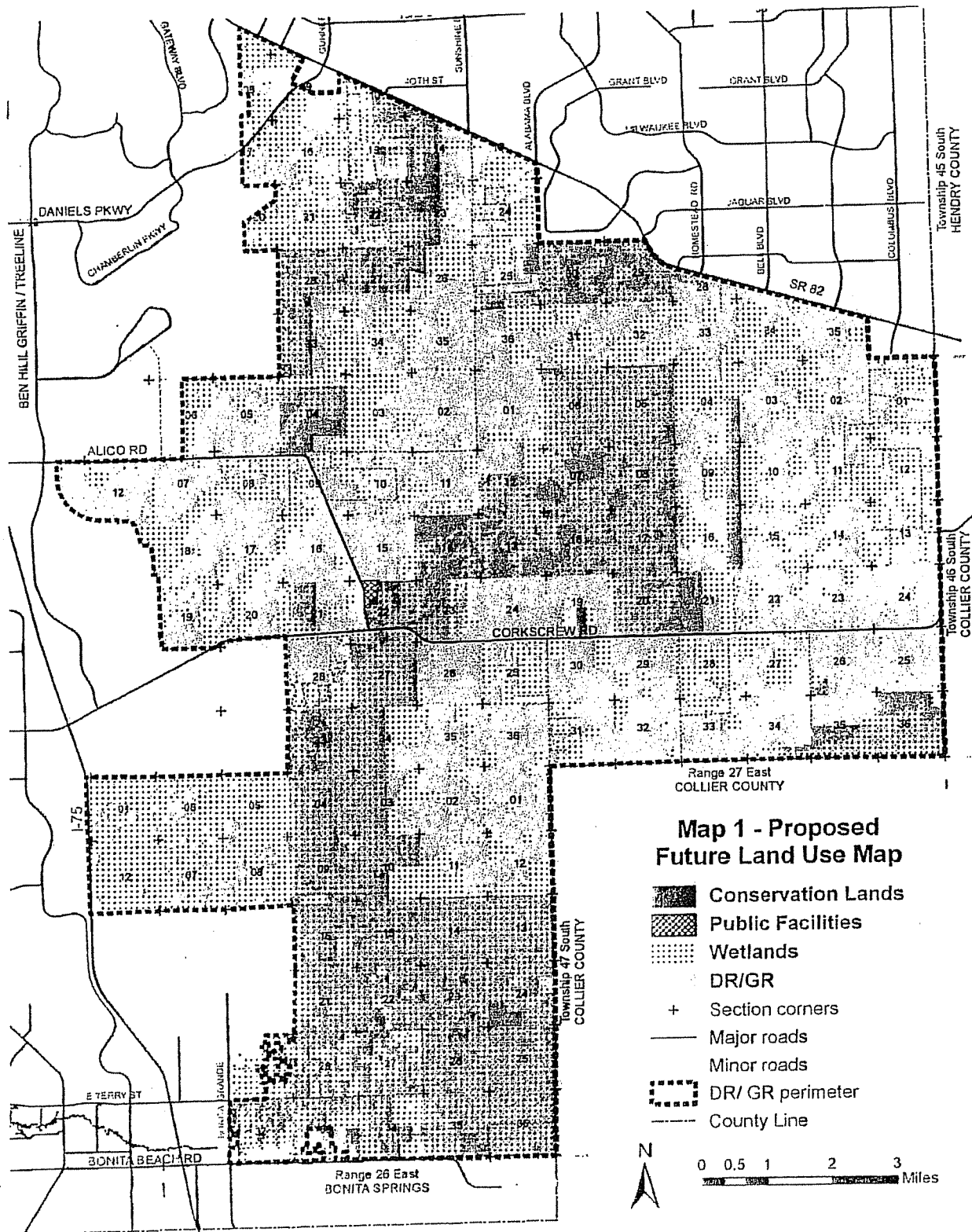
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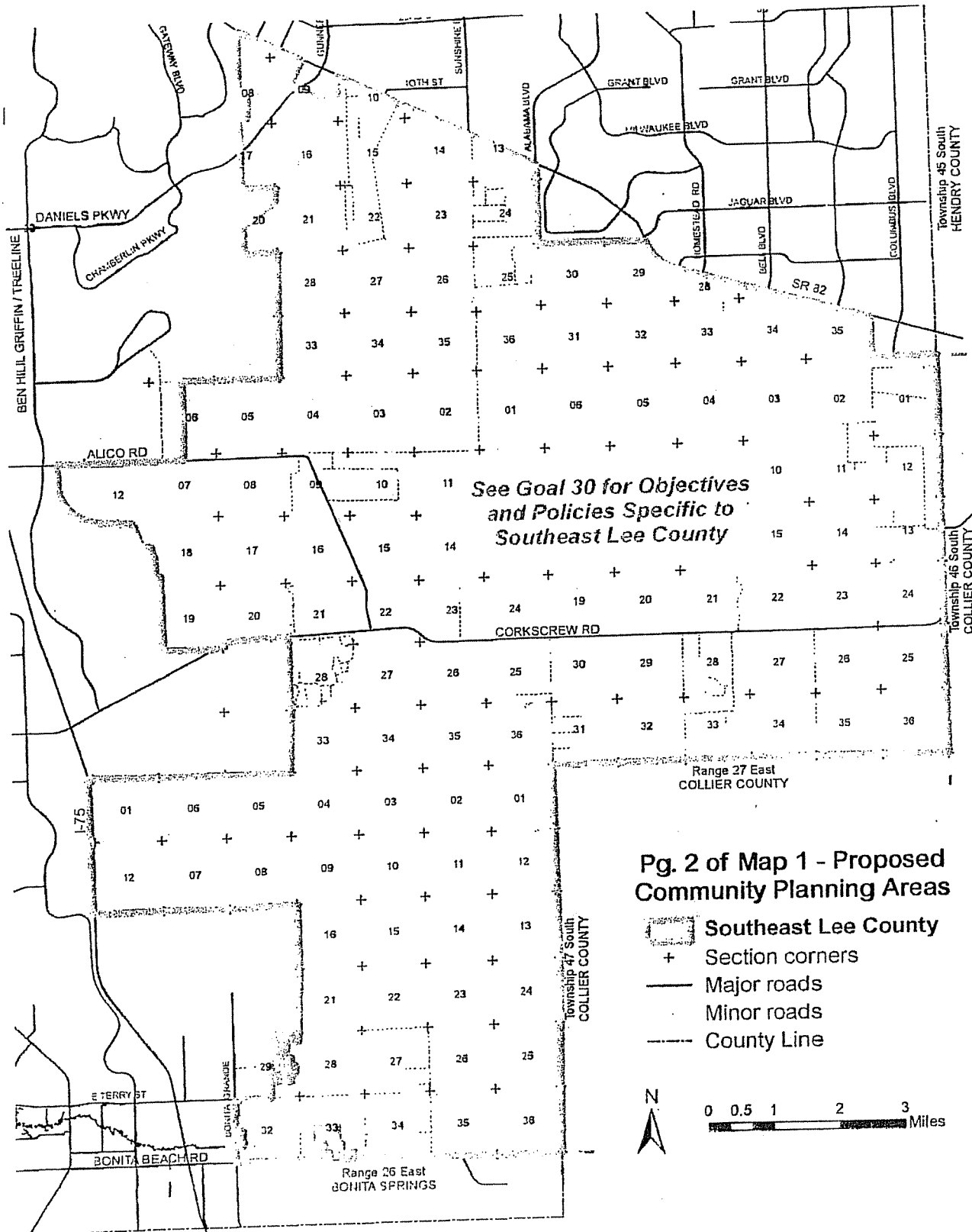
ADOPTED
Lee Plan Map 16



- (i) Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the “Wetlands” and “Conservation Lands” (both uplands and wetlands) designations



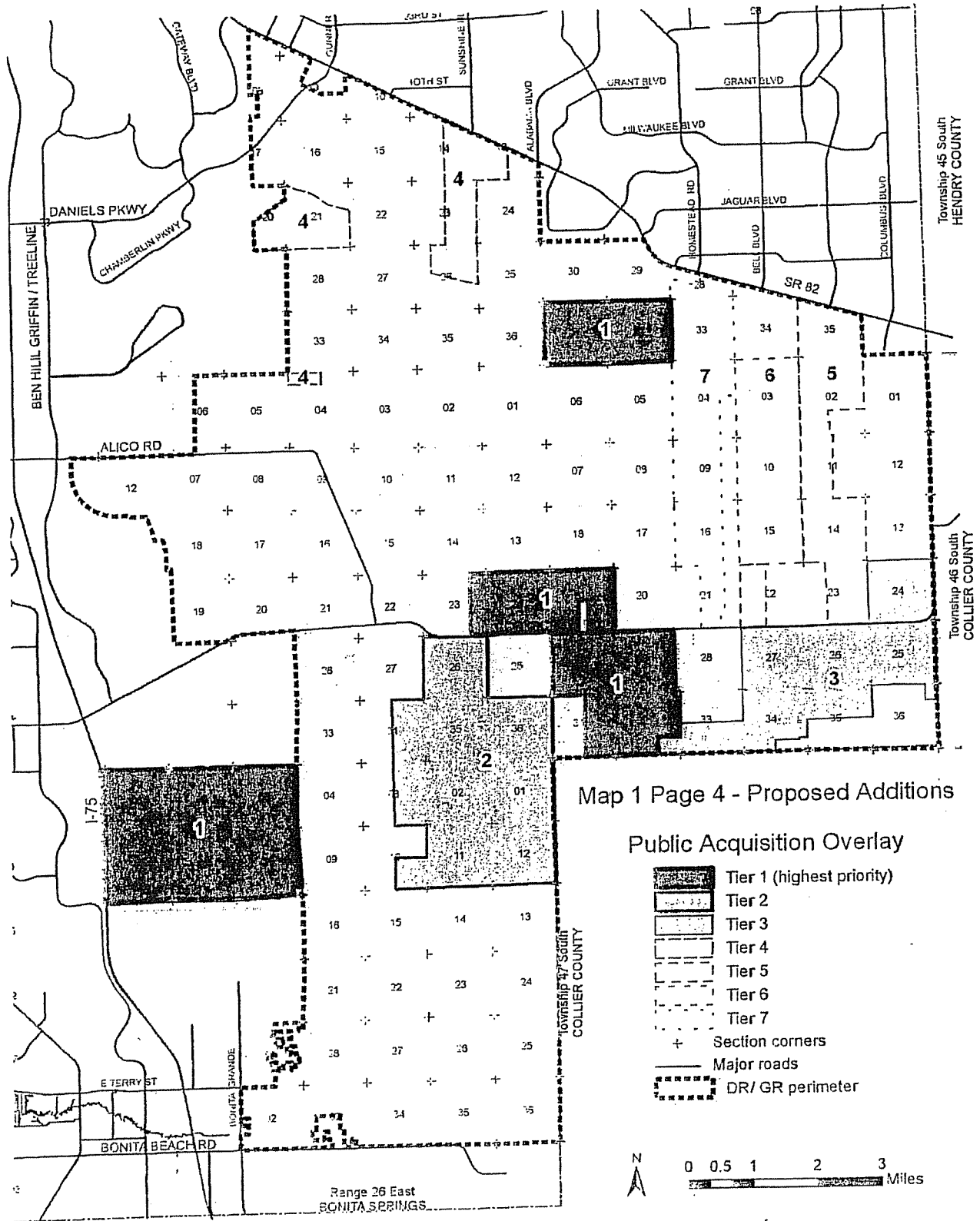
(j) Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County



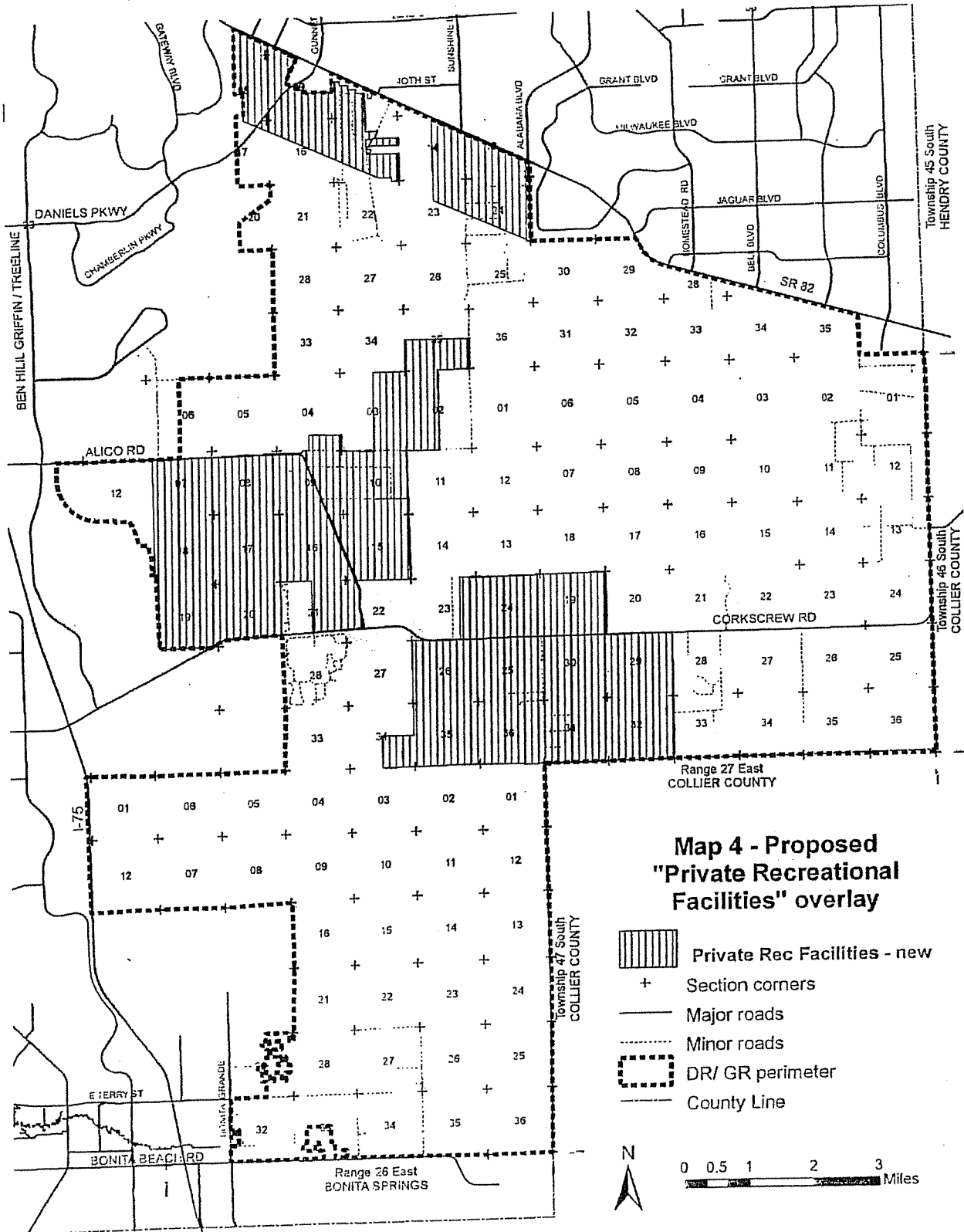
See Goal 30 for Objectives and Policies Specific to Southeast Lee County

Pg. 2 of Map 1 - Proposed Community Planning Areas

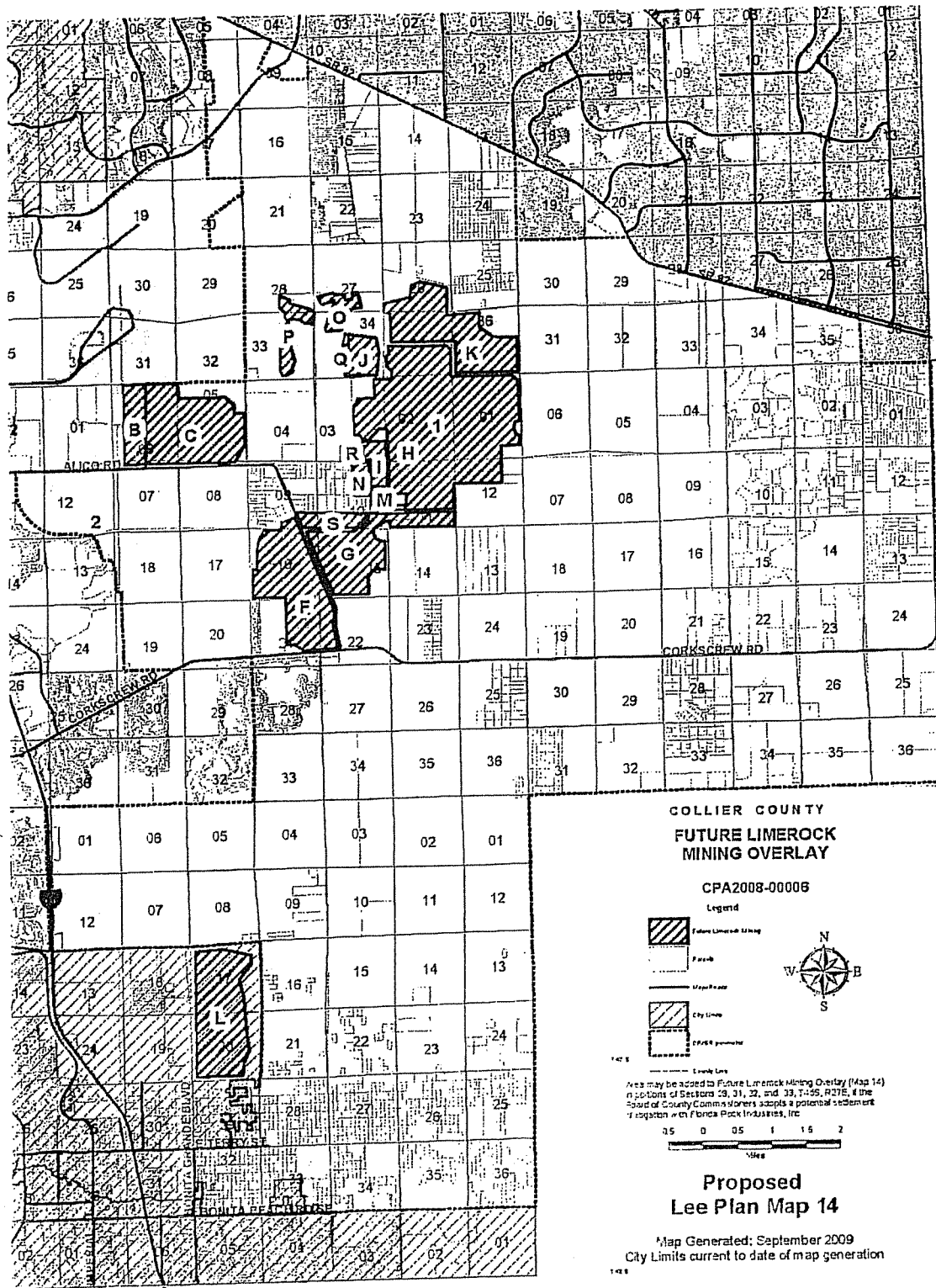
(k) Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only



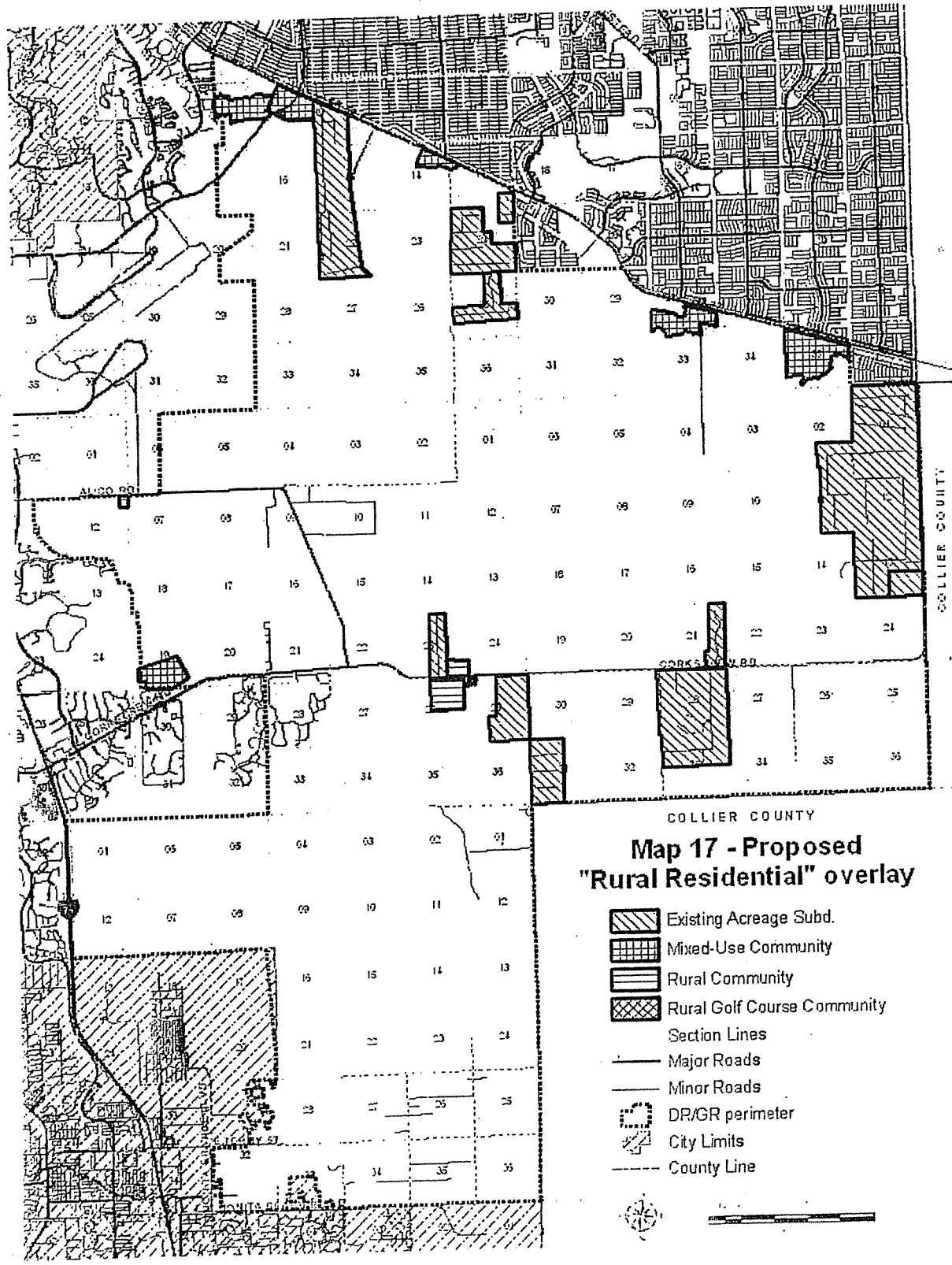
(I) Amend Map 4 of the Future Land Use Map Series to eliminate public lands and completed mining pits from the "Private Recreational Facilities" overlay



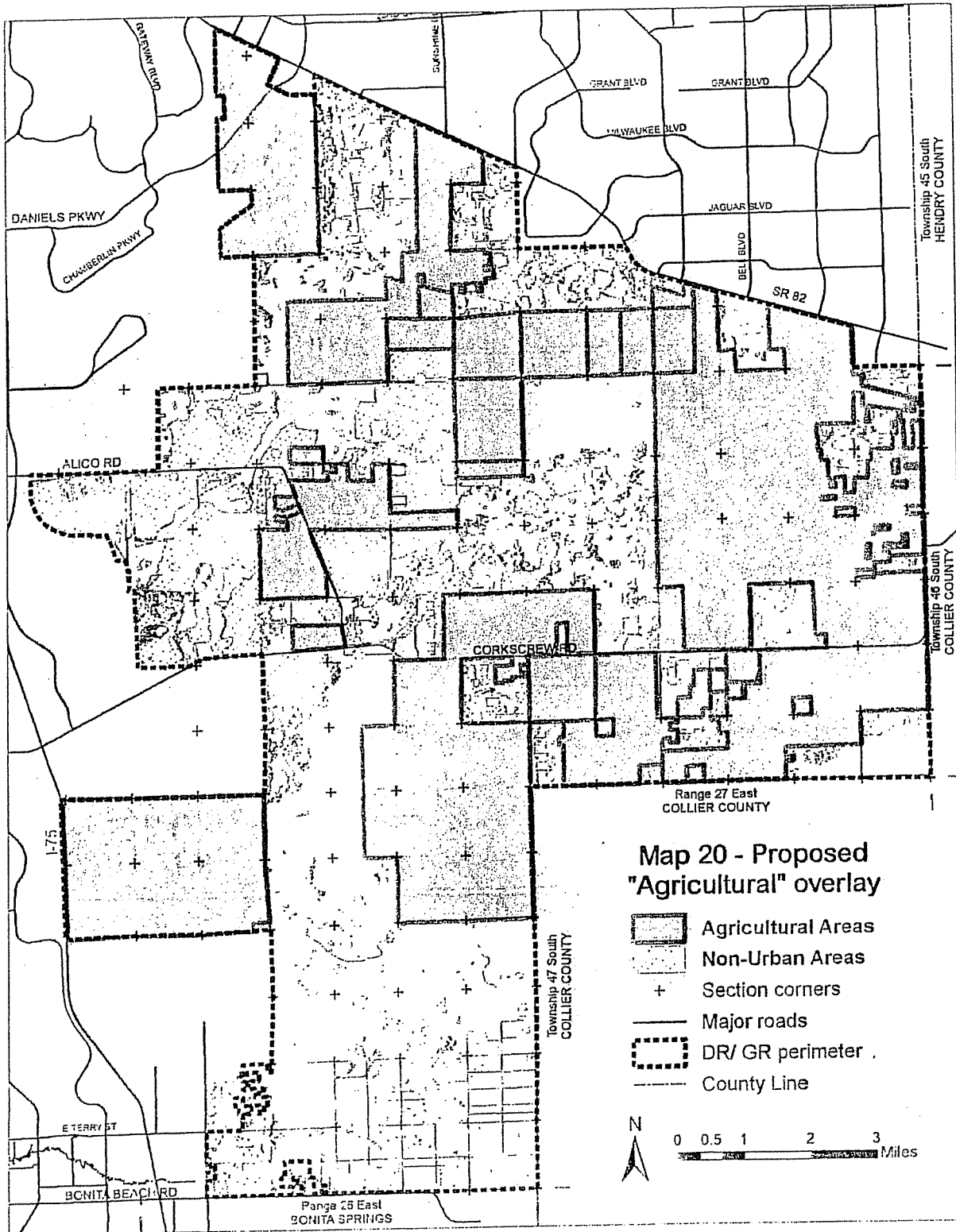
(m) Amend Map 14 of the Future Land Use Map Series to designate a "Future Limerock Mining" overlay



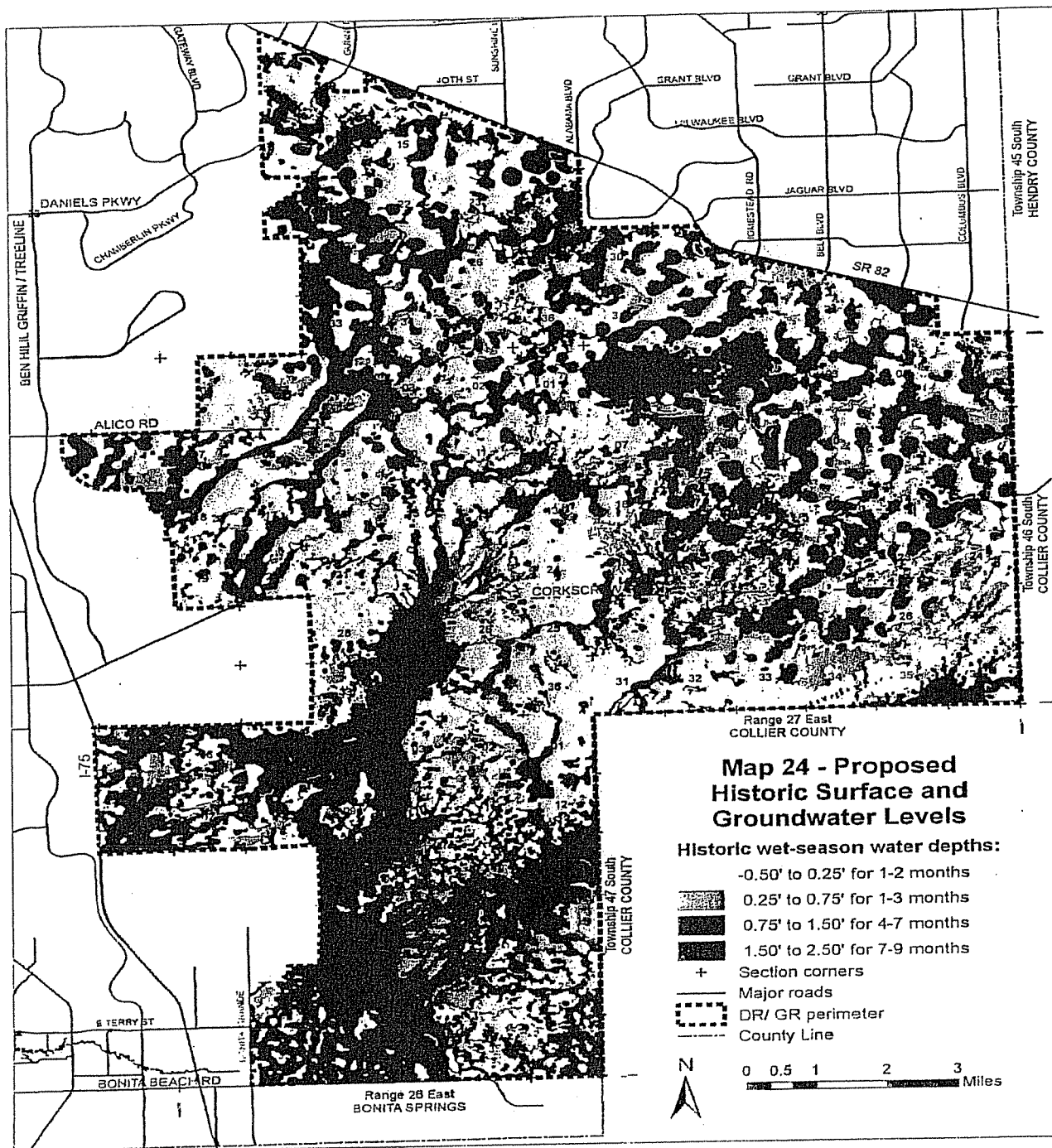
(n) Add a new Map 17 to the Future Land Use Map Series to designate new "Rural Residential" overlays in Planning Community #18 only



- (o) Amend Map 20 of the Future Land Use Map Series, the "Agricultural" overlay to correctly reflect the current extent of contiguous agricultural parcels in Planning Community #18 only

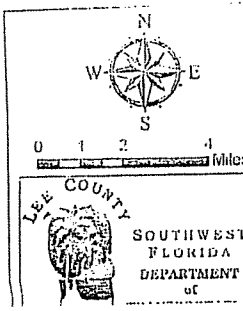


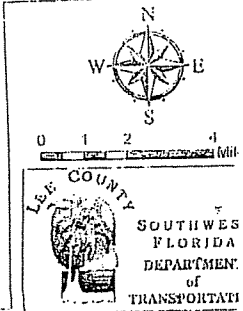
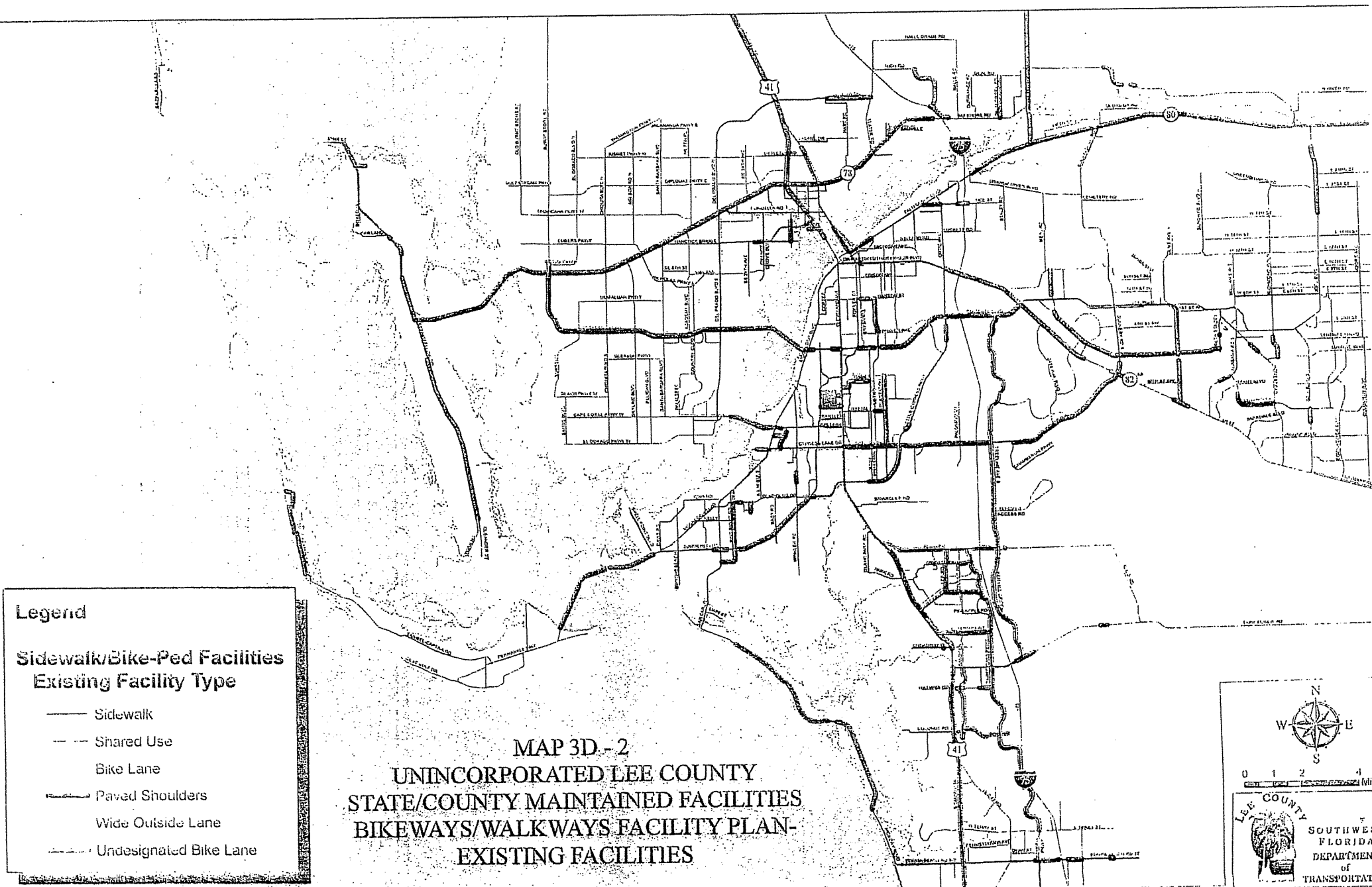
(p) Add a new Map 24 to the Future Land Use Map Series, the "Historic Surface and Groundwater Levels" overlay (Planning Community #18 only)



MAP 3D - 1
 UNINCORPORATED LEE COUNTY
 STATE/COUNTY MAINTAINED FACILITIES
 BIKEWAYS/WALKWAYS FACILITY PLAN-
 PLANNED FACILITIES





- Legend**
- Sidewalk/Bike-Ped Facilities**
- Planned Facility Type**
- Sidewalk
 - Shared Use
Bike Lane
 - Paved Shoulder
 - Wide Outside Lane
 - Undesignated Bike Lane



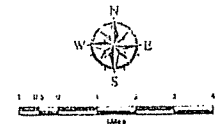


LEE COUNTY UTILITIES FUTURE WATER SERVICE AREAS

CPA2008-00008

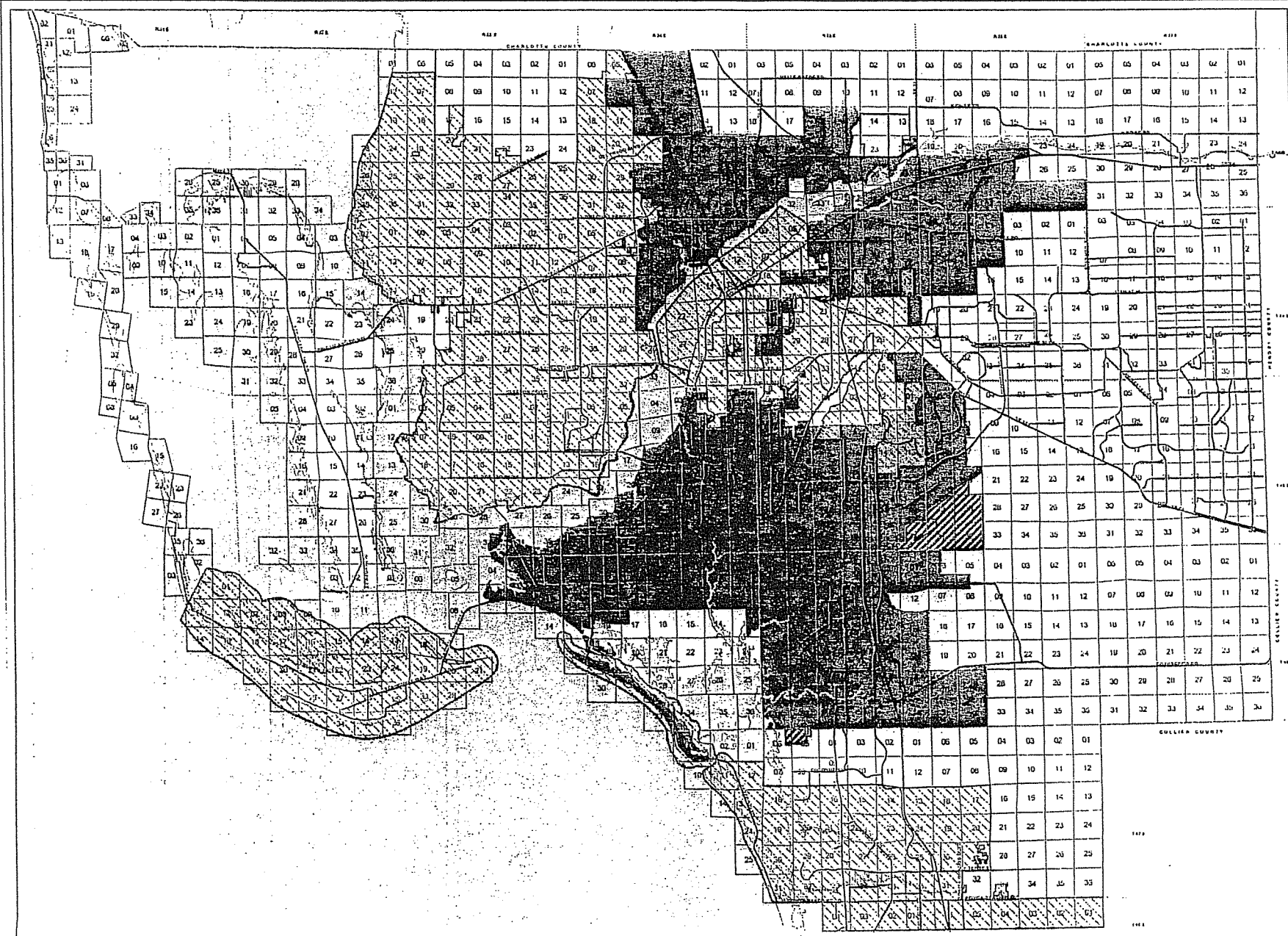
-  Future Water Service Areas
-  City Limits
- Water Service Area Changes**
-  Remove from Service Area
-  Add to Service Area

LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING








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City Limits current to date of map generation

Attachment 1



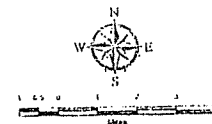
LEE COUNTY UTILITIES FUTURE SEWER SERVICE AREA

CPA2008-00001

-  Future Sewer Service Area
-  City Limits
-  Sewer Service Area Change
-  Remove from Service Area
-  Add to Service Area

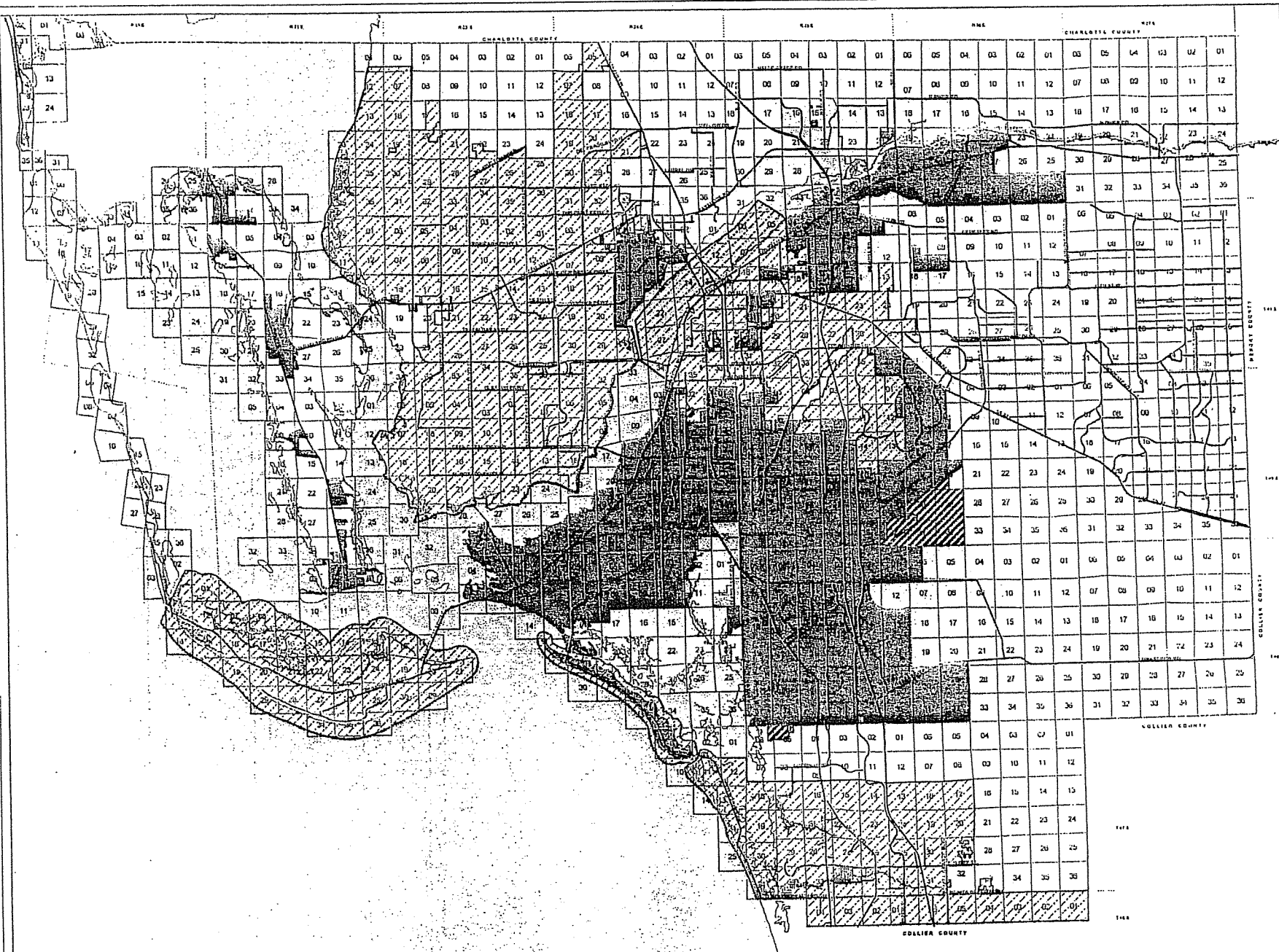
REVISED STAFF PROPOSAL

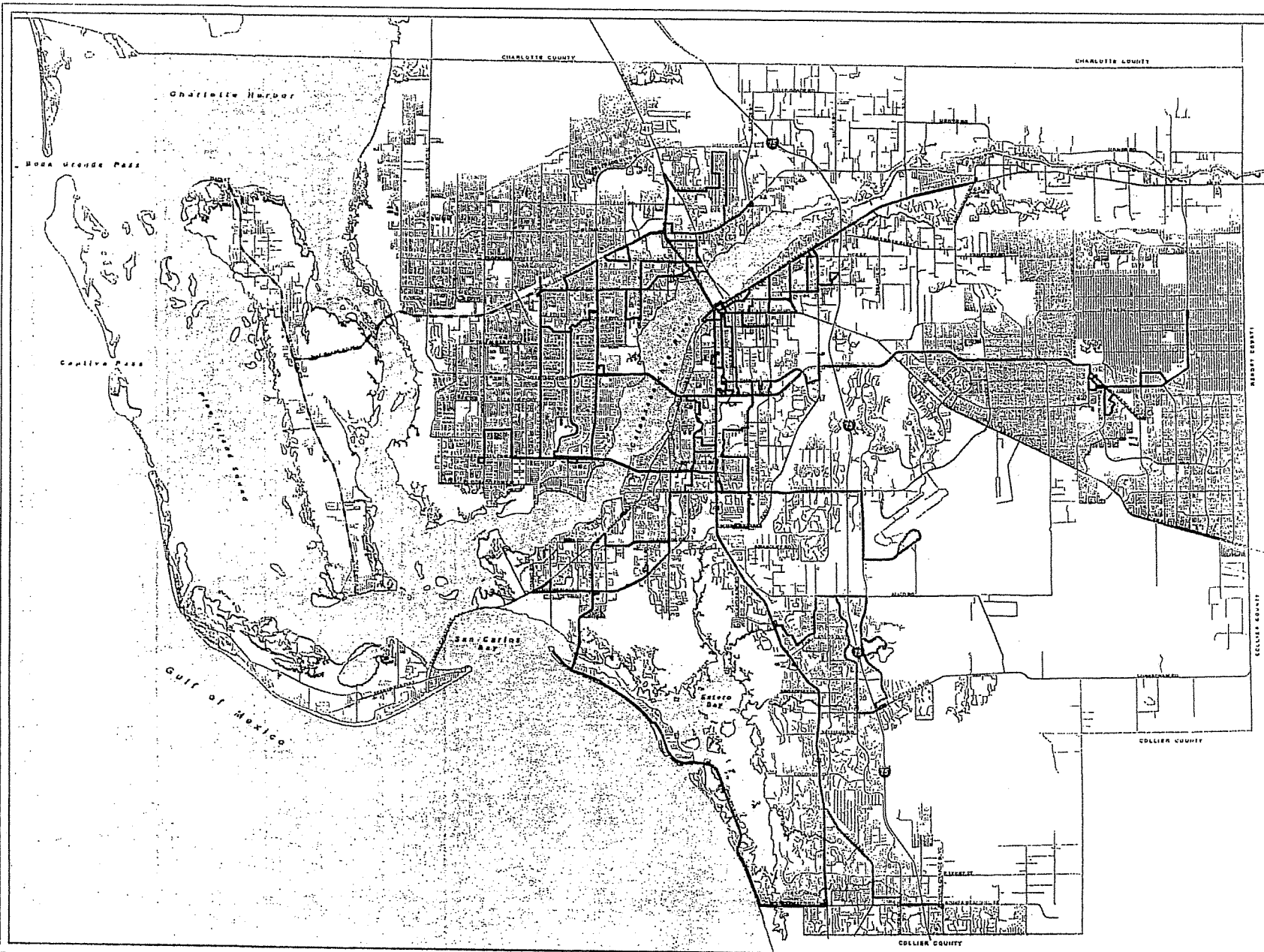
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated August 2009
City Limits current to date of map generation

Attachment 1



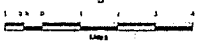


2030 Financially Feasible Transit Network

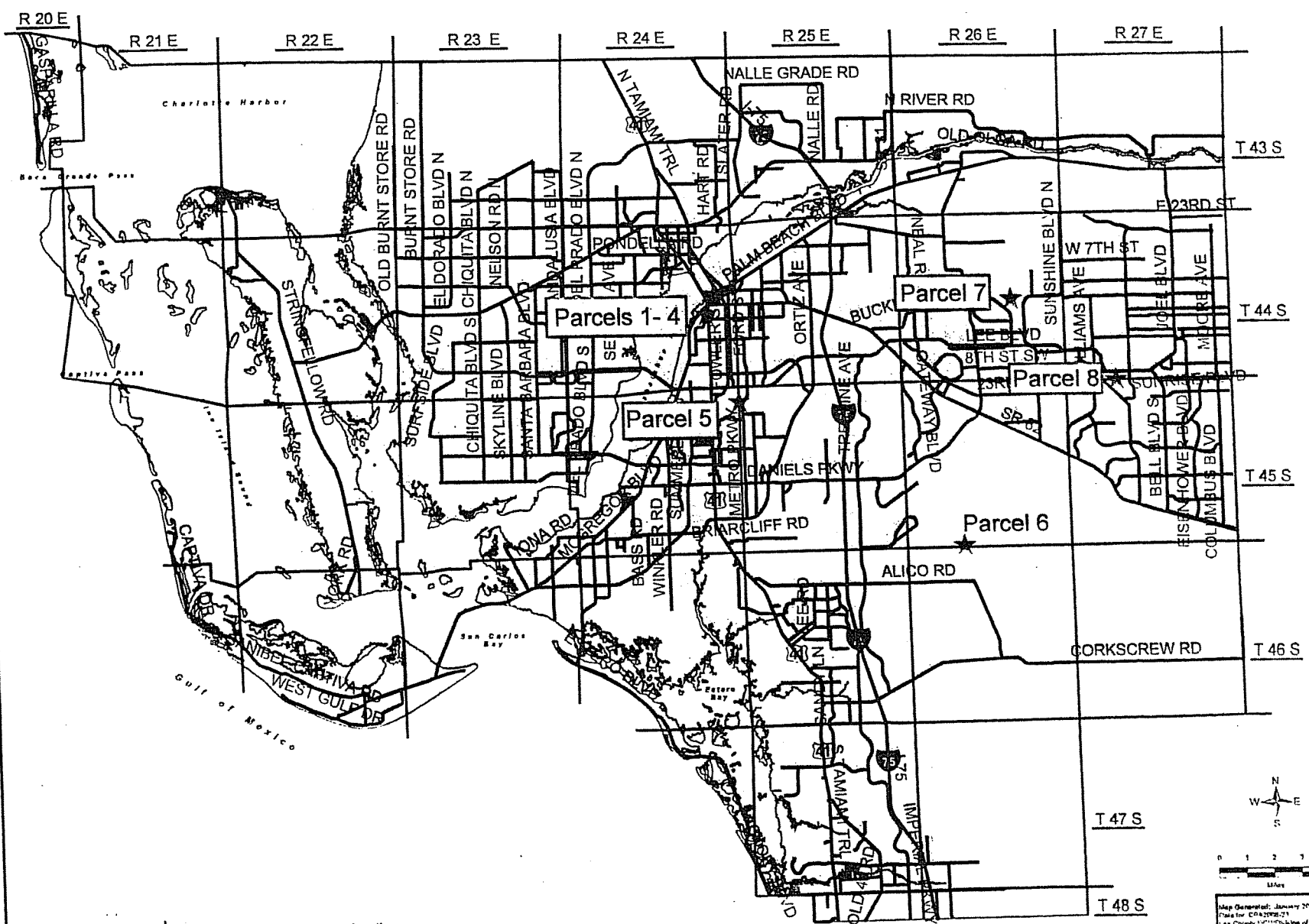
- Regular Routes
- - - Thursday Operation Only




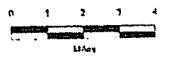
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated: May 2009



★ Proposed Public Facility Designations



 Map Generated: January 2010
 Data for: CP&T2008-21
 Issued Under: 2010-01-06, Office of Planning

**MATLACHA
HISTORIC DISTRICT
(HD 90-10-01)**

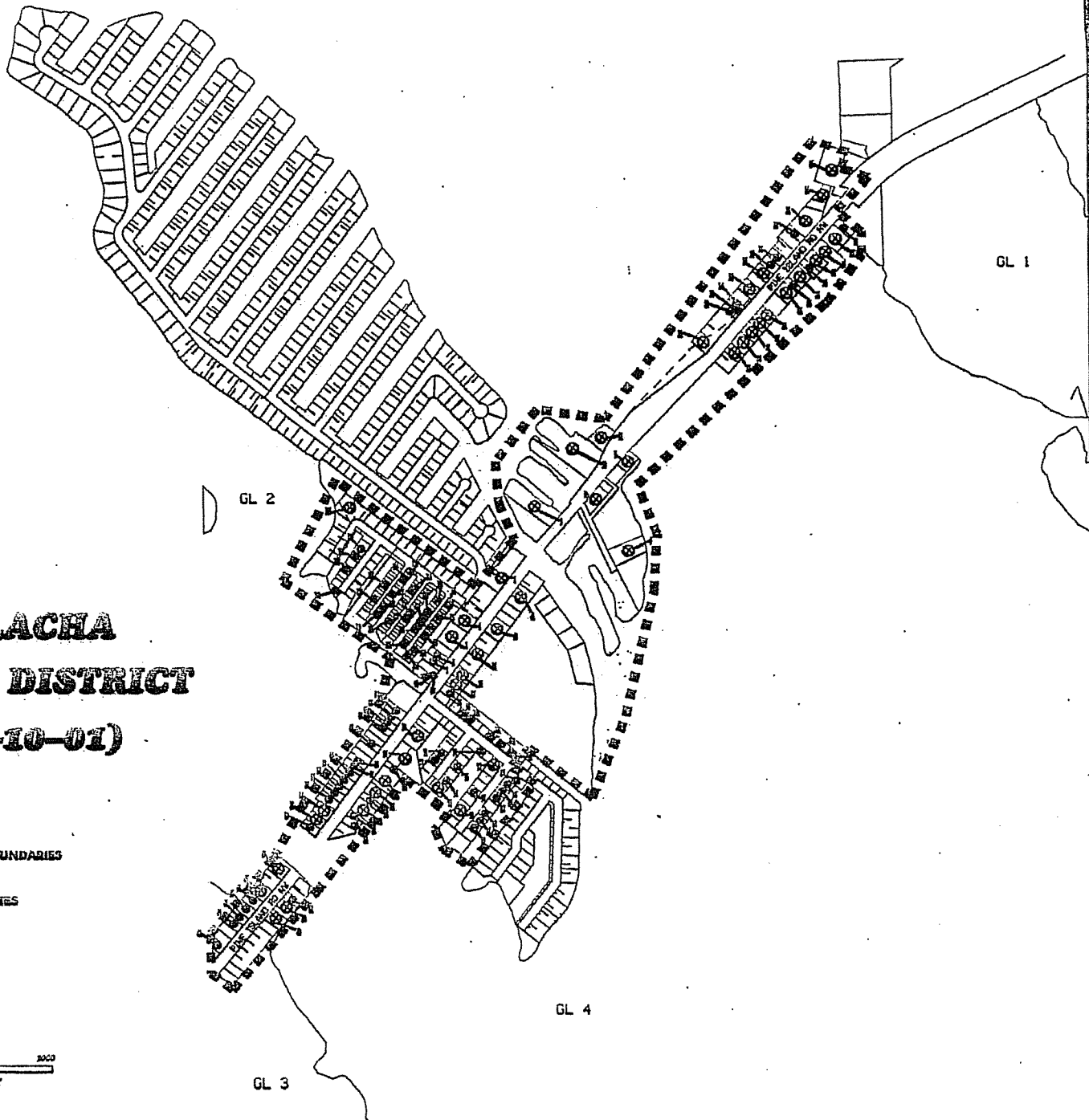
▬▬▬▬ DISTRIC BOUNDARIES

⊗ HISTORIC SITES











0 500 1000

SCALE IN FEET



LEE COUNTY GREENWAYS MULTI-PURPOSE RECREATIONAL TRAILS MASTER PLAN

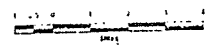
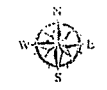
-  Completed Greenways
-  Charlotte-Lee-Collier Trail
-  Captiva-Hendry-Collier Trail
-  Pine Island-Hendry Trail
-  Charlotte-Lee-Hendry Trail
-  Connector Trails
-  Great Calusa Blueway
-  City Limits



LEE COUNTY
PARKS AND RECREATION
WWW.LEEPARKS.ORG



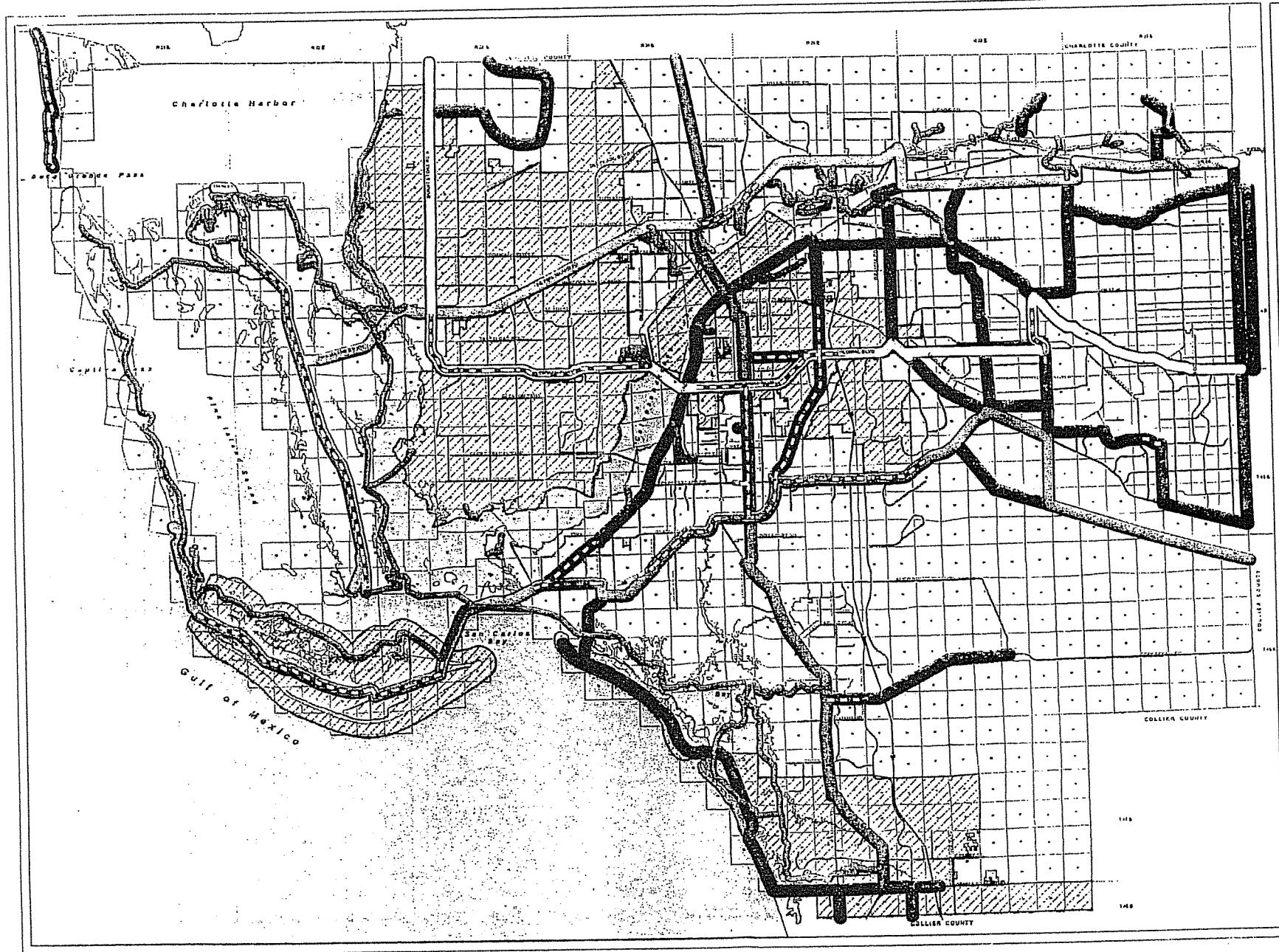
LEE COUNTY
SOUTHWEST FLORIDA
DIVISION OF PLANNING



Map Generated January 2009
City Limits current to date of map generation







Adopted May 18, 2007
Adopted by Ordinance No. 07-09

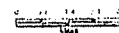
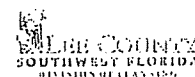
Lee Plan Map 22



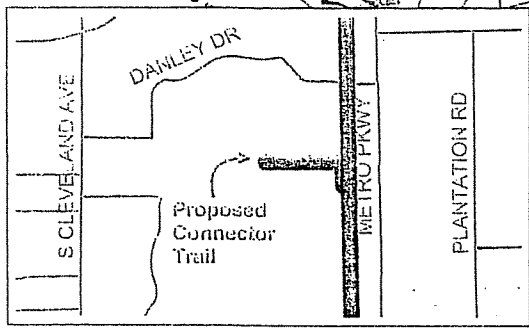
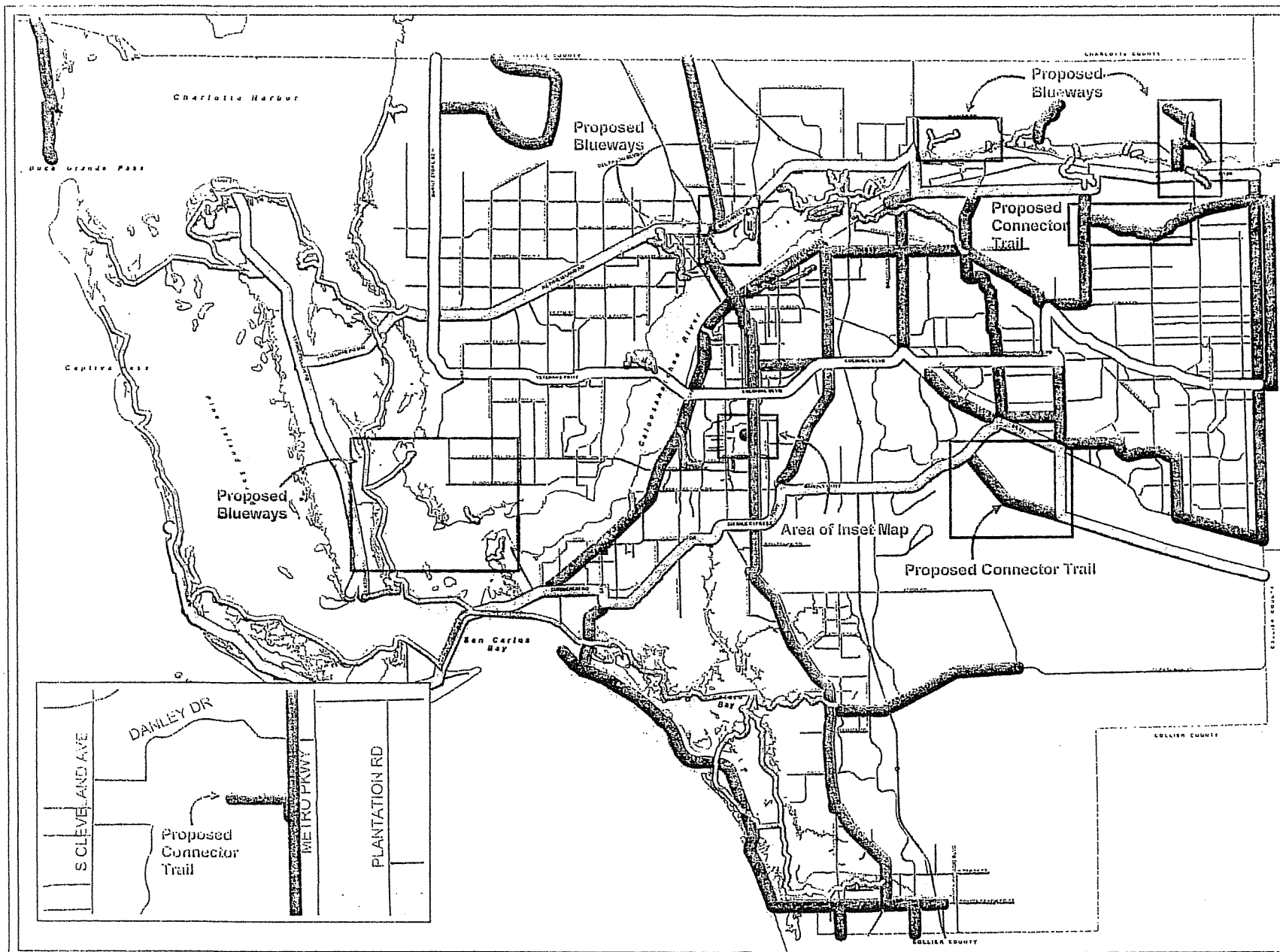
**CPA2008-25:
PROPOSED
ADDITIONS
TO THE
LEE COUNTY
GREENWAYS
MAP**

Proposed Additions to Blueway
Greenways

-  Charlotte-Lee-Collier Trail
-  Captiva-Hendry-Collier Trail
-  Pine Island-Hendry Trail
-  Charlotte-Lee-Hendry Trail
-  Connector Trails
-  Great Galusa Blueway



Map Generated, September 2009



Florida Department of Transportation
Presentation to the Lee County Board of County Commissioners
September 5, 2008
By Deborah L. Snyder, P.E.,
District Materials Research Engineer

My name is Deborah Snyder and I am the District Materials Research Engineer for the Florida Department of Transportation covering Districts One and Seven. Lee County is in District One.

I am here today to discuss the study named "Prospects for Southeast Lee County Planning for the Density Reduction/Groundwater Resource Area (DRGR) by Dover Kohl. From this point on I will reference this as the DRGR Study.

I would first like to point out two errors made in the presentation made to you, the County Commissioners, on August 1, 2008 and the DRGR Study itself.

- First a statement was made (by Mr. Spikowski I believe) that the Strategic Aggregates Study: Sources Constraints, and Economic Value of Limestone and Sand in Florida (aka the Strategic Aggregates Study) by Lampl Herbert Consultants March 2007, was misrepresented as stating Lee County aggregate reserves would be depleted by 2014, 7 years after the report was finalized. Incorrect, the Strategic Aggregate Study states the only mega mine in Lee County (Rinker) will be out of aggregate in 7 years. This study was completed during the boom time in Florida construction and assumed aggregate demand would continue to stay at this peak demand.
- Secondly, in Appendix B of the report on page B.2 a very bold and inaccurate statement is made stating Lampl Herbert got their information for the Strategic Aggregates Study from a 2001 News Press article. The DRGR Study references page 22 of Part 2 of the Strategic Aggregates Study where again the only mention of depleting reserves is the Rinker Mega Mine. The statement made in Appendix B of the Dover Kohl Study appears to be an assumption on the part of Dover Kohl and not based on facts.

On page 3.16 of the DRGR Study it states;

"Elected officials and the public have had little technical information available regarding limerock availability, demand, and mining impacts to inform decision-making. Most data and analysis has been provided by mining applicants rather than independent sources." This statement is not true.

- In 2002 the Lee County Planning Department did a study which created a preferred mining area map. This map although not adopted by the County delineates where the County thought the materials would be. (My copy of this map was taken from the DRGR Study.)
- This 2002 map is supported by the current mining applications affected by the moratorium. Choosing to mine a piece of property is a very expensive proposition costing millions of dollars and most mining companies would not mine a piece of property if it did not contain enough materials for them to recoup their expenses. This is supported by the letter written to Mr. Wayne Daltry on August 2, 2008 by Dr. Thomas Missimer, Professional Geologist. Dr. Missimer points out:
"It must be noted that the physical development of a mine for aggregate processing typically requires several hundred acres of minable land in order to recoup the cost of the construction of an aggregate processing facility."
- On page 44 of The Strategic Aggregate Study there is a map which delineates the Bureau of Mine Reclamation Mining Activity Boundaries. This map also supports the 2002 Lee County Map.

I have ⁶ pictures attached for your use along with the corresponding original maps which were combined to create these pictures.

1. This is a Google map picture of a portion of the DRGR with the 2002 Lee County Preferred Mining Map overlaid on top. Please note the airport property proposed for future mining by Dover Kohl is not part of this map. The DRGR boundaries are shown in red.
2. This is a picture of the DRGR Scenario 1 with the 2002 Lee County Preferred Mining Map overlaid on top.
3. This is again a Google map photograph of the area with 2002 Lee County Preferred Mining Map and the Bureau of Mine Reclamation Mining Activity Boundary overlaid on top. This boundary is taken from Figure 29 of the Strategic Aggregate Study and it depicts the area where current mining and reclamation is taking place. The DRGR boundaries are shown in red.
4. This is a Google map picture of the area with the DRGR overlaid in red.

These maps are presented to represent two concepts.

- There are some available resources out there for the DRGR Study to have used to better define where mining could be feasible to take place.
- Most importantly, a mine cannot be dug where the minerals do not exist. In other words you cannot dig a mine in an area anywhere you want to.

Finally, I would like the Commission to consider not adopting any part of the DRGR Study until further investigation of where the aggregates are located takes place. The DRGR study chose to ignore the Corkscrew Road area when performing their study. This area is one delineated by both Lee County in 2002 as a potential area for mining and is supported by the mining applications themselves. I believe further investigation would show the areas in the 2002 Lee County map would better support mining than the airport area chosen by Dover Kohl.

Thank you for your time and attention.



"Massey, Lawrence"
<Lawrence.Massey@dot.state.fl.us>

01/14/2010 12:21 PM

To "Brenda.Winningham@dca.state.fl.us"
<Brenda.Winningham@dca.state.fl.us>
cc "scott.rogers@dca.state.fl.us"
<scott.rogers@dca.state.fl.us>, "Limbaugh, Johnny"
<Johnny.Limbaugh@dot.state.fl.us>, "Girwarr, Anjani"
bcc

Subject Lee County 10-1 Proposed Comprehensive Plan
Amendments - DRGR Mining Overlay

Dear Brenda,

The Department appreciated the opportunity to discuss the Lee County proposed Comprehensive Plan Amendments Density Reduction Groundwater Resource (DRGR) Mining Overlay issue with you yesterday and we would like to follow up with a brief summary of our concerns.

The basis of our concern is that FDOT has made numerous attempts to convey to the County our concerns and to provide key inputs into the methodologies and data employed to formulate the overlay plan without reciprocation from the County. This one-way communication has deprived the Department of the opportunity to work with County staff to ensure that their plan is mutually beneficial to both of our agencies and to the residents of Florida. As a result, the Department has doubts about the accuracy and sufficiency of the resultant plan and serious concerns about the impact it will have on Florida's transportation system.

As acknowledged and codified by the Florida Legislature in Section 337.0261, Florida Statutes, in early 2007, the Department's input is crucial to local government decisionmaking that involves evaluating the complexities of providing for the strategic and critical need of an available supply of construction aggregate materials within the State. Recognizing these complexities and the amount of time that would be required for such an evaluation, the Department formally requested Lee County in November of 2007 to allow Deborah Snyder, District Materials and Research Engineer, to serve on the DRGR Committee and participate in their DRGR evaluation process (*see attached letter*). The Department never received a response from the County to its request.

Lee County's January 8, 2010 letter of response to FDOT's recent comments on the proposed Comprehensive Plan Amendments states that FDOT staff was involved in the process. It states that Deborah Snyder was asked to provide a presentation on aggregate production, which she did, and that Lee County staff communicated with our Geotechnical Materials staff. The County also relates that FDOT staff were included on interested parties e-mail lists and given notice of committee meetings and public hearings, many of which they attended. While these invitations and notices were appreciated, the net impact of the Department's participation was peripheral to the process, at best, and the data resources offered and concerns raised by the Department were ignored by the County.

In summary, FDOT believes that Lee County's lack of communication is contrary to the intent of Section 337.0261, Florida Statutes. The impairment by the County on FDOT's ability to have an effective dialogue with County staff on the methodologies and data employed in formulation of the overlay plan jeopardizes the availability of a strategic and critical State resource. We ask that these concerns be somehow addressed in DCA's pending Objections, Recommendations,

and Comments Report on the proposed Comprehensive Plan Amendments.

Respectfully,

Lawrence Massey
Growth Management Coordinator
Florida Department of Transportation
District One, Southwest Area Urban Office
2295 Victoria Ave., STE 292
PO Box 1030
Fort Myers, FL 33902
(239) 461-4300 Fax: (239) 338-2353
Cell (239) 206-6145



Letter to M Gibbs cc Lee BOCC nov 2007.pdf



Florida Department of Transportation

CHARLIE CRIST
GOVERNOR

DIRECTOR OF OPERATIONS
NOV 08 2007
FDOT-DISTRICT ONE

STEPHANIE C. KOPELOUSOS
SECRETARY

November 6, 2007

Ms. Mary Gibbs
Director, Community Development
Lee County Government
P. O. Box 398
Ft. Myers, FL 33902-0398

RE: Density Reduction Groundwater Resource (DRGR) Committee

Dear Ms. Gibbs:

I am writing this letter to formally request Mrs. Deborah Snyder, P.E., District Materials & Research Engineer, be a member of the upcoming committee to evaluate the DRGR area of Lee County.

Thank you in advance for including Mrs. Snyder as a member of the committee. If you have any questions, please feel free to contact me or Ms. Debbie Hunt, Director of Transportation at (863) 519-2201.

Sincerely,

Stanley M. Cann, P.E.
District Secretary

SMC:DLS:cb

- Cc: Mr. Bob Janes, Chairman Lee County Board of County Commissioners
- Mr. Brian Bigelow, Lee County Board of County Commissioners, District Two
- Mr. Ray Judah, Lee County Board of County Commissioners, District Three
- Mr. Tommy Hall, Lee County Board of County Commissioners, District Four
- Mr. Frank Mann, Lee County Board of County Commissioners, District Five
- Mr. Michael Rippe, Director of Transportation Production
- Ms. Debbie Hunt, Director of Transportation Operations



"Snyder, Deborah"
<Deborah.Snyder@dot.state
.fl.us>

01/14/2010 10:37 AM

To "brenda.winningham@dca.state.fl.us"
<brenda.winningham@dca.state.fl.us>,
"scott.rogers@dca.state.fl.us"
cc "Girwarr, Anjani" <Anjani.Girwarr@dot.state.fl.us>,
"Limbaugh, Johnny" <Johnny.Limbaugh@dot.state.fl.us>,
"Cann, Stan" <Stan.Cann@dot.state.fl.us>, "Hope, Michael"
bcc

Subject Action & INFO: My Comments on the Assumptions made in
the Dover Kohl Report

Brenda & Scott,

Again I want to thank you for your patience and understanding as I inundate you with e-mail this morning. As we discussed yesterday, I did make a presentation to the Lee County BoCC on September 8, 2008 during a special meeting they held to discuss the DRGR Study and to allow for public input. At that time I asked the BoCC to not adopt any of the Dover Kohl DRGR report as Appendix B did not appear to research the aggregate issue in the DRGR as well as it should have.

The report itself started with a decision to stick to the "Traditional Mining Corridor" which is the Alico Road area and Dover Kohl completely ignored any information (which is available from both Lee County and developer's mining applications as sources) regarding the quality and availability of limerock materials in the Corkscrew Road corridor and/or any other portion of the DRGR. This decision in my opinion was not based on any scientific reasoning and was purely political. This decision goes against the statute as Dover Kohl did not consider the "critical" and "strategic" importance of this very important resource. (See yellow highlighted excerpt from the Statute below.)

Some of the specific issues I have with Appendix B of the Dover Kohl Report is how the calculations were done and some of the assumptions that were made. This is a quote from pages B10 and B12 of the Dover Kohl report.

"The amount of aggregate produced annually in Florida has increased at about the same rate as Florida's permanent population. This relationship has caused a number of industry observers to express future aggregate de-mand at the current annual consumption rate, which for Florida is about 9 tons per permanent resident. ...

This ratio between aggregate production and permanent population may not hold in future years. It disregards the impact of part-time Florida residents, who are not counted in the permanent population but who are responsible for a significant share of the building and road construction that consumes aggregates. When this method is scaled down to the county level, it is even more unreliable (emphasis added) because the precise service area for regional mines such as those in the DR/GR area is not known.

This quote states basing aggregate demand on population growth is "unreliable" and yet one of the ways future aggregate demand was calculated was 80% of 9 tons per person based on the permanent future population for the region (7 counties), not the State as the pale blue highlight in the Statute below states. This results in a 105% increase for the year 2030.

The other way demand was calculated was based on the amount of aggregate which was used in the past was projected into the future based again on 80% of the population for the listed time period. This

results in a 174% increase for the year 2030. Then an arbitrary assumption was made to reach an increase which appeared to the author to be reasonable. See the following quote taken directly from page B15.

"No actual data is available to determine the portion of aggregate production that is attributable to new growth versus routine rebuilding. This study assigns a subjective factor of 3/4 to the growth factor and 1/4 to the rebuilding factor, resulting in an assumed need for 2007 through 2030 of 122% of the aggregate production from 1980 through 2006."

The calculation to reach the 122% is: $0.75(105) + 0.25(174) = 122$.

Other concerns are the year of 2030 as a planning horizon appears to be arbitrary and no longer term calculations were performed. These comments are not intended to be all inclusive. As stated yesterday we would have liked the opportunity to meet with Lee County staff and/or their consultants to have input to the methodology used to calculate the future demand for aggregate within the DRGR.

As Lee County stated in the recent letter they sent to you, my staff and I attended most of the many different types of meetings regarding the DRGR in Lee County. However, we did not receive any response to our comments/input.

Thank you in advance for your consideration regarding this very critical issue.

Deborah L. Snyder, P.E.
District Materials Research Engineer
Districts One & Seven
Phone: (863) 519 - 4201
Cell: (863) 640 - 0093
FAX: (863) 519 - 1952
e-mail: deborah.snyder@dot.state.fl.us

SEATBELTS SAVE LIVES!

*Work like you don't need the money, love like you've never been hurt
and dance like no one is watching.*

(Unknown)

337.0261 Construction aggregate materials.--

(2) LEGISLATIVE INTENT.--The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.

(3) LOCAL GOVERNMENT DECISIONMAKING.--No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without

considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state.



"Snyder, Deborah"
<Deborah.Snyder@dot.state.fl.us>

01/14/2010 07:18 AM

To "brenda.winningham@dca.state.fl.us"
<brenda.winningham@dca.state.fl.us>,
"scott.rogers@dca.state.fl.us"
cc "Girwarr, Anjani" <Anjani.Girwarr@dot.state.fl.us>,
"Limbaugh, Johnny" <Johnny.Limbaugh@dot.state.fl.us>,
"Cann, Stan" <Stan.Cann@dot.state.fl.us>, "Hope, Michael"
bcc

Subject ACTION & INFO: Information we Discussed yesterday

Brenda & Scott,

I appreciate the time you spent with us yesterday regarding this issue. I apologize if I came on a little too strong yesterday, but please understand my staff and I have been attempting to work with Lee County on this issue since 2007 with little to no response from the County.

This will most probably be the first of a few e-mails today regarding what we spoke of yesterday. The attachment is the letter sent to Ms. Gibbs by Secretary Cann asking them to place me on the DRGR committee. No response was received. I did not know I was not chosen for the DRGR Committee until I attended the first meeting and found out I was not chosen.

Thank you again and have a wonderful day!

Deborah L. Snyder, P.E.
District Materials Research Engineer
Districts One & Seven
Phone: (863) 519 - 4201
Cell: (863) 640 - 0093
FAX: (863) 519 - 1952
e-mail: deborah.snyder@dot.state.fl.us

SEATBELTS SAVE LIVES!

*Work like you don't need the money, love like you've never been hurt
and dance like no one is watching.*

(Unknown)



letter to M Gibbs cc Lee BOCC nov 2007.pdf



Florida Department of Transportation

DIRECTOR OF OPERATIONS
NOV 08 2007
FDOT-DISTRICT ONE

CHARLIE CRIST
GOVERNOR

STEPHANIE C. KOPELOUSOS
SECRETARY

November 6, 2007

Ms. Mary Gibbs
Director, Community Development
Lee County Government
P. O. Box 398
Ft. Myers, FL 33902-0398

RE: Density Reduction Groundwater Resource (DRGR) Committee

Dear Ms. Gibbs:

I am writing this letter to formally request Mrs. Deborah Snyder, P.E., District Materials & Research Engineer, be a member of the upcoming committee to evaluate the DRGR area of Lee County.

Thank you in advance for including Mrs. Snyder as a member of the committee. If you have any questions, please feel free to contact me or Ms. Debbie Hunt, Director of Transportation at (863) 519-2201.

Sincerely,

Stanley M. Cann, P.E.
District Secretary

SMC:DLS:cb

- Cc: Mr. Bob Janes, Chairman Lee County Board of County Commissioners
- Mr. Brian Bigelow, Lee County Board of County Commissioners, District Two
- Mr. Ray Judah, Lee County Board of County Commissioners, District Three
- Mr. Tommy Hall, Lee County Board of County Commissioners, District Four
- Mr. Frank Mann, Lee County Board of County Commissioners, District Five
- Mr. Michael Rippe, Director of Transportation Production
- Ms. Debbie Hunt, Director of Transportation Operations



"Snyder, Deborah"
<Deborah.Snyder@dot.state.fl.us>

01/14/2010 07:22 AM

To "brenda.winningham@dca.state.fl.us"
<brenda.winningham@dca.state.fl.us>,
"scott.rogers@dca.state.fl.us" <scott.rogers@dca.state.fl.us>
cc "Girwarr, Anjani" <Anjani.Girwarr@dot.state.fl.us>,
"Limbaugh, Johnny" <Johnny.Limbaugh@dot.state.fl.us>,
"Cann, Stan" <Stan.Cann@dot.state.fl.us>, "Hope, Michael"
bcc

Subject Action and Info: Maps to go with e-mail from yesterday

Brenda & Scott,

Here are the maps which were attached to the presentation I sent yesterday. I am still searching to find the color versions and if I do find them I will send them to you.

Thanks and have a wonderful day!

Deborah L. Snyder, P.E.
District Materials Research Engineer
Districts One & Seven
Phone: (863) 519 - 4201
Cell: (863) 640 - 0093
FAX: (863) 519 - 1952
e-mail: deborah.snyder@dot.state.fl.us

SEATBELTS SAVE LIVES!

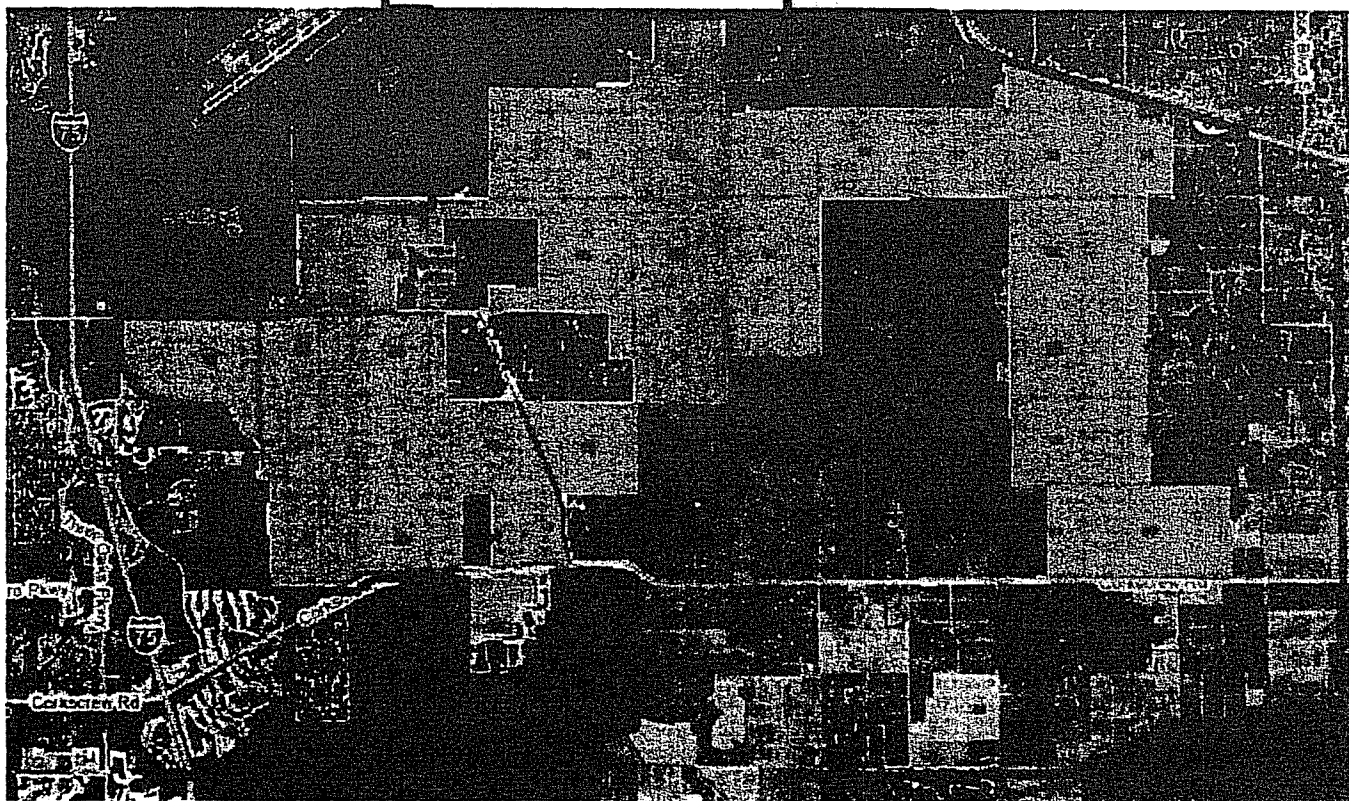
*Work like you don't need the money, love like you've never been hurt
and dance like no one is watching.*

(unknown)

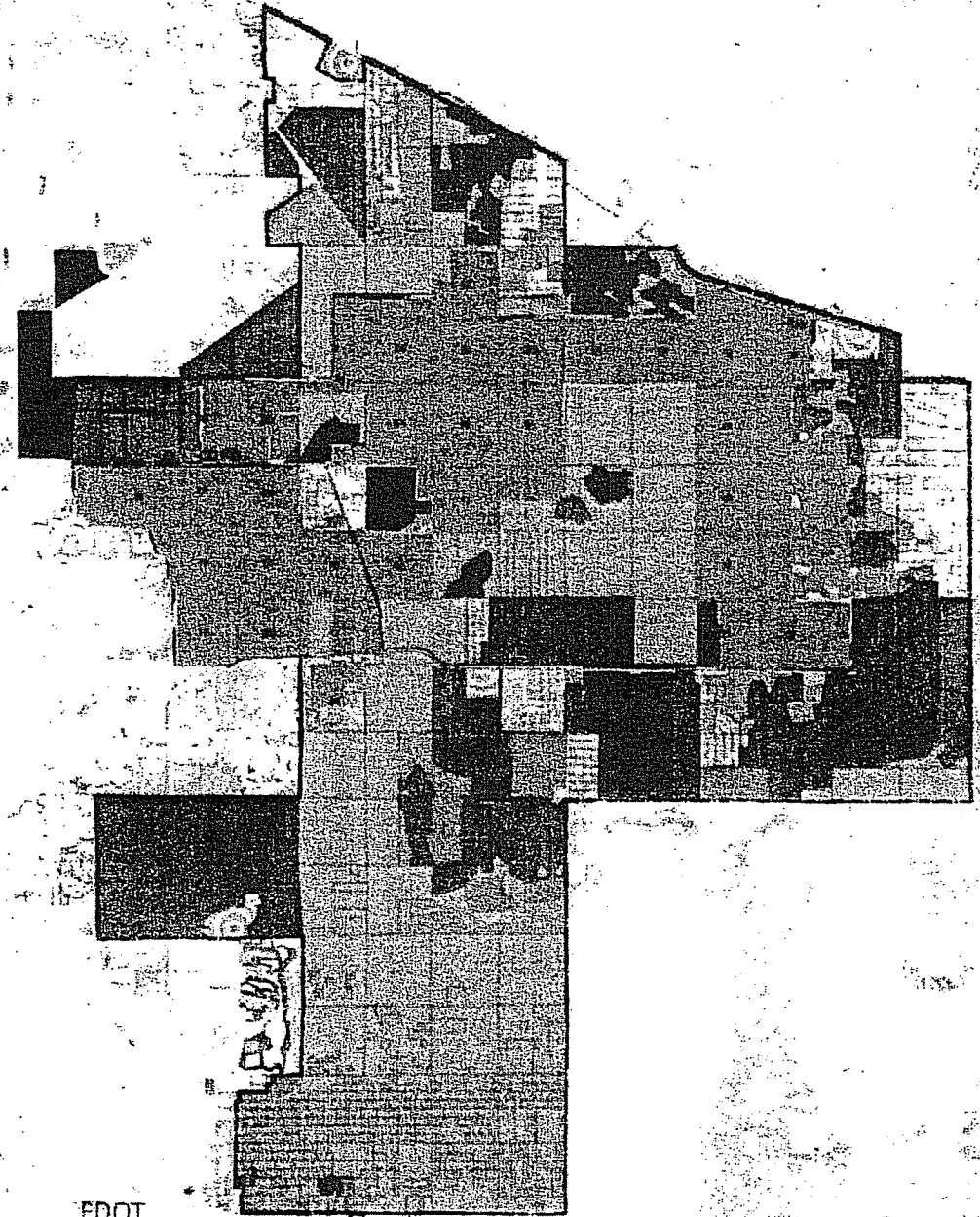


Maps for September 05 2008 Presentation to Lee BoCC.pdf

Map 1



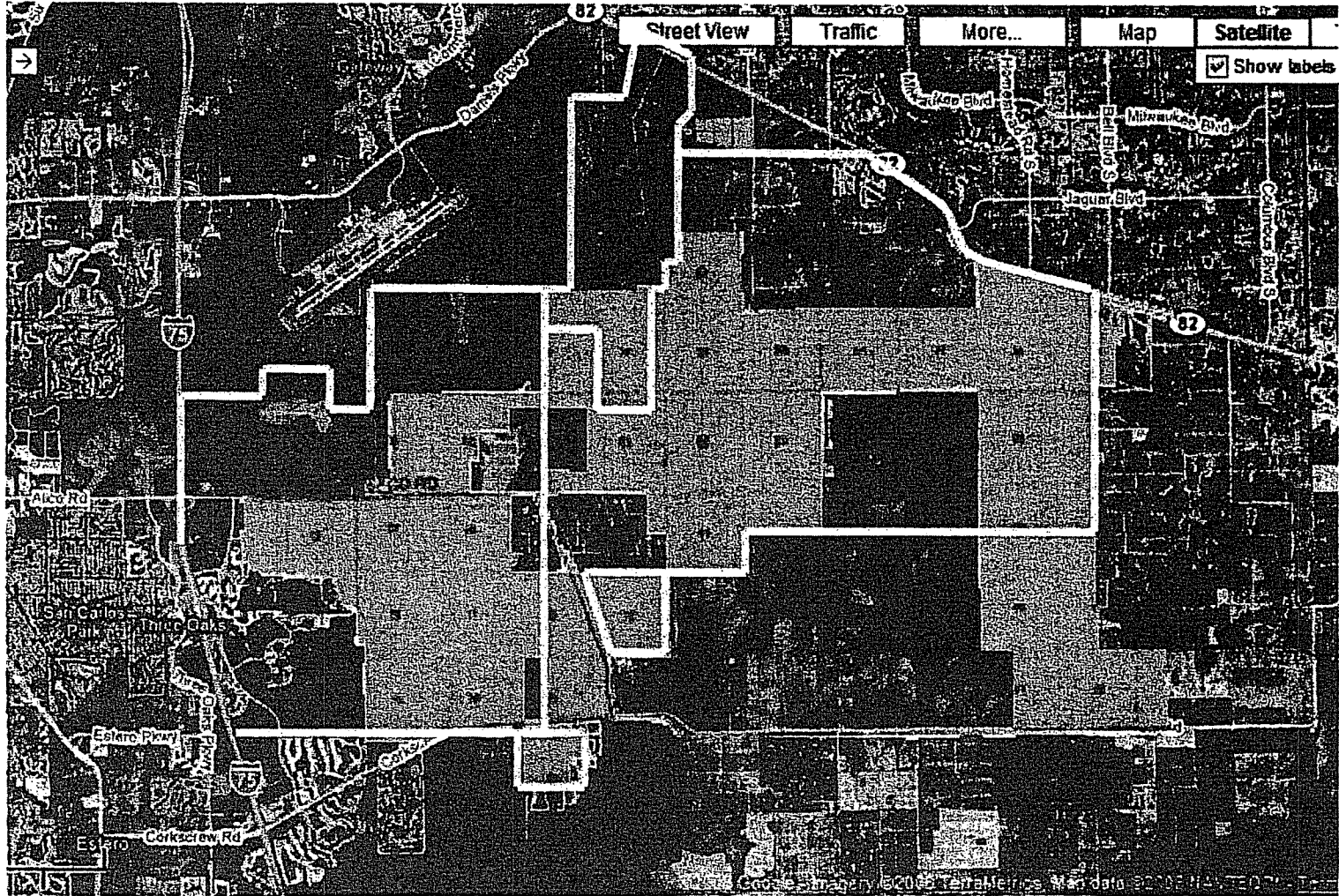
Map 2



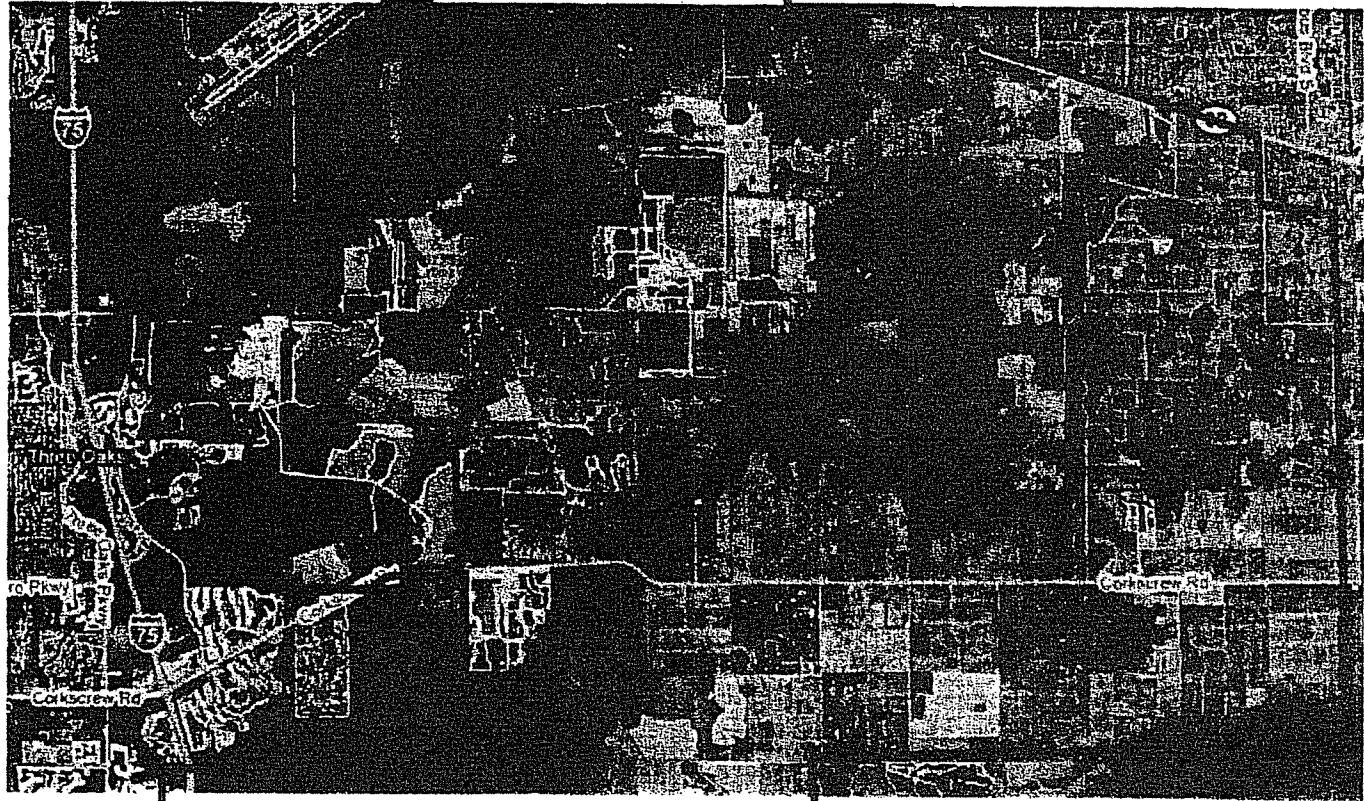
9/5/2008

FDOT

Map 3

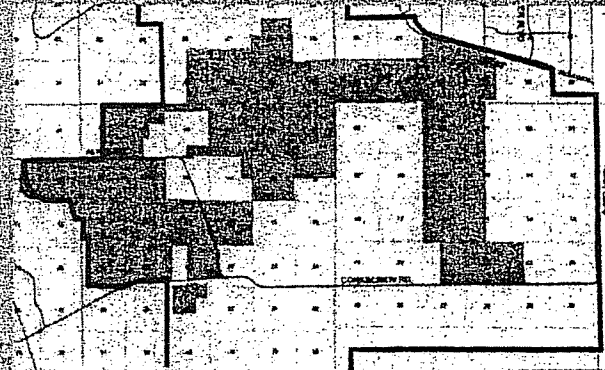


Map 4

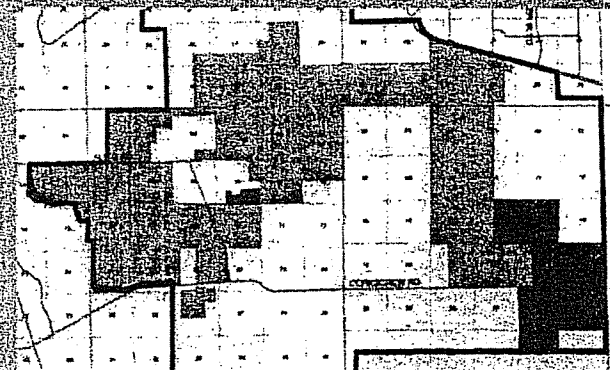


Lee County Commissioned DR/GR Studies

- 2002: *Strategic Mining: A Report on Mining in Lee County*
Study conducted by Lee County Division of Planning that analyzes current understanding of mining operations within the DR/GR.
- 2005: *Groundwater Resource and Mining Study*
Study conducted by Greg Rawl, PE., that summarizes current knowledge of subsurface conditions in the DR/GR area.
- 2007: *Review and Summary of Studies Containing Information Relating to Density Reduction/Groundwater Resource Lands*
Study conducted by McLane Environmental LLC that summarizes current knowledge of flow-ways, native habitat, historic water levels, and restoration potential for degraded lands, and identifies gaps in current knowledge.



The 2002 *Strategic Mining: A Report on Mining in Lee County* study produced this map proposing specific locations for mining activity within the DR/GR. This map was never adopted.

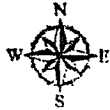
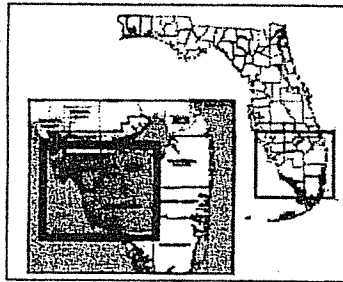


A revision to the proposed mining land use map was submitted by the mining industry, with additional potential mining. Owners of large parcels suggested adding the pink area on this map to expand the potential mining areas.

Mineral and Mining Activities and Resources 2006 Developments of Regional Impacts

Lee, Hendry and Collier Counties
1999 LANDSAT PAN IMAGERY
15M RESOLUTION

- 2006 Bureau of Mine Reclamation Mine Data
Using by Product Type:
- Fill
 - Umedone
 - Sand
 - Federal Managed Area
 - Local or Private Managed Area
 - State Managed Area
 - Development of Regional Impact (As of April 2006)
 - Extractive of Mineral Processing Land Use 1999 Land Use / Land Cover Data
 - Bureau of Mine Reclamation Mining Activity Boundaries



0 2.5 5 10 15 20 Miles

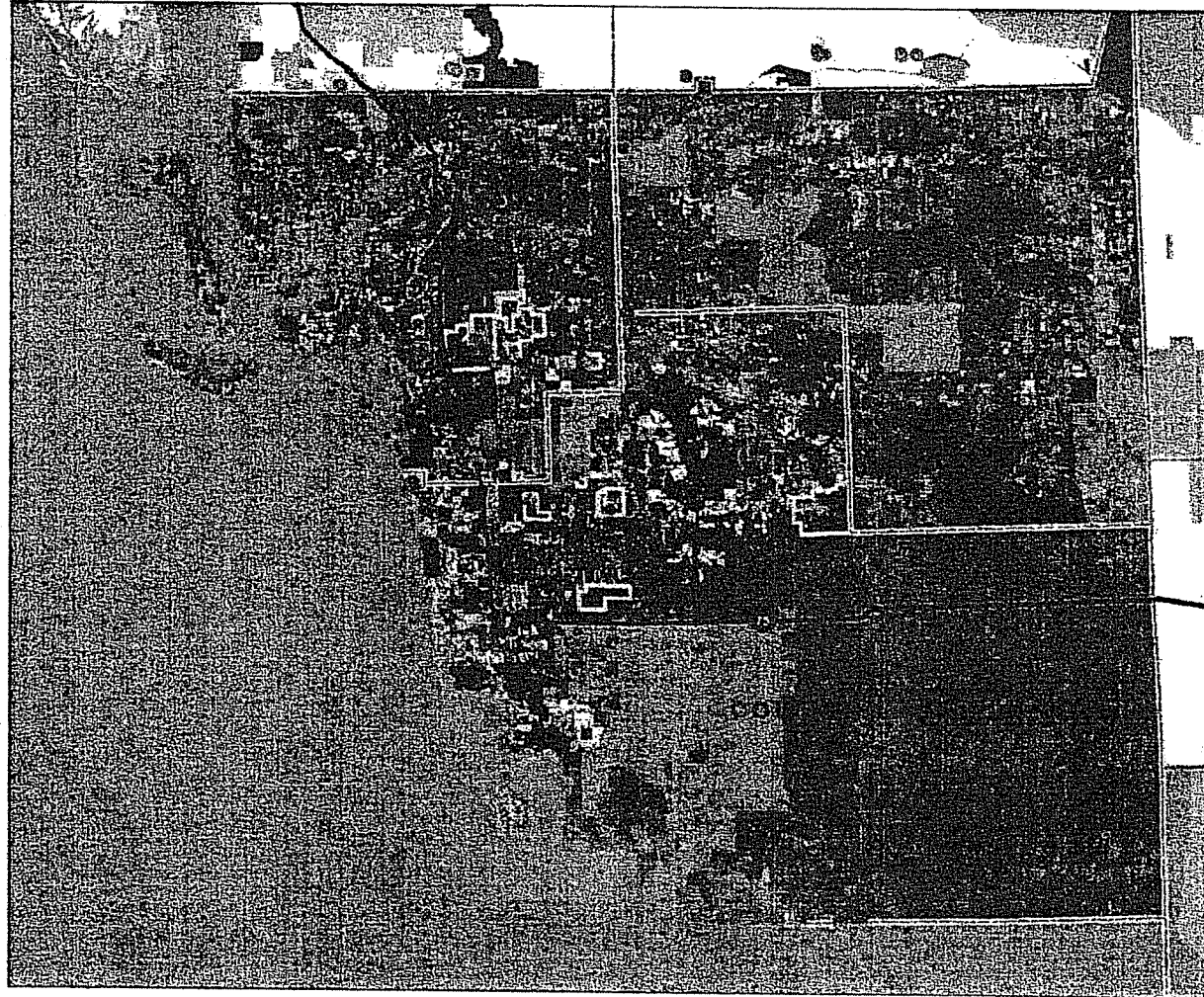


Figure 29: Mine areas, surface land developments, and managed lands in Collier and Lee Counties.

FDOT Aggregates

Deborah L. Snyder, P.E.,
District Materials Research Engineer,
FDOT Districts 1 & 7



Why is Aggregate so important?



Florida Department of
Transportation

2



This slide is a photo of hurricane damage. Aggregates not only play a big role in new roadways but also in replacing damaged roads like this one.

Some of this asphalt may be recycled but it depends on how damaged and/or contaminated it is.

Overview of Presentation

- Describe types of mined materials
- Issues surrounding mining
- Need for aggregate
- Amount of Aggregate per Lane Mile
- Sources of Aggregates
- FDOT's Timeline
- Locations of Florida Mines
- Strategic Aggregate Study, Strategic Aggregate Task Force and FDOT's Involvement

Florida Department of
Transportation

3



Describe some of the different mined materials

Issues surrounding mining (from Strategic Aggregate Study)

Need for aggregates (from strategic aggregate study)

Amount rocks needed for one mile one lane wide of asphalt roadway

Where we get rocks

The Department's timeline

Locations of Mines in Florida

Strategic Aggregate Study, Strategic Aggregate Task Force and what else FDOT has done

Types of Mined Materials

- Aggregates (Rocks) used in Asphalt, Concrete and Concrete Products
- Sand used in Asphalt, Concrete and Concrete Products
- Screenings (somewhere between sand and rock in size) used in Asphalt
- Base Used just beneath the Asphalt or Concrete Pavement
- Fill (aka Borrow, Embankment etc.) used behind retaining walls, under base, for swales etc.

Florida Department of
Transportation

4



Concrete products are beams, pipes, box culverts, retaining wall and noise wall panels etc.

The sands produced in the Lee County area (which are FDOT approved) are used in concrete not in asphalt.

Sometimes there is confusion regarding fill. Fill is basically the soil and other materials dug up or placed to fill low areas. It can come from a mine as it is the overburden material taken off the top before the rock is reached.

Differences in Mined Materials

- Aggregate has 3 categories: Coarse, Fine & Base
- Aggregate and Screenings can be produced at one facility. Screenings are a by product of the crushing process. Sometimes Base is mined at one of these facilities
- Sand mines only produce sand
- Base mines usually only produce base
- Fill can be found in most places where ever a hole is being dug (i.e. retention ponds)

Florida Department of
Transportation

5

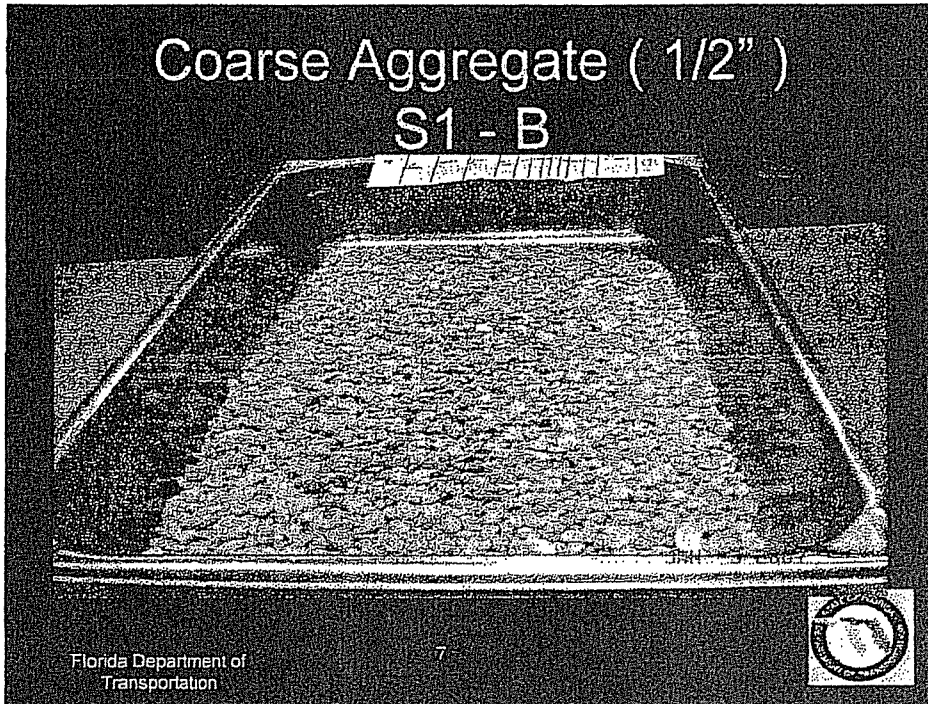


Aggregates are a placed based resource. You have to dig where the materials are located. The exception to this is "fill" material.

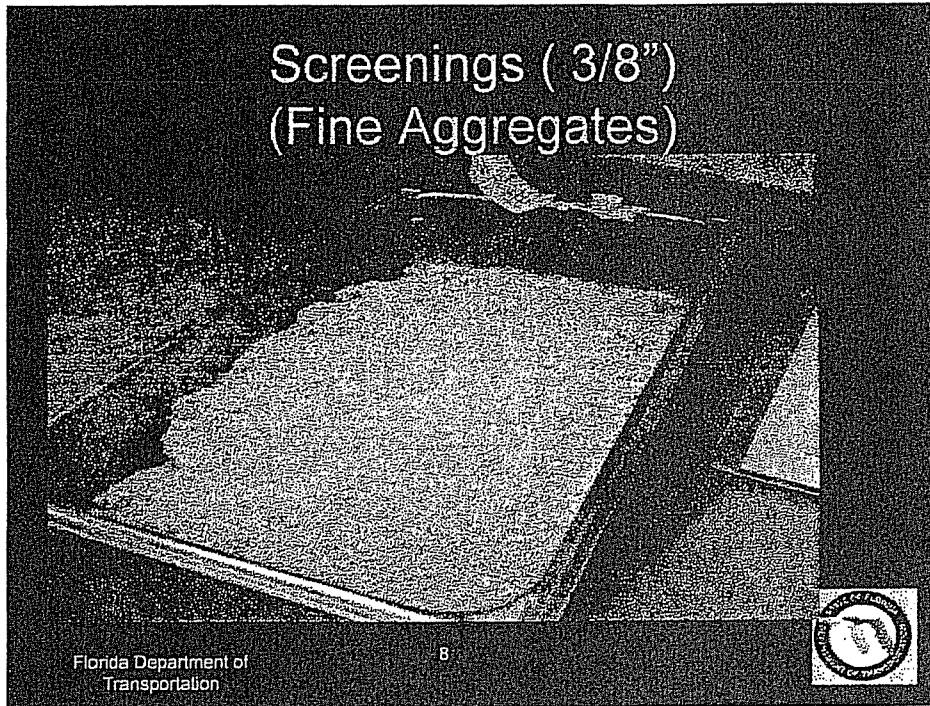


This is coarse aggregate with the maximum size of 1 ½ "
We call this 57 stone

Coarse Aggregate (1/2") S1 - B

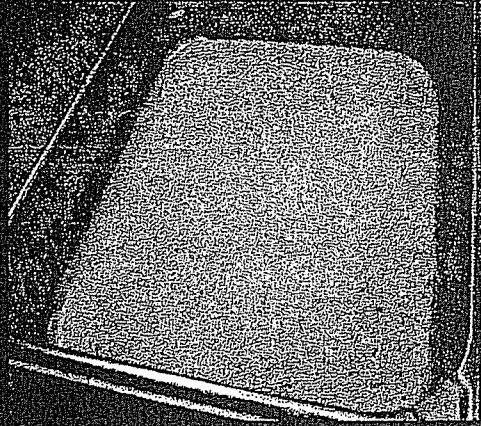


This is coarse aggregate with the maximum size of $\frac{1}{2}$ ". We call this type S1 – B. There is also another coarse aggregate with a maximum size of 1". That one we call S1 – A.



This is our first fine aggregate. Screenings are a by product of the crushing process and are used in asphalt. We call them screenings.

Sand 01 (#4) (Fine Aggregates)



Florida Department of
Transportation

9



This is sand. Sand is mined. In the Lee county area, sand is used in concrete only for the FDOT. The Lake Wales ridge sand (in Polk county) is used in asphalt mixes.

Limerock Base (3-1/2")



Florida Department of
Transportation

10



This is a photo of a supplier filling a sample bucket of base materials. Base materials have a maximum size of 3 1/2".

What are the current problems in Florida?

- Existing mine permits are routinely challenged and seriously delayed
- Output from permitted mines continues but quality is declining for many engineering applications
- Developments, particularly large DRI's in rural counties, are impinging on mining
- Infrastructure for increasing imports is not in place
 - Ports need investment to handle increased tonnage more efficiently and transportation bottlenecks need to be removed
 - Rail transport needs many new sidings and an increased number of rail cars

Florida Department of
Transportation

11



This is from the Strategic Aggregate Study and relates the Department's position on mining.

As typical with most types of mining, the best material is shipped first and as more and more of the material is removed, the lower quality material will remain.

Once a development is placed on land which could be mined the opportunity to mine it is gone.

We don't have the capacity in either or rail or sea ports to accommodate getting more aggregate from out of the state or out of the country.

Need for Aggregates

- 147 million tons used in Florida each year (est. 2007)
 - 119 million tons produced in state, 12 million tons imported domestically, 6 million tons imported internationally
 - 10 million tons are recycled
 - Housing and commercial construction use 86 million tons
 - Roads and infrastructure use 42 million tons
- FDOT as largest single user contracts for about 10% of supply
- FDOT sets the standards for engineering properties of aggregates (Most Counties use FDOT specifications for their projects.)

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Some interesting facts about aggregates and the need for them.

Aggregate Quantities in Example Pavement System

- **Base**
 - Thickness (in) 10
 - Lane Width (ft) 12
 - Volume 1 mile long (cf) 52, 800
 - Wet Density of Mined Limerock (lb/cf) 130
 - Total weight of Base (tons) = 3,432
 - **Structural Pavement**
 - Thickness (in) 4.5
 - Lane Width (ft) 12
- Area of Lane 1 mile long (sy) 7,040
 - Spread Rate (lb/sy/in thick) 100
 - Total Weight of Mix (tons) 1,584
 - Assume 6% liquid AC & 15% RAP (Recycled Asphalt Product)
 - Total weight of Structural Course Aggregate (tons) = 1,251

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This is just a typical section of pavement for new construction.

Base is the limestone (rock) material placed beneath the asphalt or concrete pavement. It gives the pavement stability while providing drainage.

Structural asphalt is placed on in thicker lifts and combined with the base is what makes the road.

Different thicknesses of asphalt may be used for different pavement cross sections based on different volumes of traffic.

Aggregate Quantities in Example Pavement System (cont.)

- Friction Course
 - Thickness (in) 0.75
 - Lane Width (ft) 12
 - Area of Lane 1 mile long (sq) 7,040
 - Spread Rate (lb/sy/in thick) 108
 - Total weight of mix (tons) 285
- Assume 6% liquid asphalt, 0% RAP
- Total weight of Friction Course Aggregate (tons) = 268
- Total Tons Aggregate for Asphalt = 1,519
- Total Tons Limerock Base = 3,432

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Friction course is placed on top of the structural course and makes the pavement less slick.

Grand total of base and aggregate is 4951 TONS. (9,902,000 pounds) At roughly 20 tons per truck, 248 trucks to pave one mile of road 12 feet wide.

185 Sources

- 113 Mines in Florida
 - 52 Base Mines
 - 26 Sand Mines
 - 32 Coarse Aggregate Mines
 - 3 Screenings Mines
- 32 Out-of State Mines
 - (9 AL, 16 GA, 2 KY, 2 LA, 1 NC, 2 SC)
- 3 Out-of Country (1 BA, 1 MX, 1 NS)
- 37 Redistribution Terminals

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This is as per December 2007. This was taken from a presentation done for the Strategic Aggregate Task Force. This is 185 FDOT Approved sources. The numbers today might be slightly different.

FDOT's Timeline

- After Mine obtains all environmental permits
- After Mine Construction
- Parallel to Aggregate Production

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This is a very simplified list of how a mine gets approval to produce for FDOT. I have given you a page of websites where you can get access to how a mine gets approved to produce products for FDOT.

This list of websites has the FDOT Aggregate Rule, the Construction Aggregate Manual, Instructions for Mine Approval and the Flowchart for the FDOT Mine Approval process.

This flowchart is also part of the packages I gave you.

Locations of Aggregate Mines In Florida

<http://www.dot.state.fl.us/statematerialsoffice/quality/programs/qualitycontrol/materialslistings/sources/agggregatesource.pdf>

<http://www.dot.state.fl.us/statematerialsoffice/laboratory/geotechnical/aggregates/maps/allsources-labels.pdf>

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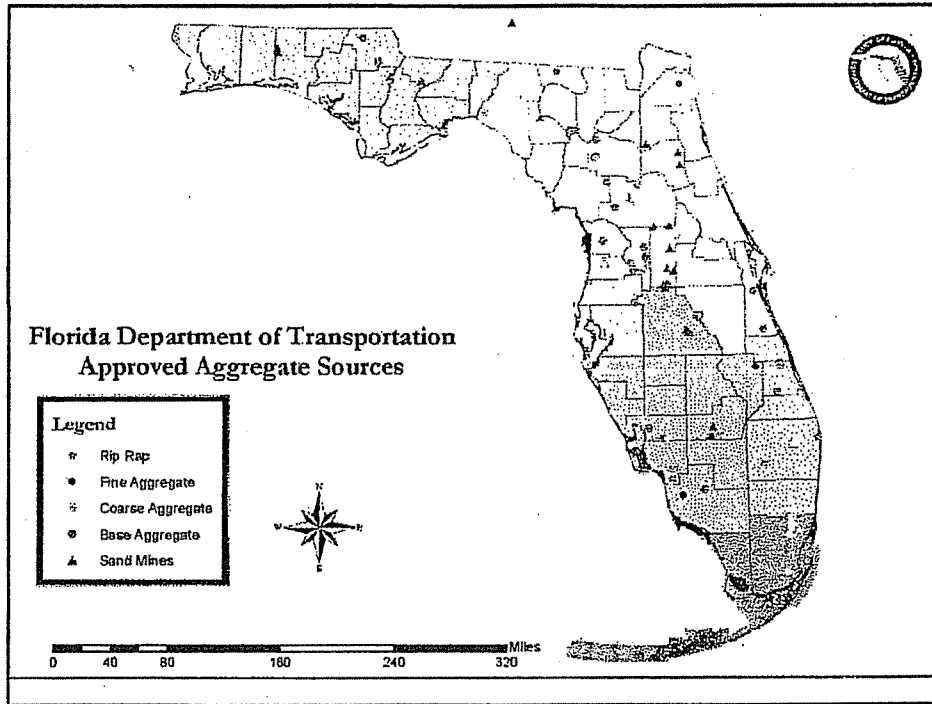
17



These two links are also on the webpage sheet I just told you about. (Click on each link)

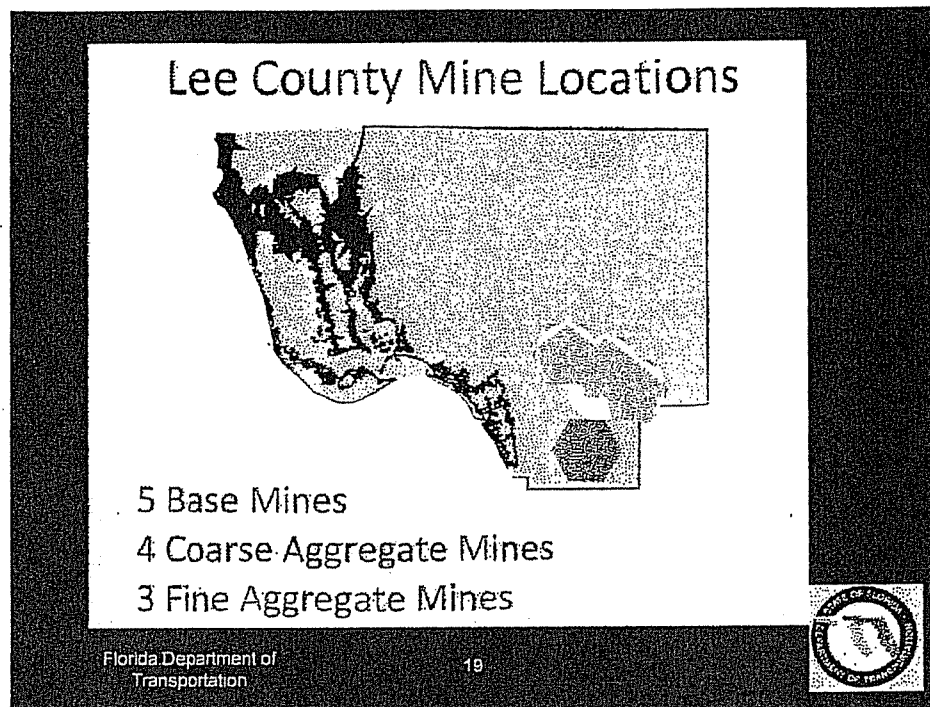
This first link is to a list of all of the approved mines in the State. These mines are listed by District and have the mine name, contact person's name, numbers and address as well as if they are approved or conditionally approved. Unfortunately the type of materials produced is not listed. I know it is hard to see but there are 6 mines currently approved to produce materials for FDOT in Lee County. This list is updated daily by the State Materials Office A copy of this list is part of your package.

The second link is to maps of all of the products produced around the state.

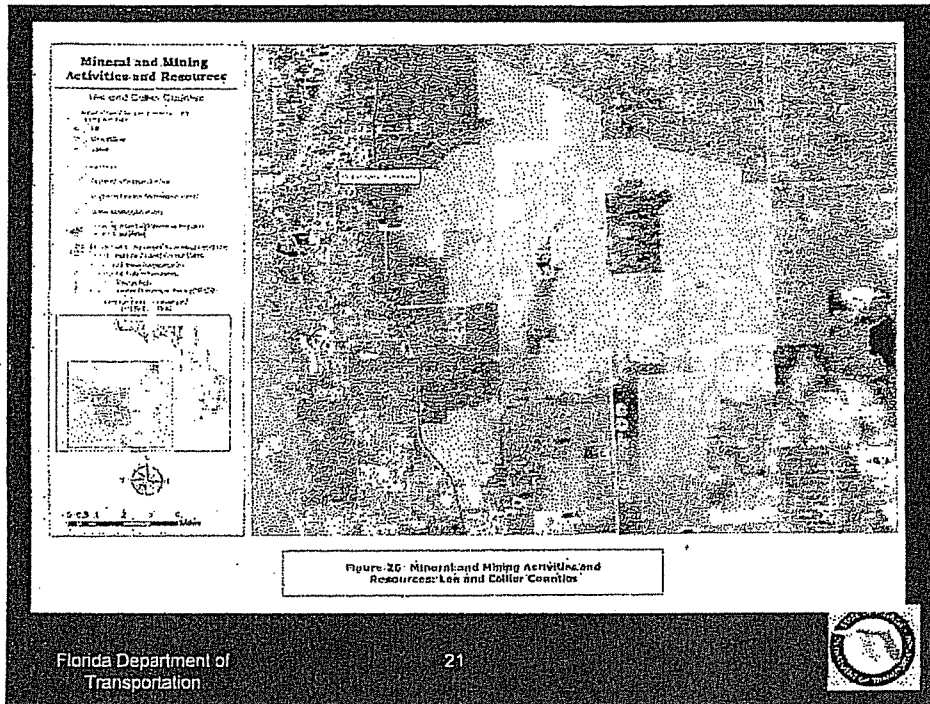


Here is a copy of the map I just linked to. This map is also part of your packages.

There are concerns that none of the material in Lee County can be used in asphalt because of a comment made in the Strategic Aggregate Study. This comment is incorrect as the list and these maps demonstrate.



This is a blow up of just Lee County taken from the previous map. In this area of the County there are 5 base mines, 4 coarse aggregate mines and 3 fine aggregate mines. Two slides ago I said there were 6 mines in Lee County, so as you can see, some of these mines shown can produce more than one product.



This one is also one you have seen many times but I also brought it as an 11x17 in your packages. This is a slightly larger scale of the previous map and the light blue area is the DRGR area.

Preliminary Findings/Concerns Strategic Aggregate Study

- Known in-state aggregate reserves to produce 150 million tons per year do not appear to be adequate for 5-10 year growth period and beyond
- Significant private and public investments required
- Florida is heavily dependent on sources from a single area: the Lake Belt of Miami-Dade County

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This information comes again from the strategic aggregate study before the lake belt was shut down. And although the study was done in a boom time, the recommendations are still valid.

Preliminary Findings/Concerns Strategic Aggregate Study (cont.)

- Port deliveries may need to be increased 5-10 fold and ports will need facilities upgrades to handle large volumes of materials
- Rail infrastructure improvements urgently needed for imports and efficient intra-state distribution of aggregates

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Even with the lake belt being shut down and with the slow down of building, if we want to bring more materials from other states and other countries we will need more port and rail terminals to do this.

What FDOT has done about Aggregates?

- Strategic Aggregate Study (by Lampl Herbert through FDOT)
- The Vulcan Aggregate Contract
- Agreement with RCH/Ascot (Lee County)
- Strategic Aggregate Task Force
 - <http://www.dot.state.fl.us/statematerialsoffice/administration/resources/library/issues-trends/aggtaskforce/index.htm>

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I think I have mentioned the Strategic Aggregate Study enough.

The Vulcan aggregate contract is a contract we have signed with Vulcan Materials where we have chosen certain construction projects which shall use the limestone aggregate Vulcan ships in from Mexico on these specific projects. By granting them the contract, we get a discounted price and they also get a guarantee of a certain amount of aggregate will be purchased by the contractors each year. This aggregate comes into the Port of Tampa and is used mostly in asphalt. No jobs in Lee County will be using this aggregate, because of the distance from the Port of Tampa.

The agreement with RCH/Ascot was like a very small Vulcan contract but since this permit is on hold with the moratorium the details of how the contract would work has not been finalized.

The Strategic Aggregate Task Force presented their recommendations to the House on Thursday February 21, 2008. A link to their presentation and to their final report is also on the list I gave you. I have sent the link to the final report to many of you in the last two weeks and I also included it here. The Strategic Aggregate Task Force had many recommendations and also some which they could not reach consensus on. As the House has not announced any decisions yet I don't want to comment on anything at this time as it may change after the House considers what they heard. (I have included the recommendations of this report, as part of your packages.

Summary

- Differences in types of mined materials
- Concerns with mining
- Needs & Sources for aggregate
- Amount of Aggregate per Lane Mile
- FDOT's Involvement in Permitting
- Mining Locations in Florida
- Strategic Aggregate Study, Strategic Aggregate Task Force and FDOT's Involvement

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I spoke about the different types of mined materials the Department is interested in
The concerns we have about limiting mining
Where we get aggregates from
Amount we use per lane mile of aggregate for new construction
How we permit mines to produce for us
Where the FDOT approved mines are located
And what we the Department are doing about getting materials we need to build with.

Questions?

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"Snyder, Deborah"
<Deborah.Snyder@dot.state.fl.us>

01/14/2010 07:43 AM

To "brenda.winningham@dca.state.fl.us"
<brenda.winningham@dca.state.fl.us>,
"scott.rogers@dca.state.fl.us" <scott.rogers@dca.state.fl.us>
cc "Girwarr, Anjani" <Anjani.Girwarr@dot.state.fl.us>,
"Limbaugh, Johnny" <Johnny.Limbaugh@dot.state.fl.us>,
"Cann, Stan" <Stan.Cann@dot.state.fl.us>, "Hope, Michael"
bcc

Subject Info and action: DRGR PowerPoint Presentation with notes

Here is the PowerPoint I presented to the DRGR Committee on March 12, 2008. The notes are what I said while making the presentation. I will forward the color version without the notes in the next e-mail.

Thanks and have a wonderful day!

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SEATBELTS SAVE LIVES!

*Work like you don't need the money, love like you've never been hurt
and dance like no one is watching.*

(Unknown)



FDOT aggregates with notes march 2008.pdf



"Snyder, Deborah"
<Deborah.Snyder@dot.state.fl.us>

01/14/2010 10:37 AM

To "brenda.winningham@dca.state.fl.us"
<brenda.winningham@dca.state.fl.us>,
"scott.rogers@dca.state.fl.us"
cc "Girwarr, Anjani" <Anjani.Girwarr@dot.state.fl.us>,
"Limbaugh, Johnny" <Johnny.Limbaugh@dot.state.fl.us>,
"Cann, Stan" <Stan.Cann@dot.state.fl.us>, "Hope, Michael"
bcc

Subject Action & INFO: My Comments on the Assumptions made in the Dover Kohl Report

Brenda & Scott,

Again I want to thank you for your patience and understanding as I inundate you with e-mail this morning. As we discussed yesterday, I did make a presentation to the Lee County BoCC on September 8, 2008 during a special meeting they held to discuss the DRGR Study and to allow for public input. At that time I asked the BoCC to not adopt any of the Dover Kohl DRGR report as Appendix B did not appear to research the aggregate issue in the DRGR as well as it should have.

The report itself started with a decision to stick to the "Traditional Mining Corridor" which is the Alico Road area and Dover Kohl completely ignored any information (which is available from both Lee County and developer's mining applications as sources) regarding the quality and availability of limerock materials in the Corkscrew Road corridor and/or any other portion of the DRGR. This decision in my opinion was not based on any scientific reasoning and was purely political. This decision goes against the statute as Dover Kohl did not consider the "critical" and "strategic" importance of this very important resource. (See yellow highlighted excerpt from the Statute below.)

Some of the specific issues I have with Appendix B of the Dover Kohl Report is how the calculations were done and some of the assumptions that were made. This is a quote from pages B10 and B12 of the Dover Kohl report.

"The amount of aggregate produced annually in Florida has increased at about the same rate as Florida's permanent population. This relationship has caused a number of industry observers to express future aggregate de-mand at the current annual consumption rate, which for Florida is about 9 tons per permanent resident. ...

This ratio between aggregate production and permanent population may not hold in future years. It disregards the impact of part-time Florida residents, who are not counted in the permanent population but who are responsible for a significant share of the building and road construction that consumes aggregates. When this method is scaled down to the county level, it is even more unreliable (emphasis added) because the precise service area for regional mines such as those in the DR/GR area is not known.

This quote states basing aggregate demand on population growth is "unreliable" and yet one of the ways future aggregate demand was calculated was 80% of 9 tons per person based on the permanent future population for the region (7 counties), not the State as the pale blue highlight in the Statute below states. This results in a 105% increase for the year 2030.

The other way demand was calculated was based on the amount of aggregate which was used in the past was projected into the future based again on 80% of the population for the listed time period. This

results in a 174% increase for the year 2030. Then an arbitrary assumption was made to reach an increase which appeared to the author to be reasonable. See the following quote taken directly from page B15.

"No actual data is available to determine the portion of aggregate production that is attributable to new growth versus routine rebuilding. This study assigns a subjective factor of 3/4 to the growth factor and 1/4 to the rebuilding factor, resulting in an assumed need for 2007 through 2030 of 122% of the aggregate production from 1980 through 2006."

The calculation to reach the 122% is: $0.75(105) + 0.25(174) = 122$.

Other concerns are the year of 2030 as a planning horizon appears to be arbitrary and no longer term calculations were performed. These comments are not intended to be all inclusive. As stated yesterday we would have liked the opportunity to meet with Lee County staff and/or their consultants to have input to the methodology used to calculate the future demand for aggregate within the DRGR.

As Lee County stated in the recent letter they sent to you, my staff and I attended most of the many different types of meetings regarding the DRGR in Lee County. However, we did not receive any response to our comments/input.

Thank you in advance for your consideration regarding this very critical issue.

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SEATBELTS SAVE LIVES!

*Work like you don't need the money, love like you've never been hurt
and dance like no one is watching.*

(unknown)

337.0261 Construction aggregate materials.--

(2) LEGISLATIVE INTENT.--The Legislature finds that there is a strategic and critical need for an available supply of construction aggregate materials within the state and that a disruption of the supply would cause a significant detriment to the state's construction industry, transportation system, and overall health, safety, and welfare. In addition, the Legislature recognizes that construction aggregate materials mining is an industry of critical importance to the state and that the mining of construction aggregate materials is in the public interest.

(3) LOCAL GOVERNMENT DECISIONMAKING.--No local government shall approve or deny a proposed land use zoning change, comprehensive plan amendment, land use permit, ordinance, or order regarding construction aggregate materials without

considering any information provided by the Department of Transportation regarding the effect such change, amendment, permit decision, ordinance, or order would have on the availability, transportation, and potential extraction of construction aggregate materials on the local area, the region, and the state.