LEE COUNTY
DIVISION OF PLANNING

STAFF ANALYSIS AND RECOMMENDATION

PROPOSED LEE PLAN AMENDMENTS FOR SOUTHEAST LEE COUNTY

Planning for the Density Reduction / Groundwater Resource Area (DR/GR)

By: Dover, Kohl & Partners

Dated
May 2009

COMPREHENSIVE PLAN AMENDMENT
CPA 2008-06

Prepared following the
October 29, 2009
Board Transmittal Hearing

LEE COUNTY
DIVISION OF PLANNING
STAFF ANALYSIS AND RECOMMENDATIONS FOR
COMPREHENSIVE PLAN AMENDMENT
CPA 2008-06

✓	**Text Amendment**	✓	**Map Amendment**

✓	This Document Contains the Following Reviews:
✓	**Staff Review**
✓	**Local Planning Agency Review and Recommendation**
✓	**Board of County Commissioners Hearing for Transmittal**
	Staff Response to the DCA Objections, Recommendations, and Comments (ORC) Report
	Board of County Commissioners Hearing for Adoption

ORIGINAL STAFF REPORT PREPARATION DATE: June 12, 2009
REVISED: September 11, 2009
November 12, 2009

PART I - BACKGROUND

A. SUMMARY OF APPLICATION

1. APPLICANT/REPRESENTATIVE:

Lee County Board of County Commissioners/Lee County Division of Planning.

2. REQUEST:

Amend the Vision Statements for Planning Communities #10 (Gateway/Airport) and #18 (Southeast Lee County) so that these statements accurately reflect all of the following amendments to the Lee Plan. 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*, including major revisions under Goal 10 (Natural Resource Extraction) and a new Goal 30 with policies applying primarily to Southeast Lee County, including Objective 30.1 (Limerock Mining), Objective 30.2 (Other Natural Resources), and Objective 30.3 (Residential Development). Amend the Groundwater Recharge sub-element of the Community Facilities and Services Element to modify Policy 63.1.2 on development applications near wellfields. Amend the Glossary to add definitions of aggregate, limerock, and public recreation facilities. Add a footnote to Table 1(a) of the Future Land Use Map Series (Summary of Residential Densities) to authorize potential density bonuses for transferring development rights from Southeast Lee County to "Mixed-Use Communities" along SR 82 or to land designated on

the "Mixed-Use" overlay. Amend Table 1(b) of the Future Land Use Map Series (the acreage allocation table) in Planning Community #18 only so that industrial acreage reflects the acreage of limerock mining pits needed to meet local and regional demand. Amend Map 1 of the Future Land Use Map Series to adjust the boundaries of the "Public Facilities" designation for the Corkscrew water treatment plant. 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. Amend Page 2 of Map 1 of the Future Land Use Map Series to add a boundary and text for Southeast Lee County. Amend Page 4 of Map 1 of the Future Land Use Map Series to update the public acquisition overlay in Planning Community #18 only. Amend Map 4 of the Future Land Use Map Series to eliminate public lands and completed mining pits from the "Private Recreational Facilities" overlay. Amend Map 14 of the Future Land Use Map Series to designate a "Future Limerock Mining" overlay. Add a new Map 17 to the Future Land Use Map Series to designate new "Rural Residential" overlays in Planning Community #18 only. 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. Add a new Map 24 to the Future Land Use Map Series, the "Historic Surface and Groundwater Levels" overlay (Planning Community #18 only). Add a new Map 25 to the Future Land Use Map Series, the "Priority Restoration" overlay, to suggest potential acquisition patterns in Planning Community #18 only.

3. BACKGROUND DISCUSSION:

The Density Reduction/Groundwater Resource future land use category was incorporated into the Lee Plan as part of the implementation of the 1990 Stipulated Settlement Agreement between Lee County and the Florida 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 three areas were described 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. 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 part of the response to reduce the carrying capacity of the County's overall Future Land Use Map.

Prior to the adoption of the Stipulated Settlement Agreement, the Lee County Division of Natural Resources proposed to protect the shallow aquifers, in part, with an amendment to the Future Land Use Map. This amendment, Plan Amendment Map/Text 89-19 (PAM/T 89-19), was initiated by the Board of County Commissioners on May 3, 1989. The staff proposal was for the creation of a new future land use category called "Groundwater Resource." In order to protect the shallow aquifers, the amendment proposed a reduction in density to one dwelling unit per five acres. The new future land use category was to be applied to "most uplands now designated Rural and Open Lands that lie north of the future urban areas of Bonita Springs, east of I-75, southeast of the Airport Commerce [Tradeport], Airport, and New Community and south of S. R. 82." The Local Planning Agency reviewed the proposal on September 14, 1989 and recommended that the Board of County Commissioners adopt the proposed map amendment. This amendment, along with others, was scheduled to go to Board of County Commissioners public transmittal hearings on October 24 and 25, 1989. Prior to those public hearing the terms of the Stipulated Settlement

Agreement were reached. The pending round of amendments was put on hold and the County began the process of implementing the agreement.

The portion of the Stipulated Settlement Agreement that addressed this issue was drafted utilizing the substance of PAM/T 89-19. There were, however, several changes to the original proposal included in the settlement. The allowable density was further reduced to one dwelling unit per ten acres. Additional lands were also added, the area north of the City of Cape Coral and the non-urban area east of U.S. 41 within two miles of the Charlotte County line. These changes were included to partially address the carrying capacity problem of the Future Land use Map. These additional changes ultimately lead to the inclusion of the words "Density Reduction" in the title of the Policy. The Board of County Commissioners adopted the Stipulated Settlement Agreement plan amendment in September of 1990. The DCA issued its Notice of Intent to find the amendment in compliance in late October 1990.

Since that time, there have been several studies and analyses of the DR/GR Future Land Use Category. These investigations were documented and verified in the "Review and Summary of Studies Containing Information Relating to Density Reduction / Groundwater Resource (DR/GR) Lands Southeastern Lee County, Florida" prepared for Board of County Commissioners by: McLane Environmental, LLC, Princeton, New Jersey; Amy S. Greene Environmental Consultants, Inc., Flemington, New Jersey; and, Head First, Inc., Jacksonville, Florida, in May of 2007.

Following the McLane Report, in the fall of 2007, the Board of County Commissioners initiated a 14 point Action Plan addressing critical mining, traffic, and land use issues in the DR/GR area. As part of this Action Plan, the Board decided to undertake a comprehensive analysis of the remaining DR/GR area in the southeast portion of the County. A consulting team was established and the first comprehensive planning analysis, entitled "*Prospects for Southeast Lee County, Planning for the Density Reduction/Groundwater Resource Area (DR/GR)*" was completed in July of 2008. This study recommended a balance of uses for the DR/GR's future.

In May of 2009, the first document intended to implement the "*Prospects for Southeast Lee County* was released by the consulting team, entitled "*Proposed Lee Plan Amendments For Southeast Lee County, Planning for the Density Reduction /Groundwater Resource Area (DR/GR)*". This Division of Planning "Staff Analysis and Recommendation" analyzes the proposals contained in this document and provides the staff's recommendation to the Local Planning Agency and to the Board of County Commissioners.

PART II - STAFF ANALYSIS AND RECOMMENDATIONS

A. STAFF DISCUSSION

1. INTRODUCTION

The *Proposed Lee Plan Amendments for Southeast Lee County* document was preceded by several studies that provide the data and analysis that supports the proposed amendments. The most recent of these studies include *Prospects for Southeast Lee County Planning for the Density Reduction/Groundwater Resource Area (DR/GR), Ecological Memorandum of The Density Reduction/Groundwater Resource Area (DR/GR),* and *Lee County Truck Impact Evaluation*.

Following the release of the *Proposed Lee Plan Amendments for Southeast Lee County* three additional studies have been produced as data and analysis to further support the proposed amendments. These include *Transferable Development Rights in Southeast Lee County, Natural Resource Strategies for Southeast Lee County,* and *Comprehensive Hydrological Study of the Lee County's Southeastern Density Reduction/Groundwater Resource Area*.

Prospects for Southeast Lee County Planning for the Density Reduction/Groundwater Resource Area (DR/GR) contains a discussion concerning the origins of the DR/GR land use category, as well as describing the process utilized to generate three different scenarios for the future of the DR/GR area. The study document also includes a brief summary of the relevant previous plans and studies of the southeast DR/GR land use category. The Board of County Commissioners also appointed a 15-member DR/GR Ad Hoc Advisory Committee. The committee generated a 4th recommended scenario.

Ecological Memorandum of The Density Reduction/Groundwater Resource Area (DR/GR) provides detailed ecological mapping and evaluation of the DR/GR area. The memorandum includes maps generated from historic aerials and other sources and provides findings and conclusions to support a proposed restoration plan for the DR/GR area. The restoration plan is based on the potential for restoring impacted natural systems by identifying restorable land and prioritizing restoration activities that would be most beneficial to natural resources, with an emphasis on water resources (surface and groundwater).

Lee County Truck Impact Evaluation provided an evaluation of the impacts of mining operations' heavy truck traffic on the County's roadways, specifically Alico Road and Corkscrew Road. While mainly used to determine an appropriate maintenance fee, the study provides an overview of existing traffic data as well as the collection of additional data in these corridors.

Transferable Development Rights in Southeast Lee County analyzes the feasibility of a transferable development rights program and provides detailed designs for potential Rural and Mixed-Use Communities. The study also includes a proposed TDR regulatory structure and lists the top ten success factors of leading TDR programs nationwide.

Natural Resource Strategies for Southeast Lee County addresses best farming practices, land acquisition, land restoration, mine reclamation standards, and innovative mining approaches. The study also includes recommended amendment to the county's land development code regulating mining activities.

Comprehensive Hydrological Study of the Lee County Southeastern Density Reduction/Groundwater Resource Area documents the creation of an integrated surface and groundwater model and analyzes land-use alternatives for this area from a hydrological perspective.

All of these documents are attached and together these studies represent the data, analysis, and planning support for the proposed comprehensive plan amendments.

2. STAFF REPORT FORMAT

As noted above, the Dover, Kohl & Partners team submitted proposed plan amendments in the May 2009 document "*Proposed Lee Plan Amendments for Southeast Lee County."* Division of

Planning staff, along with other County staff, has reviewed the recommendations contained in that document and concurs with many of the proposals.

In this report, staff will address the proposed amendments in the order they appear in the Dover, Kohl & Partners document. In that regard, this staff report is a supplement to the Dover, Kohl & Partners document. If staff concurs with a proposed amendment, that concurrence will be stated. If staff has concerns or disagrees with a particular proposal, the proposal will be further discussed and staff's recommended changes will be identified.

Also attached to this analysis is a document that indicates, in strikethrough/underlined format, a version of the proposed amendment language for the Southeast Lee County DR/GR plan amendment. The document is referred to as the *Composite Recommendations* and is formatted as follows:

- Where Planning Staff and the consultant Dover, Kohl & Partners agree, the proposed language is shown across the entire page;
- Where there were differences of opinion on the proposed language, the page is split into two columns. The left hand column contains the Dover, Kohl & Partners' proposal. The right hand column contains Staff's proposal; and,
- Under the two columns, and sometimes under the agreed-to policies, is a dialog box or boxes that contain a Staff discussion, explanation, modified revision, update, or clarification, often followed by the consultant's concurrence.

As you will see in reviewing the document, there are only a few areas where Staff and the consultant differ on their recommendations. The remaining issues are:

- Policy 1.4.5, how to utilize the historic hydroperiod analysis for new development;
- Policy 1.1.7, Mining in the Industrial Development Future Land Use Category;
- Policy 1.2.2, Inclusion of mining in the Tradeport Future Land Use Category (please see the discussion under sections (b) and (m));
- Policy 30.1.3, The elimination of residential density on land zoned for limerock mining pits;
- Section (h) map amendment of Public Facilities near the County's water plant;
- Section (m) "Future Limerock Mining Areas;" and,
- Section (n), Easterly Rural Communities locations.

The Dover, Kohl & Partners recommended amendments begin on page 4 of their report, starting with the text amendment identified as A.3.C.(a), and continuing on to A.3.C.(g). Map amendments follow with the identification A.3.D.(h) through A.3.D.(q).

3. TEXT AMENDMENTS ANALYSIS AND RECOMMENDATIONS

(a) AMEND VISION STATEMENTS

The first amendments proposed are text amendments to the Vision Statement for Planning Community #10, the Gateway/Airport Planning Community, and Planning Community #18, the Southeast Lee County Planning Community. Staff concurs with these changes as proposed.

(b) AMEND THE FUTURE LAND USE ELEMENT

Beginning on page 6 of the Dover, Kohl & Partners document there are several proposed amendments to the Future Land Use Element. The first changes are to Policy 1.1.7, the Industrial Development descriptor policy. The change proposes to eliminate the words "natural resource extraction (mining) activities and" from the policy.

Limerock mining is a land use that is already allowed in the Industrial Development category. There are few areas, if any, currently designated Industrial Development that have a real potential for limerock extraction. Only one area of designated Industrial Development, the land north of Alico Road, between Interstate 75 and U.S. 41, has been mined to date and then only for fill dirt. Staff recommends the proposed deletion occur, but that the phrase "limerock mining and" be inserted.

Staff concurs with the second proposed change to the policy, replacing Industrial for Mine Excavation to identify the proper Planned Development process.

The next proposed amendment is to Policy 1.2.2, the Tradeport descriptor policy. The proposed change is to add limerock mining as an allowable use in this future land use category, if identified on the Future Limerock Mining Map. Staff originally disagreed with this proposal and originally recommended that the proposed phrase not be added to the policy.

Under section(m) you will see a discussion about a property owner in the Tradeport category who may be desirous of mining their property. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff sees this proposal as a compromise on this issue and no longer objects to the inclusion of this portion of the Tradeport being included in the Future Limerock Mining overlay on Map 14. Staff is therefor in agreement with the Dover, Kohl language and now recommends that it should be transmitted.

On page 9 of the *Proposed Lee Plan Amendments for Southeast Lee County,* the Rural descriptor policy, Policy 1.4.1 is proposed to have a new phrase added to reference policy 10.1.4. Staff concurs with the proposed change.

Several changes to Policy 1.4.5, the descriptor policy for the Density Reduction/Groundwater Resource future land use category, are proposed. These changes include breaking the current policy into three numbered paragraphs. The first paragraph utilizes existing language requiring compatibility with maintaining surface and groundwater levels at their historic levels and establishes the proposed Map 24, Historic Surface and Groundwater Levels, as the historic target. The second paragraph refers to permitted uses and includes four lettered sub-paragraphs. Sub-paragraph a. refers to the proposed Objective 30.3, Residential and Mixed-Use Development. The third paragraph includes the existing language for Private Recreational Facilities.

The historic surface groundwater level map is based on interpretation of 1953 aerials and establishes a reference for use when determining compatibility. Staff understands that returning all or even a majority of this area to the actual 1953 conditions is an impossibility. Staff does not interpret the intent of paragraph 1 as requiring the recreation of those conditions. Staff also understands that it is not lawful to cause hydrological changes that may harm upstream downstream or adjacent properties. Rather, the intent is to allow development that, through use of hydrologic models and design elements can mimic natural

water functions. These elements may include such things as increased storage capacity and incorporation of green infrastructure such as wetlands and flowways.

In order to make this intent clear, staff recommends that the language be modified to state:

> 1. ~~Land~~ New land uses in these areas that require rezoning or a development order must ~~be~~ demonstrate compatibility ~~compatible~~ with maintaining surface and groundwater levels at their historic levels (except as provided in Policies 30.1.3 and 30.3.3) utilizing hydrologic modeling , the incorporation of increased storage capacity, and inclusion of green infrastructure. The modeling must also show that no adverse impacts will result to upstream, downstream, and adjacent property. Offsite mitigation can be utilized, and may be required, to demonstrate this compatibility. Historic wet-season water depths and hydroperiods are depicted on Map 24, based on detailed analyses of 1953 aerial photography. Additional evidence as to historic levels may be submitted during the rezoning or development review processes.

Staff agrees with the proposed changes in paragraph 2 except for the changes proposed in paragraph 2.c. The text regarding Private Recreational Facilities is unnecessary as residential density is currently not permitted. Post mine residential use is an issue more properly addressed under the provisions of Land Development Code (LDC) Chapter 12. Chapter 12 addresses post mine uses for new and existing mines. The Chapter requires a post mining plan that can be reviewed on a case-by-case basis. The appropriate post mining uses can be determined through this review. Staff recommends inclusion of paragraph 2 and 3 with the provisions of paragraph 2.c. deleted.

The next text changes affect Policy 1.7.6, the Planning Communities Map and Acreage Allocations Table policy. Staff concurs with these proposed changes.

Four new policies are proposed under OBJECTIVE 1.7: SPECIAL TREATMENT AREAS. These Policies establish new overlays to the Lee Plan. Staff agrees with the additional overlays, but recommends a modification to proposed Policy 1.7.13 sub-paragraph 1. The Policy should be re-worded to state that the "Existing Acreage Subdivisions" are the rural residential neighborhoods deserving of protection from adverse impacts due to natural resource extraction. Staff recommends the following specific modification showing additional language in a double underlined fashion and proposed deletions struck-through:

> 1. "Existing Acreage Subdivisions": existing rural residential subdivisions that ~~are reasonably distant from~~ should be protected from adverse external impacts, such as natural resource extraction.

Dover, Kohl & Partners have agreed to this revision to the proposed language.

On page 13 of the *Proposed Lee Plan Amendments for Southeast Lee County*, two changes are proposed to Policy 2.2.2. The first corrects an obsolete and non-factual statement about the growth capacity of Map 1. Staff concurs with the proposed revision to this portion of the policy. The second revision provides a policy reference to a new exception to application of the "acreage allocation table" (Table 1(b)) that is being created by these amendments through Policy 30.1.4. Staff recommends transmittal with a minor modification to sub-paragraph 3 to make the last sentence read as follows: "Additional provisions related to mining are provided in Policy 30.1.4. Dover, Kohl & Partners have agreed to this suggested revision.

Proposed Lee Plan Amendments for Southeast Lee County proposes some grammatical improvements and a new exception area under Policy 6.1.2. Staff agrees with the proposed changes.

On page 15, the Dover, Kohl & Partners document proposed to revise several agricultural policies, Policy 9.1.2, 9.1.4, 9.1.5, and 9.1.6, and add a new policy, Policy 9.1.7, to incorporate the conservation of water resources and to emphasize the value of agriculture in providing connectivity for water and wildlife resources. Staff concurs and recommends transmittal of the language as presented by Dover, Kohl & Partners.

Proposed Lee Plan Amendments for Southeast Lee County includes numerous changes and additions to Lee Plan GOAL 10: NATURAL RESOURCE EXTRACTION, and its subsequent objectives and policies. Staff agrees with these proposed amendments and recommends transmittal.

Consistent with existing Lee Plan formatting, the Dover, Kohl & Partners document is proposing a new GOAL 30: SOUTHEAST LEE COUNTY, which will contain objectives and policies that are specific to the Southeast Lee County Planning Community. These additions to the Lee Plan contain much of the substance of the proposed text changes to the plan. This proposed Goal number, 30, will be changed if these amendments are eventually incorporated into the Lee Plan. For this review, staff will utilize the numbering as proposed in the *Proposed Lee Plan Amendments for Southeast Lee County.*

Objective 30.1 and Policy 30.1.1 set forth the concept of a "Future Limerock Mining" overlay map. This map, Map 14, proposes to designate more than sufficient land near the traditional Alico Road industrial corridor for continued limerock mining to meet regional demands through the planning horizon of 2030. While staff does agree with the concept and proposed language for Objective 30.1 and Policy 30.1.1, staff does not concur with all the lands currently identified by the consultant on the proposed Map 14. Staffs recommended Map 14 is included in the Composite Recommendations document and staff's rational is discussed below in Section (m) of this analysis.

Policy 30.1.2 through Policy 30.1.7:

- Provides references to other plan requirements that also apply to limerock mining;
- Allows mitigation in place of the strict standard of "maintaining surface and groundwater levels at their historic levels;"
- Describes the integration with the Year 2030 Allocations;
- Clarifies that mines producing only fill dirt should be sited as close as possible to locations of high demand;
- Commits Lee County to supporting the use and processing of recycled aggregate; and,
- Notes the impracticality of protecting many agricultural activities from mining impacts.

Staff concurs with the proposed language and recommends transmittal of the policies with the deletion of the word "or extinguishing" in the last sentence of proposed Policy 30.1.3 in order to be consistent with the staff recommendation concerning Policy 1.4.5.2.c.

Objective 30.2 and its associated policies propose guidance on how to protect and restore water resources and native ecosystems within the Planning Community.

Policy 30.2.1 through Policy 30.2.7:

- Emphasizes the importance of large-scale ecosystem protection and maintenance;
- Adopts Map 25, a "Priority Restoration" overlay into the Lee Plan;
- Explains how to interpret the land acquisition tiers;
- Explains the phasing of the physical restoration of land;
- Recognizes agricultural operations as an important component of managing water resources; and,
- Emphasizes the necessity of evaluating the impacts of proposed land uses on surface and groundwater by utilizing an integrated surface and groundwater model.

In response to public input and to incorporate changes resulting from the staff recommendation in Section (q) below, numerous changes to Policies 30.2.1 through 30.2.6 have been recommended. These changes are contained in the Composite Recommendation document attached. Both staff and Dover, Kohl & Partners concur with these changes.

Proposed Objective 30.3 and its associated policies establish a new "Rural Residential" overlay map, Map 17, that would designate three different types of residential land uses in the DR/GR area. Staff concurs with this proposed objective and recommends transmittal.

Policy 30.3.1 proposes to establish an "Existing Acreage Subdivisions" overlay on proposed Map 17. The policy states that these areas "are not in or near Future Limerock Mining areas shown on Map 17." Staff is proposing to add Willowbrook Farms/Sunnybrook Farms and Timber Trails to the "Existing Acreage Subdivisions" overlay. Staff agrees with this concept, but recommends transmittal of a modified Policy 30.3.1 as shown in the paragraph below to be consistent with the staff proposed modifications to Policy 1.7.13 sub-paragraph 1. Dover, Kohl & Partners concur with the proposed staff revisions. In addition, please see further discussion of this concept under the discussion in Section (n) below.

> POLICY 30.3.1: Existing acreage subdivisions ~~that are not in or near Future Limerock Mining areas~~ are shown on Map 17. These subdivisions should be protected ~~are reasonably distant~~ from adverse external impacts ~~such as natural resource extraction.~~

Policy 30.3.2 discourages the creation of additional acreage (ranchette) subdivisions. Staff generally agrees that discouraging ranchettes and encouraging clustered development is a preferred development pattern. The policy also encourages the clustering of development in Rural Communities and Mixed-Use Communities. Staff does have concerns with the proposed number of Rural Communities; please see the discussion in Section (n) later in this analysis. The current location for the Mixed-Use Communities, adjacent to S.R. 82, is problematic. S.R. 82 has level of service issues that may prevent the actual development of these properties in the short-term planning horizon of five years. Please see the discussion of this and other issues in the discussion of proposed Map 17 in Section (n) of this analysis.

Proposed Policy 30.3.3 described a new program for transferable development rights (TDR). These right can be transferred into the newly established Mixed-Use Communities. During the public hearing process, staff proposed additional areas to be considered for the Mixed-Use Community designation. If these expanded or additional Mixed-Use Communities are added to Map 17 as proposed by staff, as discussed in Section (n) below, two changes are needed to Policy 30.3.3:

> The opening sentence would state: "Owners of major DR/GR tracts without the ability to ~~provide direct access to SR 82~~ construct a Mixed-Use Community on their own land are encouraged to

transfer their residential development rights to future Mixed-Use Communities ~~along SR82 (see~~ on land so designated ~~areas~~ on Map 17~~)~~."

The second sentence of subparagraph 2 would be reworded to state: "Under this exception, Mixed-Use Communities may be constructed ~~along SR 82~~ 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."

Dover, Kohl & Partners concurs with staff's language change and the proposal to expand the Mixed-Use Community between Alico and Corkscrew Roads.

Proposed policy 30.3.4 and policy 30.3.5 require changes to the LDC to establish the TDR program and establish a"TDR bank" for the new DR/GR TDR program. The parameters and function of this program are deliberately being left open ended. The companion study analyzing TDR's should help in establishing the proper regulations in the Land Development Code.

Staff notes that an important part of this program may be the conversion of TDR dwelling units into non-residential uses in the Mixed-Use Communities. The commercial floor area needed to make the Mixed-Use Communities satisfy both their own need and the needs of the adjacent Lehigh Acres community should not just be created. The DR/GR TDR's should be used as a means to attain the non-residential floor area in the Mixed-Use Communities. This conversion program will give considerable additional market value to the TDR's, helping to assure a successful TDR program.

(c) AMEND THE GROUNDWATER RECHARGE SUB-ELEMENT OF THE COMMUNITY FACILITIES AND SERVICES ELEMENT

The Dover, Kohl & Partners document proposed a new Policy 63.1.3 under OBJECTIVE 63.1: WELLFIELD PROTECTION. The new policy requires a hydrologic review of all development applications in the Density Reduction /Groundwater Resource area by the County's hydrogeologist. Staff concurs with the new language.

(d) AMEND THE CONSERVATION AND COASTAL MANAGEMENT ELEMENT

Proposed Lee Plan Amendments for Southeast Lee County proposes modifications to policies under OBJECTIVE 114.1. The modifications to Policy 114.1.1 allow impacts to wetlands that are located in the Future Limerock Mining Area, provided proper mitigation occurs in the Southeast Lee County Planning Community. This proposal realizes that the protection of isolated wetlands in and immediately adjacent to large mine pits is impractical. Staff concurs with the proposal which allows Lee County to relax the current Lee Plan policies protecting wetlands. To achieve this outcome, cooperation from the wetland permitting agencies will be required.

As referenced in proposed Policy 30.1.3 and the last sentence of the proposed modifications to Policy 114.1.1, the wetland impacts must be offset through appropriate mitigation within Southeast Lee County. The appropriate mitigation efforts required from the mines and the criteria to provide the proper amount of mitigation is not sufficiently delineated in the policy. Appropriate standards and criteria will be established through subsequent LDC amendments.

The amendment to Policy 114.1.2 is more controversial, although staff does not agree with the criticisms that have been raised against this proposed change. Paragraph 1 under Policy 114.1.2 refers to a specific

citation in the Florida Statutes, Section 163.3184 (6) c. This particular citation instructs the State Land Planning Agency, the Department of Community Affairs, to establish by rule a schedule for receipt of comments from the various government agencies. The citation has nothing to do with the context of the subject Lee Plan Policy. Dover, Kohl & Partners recommends removing sub-paragraph 1 and renumbering the rest of the sub-paragraphs accordingly.

Staff concurs with the removal of the citation. Misinterpretation of the intent of the revised policy by several members of the public led them to believe the Dover, Kohl & Partners proposal was intended to put Lee County back into the wetland permitting process. This is not the intent, and Dover, Kohl & Partners has submitted the following alternate language for paragraph 1 under Policy 114.1.2. Staff agrees that this proposal should be transmitted and has included this language in the attached Composite Recommendations document.

> 1. Lee County supports a more lenient wetland protection standard for limerock mines within the Future Limerock Mining overlay (Map 14). Lee County's overall wetland protection goals are better served by concentrating mining activity than by preserving isolated wetlands on mining sites.

(e) **AMEND THE GLOSSARY**

The Dover, Kohl & Partners document proposed three new definitions for the Lee Plan Glossary. The new terms are, Aggregate, Limerock, and Public Recreation Facilities. Staff agrees with the proposed definitions and recommends that they be transmitted.

(f) **ADD A FOOTNOTE TO TABLE 1(a) OF THE FUTURE LAND USE MAP SERIES**

In order to implement the proposed TDR concept, additional density needs to be given to DR/GR lands that opt to participate in the program. Dover, Kohl & Partners propose a new footnote to Table 1(a) that allows an increase in density for DR/GR, in accordance with the TDR program described in new Policy 30.3.3.

Staff agrees with the establishment of the TDR program, with the density being transferred to the proposed Mixed-Use Communities. Staff recommended that a maximum allowable density transfer be added to the footnote. Staff discussed this issue with Dover, Kohl & Partners and we both agree that a maximum density transfer number needs to be included. Dover, Kohl & Partners researched this issue and concluded that a maximum of 6,000 total transfer units be included in the proposed new footnote 11. The additional language is included in the Composite Recommendations document.

(g) **AMEND TABLE 1(b) OF THE FUTURE LAND USE MAP SERIES**

The *Proposed Lee Plan Amendments for Southeast Lee County* proposes changing the way Table 1(b), the Year 2030 Allocations Table, regulates mining activities in Planning Community #18, the Southeast Lee County Planning Community. Policies 1.1.1, 1.7.6, and 2.2.2 outline the purpose and functionality of the Year 2030 Allocation Table. Currently, the allocations do not specifically address mining. Mining acreage has been evaluated under the non-regulatory acreage allocation for Active Agriculture.

The Dover, Kohl & Partners document proposes to correct this oversight. Text amendments to Policy 1.7.6 and 2.2.2 and the addition of the new Policy 30.1.4.1 specifically require that mining acreage be calculated and included in the review of Development Orders for limerock operations. Staff has, previously in this analysis, agreed to the proposed text changes. This section of the *Proposed Lee Plan*

Amendments for Southeast Lee County proposes to change the acreage figures currently included in Table 1(b). The change increases the current Industrial acreage figure in Planning Community #18, a regulatory number, from 65 acres to 7,246 acres. This is an addition of 7,184 acres. In order to keep the table balanced, 7,181 acres needs to be removed from the Active Agriculture allocation for this community. The current allocation of 15,104 acres should then become 7,920 acres. These changes will also affect that portion of the table that contains County Totals for these uses, increasing the Industrial acreage total and decreasing the Agricultural total. Staff has attached a revised table for the transmittal of this proposed amendment.

At the LPA public hearing, a concern about the large change in Table 1(b) for Southeast Lee County, increasing the Industrial allocation at the expense of active Agriculture (especially given the plan's statements about the importance of agriculture) was raised. One LPA member suggested a footnote to Table 1(b) that directed readers back to that policy would be a good idea. Staff concurs and proposes adding a new double asterisk immediately after the 7,246-acre industrial figure in the table, linked to this new footnote stating: "** See Policy 30.1.4." Dover, Kohl & Partners concurs with the acreage revisions to Table 1(b) and adding the footnote.

4. MAP AMENDMENTS ANALYSIS AND RECOMMENDATIONS

(h) AMEND MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADJUST THE BOUNDARIES OF THE "PUBLIC FACILITIES"

The first proposed Lee Plan Map amendment affects the current Public Facilities designation of the Corkscrew Water Treatment Plant, located near the intersection of Alico Road and Corkscrew Road. The Dover, Kohl & Partners document proposes to reduce the Public Facilities designation to more closely match the actual footprint of the water plant. The portion of the Public Facilities proposed for removal is replaced with Conservation Lands - Uplands. This Future Land Use map change also includes the proposed new Conservation Lands - Wetlands as described in the following section of the Dover, Kohl & Partners document as well as this analysis.

Lee County Utility's staff has reviewed the proposed change and recommends that it not be transmitted. In an e-mail dated June 9, 2009 utility's staff state:

> After reviewing the proposed amendments to the DR/GR as it relates to LCU's Corkscrew Water Treatment Plant and surrounding well fields, LCU desires to keep the land use designation as depicted in figure 4 on page 41. The future growth needs of Lee County Utilities, technologies available, regionalization concepts & strategies lead to preserving the current available options both now and in the future. Facility expansion pressures & footprint are unknown and flexibility is paramount as LCU looks into a 30 year planning horizon.

Given this information, staff recommends that the proposed map amendment not be transmitted.

(i) AMEND MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADJUST THE BOUNDARIES OF THE "WETLANDS" AND "CONSERVATION LANDS"

The Dover, Kohl & Partners document is proposing to replace the current Wetlands designation on the Future Land Use Map with the new wetland mapping that was created for Southeast Lee County. The new

mapping is based on 2007 color aerial photos, interpreted by trained ecologists with extensive field experience in Southeast Lee County.

Staff concurs with utilizing this new data to map wetlands on the Future Land Use Map. Staff notes that this is the best available data and this data should be used to replace the current wetland designations, which are based on Planning Division interpretation of the National Wetlands Inventory maps in 1987. Adopting this new mapping will have no effect on a property owner's ability to verify the exact location of wetlands on their property in accordance with the existing provisions of Chapter XIII.

Staff notes that the designation of Conservation Lands, both Wetland and Upland, will be identified through the concurrently proposed comprehensive plan amendment CPA 2008-22.

(j) AMEND PAGE 2 OF MAP 1 OF THE FUTURE LAND USE MAP SERIES TO ADD A BOUNDARY FOR SOUTHEAST LEE COUNTY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series to add the boundary of the Southeast Lee County Planning Community to denote that there is a specific Goal, with subsequent Objectives and Policies, that applies to this Planning Community. This is the common way that this issue is addressed by the Lee Plan, and staff concurs and recommends transmittal of this amendment.

(k) AMEND PAGE 4 OF MAP 1 OF THE FUTURE LAND USE MAP SERIES TO UPDATE THE PUBLIC ACQUISITION OVERLAY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series within the Southeast Lee County Planning Community to identify a "Priority Restoration" overlay. The proposal would remove the currently identified Public Acquisition Overlay land located in the Southeast Lee County Planning Community on page 4 of Map 1 and add a note that refers to a new map, Map 25, which contains the proposed 7 tier Priority Restoration overlay.

Staff concurs with the proposal to eliminate the current outdated Public Acquisition Overlay lands in the Southeast Lee County Planning Community. Staff also concurs with the addition of the 7 tiers contained within the proposed Priority Restoration overlay to the plan. Staff would prefer not adding another map to the plan and recommends that the 7 tier Priority Restoration overlay simply be added to Page 4 of Map 1, instead of the note proposed by Dover, Kohl & Partners.

(l) AMEND MAP 4 OF THE FUTURE LAND USE MAP SERIES TO ELIMINATE PUBLIC LANDS AND COMPLETED MINING PITS FROM THE "PRIVATE RECREATIONAL FACILITIES" OVERLAY

The Dover, Kohl & Partners document is proposing to eliminate some lands from Map 4, Private Recreation Facilities Overlay Map. There are several reasons for the proposed deletions: now conservation lands; otherwise developed; unsuitably shaped for a golf course; and, no longer DR/GR land. Staff concurs with the proposal and recommends transmittal of the map change.

(m) AMEND MAP 14 OF THE FUTURE LAND USE MAP SERIES TO DESIGNATE A "FUTURE LIMEROCK MINING" OVERLAY

This proposed amendment by Dover, Kohl & Partners changes an existing non-regulatory map, Map 14 Approved Limerock Mining Areas, into a new regulatory map, Future Limerock Mining overlay. This

map, along with the provisions under the proposed Objective 30.1, would identify the areas within the Southeast Lee County Planning Community that are formally identified for limerock mining.

The concept of a preferred limerock mining area was one of the planning principles established early on in the planning process that generated the planning document, *Prospects for Southeast Lee County*. That document is the basis for these proposed amendments. In addition, clear direction was given by the Lee County Board of County Commissioners that mining activities should be limited to the historic Alico Road mining corridor.

Staff agrees with the concept of a regulatory Future Limerock Mining overlay map. At issue here are the lands identified by the proposed map. The proposed new Map 14 identifies 11 areas within Planning Community 18. These are identified with the letters A through K, with an additional area L located within the jurisdiction of the City of Bonita Springs.

Area A is located to the northeast of the runway at Southwest Florida International Airport. The property has access to Daniels Parkway and quick access to urban designated land, where some of the aggregate will eventually end up. Access to Alico Road is impractical, and using this property to further the stated Board goal of keeping mining in the traditional Alico Road Corridor is problematic. There are also concerns with the location of this property near the International Airport's runway. Mining lakes, especially upon reclamation, tend to attract wading birds, a definite hazard to airplanes taking off and landing. Special reclamation standards could be adopted for these lands to minimize their attractiveness for wading birds.

Area B is located outside of Planning Community #18, north of Alico Road and south of Southwest Florida International Airport, approximately one half mile to three miles east of Interstate 75. The property is not designated DR/GR and has a Tradeport Future Land Use designation. The Tradeport category is an important component in the County's goal to diversify its economic base. There has been a loss of a considerable amount of land designated Tradeport in the past few years. Over two sections of the land originally designated Tradeport has been annexed into the city of Fort Myers. The Future Land Use has been changed by the city and much of the property is now developed or slated for development as gated golf course communities. Additionally, much of the property that is identified as area B has already been approved for tradeport type development, some of it with Development Orders in place.

A property owner in the Tradeport category has indicated a desire to mine their property. That tract is bounded on the west by Airport Haul Road and on the east by Area C, which contains an active limerock mine that is currently in the rezoning process to expand its pits to the westerly edge of Area C. Staff sees this proposal as a compromise on this issue and no longer objects to the inclusion of this portion of the Tradeport being included in the Future Limerock Mining overlay on Map 14.

The land identified as area C is also located north of Alico Road and south of Southwest Florida International Airport, approximately three miles to four and one half miles east of Interstate 75. The property is designated DR/GR and portions of it have mining approvals in place. The western portion of the property has applied and is currently seeking approval for expanded mining activities.

Area D is located south of Alico Road, approximately one and one half to two and one half miles east of Interstate 75. Area D consists of an area of a now closed out mining operation that was not mined.

Area E is a remaining upland "island" in what is locally known as the Ginn property. The mining operations on this property have closed down and there is a Development Order on the property for a residential subdivision meeting DR/GR density.

Areas F through K are located further to the east and are either currently approved mines or are in close proximity to approved or existing limerock mining activities. These areas are clearly appropriate for whatever additional mining activities can be approved on the land.

Area L is an existing mine, located within the city limits of Bonita Springs. As such, the Lee Plan has no authority over this property. Staff believes that, while it is important to include this property in any data calculating mining capacity, it should not be included in the Lee Plan.

Staff does not concur with the inclusion of areas A, D, E and L. Staff has attached a revised proposal for Map 14, which staff is recommending for transmittal. In addition to deleting areas A, D, and E, staff has included four additional areas, identified as M, N, O, P, Q, R, and S. Staff also recommends including the portion of Area B east of Airport Haul Road.

(n) ADD A NEW MAP 17 TO THE FUTURE LAND USE MAP SERIES TO DESIGNATE NEW "RURAL RESIDENTIAL" OVERLAYS

Along with identifying areas that are preferred for mining activities, the Dover, Kohl & Partners document is recommending the creation of three residential overlays:

- "Existing Acreage Subdivisions": existing residential subdivisions that are reasonably distant from adverse external impacts from activities such as natural resource extraction.
- "Rural Communities": locations for the concentration of development rights from large contiguous tracts.
- "Mixed-Use Communities": locations where the concentration of development rights may be supplemented by transfer of development rights from non-contiguous tracts.

Existing Acreage Subdivisions

This proposed map amendment ties back to the policies under proposed Objective 30.3. Staff agrees with the concept of the Existing Acreage Subdivisions. Identification of existing residential neighborhoods that deserve protection from encroaching mining activities with the Existing Acreage Subdivisions overlay is an important step. This aspect of the overlays can add certainty not only for the residents but also to the land owners who may consider seeking mining approvals on their property.

Willowbrook Farms/Sunnybrook Farms and Timber Trails are existing subdivisions. Both of these subdivisions consist mainly of large residential lots. The lots in Timber Trails vary from 1.25 acres in size to 5 acres. Willowbrook Farms/Sunnybrook Farms consists mainly of 5 acre homesites.

Timber Trails is substantially north of the traditional limerock mining area centered on Alico Road. The subdivision is separated from this traditional mining corridor by the Wild Turkey Strand Preserve. This preserve provides a large setback to the existing and proposed mines in the traditional limerock mining area. The subdivision is also accessed directly from S.R. 82, not from Alico Road or Corkscrew Road. The subdivision's residential traffic does not directly mix with the Alico corridor's heavy truck traffic.

Willowbrook Farms/Sunnybrook Farms is also located north of the traditional Limerock mining area centered on Alico Road. One corner of the subdivision does abut a corner of the Future Limerock Mining

Overlay (Proposed Map 14). A Lee County-owned preserve is located directly south of the subdivision. The subdivision is residentially developed and deserves the protection of the proposed Residential Overlay.

Staff recommends transmittal of the proposed Existing Acreage Subdivisions overlay with the addition of the Willowbrook Farms/Sunnybrook Farms and Timber Trails large acre subdivisions.

Rural Communities

The Rural Communities overlay concept (Map 17) keeps the residential density for the larger tracts of land intact by allowing the concentration of those rights onto identified portions of the property. In this way the preservation of more of the rural ambiance of the Southeast Lee County Planning Community can be maintained.

However, staff is concerned that these spots of urban bring more challenges than they do benefits. The locations are generally far removed from all services, such as police, fire protection, and emergency medical services. Local utility package plants are the only alternative for providing potable water and sewer service to these sites. The physical distance for opportunities to satisfy daily living needs, such as employment, shopping, and medical services, is substantial. The number of proposed Rural Communities also concerns staff. Staff is concerned these Rural Communities will hamper the implementation of the TDR program that is such a necessary element for a successful Mixed-Use Communities program. Therefore, staff recommends a modified version of Map 17 that reduces the number of proposed Rural Communities. Please see the attached Composite Recommendations.

Mixed-Use Communities

The Mixed-Use Communities, which allow the clustering of density from contiguous land as well as the transfer of density from other DR/GR lands, is an important tool to obtain the goal of maintaining and restoring the large-scale ecosystem, one of the planning principles established early on in this planning process.

This concept can also aid in the county's efforts to make Lehigh Acres a more self-contained community by providing some of the necessary non-residential uses so badly needed in the pre-platted community. The large population that will one day occupy Lehigh Acres will help to support a much greater concentration of commercial uses in these Mixed-Use Communities.

One of the challenges facing these Mixed-Use Communities is the concurrency issues that exist along the length of S.R. 82. The newest draft concurrency tables indicate the following LOS status based on existing conditions (2008 counts):

Colonial Blvd. to Commerce Lakes Dr.	F (standard is D)
Commerce Lakes Dr. to Gunnery Rd.	D (standard is C)
Gunnery Rd. to Alabama Rd.	F (standard is C)
Alabama Rd. to Bell Blvd.	D (standard is C)
Bell Blvd. to Hendry Co. Line.	D (standard is C)

There are currently no improvements programmed beyond the design phase for the segment from Colonial Boulevard to Gunnery Road. Given these circumstances, it could be a long time before improvements are scheduled and in place. This apparent ability to attain the adopted level of service is a problem for the four

proposed Mixed-Use Communities. Although concurrency is a current issue along S.R. 82, staff believes that issue can and will certainly be addressed over time. As noted in the Vision Statement of The Lee Plan, the plan is designed to depict Lee County as it will appear in the year 2030. The plan represents the community's vision of what it will or should look like by the end of the planning horizon. These identified concurrency deficiencies will have to be addressed to allow the development of the proposed Mixed-Use Communities.

There are potential opportunities that may allow S.R. 82 to be improved. The State or Federal Government may allocate funds. Developers of the proposed Mixed-Use Communities could also be part of the solution. In addition, new projects, such as the widening of portions of Daniels Parkway and the Alico Road Extension will reduce traffic on several segments of S.R. 82. Portions of the Daniels Parkway widening have recently been moved up and the County has tentatively programmed $1.5 million to acquire part of the proposed right-of-way for the Alico Road extension.

The provision of utilities also presents challenges for the Mixed-Use Communities, especially potable water and sewer. However, there are alternatives that can be explored. Local on site facilities could be utilized. Another alternative is to tie these areas into the Lehigh Acres Florida Governmental Utility Association, or FGUA. The ultimate fate of FGUA is not known at this time, but the utility was created as a holding company with the ultimate responsibility falling to local government. Over the planning horizon, this utility could come under Lee County or perhaps under a future Lehigh Acres municipality.

Given the challenges discussed above, the adoption of the Mixed-Use Communities may appear premature. In the short-term planning horizon of five years, it is highly unlikely that these communities will be designed or developed. Ultimately, these proposed Mixed-Use Communities represent a long term vision for land uses for S.R. 82, Lehigh Acres, and the DR/GR lands to the south. The proposal is an attempt to balance land uses in the DR/GR by moving future residential development away from future Limerock Mining areas and into areas adjacent to identified urban lands.

In order to address the S.R. 82 problems, staff discussed with Dover, Kohl & Partners amending the Rural Community located midway between Alico Road and Corkscrew Road. The report *Transferable Development Rights in Southeast Lee County* includs an expanded area there and a plan for development as a Mixed-Use Community. Staff recommends that the proposed Mixed-Use Communities be transmitted, as amended.

Staff has also been in discussions with the representative of the owners of the "Fountains" property. The Fountains was an active Development of Regional Impact that proposed a future land use map change along the Daniels parkway extension. A portion of the property was designated Central Urban in the mid 1990's to partly address the shortage of commercial lands in the Lehigh Acres area. Dover, Kohl & Partners is proposing the Mixed-Use Community for this Central Urban area as well as an area to the south. Staff recommends that the extension to the south be eliminated and a new extension be added that follows the Central Urban category line to the west, parallel to S.R. 82, over to the New Community future land use category. This area is shown in the Composite Recommendations document.

(o) AMEND MAP 20 OF THE FUTURE LAND USE MAP SERIES, THE "AGRICULTURAL" OVERLAY

The Lee Plan contains a map, Map 20, that currently identifies Contiguous Agricultural Parcels Over 100 Acres in Non Urban Future Land Use Areas. *Proposed Lee Plan Amendments for Southeast Lee County*

proposes to update the portion of this map within the Southeast Lee County Planning Community utilizing the same mapping conventions that Lee County used to update Map 20 in 2003, as reported in detail in the staff report for CPA 2001-23. Staff recommends transmitting the updated Map 20.

(p) ADD A NEW MAP 24 TO THE FUTURE LAND USE MAP SERIES, THE "HISTORIC SURFACE AND GROUNDWATER LEVELS" OVERLAY

The *Proposed Lee Plan Amendments for Southeast Lee County* is proposing a new map, Map 24 Historic Surface and groundwater Levels, which is a compilation of the results of the Kevin L. Erwin Consulting Ecologist, Inc. interpretation of 1953 aerials that defines the historic wet-season water levels by water depth and hydroperiod. KLECE is a sub-consultant of this entire comprehensive planning study. The map is intended to be a valuable tool for implementing revised Policy 1.4.5. Inclusion of this map in the Lee Plan fills a void and answers the question: what historic surface and groundwater levels should be used when implementing policy 1.4.5. Staff recommends transmittal of the proposed new map.

(q) ADD A NEW MAP 25 TO THE FUTURE LAND USE MAP SERIES, THE "PRIORITY RESTORATION" OVERLAY

Proposed Lee Plan Amendments for Southeast Lee County proposes to amend the Future Land Use Map Series within the Southeast Lee County Planning Community to identify a Priority Restoration overlay. The proposal would remove the currently identified Public Acquisition Overlay land located in the Southeast Lee County Planning Community on page 4 of Map 1 and add a note that refers to a new map, Map 25, which contains the proposed 7 tier Priority Restoration overlay.

Staff concurs with the proposal to eliminate the current outdated Public Acquisition Overlay lands in the Southeast Lee County Planning Community and to add the 7 tier Priority Restoration overlay to the plan. Staff would prefer not adding another map to the plan and recommends that the 7 tier Priority Restoration overlay simply be added to Page 4 of Map 1, instead of the proposed note.

PART III - LOCAL PLANNING AGENCY REVIEW AND RECOMMENDATION

DATE OF PUBLIC HEARING: June 3, 2009

A. LOCAL PLANNING AGENCY REVIEW

The proposed plan amendment was brought forward at this time for presentation and discussion purposes only. The consultant's representatives gave a PowerPoint presentation that provided the following:

- Proposed time line for the amendments;
- Location of existing mines;
- The planning process that developed the proposed amendments;
- The principles that were the basis for the amendments;
- Demand projections for aggregate;
- Identification of the four additional supporting reports;
- Urban and Rural Clustered Mixed-Uses;
- Preferred Mining area;
- Identification of the headwaters of the Estero basin;
- Map of historic hydroperiods;
- Map of existing hydroperiods; and,
- Priority restoration areas.

DATE OF PUBLIC HEARING: June 22, 2009

A. LOCAL PLANNING AGENCY REVIEW

Dover, Kohl & Partners discussed the proposed plan amendments and staff's recommendations as outlined in the staff report. They also discussed the Mixed-Use and Rural Communities.

The LPA made the following comments/requests of staff:

- Further research is needed for Mixed-Use Communities to see how there could be a balance of commercial, industrial, and residential uses that will be effective for these different properties that we want to take the density off of.

- The County needs to have an adequate TDR program especially because there will be a large number of TDUs that are going to need to be transferred.

- Further research is needed on historical water flows in the DR/GR area as many changes have taken place since 1953. If the County has a goal to restore historic water flows and levels, it might run counter to the fact that we have existing public wellfields in the area drawing that very same water out and pumping it all over the County.

- Provide the LPA with a map that includes the mining, residential, and mixed use areas, as well as the proposed roads on one map instead of several maps. The map should also include staff's proposed exclusions in the mining areas and the number of acres that will be left for mining.

- Provide answers to issues discussed today by the LPA and public in staff's updated staff report for next month's meeting.

A motion was made and passed to take the input from the LPA and public and be prepared at the next meeting to present strike-through and underline recommendations with special emphasis on the historic water levels, transfer of development rights, the tiered preservation, the location of mining, some of the agricultural impacts particularly in light of the IFUS Study, the Mixed-Use Community maps, and any other critical issues that came out of the day's meeting.

DATE OF PUBLIC HEARING: July 27, 2009

A. LOCAL PLANNING AGENCY REVIEW

Dover, Kohl & Associates gave the LPA a PowerPoint presentation. They, along with their sub-consultants, reviewed and discussed the Transfer of Development Rights report. They talked about questions that came up regarding the Comprehensive Plan Amendment language at the last LPA meeting. It was noted that the TDR Report was data and analysis and did not require any LPA action specifically addressing the report. The LPA opened the meeting to public comment and 21 members of the public addressed the LPA. Three LPA members raised concerns about: incentives for intensification of industrial and commercial uses; plan horizon of 2030 for mining activities; binding nature of the historic water levels; concurrency issues on SR 82; assuring a functional TDR program; and, the partial taking of property rights.

B. LOCAL PLANNING AGENCY RECOMMENDATION AND FINDINGS OF FACT SUMMARY

1. RECOMMENDATION: The LPA recommends that the Board of County Commissioner transmit the proposed amendment as recommended by staff with a clarification that the hydroperiod map based on 1953 aerials is informational and non-regulatory.

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

NOEL ANDRESS	**NAY**
CINDY BUTLER	**AYE**
CARIE CALL	**AYE**
JIM GREEN	**AYE**
MITCH HUTCHCRAFT	**NAY**
RONALD INGE	**ABSTAIN**
CARLA JOHNSTON	**AYE**

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

DATE OF TRANSMITTAL HEARING: SEPTEMBER 24, 2009

A. BOARD REVIEW:

A continuation of the September 23, 2009 Public Hearing of the Board of Lee County Commissioners to consider transmittal of the proposed 2008/2009 Regular Lee Plan Amendments was held on this date. CPA 2008-06 was included on this Day 2 Agenda.

Community Development Director Mary Gibbs provided opening comments and reviewed the hearing schedule for the DR/GR meetings: 10/26/2009 Workshop, and the 10/28/2009 and 10/29/2009 Continuation of the Comprehensive Plan Public Hearings. Utilizing a PowerPoint Presentation, Dover, Kohl & Partners Project Manager Jason King and Spikowski Planning Associates owner Bill Spikowski reviewed the DR/GR project goal and strategies. The Chairman called for public comment and several members of the public offered comments.

- Attorney Charles Basinait representing the owner of Old Corkscrew Golf Club
- Rick Marini representing the residents of the Bella Terra Subdivision
- Brenda Brooks representing the CREW Trust
- Attorney Matt Uhle representing Lake Lincoln LLC
- Glades Farm Road Resident Jim Lytell
- Estero resident Jack Meeker
- Nichol Ryan on behalf of the Conservancy of Southwest Florida
- John C. Ruehl representing Stoneybrook Community District
- Brad Cornell on behalf of the Audubon of Florida Corkscrew Swamp Sanctuary, Audubon of Southwest Florida, and the Collier County Audubon Society, collectively Audubon, with handout of related legal opinion on the applicability of Bert Harris Act regulations where Federal Protection regulations are also in place (copy of handout on file in Minutes Office)
- Marilyn Edwards representing the Brooks Concerned Citizens and Estero Council of Community Leaders (ECCL)
- Kevin Hill representing the Corkscrew Road Community
- Brooks resident Nick Batos, representing himself and the Brooks Concerned Citizens, reading comments into the record (copy of handout on file in Minutes Office)
- Belle Lago resident and President of the Estero Civic Association Jane McNew
- Don Eslick ECCL member and former member of the DR/GR Advisory Committee
- Attorney Steve Hartsell representing the Bennett Trust; sitting in for Attorney Neale Montgomery on behalf of Miromar Development; and also on his own behalf
- Depew Associates owner Dave Depew on behalf of Troyer Brothers of Florida Inc., reading their position into the record (copy on file in Minutes Office)
- Ray Pavelka on behalf of the Little Pine Island Wetland Mitigation Bank
- Holland and Knight partner Attorney Roger Simms, representing Cemex Construction Materials

B. BOARD ACTION:

Commissioner Hall moved to continue the proposed DR/GR amendments to October 28, 2009 at 9:30 a.m., seconded by Commissioner Mann, called and carried with Commissioner Janes absent.

DATE OF WORKSHOP: OCTOBER 26, 2009

A. BOARD REVIEW:

Community Development Director Mary Gibbs explained the order of proceedings for the Workshop, advising that both Wednesday, October 28 and Thursday, October 29, 2009 had been reserved for continuation and completion of the 2008/2009 Regular Lee Plan Amendments Transmittal Hearings. She responded to Board questions by explaining that County Planning Consultant Bill Spikowski would focus on the remaining items requiring resolution prior to transmittal; noting that detail-level discussions would continue up to adoption.

Planning Consultant Bill Spikowski reviewed the key issues remaining from the September Transmittal Hearings, beginning with a discussion of the two perspectives regarding future mining areas. Following review of the remaining outstanding issues, the consultants and staff responded to Board questions regarding: the structure and incentives of the Transfer of Development Rights (TDR) Program; corresponding zoning and State Road 82 concurrency issues; how to best address assignment of commercial uses; and current mining area designations relative to potential Burt Harris issues. There was input regarding involvement of some of the larger property owners to date and potential adjustment to the County's current processes in order to incentivize use of the TDR program and desired densities. Board comments on the need for a less restrictive structure to allow flexibility and future incentives for property owners.

Consulting Ecologist Kevin Erwin (KLECE) presented an Ecological Evaluation and Analysis of the DR/GR, proposing the ecological vision for the area be composed of a primary focus on water restoration and enhancement, with a secondary focus on wildlife.

Dr. James Nicholas, of the University of South Florida explained the background of TDR programs; reviewed components of several successful programs as well as reasons for program failure; and provided insight on property owner options and program impacts on land values. Consultants and staff responded to Board questions regarding: structuring options; the subject of Burt Harris issues; and the impact of bonus densities and the current by-right densities in cluster development areas. The Board expressed a desire to create additional receiving areas and higher values. The dialog focused on the need to create additional receiving areas externally; impediments created by State Road 82 concurrency issues; adjustment of ratios to increase values; and lack of incentives within rural areas and the possibility of incentivizing cluster development. Closing discussion resulted in Board direction to hold a Management and Planning Meeting to work out details of the program between now and adoption, and agreement from staff that they would continue to analyze adjusting the current proposed maximum TDR figure of 6000 prior to continuation of the Transmittal Hearings on Wednesday, October 28.

SDI Environmental Services representative Phillip R. Davis conveyed the recent evaluation of the hydrological value of two proposed mining concepts, the use of hydraulic barriers and regulatory changes, as a method to limit negative impacts of mines within the DR/GR. Mr. Davis reviewed the methodology used, and noted that their study, derived from the DHI model; was a much more narrow focus. He

explained the scenarios used and their findings, and advised that assessments on a case-by-case basis would still be required.

DHI Water & Environment consultant Vice President Dr. Tim Hazlett detailed DHI's integrated modeling study. He reviewed the data which formed the basis of the two models; the process and simulations employed and their advantages; and acknowledged study findings of several anticipated impacts from the introduction of new wetlands, urban areas, mines and lakes. Dr. Hazlett also conveyed suggestions for areas of potential improvement to future studies; emphasized the need for continued focus and enhancement in quality, quantity and frequency of the data collected; and pointed out that affects of land use changes will vary from location to location and year-to-year depending on other variables. Staff and Dr. Hazlett responded to Board comments and questions.

B. BOARD ACTION

No actions are taken at Workshops. It was understood that action would wait for the continued Transmittal Hearings.

DATE OF TRANSMITTAL HEARING: OCTOBER 28, 2009

A. BOARD REVIEW:

Planning Division Director Paul O'Connor opened the item explaining that the consultants and staff has made detailed presentations on October 26th and suggested that the Board go straight to public input. The Chairman called for public comment and several members of the public offered comments.

- Responsible Growth Management Coalition lifetime member Dave Urich
- Conservancy of Southwest Florida spokesperson Nicole Ryan
- Attorney Matt Uhle, of the Knott, Consoer law firm, on behalf of Lake Lincoln, LLC
- Attorney Beverly Grady, of the Roetzel & Andress law firm, on behalf of PDJW II, LLC, (handout on file in Minutes Office)
- Attorney Steve Hartsell, of the Pavese law firm, on behalf of the Fountains (handout on file in Minutes Office)
- Attorney Neale Montgomery, of the Pavese law firm, on behalf of Miromar Development
- Professional Engineer David Depew, on behalf of Troyer Brothers
- Local resident and Brooks Concerned Citizens spokesperson Nick Batos, (handout of comments on file in the Minutes Office)
- Marilyn Edwards, on behalf of the Estero Council of Community Leaders/ Brooks Concerned Citizens Estero Council of Community Leaders representative Don Eslick
- Estero Council of Community Leaders and Wildcat Run spokesperson James Dodge
- Attorney Neale Montgomery, of the Pavese law firm, on behalf of Cemex
- Cemex Community Relations Manager Tracy Bryant
- The Colinas Group, Inc. President (Professional Engineer and Geologist) Mark Stephens, on behalf of Cemex
- Hole Montes Vice President and Professional Engineer Tom Mclean, on behalf of Cemex
- Environmental Consulting & Technology, Inc.'s Principal Scientist Darren Stowe, AICP, on behalf of Cemex
- RWA Consultant's Senior Vice President Bob Mulhere, AICP, on behalf of Cemex

- Holland & Knight Senior Partner Roger Sims, on behalf of Cemex, submitting written comments from each of the industry professionals speaking on behalf of Cemex (written comments on file in the Minutes Office)
- Attorney Russell Schropp, of the Henderson Franklin law firm, representing property owner FFD (written comments on file in Minutes Office)
- Florida Wildlife Federation spokesperson Nancy Payton (handout on file in Minutes Office)
- Attorney Charles Basinait, of the Henderson Franklin law firm, on behalf of: Premier Airport Park, LLC-Principal Financial Group; Alico Agri, Ltd; and Old Corkscrew Plantation Golf Club, LLC and Old Corkscrew Plantation, LLC
- Audubon of Florida and Collier County Audubon Society, (Audubon of Southwest Florida, collectively) spokesperson Brad Cornell
- Corkscrew Rural Community representative and resident Kevin Hill
- Ron Inge, on behalf of Florida Rock, with proposed language addition pertaining to Map 14 (copy on file in Minutes Office)
- Morris-Depew representative Jodi Joseph, reading for the record Brigham Moore, LLP's comments on behalf of Resource Conservation Holdings, (RCH) LLC (copy of comments on file in Minutes Office)
- Alico Land Development Corporation President Donald Schrotenboer
- Fort Myers resident Mike Roeder

Many of these speakers submitted or previously submitted correspondence addressing the proposed amendment. Correspondence received concerning this amendment was considered by the staff as well as the consultants during the review of this proposed amendment, and the amendment was modified as a result of some of this correspondence. All of the correspondence has been attached to this staff report.

B. BOARD ACTION

Following the public comment the Chairman suggested that the meeting be recessed until October 29, 2009 at 9:30 A.M., in Chambers. He believed that this would give staff time to organize their thoughts and present a better response to the issues raised by the public. Commissioner Mann so moved, seconded by Commissioner Hall, called and carried with Commissioner Janes absent.

DATE OF TRANSMITTAL HEARING: OCTOBER 29, 2009

A. BOARD REVIEW:

The Chairman called the meeting to order at 9:33 a.m.; announced that public comment was concluded on October 28, 2009 for the current round of transmittal hearings; and noted that additional opportunity for comments would be held during the adoption hearings, tentatively scheduled for March 2010.

Community Development Planning Director Paul O'Connor provided a handout (copy on file in the Minutes Office) which enumerated the remaining Plan Amendment issues requiring Board discussion and action, and indicated he would speak to each item separately.

POLICY 114.1.2

Policy 114.1.2 proposed to eliminate a reference to a statutory citation, remove language prohibiting staff from assessing wetland impacts of property that had obtained either a DEP or SFWMD permit, and add new language supporting a more lenient wetland protection standard for limerock mines within the Future

Limerock Mining overlay. Board comments indicated overall concurrence with staff's additional suggested language; with opinions divided on the language staff proposed to remove. Board dialog focused on the benefits of retaining the County's option for additional reviews, the need for clear-cut guidelines and criteria for those reviews; and the current oversight process performed on applicants during outside agency permitting processes. Staff proposed retaining the language staff showed as deleted, with the addition of the following language "at the Development Order Stage" to be inserted immediately after the word "review", as a compromise. During continued dialog Mr. O'Connor pointed out how the proposed change maintains the County's current latitude, yet provides a measure of guidance for applicants; and confirmed that further review of the issue could be combined with pending wetlands amendments. The Board concurred with staff's proposal to add language to existing Paragraph 1, with the initial reference to F.S. 163.3184(6)(c) removed; and to create an additional Paragraph 6, consisting of the additional language proposed by staff. Commissioner Mann moved approval of staff's recommendation, seconded by Commissioner Bigelow, called and carried with Commissioner Janes absent.

TRANSFER OF DEVELOPMENT RIGHTS

At the Workshop the Board discussed ways to have the TDR program give additional value to the sending properties. One idea that was put forward was the possibility of utilizing multipliers depending on the property's inclusion in the tier system identifying the most important and valuable lands for preservation and conservation. In order to accomplis this on increase of the cap on the number of dwelling units imposed by footnote 11 under Table 1(a) should be considered. Staff's current consideration of increasing the maximum number of allowable TDR's to 9000 (currently recommended at 6000). Staff provided details of staff's reasoning and input to the subsequent discussion. The Assistant County Attorney discussed the necessity of including identified receiving areas in the transmittal. Dialog focused on the absolute need to balance values given and rights removed with extended discussion of various methods to achieve that goal; the current flexibility allowed for commercial uses within various designations; and State Road 82 concurrency impacts on receiving area values. Following staff verification that the 9000 TDR ceiling could be adjusted later if necessary, and staff assurance to work with the appropriate parties to devise language for inclusion with Map 17 at time of adoption, with the intent to allow flexibility for designation changes and/or future shifts in the Map. The conversation resulted in Board concurrence with the following: the proposed ceiling of 9000 TDRs for purposes of transmittal, staff's recommendation for areas to be transmitted, and the development and addition before adoption of language to allow flexibility. The Board provided direction to staff to hold a Management and Planning Meeting for further discussion, including adjustment of the TDR ceiling figure if necessary; the use of incentives and outstanding LDC issues. Commissioner Hall moved approval of the 9000 initial TDR figure, seconded by Commissioner Bigelow, called and carried with Commissioner Janes absent.

MAP 14, FUTURE LIMEROCK MINING OVERLAY

Utilizing an overhead, staff conveyed their recommendation for removal from Map 14 of: Area A; the western portion of Area B (a change from their initial recommendation); and Areas D and E; along with retention of Area L. Staff provided details of their decision, and responded to Board questions. Commissioner Hall's comments focused on concern over a determination to add mining as a tradeport use for a specific parcel, outside of the DR/GR, due to proximity to existing mines. Commissioner Mann moved approval of staff recommendation, seconded by Commissioner Bigelow, called and carried with Commissioner Hall voting nay and Commissioner Janes absent.

Staff advised the board that they had received two requests for areas to be added to the Limerock Mining overlay map; Bell Road Dirt Mine and Troyer Brothers Property, and stated that staff recommended they

not be added. Staff provided details of the properties' locations, current uses, and ramifications of enhancing the uses allowed. Commissioner Mann moved approval of staff's recommendation to deny the request, seconded by Commissioner Bigelow, called and carried with Commissioner Janes absent.

Staff conveyed their reluctance to including dirt mines in the Future Limerock Mining overlay. Staff noted how dirt mines often led to an easier evolution to limerock mining. The County Attorney's Office advised that additional consideration was warranted before moving forward. Commissioner Hall moved to approve staff's recommendation not to include dirt mines at this time, to look at it comprehensively at a later point in time, seconded by Commissioner Mann. Board discussion ensued. The motion was called and carried, with Commissioner Janes absent.

MAP 17, RURAL RESIDENTIAL OVERLAYS

Staff advised the Board that there were several requests for expansion of footprints or additions to the Mixed-Use Community Overlay Map:

1) Lake Lincoln, LLC and Bell Road Dirt Mine Property:

Staff clarified the Map 17 area under discussion and responded to Board questions. The Lake Lincoln, LLC property is partially contained in one of the Mixed-Use Community overlays. Planning Consultant Bill Spikowski confirmed that there was a need for additional area in that overlay and stated that a map showing a more exact representation of the Lake Lincoln, LLC request would be provided prior to adoption, and the Board agreed. Additional brief discussion ensued with Staff explaining the reasons for staff's recommendation to deny the Bell Road Dirt Mine Property request; with no Board action taken.

2) The Fountains Property:

Utilizing visual aids, Staff explained the original Mixed-Use Community footprint, the nature of the recent request, and staff's compromised recommendation for expansion of the property to the west and north; in order to avoid over-flight (air traffic) issues existing in other areas of the property. Board discussion ensued with responses from staff regarding other aspects of the Fountains DRI. Commissioner Hall moved approval of staff's recommendation to revise the Mixed-Use Community footprint to the west and north, along with the additional area to the far west, seconded by Commissioner Mann, called and carried with Commissioner Janes absent.

3) Ginn East Property:

Staff described the area under discussion, and stated staff's recommendation to approve the requested conversion from Rural Community to Mixed- Use, based on existing State Road 82 concurrency issues as well as the property currently having urban category on two sides. In other words, staff had already enlarged and expanded the proposed community from that of a "Rural" Community to a "Mixed-use" Community. Staff did not anticipate a great deal of additional acreage would be needed to reflect the recommended use change, due to other methods of achieving densities. Staff did not recommend expanding the proposed community footprint as it had already been expanded once. Commissioner Hall moved approval of the staff recommendation, seconded by Commissioner Bigelow, called and carried with Commissioner Janes absent.

4) Edison Farms Rural Community or Mixed-Use Community or Floating:

The Assistant County Attorney participated in Board discussion resulting in reiteration of one Board member's desire to allow the rural community portion of the Edison Farms property to be floating

(allowing future shift in location on the site, at adoption). Commissioner Hall moved approval of allowing the location to float, followed by clarification from staff on the Board's prior agreement with a suggestion to add language at time of adoption to allow such flexibility within the existing footprint. The Board concurred with staff's recommendation, with confirmation that no notation or language indicative of floating or alignment would be transmitted at this time, only staff's original amended recommendation to include the Rural Community area on the property. Following brief Board discussion, the motion was deemed unnecessary and was withdrawn.

The Board concurred on the following actions:

- The Lake Lincoln LLC request would come back to the Board prior to adoption;
- The Bell Road Dirt Mine would have no action taken at this time due to the lack of sufficient information;
- Approval of staff's recommendation to respond to the Fountain's request for expansion of their property, with approval to expand to the north and west; and,
- That Edison Farms would reflect no changes for purposes of transmittal, in that it would be included with the remainder of the red-hatched rural community designations.

MAP 24, HISTORIC SURFACE AND GROUNDWATER LEVELS OVERLAY (1953 AERIAL ISSUE)

Staff noted that Map 24 was tied to Policy 1.4.5, and explained staff's efforts to date. Staff conveyed staff's agreement that additional focus was needed, proposed the Board accept staff's proposed policy language and the adoption of Map 24 as the Historic Surface and Groundwater Levels Overlay for purposes of transmittal; and explained that it would allow additional time for staff to work with the appropriate parties to clarify policy to a much greater level of detail with respect to regulatory applicability prior to adoption. Commissioner Mann moved approval of staff's recommendation, seconded by Commissioner Bigelow, called and carried with Commissioner Hall voting nay and Commissioner Janes absent.

OTHER ISSUES

1) Old Corkscrew Golf Course:

Staff explained specifics of the request to have a portion of the golf course depicted as a receiving area, reviewed two additional wildlife/greenspace issues staff intended to pursue with the owner; and conveyed why staff was confident that the property owner had sufficient and appropriate sending area acreage which the County would be interested in considering. Following Board comments regarding the environmental benefits and the possibility of this becoming the first implementation of a TDR, Commissioner Hall moved approval of staff's recommendation, seconded by Commissioner Mann, called and carried with Commissioner Janes absent.

2) Florida Rock Mine II Settlement Proposal:

Referring to a proposed language change submitted on behalf of Florida Rock representative Ron Inge (copy of language on file in Minutes Office), staff described how the area referenced was not currently part of the Future Limerock Mining overlay and how settlement of current litigation may result in changes to the overlay, and noted that the language would essentially be providing the Department of Community Affairs (DCA) advance notice of the possibility of such an addition. Following Board discussion with input from County Attorney's Office, Commissioner Hall moved approval, seconded for discussion by Commissioner Judah. The Attorney provided additional legal guidance and assurance in response to concerns raised by Commissioner Mann that Board approval represented no obligation; and staff clarified

timing issues. The motion was called and carried with Commissioner Janes absent. The Board voted to include the following note to the proposed Future Limerock Mining Overlay (Map 14):

> Area may be added to Future Limerock 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.

3) The Fountains, add Tradeport Use:
Commissioner Hall moved approval of the request, seconded for discussion by Commissioner Bigelow. Staff responded to Board questions, explaining the requested addition and justification for staff's recommendation. The motion was called and carried with Commissioner Janes absent. The Board voted to redesignate a 120 acre portion of the Fountains site from DR/GR to the Tradeport Future Land Use category.

B. BOARD ACTION:
Commissioner Hall moved transmittal of CPA2008-06-Implementation of the DR/GR Study,as amended by Board action, seconded by Commissioner Mann. The motion was called and carried with Commissioner Janes absent.

C. BASIS AND RECOMMENDED FINDINGS OF FACT:
As per the support documents and staff analysis.

C. VOTE:

BRIAN BIGELOW	**AYE**
TAMMARA HALL	**AYE**
ROBERT P. JANES	**ABSENT**
RAY JUDAH	**AYE**
FRANK MANN	**AYE**

PART V - DEPARTMENT OF COMMUNITY AFFAIRS OBJECTIONS, RECOMMENDATIONS, AND COMMENTS (ORC) REPORT

DATE OF ORC REPORT:

A. DCA OBJECTIONS, RECOMMENDATIONS AND COMMENTS

B. STAFF RESPONSE

C. STAFF RECOMMENDATION:

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

DATE OF ADOPTION HEARING:

A. BOARD REVIEW:

B. BOARD ACTION AND FINDINGS OF FACT SUMMARY:

1. BOARD ACTION:

2. BASIS AND RECOMMENDED FINDINGS OF FACT:

C. VOTE:

	_____
BRIAN BIGELOW	_____
TAMMARA HALL	_____
ROBERT P. JANES	_____
RAY JUDAH	_____
FRANK MANN	_____