

CPA2018-10014

Goal33/Limerock Mining

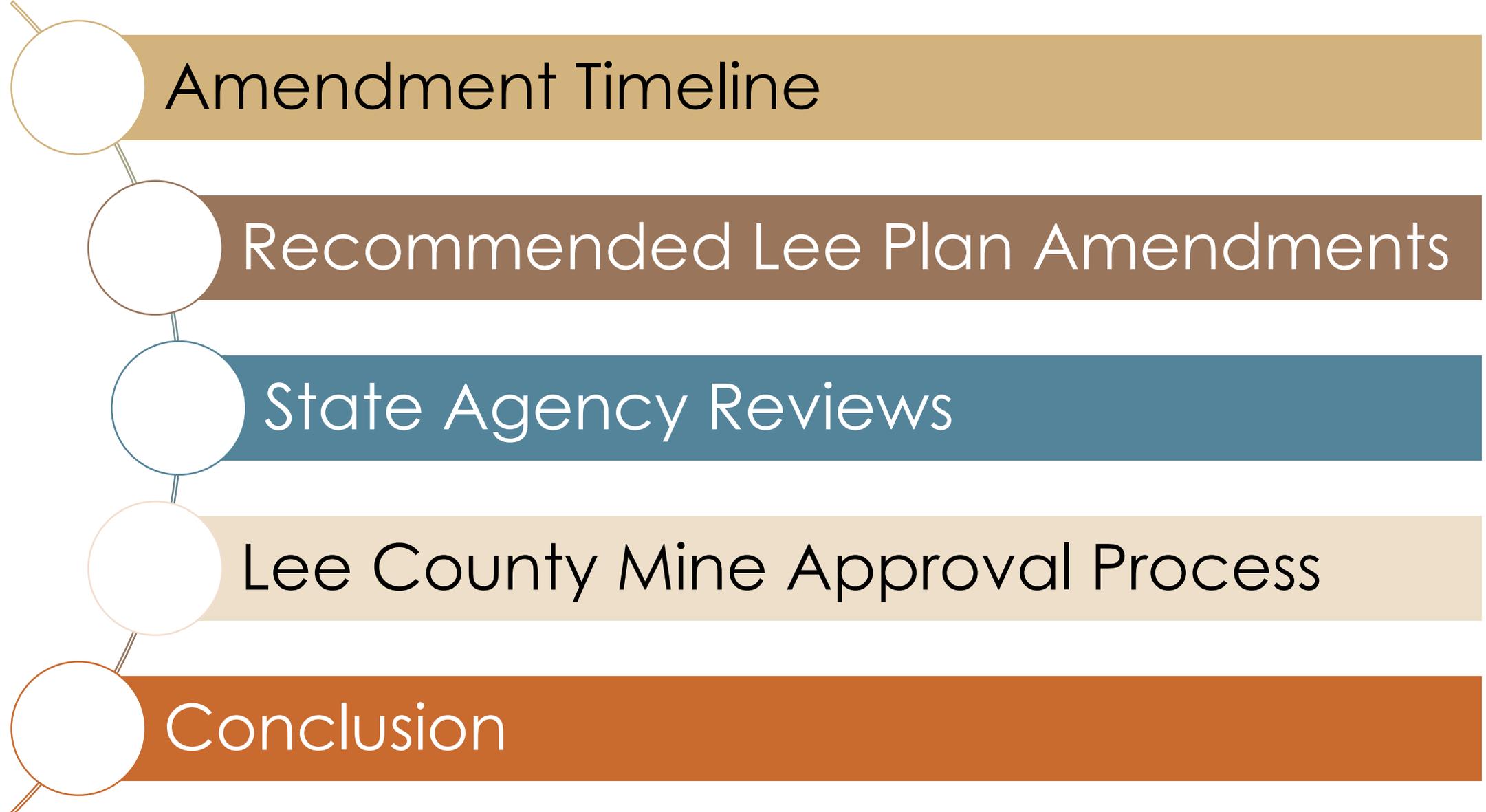
County-Initiated Text & Map Amendments

Zoning Hearing & Comprehensive Plan Amendment

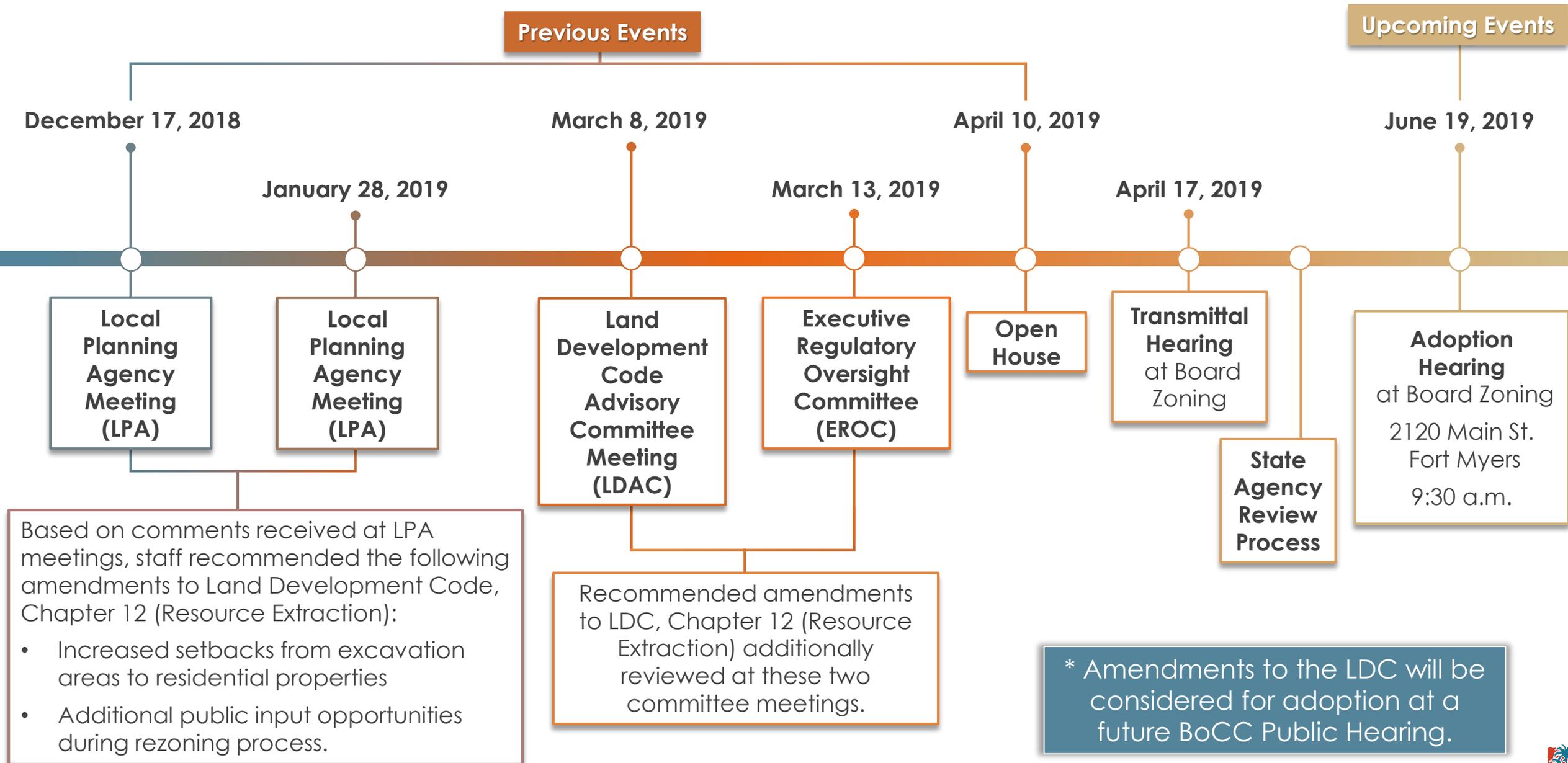
BoCC Adoption Hearing - June 19, 2019



Overview



Amendment Timeline



Recommended Lee Plan Amendments

Delete Map 14: Future Limerock Mining Overlay

- Limerock mines will not be identified on Map 14
- Location determined through rezoning process and LDC Chapter 12.

Eliminate Limerock Market Analysis Obligation

- Removes requirement to provide limerock to meet regional demand
- Removes ambiguities subject to legal challenges
- Demand determined by market conditions

Delete Objective 33.1 & Relocate To Goal 10

- Relocates clarified language
- Provides meaningful & predictable standards

1
The proposed amendments have no impact on:

- Water supply protection
- Required maintenance and enhancement of animal habitats
- Evaluation of transportation routes and anticipated traffic to and from a mine

2
Deletion of Map 14 strengthens review of compatibility with nearby residential uses during the Mine Excavation Planned Development rezoning process

3
Locations for future limerock mining are limited based on:

- Resource availability – mines will only locate where there is limerock
- Existing development patterns – compatibility with nearby residential and conservation uses limit potential locations for limerock mining operations

4
LDC Chapter 12 provides comprehensive & rigorous regulations for mine applications to be approved

State Reviewing Agencies

6 reviewing agencies provided comments:

- Department of Economic Opportunity
- Florida Department of Environmental Protection
- Florida Fish and Wildlife Conservation Commission
- Florida Department of Transportation
- Florida Department of Agriculture & Consumer Services
- South Florida Water Management District

No comments provided by 2 reviewing agencies:

- Department of State
- Southwest Florida Regional Planning Council

Confirm the proposed amendments will have no adverse impacts on:

- ✓ water quality
- ✓ surface water flows
- ✓ groundwater levels
- ✓ transportation networks
- ✓ residential developments
- ✓ water tables
- ✓ rare, unique, or endangered wildlife or habitat

Reiterate that no mining requests are being approved by the proposed amendments

State Reviewing Agencies Comments

Florida Department of Environmental Protection

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

Florida Fish and Wildlife Conservation Commission

We have **no comments, recommendations, or objections related to listed species and their habitat or other fish and wildlife resources to offer** on this amendment.

South Florida Water Management District

After an extensive review of the proposed revisions, **the District has determined the changes do not appear to adversely impact the water resources within the District.** The District has **no comments** on the proposed amendment package; however, the District offers the following technical guidance: **The District acknowledges that future mining and development activity is not included in this comprehensive plan amendment.** This review does not alleviate the need for District permits if future mining activities are proposed.

Approval Process

Mine Excavation Planned Development (MEPD)

- **Pre-application meeting**
- **Staff Sufficiency Process**
 - Staff reviews application to assure all required materials are present. Includes evidence of potential impacts to surface & groundwater, wildlife habitat, agricultural properties, & residential neighborhoods.
- **Staff Substantive Review and Recommendation**
 - Based on application materials staff develops recommendation based on the standards set forth in the Land Development Code.
- **Hearing Examiner Review and Recommendation**
 - Staff & Applicant present substantive evidence & findings. Public has opportunity to address the Hearing Examiner and present additional evidence and testimony.
- **Board of County Commissioners Zoning Hearing**
 - Staff and Hearing Examiner recommendation presented to BoCC.
 - Participants from the Hearing Examiner address the BoCC concerning the proposed rezoning.

Mine Development Order (MDO)

An MDO is a permit issued subsequent to zoning approval that allows the applicant to commence improvements to the mine site as a precursor to resource extraction and off-site hauling of extracted materials and active operation of accessory mine facilities (e.g. batch plants). The MDO is similar to a full development order (DO) approval under chapter 10.

Mine Operations Permit (MOP)

An MOP is the approval issued after staff confirms compliance with all conditions of the mine excavation planned development resolution (or underlying zoning approval if an existing mine) and site construction permit (MDO). Issuance of the mine operation permit allows extracted resource materials to be hauled off-site and commencement or operation of mining accessory uses and activities. A valid MOP is necessary to conduct mining activity starting with the initial excavation and continuing through completion of reclamation.



Evaluation of Lee Plan consistency during the MPED process is strengthened by eliminating the requirement to be identified on Map 14.

LDC Chapter 12 provides comprehensive & stringent regulations for mining that address:

- Compatibility with surrounding land uses and natural resources
- Protection of surface and groundwater levels quality & quantity
- Preservation, enhancement or restoration of existing natural flowways
- Conservation of indigenous habitat areas occupied by wildlife
- Mitigation of transportation impact
- Long term monitoring

Mine Excavation Planned Development (MEPD) Rezoning

MEPD applications must be found consistent with all applicable Lee Plan provisions, including:

Policy 1.4.5 – DR/GR Uses

Policy 1.5.1 – Wetland Uses

Policy 5.1.5 – Residential Compatibility

Policy 124.1.1 – Wetland Uses

Policy 135.9.5 – Residential Compatibility

Policy 135.9.6 – Minimize Impacts through the rezoning process

Objective 33.2 – Protection of water, habitat & other resources

Objective 123.2 – Protection of Plant Communities

Objective 123.3 – Protection of Wildlife (General)

Objective 123.11 – Florida Panther

Objective 123.12 – Florida Black Bear

Goal 10 – Natural Resource Extraction

Goal 59 – Protection from Flooding

Goal 61 – Protection of Water Resources

Other Agency Reviews

Florida Department of Environmental Protection

- ✓ Environmental Resource Permit (ERP)

South Florida Water Management District

- ✓ Water Use Permit

Army Corp of Engineers (ACOE)

- ✓ Permit for wetland impacts

United States Fish and Wildlife Service (USFWS)

- ✓ Biological Opinion for Endangered Species

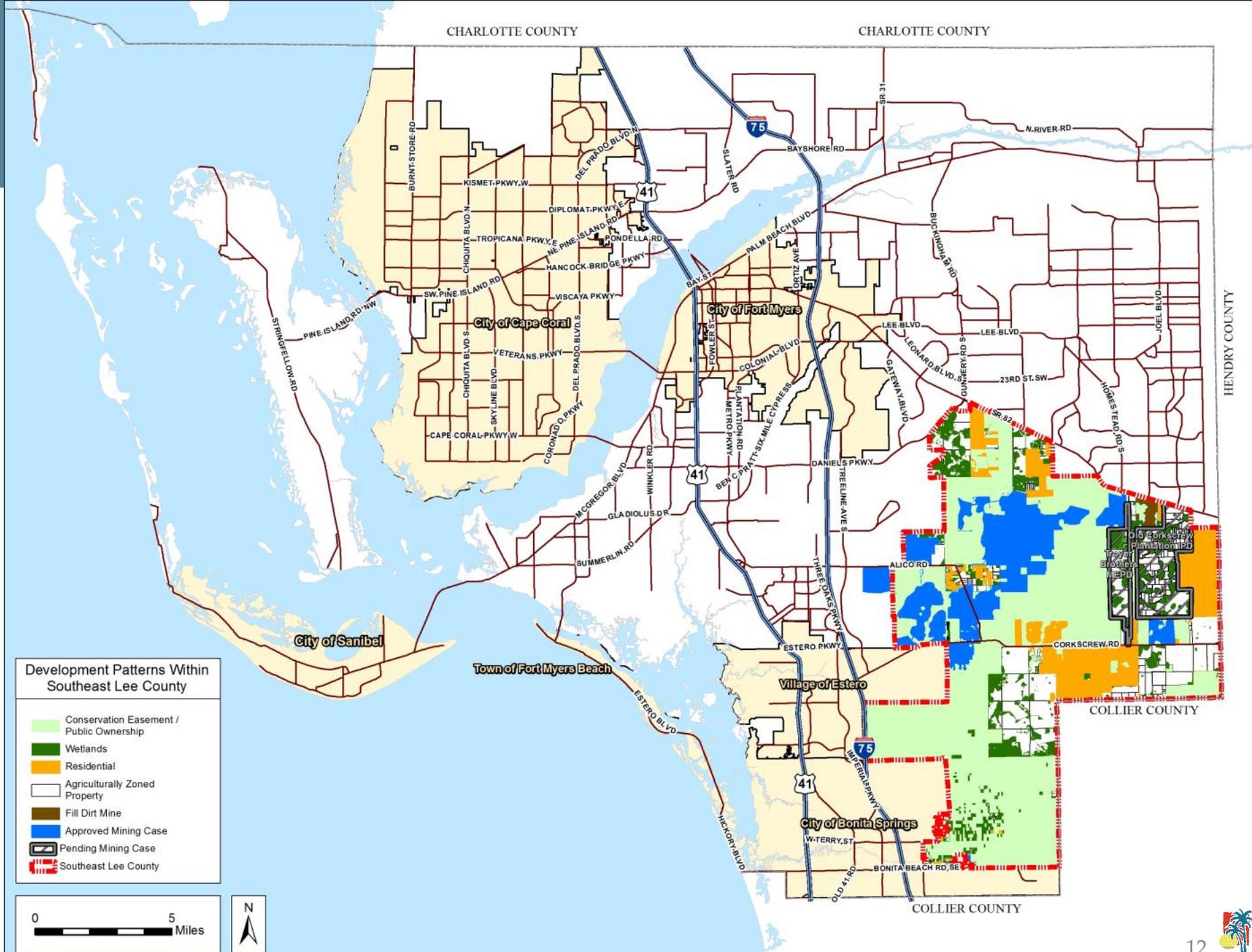
Limerock Mining Areas

Traditional Alico Road Corridor:

- Unclear & undefined location
- Few remaining locations appropriate for limerock mining

Number of Mining Applications:

- A mining application's approval is not affected by Map 14's existence
- Limited by resource availability & existing land use patterns in Southeast Lee County



Conclusions & Recommendation

The proposed amendments:

- ✓ No impacts to water supply, animal habitats or transportation
- ✓ More stringent zoning compatibility review
- ✓ Limited availability of future mining sites
- ✓ Rigorous mining application process governed by LDC

Recommendation:

Adopt amendments contained in Attachment 1 of the Staff Report.