

**ENVIRONMENTAL ADVISORY COUNCIL CONSIDERATION:**

The Collier County Environmental Advisory Council (EAC) considered CP-2005-12 on March 7, 2007. EAC members voted (5-2) to recommend approval with revised stipulations, generally:

- Night hauling is not prohibited
- 80% minimum native vegetation retention requirement total, with 55% on-site
- 400 ac. maximum total mined area
- Land uses limited to 3 permitted uses – earth mining, asphalt and concrete batch-making plants
- Allow full participation in the TDR program, provided all proceeds go to an endowed fund specifically for vegetation and habitat preservation and improvement both on-site and off-site, as otherwise required
- Areas not affected by earthmining are to be placed in a conservation easement
- Oversized littoral zones, of no less than fifteen percent (15%) of each lake’s surface acreage, are to be established when excavations become lakes
- Reduce noises produced by mining and mining-related activities, including truck traffic, and hauling, especially during RCW nesting seasons
- No residential development is allowed on the entirety of the subject property
- No road building activities will occur during RCW nesting seasons
- Earth mining, asphalt and concrete batch-making plants are allowed without Conditional Use approval, as permitted uses in the Subdistrict
- TDR credits may be derived from excavated (lake) areas

**STAFF UPDATE:**

Staff’s recommendation for denial has not changed. However, if the Planning Commission wishes to make a recommendation of approval to transmit the North Belle Meade Special Use Area Subdistrict to the Florida Department of Community Affairs in accordance with the EAC recommendation, staff has incorporated the EAC’s revisions into staff’s previous recommended stipulations and revisions to the petitioner’s text.

The revised text amendment [showing the staff's revisions in double strike-through/double underline format, and EAC recommendation-based revisions in **bold**], to read as follows:

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**II. Agricultural/Rural Designation**  
**B. Rural Fringe Mixed Use District**

**4. North Belle Meade Special Use Area Subdistrict**

The North Belle Meade Special Use Area Subdistrict comprises approximately 950+ acres located in Sections 29, 31 and 32, Township 49 South, Range 27 East. The ~~North Belle Meade Special Use Area Subdistrict~~ represents a Sending Lands transitional area located between lands designated ~~Sending~~ and those designated Natural Resource Protection Area (NRPA) on the Future Land Use Map.

The North Belle Meade Special Use Area Subdistrict does contain environmentally sensitive lands; however, historic development land uses and drainage due to development of Golden Gate Estates and I-75 may have lessened the environmental sensitivity of these lands. The North Belle Meade Special Use Area Subdistrict contains significant deposits of hard limestone, which provides source material for road construction and building materials.

The intent purpose of the North Belle Meade Special Use Area Subdistrict is to ~~permit~~ **allow all uses permitted by right, and by conditional use, and rights permitted on lands designated as Ssending Lands.**, as well as ~~The Subdistrict also allows~~ earth mining, ~~oil extraction and related processing,~~ asphalt and concrete batch-making plants, and related uses as ~~permitted conditional~~ uses, and rights permitted on lands designated as ~~Ssending Lands~~. A minimum of 40% of the ~~Native vegetation present on site shall be retained, and mitigated for,~~ in accordance with Policy 6.1.2 of the Conservation and Coastal Management Element.

Earthmining, asphalt and concrete batch-making plants in this Subdistrict shall be subject to the following requirements and limitations:

a. All residential development shall be prohibited in the entire Subdistrict.

~~b. Participation in the Transfer of Development Rights (TDR) program shall be prohibited.~~

c. At the time of ~~Conditional Use Extraction Permit~~ submittal, specific details shall be provided as to the areas to be mined, areas to be preserved **and mitigated, an Environmental Impact Statement (EIS),** listed species management plans (including the Red-Cockaded Woodpecker), **and other materials needed to address all requirements and limitations.**

d. The area utilized for mining and mining-related activities, ~~and any other land use(s) requiring conditional use approval,~~ shall be limited to ~~350~~ **400** acres total.

e. During the ~~Conditional Use Extraction Permit~~ review – **including formal consideration and approval by the Environmental Advisory Council** – the County shall consider:

(1) regulatory limitations which inhibit mining operations in some manner – such as providing methods to allow **limited and controlled** mining of desirable materials that underlie the standard, wide, undisturbed buffer strips lying equidistant from property boundaries where significant wetlands, uplands or habitat for listed species will not be disturbed.

(2) requiring *over*-mitigation and *over*-restoration, and *better than* no-net-loss results, with focus on minimizing both short-term and long-term impacts of mining operations.

(3) requiring innovative *operating* strategies, such as: choosing and using haul routes carefully; **prohibiting night, dawn, dusk and twilight hauling [no to or from, empty or loaded, trips from one-half hour before to one-half hour after sunrise or one-half hour before to one-half hour after sunset – or during longer crepuscular periods]; prohibiting hauling and on-site road building activities while RCWs are nesting; utilizing operating practices resulting with reduced hauling noises [including the**

installation of truck tail-gate dampers, prohibiting Jake- or engine-braking on all haul routes, additional noise-reducing muffler apparatus on trucks, loaders, conveyors, crushers and other engine driven machinery, and other techniques]; requiring additional "shelf" at mine edges preserved for eventual littoral zone when excavations become lakes; requiring provision of artificial cavity structures to encourage continued/additional nesting opportunities for the red-cockaded woodpecker.

(4) requiring innovative *restoration* strategies, such as: requiring operators to introduce and re-introduce increased populations of prey species, where displaced species will be encouraged to return to altered mine areas; requiring oversized littoral zones, of no less than fifteen percent (15%) each lake's surface acreage, to be established when excavations become lakes; requiring the stocking of certain fish or other food sources where birds and mammals will eventually return to feed/forage; requiring the planting of certain food sources/foraging opportunities as returning wildlife attractors; placing areas not mined into a Conservation Easement.

(5) requiring introduction of innovative *mitigation* strategies: requiring operators to introduce and re-introduce increased populations of prey species, where off-site mitigation occurs; same for other elements of mitigation such as roosting and nesting, bedding, foraging or feeding, habitat and structure.

(6) requiring introduction of Regional or Countywide strategies and practices aimed at reducing the impact of such mining operations such as: reduce speed limits on roadways wherever nocturnal species range; providing incentives for operators to establish projects and provide earth materials for other environmentally significant projects, such as sand appropriate for beach re-nourishment; providing incentives for operators to establish projects and provide otherwise to-be-recycled materials for other environmentally significant projects, such as concrete bridge or building components appropriate for artificial reefs, off-shore fishing structure, shrimp & crab habitat, and hurricane protection devices & barriers; providing incentives for operators to provide earth materials, final product or otherwise to-be-recycled materials appropriate for other projects, such as bridges, weir, locks, dams, inland storm shelters, park-n-ride transfer lots, shallow water ports and rail bed.

~~Note: If the CCPC considers recommending limited participation in the County's TDR program, instead of staff's recommended prohibition [paragraph b., above], staff suggests an alternate paragraph b., as follows:~~

~~b. Participation in the Transfer of Development Rights (TDR) program shall be prohibited where mining or mining-related activities occur.~~

~~-OR-~~

~~b. Participation in the Transfer of Development Rights (TDR) program shall only be allowed where mining or mining-related activities do not occur.~~

#### 4-5. Exemptions from the Rural Fringe Mixed Use District Development Standards

(part 2 of 3)

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## **B. North Belle Meade Overlay**

### **1. In General**

[removed double s-t of entire entry & made applicable only to petitioner's text]

The North Belle Meade area is surrounded by Golden Gate Estates to the north, east, and west and I-75 to the south. This area, designated as the North Belle Meade Overlay, comprises  $\pm$  24 ~~22.5~~ sections of land ( $\pm$  15,552 ~~14,602~~ acres, depending on the size of individual sections) and is depicted on the Future Land Use Map and North Belle Meade Overlay Map. The...[unchanged to end of entry.]

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### **[CCME] Policy 6.1.2**

For the ***County's Rural Fringe Mixed Use District*** as designated on the FLUM, native vegetation shall be preserved on site through the application of the following preservation and vegetation retention standards and criteria:

Preservation and Native Vegetation Retention Standards:

a. Receiving Lands:

A minimum of 40% of the native vegetation present, not to exceed 25% of the total site area shall be preserved.

b. Neutral Lands:

A minimum of 60% of the native vegetation present, not to exceed 45% of the total site area shall be preserved, except that, for Section 24, Township 49 South, Range 26 East, located in the North Belle Meade Overlay, a minimum of 70% of the native vegetation present, not to exceed 70% of the total site area, shall be preserved.

c. Non-NRPA Sending Lands:

Calculated at the higher value of 80% of the native vegetation present, or as may otherwise be permitted under the Density Rating provisions of the FLUE;

d. NRPA Sending Lands:

Calculated at the higher value of 90% of the native vegetation present, or as may otherwise be permitted under the Density Blending provisions of the FLUE.

e. Provisions a. through d. above shall also be consistent with the wetland protection policies set forth under CCME Objective 6.2.

f. In order to ensure reasonable use and to protect the private property rights of owners of smaller parcels of land within lands designated Rural Fringe Mixed Use District on the Future Land Use Map, including nonconforming lots of record which existed on or before June 22, 1999, for lots, parcels or fractional units of land or water equal to or less than five (5) acres in size, native vegetation clearing shall be allowed, at 20% or 25,000 square feet of the lot or parcel or fractional unit, whichever is greater, exclusive of any clearing necessary to provide for a 15-foot wide access drive up to 660 feet in length. For lots and parcels greater than 5 acres but less than 10 acres, up to 20% of the parcel may be cleared. This allowance shall not be

considered a maximum clearing allowance where other provisions of this Plan allow for greater clearing amounts. These clearing limitations shall not prohibit the clearing of brush or under-story vegetation within 200 feet of structures in order to minimize wildfire fuel sources.

g. Within Receiving and Neutral lands where schools and other public facilities are collocated on a site, the native vegetation retention requirement shall be 30% of the native vegetation present, not to exceed 25% of the site.

h. North Belle Meade Special Use Area Subdistrict:

(1) For earth mining, with or without related uses; asphalt and concrete batch-making plants, with or without related uses; or a combination of earth mining and asphalt and concrete batch-making plants, with or without related uses: A minimum of ~~40%~~ **55%** of the native vegetation present, and an additional ~~40%~~ **25%** shall be mitigated off-site according to a mitigation plan approved by the County, and which must equal or exceed – both in quantity and quality – the site area where habitat or native vegetation is disturbed and would otherwise be retained or preserved.

(2) All other uses: As required for Non-NRPA Sending Lands in Policy 6.1.2c.