

Grant Proposal of the Estero Community Improvement Foundation  
(ECIF)

to Study and Encourage Approval of a Program of

**Effective Planning Alternatives for Rural Lee County**

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Submitted by:

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## I. The Need

In 1990 Lee County created a “Density Reduction / Groundwater Resource” (DR/GR) designation for southeast Lee County to protect sensitive groundwater resources and curb urban sprawl. This designation became an integral part of the Lee County Comprehensive Plan’s future land use map and comprises approximately 150 square miles of land (see additional description of the DR/GR below).

Since 1990 the DR/GR has survived all legal challenges, although Lee County has reduced its boundaries somewhat. The designation has been vigorously defended by environmental, civic, and planning organizations, but has remained under continuing challenge by development interests.

During the last two years the development pressures on the DR/GR have accelerated dramatically, including the following:

- An effort to use Federal Transportation funds as leverage to accelerate the development of an interchange on Interstate I-75 that would expose thousands of acres of sensitive lands for development
- Applications seeking County approval that would permit four new fill and rock mines in the area (there are widespread suggestions that several other DR/GR landowners are considering filing additional mining applications)
- Two pending applications for changes to the Lee County Comprehensive Plan that would authorize major developments in the DR/GR, and
- Authorization by the South Florida Water Management District of a permit allowing construction of a four-mile ditch that would drain thousands of acres of DR/GR wetlands in advance of development.

Even the firmest supporters of the DR/GR designation acknowledge that it applies uniformly over a very large geographic area and lacks the subtlety of a more carefully refined public policy. Lime rock mining can be approved anywhere in the DR/GR, even close to existing rural or suburban settlements, except where prohibited by the City of Bonita Springs. Just designating them as “farming” can devastate sensitive environmental lands. The density cap makes 10-acre ranchettes the default form of residential development, despite limited demand for such large and land-consuming parcels; there is no easy mechanism for clustering development to preserve larger natural areas. And by relying on the regulatory powers of the comprehensive plan rather than legally binding shifts of development rights, the DR/GR’s protections may prove impermanent due to inevitably shifting political winds.

We propose to evaluate the combined impact of all threats, both current and future, to the DR/GR. We propose exploring alternative planning concepts for the County to consider. We hope that these efforts will result in delaying any policy changes affecting these areas until appropriate policies and plans have been adopted by the Lee County Board of County Commissioners (BOCC).

## II. The Proposal

**Background:** Last year the Estero Council of Community Leaders (ECCL), an affiliate of the Estero Community Improvement Foundation (ECIF), joined with a coalition of environmental and civic groups [1] and approached the BOCC to gain approval for a comprehensive analysis of the myriad prior studies of the DR/GR. One of the recommended results of this analysis was to be a series of overlay maps depicting all areas with valuable environmental, water and natural resource areas. The Board approved this suggestion, a contract has been awarded and the study is underway. The BOCC expects to receive the draft report of this study in May 2007.

Lee County needs to consider potential evolutionary directions for the DR/GR that could reallocate its existing development potential while increasing its protection of sensitive lands and aquifers and limiting the conflicts and environmental damage caused by lime rock mining. To spur this consideration, the ECIF proposes several steps to accomplish this task:

### Proposed Tasks:

- 1) The first task is to review the DR/GR consolidation study when available in order to assess its implications and make recommendations to the BOCC regarding:
  - o Identifying the gaps in information that need to be filled in order to develop a comprehensive plan for the DR/GR
  - o Planning the future use of the DR/GR lands.
- 2) Second, we propose to carefully evaluate recent programs implemented by other Florida counties to manage growth at and beyond their urban fringes and to identify the most promising models to recommend to the Lee County Board to consider for the DR/GR. Among the other counties thus far identified are Collier, Sarasota, St. Lucie and Martin. In addition to the land use methodology used by these jurisdictions we will evaluate their strategies for allocating population density through the use of mixed use/new urbanism concepts, and their strategies used to protect ground water resources, natural flow ways, wetlands, agriculture and wildlife habitat. The most suitable, beneficial, and feasible elements in these various plans will be consolidated into a proposed planning strategy to be recommended to Lee County officials.
- 3) Third, we need to identify the existing provisions of the Lee County Plan and Land Development Code that have relevance for the DR/GR to see what policies and provisions may be useful for the BOCC to update the planning of the DR/GR, along with those that should be considered for amendment or deletion by the BOCC. The Existing DR/GR provisions permit mining, agriculture and low density housing (1 unit per 10 acres)

throughout the entire 150 square mile area.

- 4) Finally, to ensure enduring broad public participation in policy decisions, we propose to seek BOCC approval of a permanent BOCC advisory committee, composed of civic and environmental leaders that would advise the Board on growth management, environmental and land conservation issues. Lee County's ongoing "Smart Growth" effort has potential to effect positive change but to date has not been able to identify methods to improve planning for the DR/GR. We believe that the efforts described in this proposal will aid all parties in identifying better planning methods for the rural areas of Lee County.

Each of these tasks will be pursued with the assistance of Bill Spikowski, a well respected Lee County planner who served the County as its Principal Planner and Deputy Director of the Community Development Department during the period when the DR/GR was established. His 25 years of experience as a professional planner in southwest Florida uniquely qualifies him to manage this project.

The County's DR/GR consolidation study is expected to become available to the County Commissioners and the public in May of this year. Task 1, contingent on funding, will be initiated commensurate with the release of the consolidation study. Task 2 will be initiated upon approval of funding. It is extremely important to have recommendations on planning strategies or models available to the BOCC and the public, in a timely fashion, that augment the data and information obtained from the consolidation study. The bulk of the work on Task 3 will begin during the latter phase of Task 2, as the implications for revisions to existing land development codes/land use plans become more defined. Task 4, which will primarily be conducted by volunteers and has already begun, will dovetail with the other proposed tasks.

Our priorities on the use of Foundation funds are directed toward Tasks 1 and 2, which require expedient, professional assistance. Any remaining funds will be available for Task 3. In the event funds are exhausted, we will rely on qualified volunteers from our network, and *pro bono* legal contributions. Task 4 requires minimal professional or administrative expenditures.

### **III. Anticipated Benefits**

Recommendations developed by this study will be presented to the Lee County BOCC, County staff, the public and the media by the coalition supporting this application. By developing public support, the recommendations will serve as a catalyst for Lee County Government to adopt an enlightened, far sighted approach for updating the plans and policies for the DR/GR. Among the benefits from such an approach are the following: maximum preservation of environmentally sensitive and natural resource-rich lands, enhancement of much needed water supply, environmental protection for Estero Bay, and minimization of infrastructure costs by appropriate location of future development.

Adoption of the recommendations developed by the study will be implemented by BOCC approval of one or more of the following:

1. New Overlay Districts
2. Land Development Code Revisions
3. Comprehensive Land Use Plan Revisions
4. Lee County Charter Revisions

In addition approval of the recommendations will help to eliminate the conflicts among the groups and interests that are currently at odds regarding future land uses in the DR/GR (mining companies, land owners and developers, farmers, existing residents, environmental activists, as well as those concerned with water preservation, infrastructure, workforce housing, traffic control, etc.)

#### **IV. Project Evaluation Plans**

The effectiveness of this project will be determined by:

- Our success in developing public and media support for the recommendations of the report,
- The willingness of the Lee County Board of Commissioners to adopt the DR/GR recommendations contained in the report, and
- The willingness of the Lee County Board of Commissioners to adopt the civic/environmental advisory committee recommendations contained in the report.