

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:
 - Identifying the gaps in information that need to be filled in order to develop a comprehensive plan for the DR/GR
 - 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.

V. Information about the ECIF

The Estero Community Improvement Foundation is a 501©(3) organization organized in August 2005. The Articles of Incorporation of the ECIF define the purposes of the organization as follows:

“The purposes for which the corporation is organized are exclusively religious, charitable, scientific, literary and educational within the meaning of Section 501© (3) of the Internal Revenue Code...The corporation will carry out this purpose by providing financial support for projects which will enhance the quality of life for the residents of the Estero community.” About 50% of the Estero community, as defined by the Estero Fire Rescue district boundaries, is located in the DR/GR.

The ECIF is affiliated with the Estero Council of Community Leaders (ECCL), an all-volunteer civic association that consists of members appointed by the Elected Board of Directors of each of the residential communities in Estero and representatives of several other community-wide organizations including the Estero Fire Rescue district.

On February 8, 2006 the Internal Revenue Service notified us that the ECIF would be exempt from Federal income tax under section 501 © (3) of the Internal Revenue Code effective on September 15, 2005. That notice also informed ECIF that it would be treated as a “public charity” throughout its Advance Ruling period extending until December 31, 2009.

VI. Proposed Budget for this Project

○ Professional Assistance	\$30,000
○ Prepare Report and Maps	2,000
○ Publish and Distribute Documents	1,000
○ Workshop for public forum expenses	3,000
○ Miscellaneous	<u>4,000</u>
○ Total	\$40,000

VII. References

[1] Coalition of governmental, environmental and civic groups:

Conservancy of Southwest Florida
Audubon of Florida
Audubon of Southwest Florida
Collier County Audubon Society
Corkscrew Rural Community Planning Committee
Defenders of Wildlife
Estero Civic Association
Florida Wildlife Federation
Peace River Audubon Society
Responsible Growth Management Coalition
Sanibel-Captiva Audubon Society
Sierra Club

List of Exhibits

1. DR/GR Background
2. Land Use Map of Lee County Showing the Locations of the DR/GR
3. Map of the DR/GR Area in South Lee County
4. ECIF Board of Directors; Principal Project and Agency Staff
5. 2006 ECIF Budget
6. 2007 ECIF Budget
7. December 15, 2006, unaudited year-to-date Income Statement (Note; the ECIF was formed in late 2005 and had no income until 2006)
8. February 16, 2007, unaudited year-to-date Income Statement
9. ECIF IRS Letter of Determination (Feb. 8, 2006)
10. Letters of Support

Exhibit 1

DR/GR Background

In 1989, the Lee County Comprehensive Plan (“Lee Plan”) was found to be out of compliance with state law by the Florida Department of Community Affairs (DCA), the regulatory arm for the State of Florida planning processes. Their main concerns were the growth rate, dwelling unit capacity, groundwater recharge and future water supply. The essence of these concerns was that urban sprawl was being promoted by the Lee Plan, whereas state law required all plans to discourage urban sprawl. Lee County had to respond to the concerns and modifications were made to the Lee Plan for a Groundwater Resource Area, based in large part upon the 1988 James M. Montgomery Water Resources Management Report, which indirectly identified recharge areas in primarily non-urban lands. Protecting water resource areas from urban and suburban development was determined to be the best way to respond to both the urban sprawl and water resource challenges from DCA. As a result, a 1990 Lee Plan amendment created a new land use category, the Density Reduction/Groundwater Resource (DR/GR) category. These lands are east of I-75 and south of SR 82 as shown in the map in the Exhibit section and total approximately 96,000 acres (150 square miles). The DR/GR land use category allows a density of one dwelling unit per ten acres and allows agriculture and mining.

Current land uses in the DR/GR include residential, commercial public utilities, recreation, farming and mining. Many of these were “grandfathered”, that is, their use was already approved or in place before the DR/GR category was created in 1990. Both Lee County and the City of Bonita Springs have begun to allow encroachment into the DR/GR. County variances include the construction and ongoing expansion of Florida Gulf Coast University, the potential construction of eight (8) golf courses, expansion of the Southwest Florida International Airport, and acceptance of the Miromar Lakes Development of Regional Impact (DRI). The City of Bonita Springs has allowed a new YMCA facility pursuant to the recreation use option.

In 2001, the City of Bonita Springs prioritized a restudy of the DR/GR lands within its city limits to reassess the land use category and, subsequently in 2003, authorized a study to assess the groundwater resource, surface water, natural resources and land uses. This study lends support for a perceived need within the City limits for more open space, affordable housing, commercial spaces, and recreation areas for its rapidly growing population. It is noteworthy that Lee County has simultaneously assessed subsurface resources in a separate blasting study completed in 2005. This study was authorized in response to public pressure for public relief from blasting activities in certain areas of Lee County.

In total, fourteen independent studies have been published regarding the DR/GR and its potential future usage since 1988.

As a final note, the surface water flowing through the DR/GR feeds into several creeks and rivers, two of which have been designated as Outstanding Florida Waters. They both discharge into Estero Bay, an estuary of 15 square miles that is the State of Florida’s first designated aquatic preserve. The watershed that drains into Estero Bay has an area of 293 square miles. Note that Lee County’s DR/GR makes up more than half this area. Any change to the natural flow ways in the DR/GR will influence the quality of this critical Florida estuary.

Exhibit 3

Density Reduction/Groundwater Resource (DRGR) Area in South Lee County

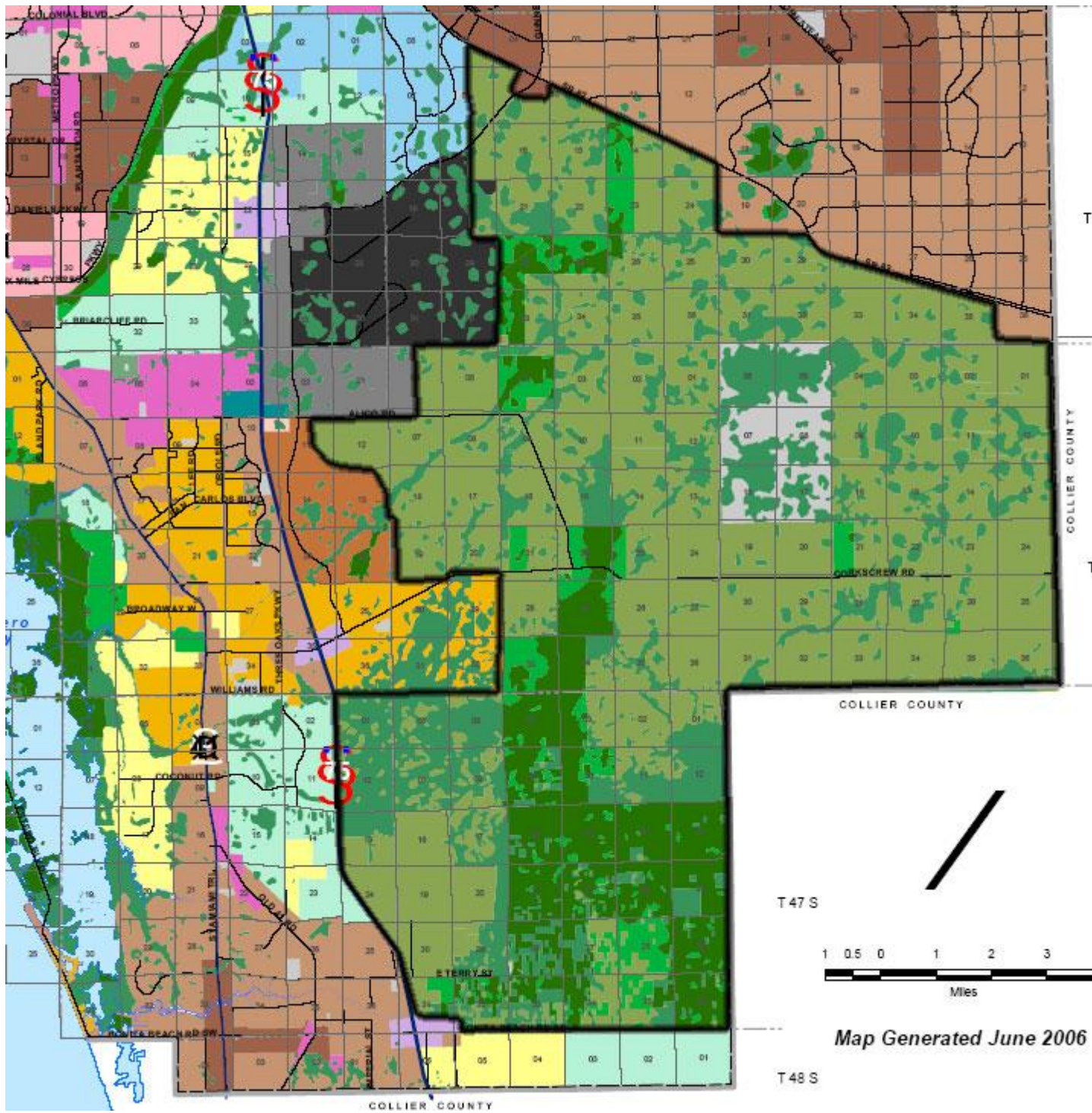


Exhibit 4

Estero Community Improvement Foundation (ECIF)

Board of Directors

Donald Eslick
Arnold Rosenthal
Samuel Levy
Christopher Smith
Daniel Dronkers

Principal Investigator

William Spikowski

Since 1992 Bill Spikowski has been the owner and operator of Spikowski Planning Associates, a consulting firm specializing in comprehensive planning, community plans, redevelopment plans and preparation of land development regulations. During the prior decade he served Lee County planning in positions of ever increasing authority and responsibility from principal and senior zoning planner to Director of the Growth Management Department. In these capacities he was personally and extensively involved with the creation of the DR/GR.

Advisory Committee

Donald Eslick

Donald Eslick was trained as an economist; was a university teacher for over a decade; held several high level policy positions with the State of Illinois and has consulted on planning and public finance matters with many governments. Presently he is Chairman of the Estero Council of Community Leaders, a member of the Estero Community Planning Panel and recently served on the Lee County Smart Growth Committee and the Ft. Myers News Press Editorial Board. He was selected by the Lee County Board of Commissioners as the Lee County Citizen of the Year for 2006.

John Lienesch

Mr. Lienesch spent 34 years in the automobile industry in the Detroit, MI, area, working primarily on design and manufacturing engineering projects for powertrain and chassis components. He held several Chevrolet Engineering, Saturn and Delphi engineering assignments during this period. Since his retirement in 2000, Mr. Lienesch has worked as an engineering consultant for several clients, focusing on engine design and manufacturing. Mr. Lienesch lives in the Pelican Landing community and is currently Vice Chairman of the Estero Community Planning Panel.

Donald Vilnius

After five years of experience in the Environmental Health field (Wayne County, MI), as a regulatory and program manager, Mr. Vilnius started his career in private industry. He became the President and CEO of a group of privately held companies (Envotech). During his tenure, the organization developed a national and international reputation in the field of hazardous waste management, engineering design, ground water monitoring technology and waste-to-energy recovery. More recently he was a co-founder of the West Bay Club Property Owners Association, and currently serves as Vice-chair on the Estero Council of Community Leaders.

Exhibit 5

Estero Community Improvement Foundation, Inc.

PROPOSED BUDGET
Calendar Year - 2006

Opening Balance		\$0
	REVENUES	
Governmental Grants		\$0
Cash Contributions		\$50,000
In-kind Contributions		\$40,000
Total Revenues		\$90,000
	EXPENSES	
Supplies:		\$500
Advertising, awards and pamphlets		\$500
Insurance		\$0
Governmental Fees		\$250
Meeting expense/educational forums		\$1,500
Estero High School Landscaping Installation		\$70,500
Contingencies		\$5,000
Total Expense		\$78,250
Ending Balance		\$11,750

Exhibit 6

Estero Community Improvement Foundation, Inc.

PROPOSED BUDGET
Calendar Year - 2007

Opening Balance	\$11,750
REVENUES	
Governmental Grants	\$0
Cash Contributions	\$50,000
In-kind Contributions	\$20,000
Total Revenues	\$70,000
EXPENSES	
Supplies:	\$500
Advertising, awards and pamphlets	\$500
Insurance	\$0
Governmental Fees	\$250
Meeting expense/educational forums	\$1,500
Sandy Lane Median Landscaping Installation	\$0
Sandy Lane Median Landscape Maintenance	\$0
Estero High School Landscaping Installation	\$57,000
Contingencies	\$2,000
Total Expense	\$61,750
Ending Balance	\$20,000