

June 11, 2009

Chairman Ray Judah  
Lee County Board of County Commissioners  
PO Box 398  
Fort Myers FL 33902

Chairman Noel Andress  
Lee County Local Planning Agency  
C/O Paul O'Connor  
1500 Monroe Street  
Fort Myers FL 33901

Sent Via E-Mail and Post

RE: Proposed DR/GR Comprehensive Plan Amendments

Dear Chairmen Judah and Andress, Commissioners and LPA Members:

The undersigned organizations again want to recognize Lee County's leadership in initiating the planning process for how resource protection within the Density Reduction/Groundwater Resource (DR/GR) area can be compatible with existing and future land uses, including conservation, agriculture, mining and residential development. The release of the McLane report in May 2007 was the beginning of Lee County's multi-year planning process for the DR/GR that has now culminated in proposed Comprehensive Plan amendments. The proposed amendments contain language to implement many of the recommendations from the public, the County-appointed DR/GR Committee and direction given at the August 1, 2008 Board of County Commissioners' (BOCC) meeting. While our organizations have specific comments on the draft language, we are supportive of the general framework provided in the Dover Kohl proposed DR/GR amendments report. Moreover, these amendments are proceeding based upon the BOCC-required timeframe for transmittal within this year's growth management plan amendment cycle. Our organizations also support transmittal of these amendments in September, and ask that you preserve this timeline.

At the June 2<sup>nd</sup> Local Planning Agency (LPA) meeting, a general overview of the amendments was presented. During public comment, dissatisfaction was expressed by several speakers regarding the timeline for amendment transmittal. These comments, made primarily by representatives of mining interests, indicated dissatisfaction regarding the amendments moving forward within your timeframe for September transmittal. Requests were made to slow down the process, allowing for additional public workshops and meetings on the subject of planning within the DR/GR. Our organizations disagree with any assertion that

delay is appropriate or that there has been insufficient opportunity to be part of the DR/GR planning process. The hallmark of the DR/GR study effort has, from the beginning, been an open, public process with ample opportunity for all stakeholders to provide data and input. We believe a reminder of the significant public participation surrounding the DR/GR planning efforts is warranted.

In addition to the 23 meetings of the DR/GR committee, all of which were publically noticed and allowed public input, the following represent workshops or meetings where the public was also allowed to provide comment:

June 11, 2007 – McLane Study was presented to the Lee BCC

July 25, 2007 – DR/GR Stakeholders meeting

August 9, 2007 – Lee BCC DR/GR Workshop

September 11, 2007 – DR/GR Action Plan reviewed

September 18, 2007 – Rezone and comp plan amendment moratorium considered

December 4, 2007 – Ordinances approving rezone and comp plan amendment moratoriums approved

February 4, 2008 – Public meeting to discuss the document, “Review and Summary of Mining Regulations of Florida Counties: For the Lee County DR/GR Action Plan.”

April 16-24, 2008 – DR/GR Dover Kohl Collaborative Workshop

August 1, 2008 – Final document presentation by Dover Kohl to Lee BCC

This list of public meetings illustrates that the currently proposed DR/GR amendments are the product of two years of public participation, data collection and collaborative planning efforts.

With respect to comments made at the LPA regarding the proposed amendments being based upon insufficient data, this claim is simply not correct. It is true that there are document components of the planning process that are yet to be released in their final version, specifically:

- *Transfer of Development Rights in Southeast Lee County*
- *Natural Resource Strategies for Southeast Lee County*
- *Comprehensive Hydrological Study for the Southeast Lee County DR/GR Area*

However, as indicated within the reference section of the proposed amendment document, these reports, in their draft form, actually were utilized in the drafting of the amendments. Moreover, these documents in their final form will be available in the coming weeks. The fact remains that substantial and sufficient data and planning documentation has been provided as the basis for the DR/GR amendments. The DR/GR amendments are based upon numerous reference sources, including:

- *Strategic Mining: A Report on Mining in Lee County*
- *Lee County Master Mitigation Plan: Environmental Quality Investment and Growth Mitigation Strategic Plan*
- *Lee County Groundwater Resource and Mining Study*
- *Southwest Florida Feasibility Study*
- *Toward a Greener Lee: Effective Planning Alternatives for Rural Lee County*
- *Review and Summary of Studies Containing Information Relating to Density Reduction/Groundwater Resource (DR/GR) Lands Southeastern Lee County, Florida*
- *Strategic Aggregates Review Task Force Final Report*
- *Growth Management Regulations, Public Investment and Resource Implications for the Estero Bay Watershed*
- *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)*
- *Transferable Development Rights in Southeast Lee County (draft)*
- *Natural Resource Strategies for Southeast Lee County (draft)*
- *Comprehensive Hydrological Study of the Lee County's Southeastern Density Reduction/Groundwater Resource Area (draft)*

There is no need for modification of the timeline in a manner that would preclude a September transmittal. Public input will continue to be considered during the next several months, and will continue through the transmittal and adoption process. These amendments may be the County's last and best chance to provide a meaningful framework for planning the future of the DR/GR. Delay is not a viable option. As demonstrated by the award given to Lee County by 1000 Friends of Florida, this DR/GR planning effort has the potential for tremendous benefits to both our community and the natural environment. Now is the appropriate time to move forward with these amendments.

Sincerely,

Conservancy of Southwest Florida  
Nicole Ryan

Corkscrew Rural Community

Kevin Hill

CC: Mary Gibbs  
Paul O'Connor