

ACTION PLAN FOR DENSITY REDUCTION GROUNDWATER RESOURCE AREA

BACKGROUND: The Density Reduction Groundwater Resource (DRGR) land use designation was established in the early 1990s, and set forth a number of uses that were allowed, consistent with the water resource designation. There was no priority assigned for those uses for specific areas within the DRGR. The uses are (1) very low density housing (1 unit per 10 acres gross), (2) mining, (3) Outdoor recreational (golf courses dominant, and limited in number), (4) agriculture, and (5) conservation. It should be noted that mining and golf courses require rezoning approval by the County Commission; the other uses are allowed by right using the current zoning on the property.

In the Southeast Lee County designated area, the area under review now, significant activities are causing the designation of DRGR to be looked at in greater detail. A more proactive program is being examined.

In 2003, the Smart Growth Committee recommended to the Board of County Commissioners a review of the DRGR designation. To that end, a research effort was commissioned; the Groundwater Resources and Mining Study, by Rawl, updated the County data on water resources and geology. Subsequent to that, supporting studies regarding wellfield protection, and an updated ordinance, the Wellfield Protection Ordinance, has been prepared and is under review for adoption by the Board. Also, the County commissioned the Review and Summary of DR/GR-Related Studies Southeastern Lee County, Florida, by McLane, which was released in June 2007.

Three related efforts will influence the DRGR to some degree and are relevant to water resources.

The first is the Southwest Florida Feasibility Study (local sponsor is the SFWMD). This Study (part of the Everglades Restoration effort) is identifying the critical environmental features in SW Florida, and the related mapping identifies some DRGR lands (and the related wetlands found within the DRGR boundary, and it should be noted that "Wetlands" is a separate land use designation). It should also be noted that this effort has developed the applicable surface and groundwater model needed to undertake cumulative analyses of the water resources of the area, based upon development scenarios.

The second is the analysis funded by the US EPA through the Southwest Florida Regional Planning Council. This analysis is to determine why Florida's land management and water management systems have led to the deterioration of the Estero Bay water quality, with its ancillary impacts on estuarine resources. The Estero Bay Agency for Bay Management is the review team for that effort, and Lee County is well represented on that "Agency."

The third effort is the Total Maximum Daily Load (TMDL) program. This program, slated for enforcement in the next two years, has identified Estero Bay and certain of its tributaries as "impaired." Since Estero Bay is also the State's first aquatic preserve, and has a State

park system along much of its shoreline, the contributing watersheds will need significant remediation in the contributing land uses to reduce and eliminate the impairments.

The Board discussed the DRGR on June 11th and requested a Stakeholder workshop be held through the Smart Growth Committee. The workshop was held on July 25th, and the results were given to the Board at its workshop on August 9th.

The Board's direction to staff on August 9, 2007, was to prepare for Board review an action plan to address issues raised by the public and Board, and to consider the other efforts underway. An additional effort referenced was the Estero Community Panel funded effort (by the Dunn Foundation) of land management practices elsewhere that may be of use to the DRGR.

ACTION PLAN:

The following are the steps that need to be undertaken to develop a proactive plan for the future of the DRGR that is based upon sound scientific information and supportable by the State Department of Community Affairs (DCA) if a comprehensive plan amendment is considered. Additionally, there are several specific proposals to address mining issues (a subset of the DRGR).

1. ***Mining*** - Evaluate other counties' Land Development regulations and application requirements to determine if they have any state of the art mining regulations for applicability to Lee County (County Planning staff).
2. ***Land Use*** - Evaluate other jurisdictions for state of the art land use planning applicable to rural type areas (Estero Dunn Foundation Grant).
3. ***Mining Traffic Enforcement*** - Facilitate meeting with mines to determine proactive way for mines to address traffic issues such as speeding (County DOT staff, Planning staff and miners).
4. ***Mining*** - Evaluate Planned Development Zoning category for mines to include environmental connectivity regulations, reclamation and performance criteria for possible Land Development Code Amendments (County Zoning staff).
5. ***Mining*** - Evaluate Road Damage / Restoration fee (County DOT staff).
6. ***Land Use*** - Prepare land use cover maps to identify current and historic conditions including precise location of flowways (County Planning staff and possible consultant).
7. ***Land Use*** - Evaluate Conservation 2020 for potential flowway purchase and related items (Smart Growth and County Lands staff).

8. **Mining** - Implement pending comprehensive plan amendments (County Planning and Smart Growth staff).
9. **Land Use** - Evaluate interlocal agreements with Water Management District and City of Bonita Springs for coordination on items such as flowway protection (County Smart Growth).
10. **Land Use** - Evaluate water models, monitoring, and water budget (County Smart Growth, Natural Resources and consultant if needed).
11. **Land Use** - Evaluate Comprehensive Plan Amendment for DRGR
Possible Components of a plan:
 - Data and analysis
 - Analyze major land uses in DRGR
 - Environmental connectivity
 - Habitat protection
 - Evaluate various approaches to clustering / TDR's / overlay
 - Flowway Protection
 - Infrastructure - transportation, water and sewer
 - Land Uses: Mining
Residential
Agriculture
Conservation/open space recreation/golf course

Note: Hire consultant for technical assistance
Potential Steering Committee for review and assistance

Result: Land Use scenario to achieve sustainable future land uses of mining, preserved lands, agricultural uses and rural land uses.

12. **Land Use** - Limit comprehensive plan amendments while this review is underway. (There are current uses allowed with the DRGR and some of these are being expanded. The County current regulatory framework provides the means by which the greater part of the issues of these expansions can be reviewed and acted upon. However, pursuing reforms will be difficult if the Plan begins to receive and act on changes to the current allowable uses. Staff recommends that these be limited while the process described is underway. For a minimum this would be for the 2007-08 Plan transmission cycle.)
13. **Land Use** - Limit rezonings while this review is underway.
14. **Steering Committee** - establish Steering Committee comprised of residents, mining industry, landowners, environmental interests, general public and Smart Growth Committee members. Committee is to assist in these efforts.

Many of the above items can be handled concurrently. Some items can be done

within a couple months; however, Comprehensive Plan and Land Development Code amendments would take longer. Staff believes a consultant is needed to assist with this project if a Comprehensive Plan amendment is desired, due to the urgency expressed by the Board and because staff anticipates approximately 35 to 40 other pending Comprehensive Plan amendments in this year's cycle.