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# Density Reduction/Groundwater Resource Area

## A Recommendation for The Protection and Continued Viability of an Important Resource



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Presented by:  
Majority Opinion Stakeholders  
DR/GR Ad Hoc Committee  
July 2008

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**Introduction:**

The DR/GR Ad Hoc Committee was established by the Lee County Commission in accordance with a resolution passed at its meeting on November 20, 2007. At that time the Committee was charged with seven (7) duties and responsibilities, as follows:

**SECTION III. DUTIES AND RESPONSIBILITIES**

***The Committee has the following duties and responsibilities:***

- a) Review the proposed options for land use scenarios and make recommendations to the County Commission.***
- b) Review mining issues and regulations and make recommendations to the County Commission.***
- c) Review other related items as necessary and as brought forward by the staff, and make recommendations to County Commission as needed.***
- d) Committee members must comply with all applicable requirements of Florida Statutes Chapter 112, Code of Ethics for Public Officials, including but not limited to voting conflicts.***
- e) The Committee is strictly advisory in nature, and may not make decisions with respect to Lee County policies.***
- f) The Committee is subject to financial disclosure.***
- g) The Committee will sunset when the study has been presented to the County Commission.***

This report is presented in response to items (a), (b) and (c) above, and non-compliance with items (d), (e), (f) and (g).

**Background:**

In 2007, the Commission, recognized the importance of building on past efforts to assess and understand the DR/GR and the values to be protected. To this end, the Commission contracted with McLane Environmental, LLC, to conduct a “*Review and Summary of Studies Containing Information Relating to Density Reduction/Groundwater Resource Lands.*” The McLane Review was an important activity to serve as the beginning point for the Ad Hoc Committee, and pointed out some significant issues for consideration. Among the conclusions reached by the McLane Review are:

- “*The studies, when viewed as a whole, reveal that the resources and ecological systems within the DR/GR area are interrelated in complex ways.*”

- *The functioning of the DR/GR environmental system (both in terms of individual resources and interrelated systems) can be adversely impacted by certain land uses.*
- *There is a potential for balance between use of the land and protection of the ecological and groundwater resources, with the nature of that balance requiring careful consideration of the DR/GR information and scientific data contained in the studies reviewed as part of this project and other similar studies.”*

The McLane Review finishes up by stating:

**“The DR/GR is an intricate mosaic of landscapes that serves a number of natural resource functions that would be difficult and expensive to replicate if they were lost.”**

**Pursuit of Duties and Responsibilities:**

Throughout our process, the Ad Hoc Committee maintained a focus on the Duties and Responsibilities established for this effort by the County Commission,

- a) To help with our charge with regard to the review of land use scenarios, the Commission contracted with Dover Kohl & Associates to conduct a planning process to “...create three different land-use scenarios for the future of the DR/GR area to move toward a sustainable mix of mining, agriculture, preserved and restored lands, and other rural land uses.” Dover Kohl will have presented to the Commission a thorough accounting of the conduct of this process and the three scenarios that resulted. Because of this, we will not delve further into a discussion of this process here.

**Preferred Scenario:**

The broad majority of the Ad Hoc Committee members voted to support **Scenario 1**, with some minor changes, recommended modifications and additions.

During the process of the public participation element of the Dover Kohl planning effort, it was learned that nearly eighty percent (80%) of the public and stakeholders who took part indicated that the first priorities should be conservation and groundwater and surface water protection. This conservation focus is reflected in **Scenario 1**. This preferred focus was validated when the Ad Hoc Committee members met to discuss the scenarios.

**Key Outcomes:**

The Committee identified four key outcomes to be realized through the recommendations to be made.

- 1) Protection of Surface and Groundwater
- 2) Protection of Wildlife Habitats
- 3) Continuation of Economic Viability
- 4) Protection of Community Character (Rural Quality of Life).

113 Of the scenarios presented by Dover Kohl, the broad majority of the Ad Hoc  
114 Committee members identified Scenario 1 as that, which most nearly resulted in the  
115 key outcomes. Out of the eleven (11) members present to discuss the scenarios, two  
116 (2) voted to recommend scenario 1 outright, and seven (7) voted to recommend  
117 **Scenario 1** with “minor changes”, and two (2) voted not to recommend **Scenario 1**.  
118 In a free flowing discussion, the following is a detailing of the reasons stated for not  
119 supporting **Scenario 1**, and the minor changes that many felt would make scenario 1  
120 the preferred option.

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122 *“No” Votes*

- 123 • Large chunk of material would be taken off market
- 124 • There is a better way to mine
- 125 • Scenario doesn’t offer the Alico Road corridor
- 126 • Mining near the airport – out of DR/GR
  - 127 ○ Airport
  - 128 ○ FAA concerns about birds

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130 *“Minor Changes” Votes*

- 131 • Incompatibility of future residential near the airport
- 132 • Wildlife and water overlays not shown
- 133 • No indication of mining partitions, cell size, waterways
- 134 • Density should be transferred from the DR/GR to transportation corridors – ideally  
135 all communities
- 136 • Proposed mixed use communities too small – not enough infrastructure to make  
137 them viable, and therefore it is questionable as to whether they would be  
138 successful.
- 139 • Upland impact? Wetlands? Roads?
- 140 • Huge chunks of mining are not consistent with planning principles stated within the  
141 Comprehensive Plan.
- 142 • Planning horizon may be long range, but permitting horizon needs to be no more  
143 than five years
- 144 • Residential infill – demand forecast
- 145 • Potential for mining on already impacted wetlands vs. new areas
- 146 • Consider adoption of the Conservancy of Southwest Florida’s recommended Land  
147 Development Code amendments submitted earlier to staff.
- 148 • Consider adoption of the Conservancy of Southwest Florida’s recommended  
149 Comprehensive Plan amendments submitted earlier to staff.
- 150 • It is not clear what the rationale is for prioritization of restoration levels. The levels  
151 should change from four to one.
- 152 • Clustering/density – where’s it coming from?
- 153 • Agriculture needs to be integrated

- 154 • Species corridors?
- 155 • Need to figure out number of acres and ratio/acre
- 156 • Need to revisit all uses against our overarching principles (vs. sole focus on
- 157 mining)
- 158 • Incentives for retaining agriculture

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160 Recommendation:

161 The majority of Ad Hoc committee members voted to recommend to the Commission,

162 the adoption of **Scenario 1**,

163 Following this decision, the Ad Hoc Committee conducted a brief recap of the analysis

164 of the overarching principals that support their decision, should inform land use

165 decision making in implementing **Senario 1** and reaffirmed their decision to support

166 **Scenario 1** as the preferred option for the future of the DR/GR, and which achieves

167 the key outcomes. In doing so, the Ad Hoc Committee further noted the following as

168 being important to efforts to implement **Scenario 1**.

- 169 • Restrict mining to areas already impacted within the traditional mining corridor.
- 170 • But, create a natural resources protection corridor for future consideration
- 171 • Take steps to reduce demand for aggregate through such mechanisms as
- 172 strengthening the focus on infill of currently urbanized areas.
- 173 • Primary and secondary mining zones need to be established based on economic
- 174 modeling and overlays which should be focused on the clear identification of the
- 175 true demand for aggregate now and in the future.
- 176 • Mining needs to be done differently in the future, pointing to the need for more
- 177 assertive regulation and enforcement, including the provision of an analysis of
- 178 potential cumulative impacts prior to permit issuance.
- 179 • Although the broad majority of the Ad Hoc committee members agreed that mining
- 180 should be confined to the traditional corridor that has served that use, there was
- 181 some discussion about where the traditional mining corridor mining should occur –
- 182 parts of Scenarios 2 and 3 could potentially be brought in
- 183 • The committee is not convinced of community placement – need more aggressive
- 184 transfer out of DR/GR
- 185 • All uses must be ecologically sound
- 186 • The idea of phases of mining (now and in the future) is popular among the
- 187 committee members who are inclined towards Scenario One – it will protect natural
- 188 resources for use beyond 2030
- 189 • There is a need for more detail in areas to be mined, as well as clear long-term
- 190 planning practices and models that include demand for aggregate
- 191 • Infill must be addressed
- 192 • The protection of rural residential lifestyle must be assured.

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- b) On Wednesday, July 16, 2008, the Ad Hoc Committee received copies of the staff proposals for amendments to the Land Development Codes (LDC). Additionally, the Conservancy of Southwest Florida provided the Ad Hoc Committee and staff with a set of recommended LDC amendments on June 13, 2008. There are a number of additional amendments that staff has not covered in their recommendation that the Committee will want to have considered. It is likely that the committee will have a chance to review both sets of amendment proposals at their meeting of Wednesday, July 23, 2008.
  
- c) There were a number of items that were topics of discussion, and documents and recommendations were submitted to the Ad Hoc committee for consideration during the course of the committee proceedings. These items, including a set of proposed Comprehensive Plan Amendments submitted by the Conservancy of Southwest Florida were placed in what was termed the “Parking Lot”, awaiting further discussion and recommendations by the committee. The proposals from the Conservancy and other Ad Hoc Committee members are deserving of careful consideration, and hopefully they will receive that attention. It is likely that the committee will have a chance at an upcoming meeting to delve into these items.