

## **RURAL LANDS STEWARDSHIP AREA OVERLAY (RLSAO) FIVE-YEAR REVIEW**

### **PHASE II- REVIEW AND RECOMMENDATIONS REGARDING THE RLSAO IN THE COLLIER COUNTY GROWTH MANAGEMENT PLAN**

**[ON-GOING DRAFT OF THE REVIEW COMMITTEE AS OF May 27, 2008]**

**I. REPORT IN BRIEF.** The purpose of this **Phase II** report is to transmit recommendations of the Rural Lands Stewardship Review Committee (“Committee”) with respect to possible amendments to the Goal, Objective, and Policies contained in the Rural Land Stewardship Overlay (RLSAO) of the Collier County Future Land Use Element of the Growth Management Plan to the Collier County Environmental Advisory Council, the Planning Commission, the Board of County Commissioners, and to the Florida Department Community Affairs.

**II. BACKGROUND.** The Five-year assessment of the participation in and effectiveness of the Rural Land Stewardship Overlay (RLSAO) is required by Policy 1.22 of the RLSAO which reads as follows:

#### **Policy 1.22**

The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, innovative, incentive based, and have yet to be tested in actual implementation. A comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs **upon the five-year anniversary of the adoption of the Stewardship District in the LDC**. The purpose of the review shall be to assess the participation in and effectiveness of the RLSA program in meeting the Goal, Objective and Policies set forth herein.

1. The amount and location of land designated as FSAs, HSAs, WRAs and other SSAs.
2. The amount and location of land designated as SRAs.
3. The number of Stewardship Credits generated, assigned or held for future use.
4. A comparison of the amount, location and type of Agriculture that existed at the time of a Study and time of review.
5. The amount, location and type of land converted to non-agricultural use with and without participation in the Stewardship Credit System since its adoption.
6. The extent and use of funding provided by Collier County and other sources Local, State, Federal and private revenues described in Policy 1.18.
7. The amount, location and type of restoration through participation in the Stewardship Credit System since its adoption.
8. The potential for use of Credits in urban areas.

The **Phase I** report, which presented data with respect to the above relative to the first five years of the use of the RLSAO (2003-2008), was accepted and approved by the RLSAO Review Committee (Committee) in February, 2008. This report was then successfully presented to the Environmental Advisory Council on March 6, the Planning Commission on April 27, to the Board of County Commissioners on May 27, and subsequently to the Florida Department of Community Affairs in accordance with Policy 1.22 of the RLSAO.

### **III. BODY OF REPORT.**

**A. The Phase II Report.** The **Phase I** report is incorporated by reference within the Phase II report. The **Phase II** report includes both *general and specific recommendations* for possible amendments to the RLSAO. During the preparation of both reports the Committee focused on whether the RLSAO, during its 2003-2008 history, supported the goals of the Collier County RLSAO, which are:

1. to protect agricultural activities and to prevent the premature conversion of agricultural land to non-agricultural uses;
2. to direct incompatible uses away from wetlands and upland habitat;
3. to enable the conversion of rural land to other uses in appropriate locations;
4. to discourage urban sprawl; and
5. to encourage development that utilizes creative land use planning techniques

*General recommendations* were made by the Committee where it was determined that a major departure from the existing RLSAO would be involved, thus requiring extensive data and analysis which is outside the scope of the Phase II report. During the vetting of the Phase II report the Committee believed that clear direction regarding these major departures from the RLSAO would evolve.

*Specific recommendations* were made by the Committee where it was determined that there were errors, omissions, corrections, or other amendments that could be justified by appropriate data, analysis, and/or explanations.

**B. Committee Meetings.** All Committee meetings were held in accordance with the Public Open Meeting Laws of the State of Florida. Committee meetings and actions complied with Resolution 2007-173 of the Collier County Board of County Commissioners which approved the creation of the Committee. Committee meetings were well attended; open dialogue was encouraged; and minutes were taken and maintained as part of the public record by personnel of the Collier County Comprehensive Planning Department. Public meetings were held at the Ave Maria University Academic Building and the Community Development and Environmental Services Building.

Committee recommendations regarding possible amendments to the Rural Lands Stewardship Area Overlay were based, in part, upon the following:

1. Expert speakers who spoke during Committee meetings;
2. Independent research reports relative to the Rural Lands Stewardship program;
3. Public participation; and
4. Staff input

**C. Review of the Rural Lands Stewardship Area Overlay, a part of the Future Land Use Element of the Collier County Growth Management Plan**

**Rural Lands Stewardship Area Overlay**

**Goal**

Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County's goal is to protect retain land for agricultural activities, to prevent the premature conversion of agricultural land to non-agricultural uses, to direct incompatible uses away from wetlands and upland habitat, to protect and restore habitat connectivity, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes creative land use planning techniques and through the use of established incentives.

**Public Input:**

1. The Governor's order was aimed at creating a balance between Agriculture, development and environmentally sensitive land. What ended with up is a plan that can create an imbalance as the program is geared to produce more environmentally set aside land and development and greatly reduces agriculture. This will result in Agriculture being pushed further out and destroying more pristine systems under the auspices of the Right to Farm Act.[Mark Strain]

**Staff Comments:**

1. This is considered a major amendment. The elimination of the word "premature" from the goal may seem like an innocuous change. However, this proposed deletion of "premature" raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission and is the basis for the current RLSA Overlay which was initiated prior to the enactment of the State RLSA Program. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County's RLSA subject to compliance with statutory RLSA provisions.

**April 1, 2008 Committee Action:**

The above proposed draft amendments are based upon an email received from Review Committee member Tom Jones on March 28, 2008, distributed to Committee members on March 28, and preliminarily approved during the April 1, 2008 Committee meeting. The Committee position is that the word "premature" cannot be defined for use in the RLSA Overlay and should be stricken.

**Objective**

To meet the Goal described above, Collier County's objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural Lands Stewardship Area Overlay. Group 2 policies relate to agriculture, Group 3 policies relate to natural resource protection, and Group 4 policies relate to conversion of

land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

**Public Input:**

**Staff Comments:**

**April 1, 2008 Committee Action:** No proposed amendment.

**Group 1 - General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay**

**Policy 1.1**

To promote a dynamic balance of land uses in the Collier County Rural Lands Stewardship Area (RLSA) that collectively contribute to a viable agricultural industry, protect natural resources, and enhance economic prosperity and diversification, Collier County hereby establishes the Rural Lands Stewardship Area Overlay (Overlay). The Overlay was created through a collaborative community based planning process involving county residents, area property owners, and representatives of community and governmental organizations under the direction of a citizen oversight committee.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 1.2**

The Overlay protects natural resources and retains viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provides a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based in part on the principles of Florida's Rural Lands Stewardship Act, Chapter 163.3177(11) F.S. The Overlay includes innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.

**Public Input:**

1. The intent of Policy 1.2 is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations, such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.[Conservancy]
2. Clarify how RLS interacts with state and federal permitting agencies [FWF]

**Staff Comments:**

**Committee Action:**

### **Policy 1.3**

This Overlay to the Future Land Use Map is depicted on the Stewardship Overlay Map (Overlay Map) and applies to rural designated lands located within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line, and includes a total of approximately 195,846 acres, of which approximately 182,334 acres is privately owned. The Overlay Map is an adopted overlay to the Future Land Use Map (FLUM).

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.4**

Except as provided in Group 5 Policies, there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA, as set forth in the Baseline Standards, as defined in Policy 1.5, unless and until a property owner elects to utilize the provisions of the Stewardship Credit System. It is the intent of the Overlay that a property owner will be compensated for the voluntary stewardship and protection of important agricultural and natural resources. Compensation to the property owner shall occur through one of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

**Public Input:**

1. What happens to baseline density - should disappear as in Rural Fringe TDR program [FWF] Note: Also related to policy 1.5

**Staff Comments:**

**Committee Action:**

### **Policy 1.5**

As referred to in these Overlay policies, Baseline Standards are the permitted uses, density, intensity and other land development regulations assigned to land in the RLSA by the GMP Growth Management Plan (GMP), Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to the adoption of Interim Amendments and Interim Development Provisions referenced in Final Order AC-99-002. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits, except as provided for in Group 5 Policies. No part of the Stewardship Credit System shall be imposed upon a property owner without that ~~owners~~ owner's consent.

**Public Input:**

**Staff Comments:** Minor amendments and are for clarification purposes only.

**Committee Action:**

## **Policy 1.6**

Stewardship Credits (Credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. **Land becomes designated as a SSA upon petition** by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Sending Area Credit Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property.

### **Public Input:**

1. SSA's can be created in a non-contiguous and piece meal fashion, thus assuring no functionality of wetland land mass. Even though to date that has not been the case, we should consider language that encourages contiguous SSA's. [Mark Strain]
2. No emphasis is put on trying to avoid fragmentation of natural areas and the maintenance of corridors. [Judith Hushon]
3. Maintain habitat connectivity/prevent habitat fragmentation with large linkages on a landscape scale and in association with land uses in the open area to maintain functioning systems and preserve the wetland to upland interface. Of particular note, are further protection of Camp Keais Strand and maintaining the habitat linkage in the vicinity of SR 29 and Oil Well Road. [Defenders of Wildlife]
4. SSA approval is not subject to EAC or CCPC review only BCC. SRA approval occurs via EAC, CCPC and BCC process, as should have been provided for SSA approval [Judith Hushon]

### **Staff Comments:**

1. Minor amendments to correct the title of each of the SSA Credit Agreements.

### **Committee Action:**

## **Policy 1.7**

The range of Stewardship Credit Values is hereby established using the specific **methodology** set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but ~~not~~ not be limited to the following: (1) All Credit transfers shall be

recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County, Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust; and (3) for each SSA, the Stewardship Sending Area Credit Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

**Public Input:**

1. Indices are determined using a grid pattern that averages uses within each grid. This can have the effect of reducing the value of viable wetlands when the grid is split between activities. A proportional area of the land types within each grid could be applied to determine a more balanced index value. [Mark Strain]
2. Clarification should be made in the GMP that while SSAs do remove land use layers from sensitive environmental lands, they are not conservation easements and should not be allowed to substitute or double as conservation easements by regulatory agencies during the agency permitting process. Separate conservation easements should still be entered into with the necessary agencies for state and federal permitting mitigation requirements. [Conservancy]
3. SSA Credit Agreements reference specifically the policies within the GMP that remove land uses per the RLSA program. These agreements are the mechanism for removal of land uses. As such, the Conservancy believes these agreements should include the Department of Community Affairs (DCA), as the State's land planning oversight agency, as a signatory. Also, the idea of requiring a national, state or local environmental organization signatory should be assessed. [Conservancy]
4. No development south of Oil Well Road [FWF]
5. No panther credits from sending lands that will be surrounded or significantly diminished in value by development [FWF]
6. Review easement language and who holds the easements - possibly FWC should hold, but no stewardship easements to be held by private entities. [FWF]
7. Signatory to easements should include the Florida Fish and Wildlife Conservation Commission [Defenders of Wildlife]

**Staff Comments:**

Minor amendments to correct the title of each of the SSA Credit Agreements.

**Committee Action:**

**Policy 1.8**

**The natural resource value** of land within the RLSA is measured by the Stewardship Natural Resource Index (Index) set forth on the Worksheet. The Index established the relative natural resource value by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the index value for the land. Both the characteristics used and the factors assigned thereto were established after review and analysis of detailed information about the natural resource attributes of land within the RLSA so that development could be directed away from important natural resources. The six

characteristics measured are: Stewardship Overlay Designation, Sending Area Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

**Public Input:**

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality those are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SFWMD or the ACOE to assess developmental potential. Off-setting indices should have been considered for this. [Mark Strain]
  
2. The Conservancy strongly supports the habitat stewardship crediting system be revised to use current best available science with regard to the preservation of Florida panther habitat. The panther habitat assessment methodology that the habitat stewardship crediting valuation system is predicated on has been substantially revised since by the U.S. Fish and Wildlife Service for application by the agency based on more recent scientific literature on the value of certain land cover types as Florida panther habitat. The Conservancy believes that in updating and revising the habitat stewardship crediting element of the RLSA program based on the best available Florida panther science will provide important incentives for preserving critical Florida panther habitat areas and more accurately guide receiving areas to areas that are less impactful to the subsistence and recovery of the Florida panther species.
  
3. Revisit sending and receiving designations - telemetry & GPS, FWC's Least Cost Analysis, Eastern Collier Study (Smith, Ross & Main), FWC's SR 29 Dispute Resolution Letter, and Kautz, et al (all have been submitted to the county for data and analysis) [FWF]
  
4. Corner of Oil Well Road and 29 - particularly the northwest corner - change to sending to protect important panther travel corridors - panther 131 found dead 04/16/081 [FWF]
  
5. Revisit wildlife values on farm fields - caracara, sand hill crane, burrowing owl, gopher tortoise [FWF]
  
6. I don't believe that the NRI, as originally developed, can be taken as gospel—it needs to be tested and re-evaluated as part of this process. Policy 1.9 states that the score will be based on... "the Natural Resource Index values in effect at the time of designation," implying a need to update it regularly. The NRI was developed five years ago by Wilson Miller, but since that time new data have become available that could well lead to different answers. Nowhere is the NRI actually explained—it is presented as a black box with fixed weightings. At least it should be handled in detail in another companion document or as an appendix. There is no explanatory document posted on the RLSA website. There is also the need to re-examine the data upon which the NRI scores are based—for example, there are new panther data and new primary and secondary panther maps. There is also new scrub jay management guidance from FWS. Additionally, it might be a good idea to include a panther map overlay with your maps that appear at the end of the Phase 1 report. [Judith Hushon]
  
7. Why are credits awarded in the ACSC, when there are already restrictions to development? [CCPC]



8. Incorporate wording in each policy group that reflects best available science will be used in conducting and analyzing the program (e.g., Group 1 Policy 1.22). The SSAs and SRAs should be reassessed in light of current scientific findings. [Defenders of Wildlife]

**Staff Comments:**

**Committee Action:**

**Policy 1.9**

A Natural Resource Index **Map Series** (Index Map Series) indicates the Natural Resource Stewardship Index value for all land within the RLSA. Credits from any lands designated as SSAs, will be based upon the Natural Resource Index values in effect at the time of designation. Any change in the Characteristics of land due to alteration of the land prior to the establishment of a SSA that either increases or decreases any Index Factor will result in an adjustment of the factor values and a corresponding adjustment in the credit value. The Index and the Index Map Series are adopted as a part of the RLSA Overlay.

**Public Input:**

**Staff Comments:**

1. There should be an update of the initial mapping. Not all land use/land cover codes are included and there could be more areas like Lake Trafford Ranch and Half Circle Ranch that were improperly designated.

**Committee Action:**

**Policy 1.10**

In SSAs, the greater the number of uses eliminated from the property, and the higher the natural resource value of the land, the higher the priority for protection, the greater the level of Credits that are generated from such lands, and therefore the greater the incentive to participate in the Stewardship Credit System and protect the natural resources of the land.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 1.11**

The Land Use Matrix, Attachment B, lists uses and activities allowed under the A, Rural Agricultural Zoning District within the Overlay. These uses are grouped together in one of eight separate layers in the Matrix. Each layer is discrete and shall be removed sequentially and cumulatively in the order presented in the Matrix, starting with the residential layer (layer one) and ending with the conservation layer (layer eight). If a layer is removed, all uses and activities in that layer are eliminated and are no longer available. Each layer is assigned a percentage of a base credit in the Worksheet. The assigned percentage for each layer to be removed is added together and then multiplied by the Index value on a per acre basis to arrive at a total Stewardship Credit Value of the land being designated as a SSA.

**Public Input:**

1. What is fate of remaining uses on designated sending lands and suggestion of removing those remaining uses to meet mitigation obligations? [FWF]
2. Remove all layers at one time - concern that several layers are contrary to conservation and/or agriculture preservation goals. [FWF]
3. Clarify what is included in Ag 2 and Ag 1 - concerns about aquaculture [FWF]

**Staff Comments:**

**Committee Action:**

### **Policy 1.12**

Credits can be transferred only to lands within the RLSA that meet the defined suitability criteria and standards set forth in Group 4 Policies. Such lands shall be known as Stewardship Receiving Areas or SRAs.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.13**

The procedures for the establishment and transfer of Credits and SRA designation are set forth herein and will also be adopted as a part of a Stewardship District in the LDC (District). LDRs creating the District will be adopted within one (1) year from the effective date of this Plan amendment.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.14**

Stewardship Credits will be exchanged for additional residential or non-residential entitlements in a SRA on a per acre basis, as described in Policy 4.18 4.19. Stewardship density and intensity will thereafter differ from the Baseline Standards. The assignment or use of Stewardship Credits shall not require a GMP Amendment.

**Public Input:**

**Staff Comments:** Minor amendment to provide for the accurate Policy reference.

**Committee Action:**

### **Policy 1.15**

Land becomes designated as an SRA upon the adoption of a resolution by the Collier County Board of County Commissioners (BCC) approving the petition by the property owner seeking such designation. Any change in the residential density or non-residential intensity of land use on a parcel of land located within a SRA shall be specified in the resolution reflecting the total number of transferable Credits assigned to the parcel of land. Density and intensity within the RLSA or within an SRA shall not be increased beyond the Baseline Standards except through the

provisions of the Stewardship Credit System, the Affordable-workforce Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.16**

Stewardship Receiving Areas will accommodate uses that utilize creative land use planning techniques and Credits shall be used to facilitate the implementation of innovative and flexible development strategies described in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(1).

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.17**

Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies. Residential clustering shall only occur within the RLSA through the use of the Stewardship Credit System, and other forms of residential clustering shall not be permitted.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 1.18**

A blend of Local, State, Federal and private revenues, such as but not limited to Florida Forever, Federal and State conservation and stewardship programs, foundation grants, private conservation organizations, local option taxes, general county revenues, and other monies can augment the Stewardship program through the acquisition of conservation easements, Credits, or land that is identified as the highest priority for natural resource protection, including, but is not limited to, areas identified on the Overlay Map as Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), Water Retention Areas (WRAs) and land within the Big Cypress Area of Critical State Concern (ACSC).

**Public Input:**

1. Indices are weighted heavier towards environmentally sensitive lands when in actuality those are the areas least likely to ever be used for development based on various agency regulations. The SSA credit system does not consider the jurisdictional aspects of SFWMD or the ACOE to assess developmental potential. Off-setting indices should have been considered for this. [Mark Strain]

**Staff Comments:**

**Committee Action:**

## **Policy 1.19**

All local land or easement acquisition programs that are intended to work within the RLSA Overlay shall be based upon a willing participant/seller approach. It is not the intent of Collier County to use eminent domain acquisition within this system.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 1.20**

The County may elect to acquire Credits through a publicly funded program, using sources identified in Policy 1.18. Should the County pursue this option, it shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within Stewardship Receiving Areas.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 1.21**

The incentive based Stewardship Credit system relies on the projected demand for Credits ~~As~~ as the primary basis for permanent protection of agricultural lands, flowways, habitats and water retention areas. The County recognizes that there may be a lack of significant demand for Credits in the early years of implementation, and also recognizes that a public benefit would be realized by the early designation of SSAs. To address this issue and to promote the protection of natural resources, the implementation of the Overlay will include an early entry bonus to encourage the voluntary establishment of SSAs within the RLSA. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as a HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as HSA located inside the ACSC. The early entry bonus shall be available for five years from the effective date of the adoption of the Stewardship Credit System in the LDC. The early designation of SSAs, and resulting protection of flowways, habitats, and Water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits, and Credits generated under the early entry bonus may be used after the termination of the bonus period. The maximum number of Credits that can be generated under the bonus is 27,000 Credits, and such Credits shall not be transferred into or used within the ACSC.

**Public Input:**

1. The incentive program to jump start the RLSA program was too generous and only increased the magnitude of development and the speed in which it will occur in the rural areas. Because of this, a need to look at longer range studies in lieu of the typical 5-years associated with concurrency issues should be considered. [Mark Strain]

**Staff Comments:**

1. The amendment in the first line is a simple correction and the second line adds "agricultural lands" as a land to be permanently protected.
2. The **Early Entry Bonus** is scheduled to expire on January 30, 2009 per the existing Land Development Code. A total of 7,719 Early Entry Bonus Credits were approved for SSAs 1-9 with a total of approximately 15,500 estimated to be approved if all 16 existing and

proposed SSAs are approved prior to January 30, 2009, or approximately 57% of the authorized limit of 27,000. The Committee should decide whether it wishes to recommend the continuation of the Early Entry Bonus to protect HSA.

**Committee Action:**

**Policy 1.22**

The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, Innovative, incentive based, and have yet to be tested in actual implementation. A comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs upon the five-year anniversary of the adoption of the Stewardship District in the LDC. The purpose of the review shall be to assess the participation in and effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows:

1. The amount and location of land designated as FSAs, HSAs, WRAs and other SSAs.
2. The amount and location of land designated as SRAs.
3. The number of Stewardship Credits generated, assigned or held for future use.
4. A comparison of the amount, location and type of Agriculture that existed at the time of a Study and time of review.
5. The amount, location and type of land converted to non-agricultural use with and without participation in the Stewardship Credit System since its adoption.
6. The extent and use of funding provided by Collier County and other sources Local, State, Federal and private revenues described in Policy 1.18.
7. The amount, location and type of restoration through participation in the Stewardship Credit System since its adoption.
8. The potential for use of Credits in urban areas.

**Public Input:**

1. The Conservancy believes the five year review for the Collier RLSA should be each five years, not just at the first five year anniversary.
2. Review should reoccur at least every five years. Establish interim process for modifications if new, sound and defensible information becomes available. [Defenders of Wildlife]
3. Monitoring: The program should include presentation of a written annual report to the Board of County Commissioners at a BOCC meeting, with adequate public notice of the item and notice to interested parties. At a minimum the report should include the number of acres in SSAs and SRAs, proposed SSAs and SRAs, available credits that could entitle development, infrastructure (roads, utilities) constructed and proposed, a status assessment of listed species and their habitat, and acres and activities involved in restoration. [Defenders of Wildlife]

**Staff Comments:**

**Committee Action:**

**Comments received that are not clearly associated with existing policies so therefore would require drafting new Group 1 policies.**

1. Collier County should re-evaluate how other Growth Management Plan (GMP) policies may be appropriate for applicability to the RLSA. For example, the Conservation and Coastal Management Element (CCME) now has additional provision for stormwater treatment that require 150% treatment. Certain GMP policies may be appropriate for application to the RLSA and should be considered for inclusion in the RLSA. At a minimum, exempting the RLSA from other provisions within the GMP should be re-evaluated. [Conservancy]
  
2. Because there are only a few large landowners in eastern Collier County, they are generally using their own agricultural land to offset development on other land that they own (i.e., using their own credits). There is essentially no market for the credits accrued by several small landowners. [Create a County Credit Bank] [Judith Hushon]

**Group 2 - Policies to ~~protect agricultural lands from premature conversion to other uses~~ and retain land for agricultural activities through the use of established incentives in order to continue the viability of agricultural production through the Collier County Rural Lands Stewardship Area Overlay.**

**Public Input:**

**Staff Comments:**

1. This is a major amendment to the RLSA Overlay. The elimination of the word "premature" may seem like an innocuous change. However, it raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at the Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County's RLSA subject to compliance with statutory RLSA provisions. In view of the preceding, staff recommends that the language of the goal remain unchanged.

**April 1, 2008 Committee Preliminary Action:**

The above draft amendments are based upon an email received from Review Committee member Tom Jones on March 28, 2008, distributed to Committee members on March 28, and preliminarily approved during the April 1, 2008 Committee meeting. Further, the Committee position is that the word "premature" cannot be defined for use in the RLSA Overlay.

**Policy 2.1**

~~Agriculture~~real landowners will be provided with ~~lands will be protected from premature conversion to other uses by creating~~ incentives that encourage the voluntary elimination of the property owner's right to convert agriculture land to non-agricultural uses in exchange for compensation as described in ~~Policies 1.4 and 2.2~~ and by the establishment of SRAs. ~~as the form of compact rural development in the RLSA Overlay. Analysis has shown that SRAs will allow the projected population of the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development. The combination of stewardship incentives and land efficient compact rural development will minimize two of the primary market factors that cause premature conversion of agriculture.~~

**Public Input:**

1. Policy 2.1 states that, "Analysis has shown that [Stewardship Receiving Areas] SRAs will allow the projected population from the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such compact rural development were not allowed due to the flexibility afforded to such development." How this policy will be met needs to be assessed during the five-year review. Based on the figures from Policy 1.3, there are 182,334 acres of privately-owned land. These lands, prior to the RLSA, were allowed a density of one unit per five acres. Thus, 36,467 units would have been allowed. Assuming development would have occurred in the worst-case scenario of the allowed one unit per five acres, all 182,334 acres could have been impacted by development (though this is highly unlikely, as permits could not likely be obtained for development within the sloughs and other extremely sensitive areas). Thus, to comply with the policy goal of the future population being contained on

10% of this land, development should be contained to 18,233 acres of the RLSA. This would be a ratio of development to non-development of 9: 1. Currently, the SRA to SSA ratio for Ave Maria, the only approved RLSA town to date, is approximately 3: 1. Collier County must assess how the ultimate 9: 1 ratio, or development on 10% of the land, will be achievable in the future, if all new SRAs come in at Stewardship Sending Areas (SSAs) to SRA ratios of less than 9: 1. The Conservancy believes the manner in which this policy will be met should be further clarified.

**Public Input:**

**Staff Comments:**

1. This is a major amendment. Staff detailed comments were outlined previously under the RLSAO Goal and under Group 2-Policy introduction statement above with respect to eliminating the words “premature conversion”.

**April 1, 2008 Committee Preliminary Action:** The above draft amendments were approved by the Committee.

**Policy 2.2**

Agriculture lands protected through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs) as described in Policy 1.6. The protection measures for SSAs are set forth in Policies 1.6, 1.7, 1.10, and 1.17. In addition to protecting agriculture activities in SSAs within FSA, HSA, and WRA, as further described in Policies 3.1, 3.2 and 3.3, additional incentives are desired to retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards as described in Policy 1.5. Therefore, in lieu of using the Natural Resource Index on land designated Open, these lands shall be assigned two (2) Stewardship Credits per acre outside of the Area of Critical State Concern (ACSA), and two and sixth tenths (2.6) Credits per acre within the ACSC. All non-agriculture uses shall be removed and the remaining uses are limited to agriculture Land Use Levels 5, 6 and 7 on the Land Use Matrix. Following approval of an SSA, Collier County shall update the RLSA Zoning Overlay District Map to delineate the boundaries of the SSA.

**Public Input:**

1. More lands east of 29 into sending or protective status - this is ACSC land. [FWF]
2. Agriculture preservation in receiving areas - incentives? What is left after towns/villages are built? [FWF]
3. If the Committee genuinely wishes to adopt policies to encourage the preservation of meaningful Agricultural Lands for the future, these policies and incentives must reward the preservation of lands with substantive Agricultural value. The preservation of higher quality lands with the potential to produce citrus, row crops, or other high value horticultural crops in the future obviously should carry a higher incentive in development credits than minimally valuable grazing lands or pasture. Agricultural value alone should be the criteria. The location of many of these lands in Collier County is well established. In response to Mr. Jones' proposal, I do not believe that any credits should be granted for the preservation of Agricultural lands in the Area of Critical State Concern. These lands



are in environmentally sensitive areas and are under little development pressure. Most should never be intensively used and hold limited Agricultural value for the future.

In my opinion, a separate category of Agricultural Stewardship Sending Lands (ASSA) should be created. This could identify the difference between the Ag preservation effort and current SSA's which in practice are strictly environmental. Criteria for credits and goals should be separate. This need not be excessively complex, but should give the most reward to landowners who preserve the land with the most current and potential value to Agricultural uses, not natural resource value or conservation. This should be very acceptable and desirable to landowners as this rewards them the most for keeping the lands currently generating the most income.

Agriculture is currently very well defined and highly regulated by a myriad of state and federal agencies. Any RLSA Agricultural policies should not be crippled by additional environmental restrictions. In any RLSA Ag. program there should be no additional restrictions of any kind to any legitimate agricultural uses. Landowners should be able to capitalize on future technology. Intensity of use should not be restricted or frozen at current levels. Any RLSA must function within laws including best management practices. Regulation and restriction should be left to the law makers and regulatory agencies, not the environmental advocacy interests. The committee has serious work to do in the details of a viable Ag preservation incentive policy. I hope that all committee members will read, in detail the 2007 RLSA Program Annual Report to the legislature from DCA. This review outlines their concerns with the Collier County RLSA program and policies and defines issues and shortcomings that the committee surely must address. To develop an Ag policy that will be acceptable to DCA will no doubt be challenging simply because it will generate an additional inventory of development credits. It is most likely that DCA will be reluctant to endorse any policy that exacerbates their current stated concerns include the following:

- \* The maximum number of stewardship credits in the RLSA is not known and therefore the maximum development footprint cannot be determined.

- \* The Collier RLSA Plan has not established how many new towns and villages can be created.

- \* Spatial arrangement and extent of various land uses has not been addressed.

Fragmentation of both Environmental and Agricultural lands could make both unsustainable. The distribution pattern of Development as well as necessary buffers, greenbelts, or other provisions to preserve rural character have not been adequately addressed, putting it at risk.

The committee will ultimately have to address these issues, and most will have to be addressed en route to any functional and DCA-acceptable Agricultural incentive policy.

All of this must be accomplished in light of the elephant in the middle of the room, and that is the underlying land use in Collier County of 1 dwelling unit for five acres of land.

This density, although low, is the reason why only agricultural land with a high natural resource value has been preserved to date. All RLSA credits to date have been structured in a highly rewarded environmental context. A separate and well defined Ag policy, with similar incentives, is needed. To be acceptable, I am afraid this will require that the entire RLSA, at build out, be considered and better defined.

Is the committee willing and prepared to do this?

I look forward to discussing Group 2,3, and 5 Policies, however, in my opinion, the present Collier RLSA shortcomings and criticisms must be addressed before additional or new Agriculture policy (or for that matter, any other new policy ) can be created. I therefore propose to the Committee that a structured review and discussion of DCA

stated concerns be undertaken at this time. This should be done before any complex new policy is considered, or any new specific policy language is adopted. [Tim Nance]

4. Will there be a continuation of loss of agricultural acreage in the RLSA in the future? Agricultural Productive areas need to be preserved. [CCPC]
5. Establish new category of agriculture preserves; however, assure that the process does not set up a competition between conservation and agriculture preservation that would result in failure to protect natural resources. [We note that while conservation benefits have certainly accrued from the acres currently designated as Ag 1 and Ag 2, very few (~650 acres) have actually been categorized as Conservation.] [Defenders of Wildlife]

**Staff Comments: Major amendment.**

1. Staff can confirm that the average number of Stewardship Credits per acre assigned in SSAs 1-9 is approximately 2.0 credits per acre. The development of additional stewardship credit values within the Stewardship Credit Worksheet to support the voluntary retention of Agriculture-Group 1 lands for permanent open or agricultural uses will be required to support definitive language amendments to Policy 2.2. Given the shortage of staff to accomplish this analysis, the tight schedule of the Review Committee to accomplish the Phase 2 review, and the uncertainty of how a specific proposal would be received by the EAC, CCPC, and BCC, staff advises the Committee that there is not currently sufficient data and analysis to support the specific proposed language changes to Policy 2.2.

**April 1, 2008 Committee Preliminary Action (tabled):** The Committee tabled action on this item pending further review and discussion during the May 6 meeting. It was proposed by a Committee member that the 2.0 Stewardship Credits per acre incentive is proposed to be assigned on land outside the ACSA and 2.6 Stewardship Credits per acre is proposed to be assigned on land within the ACSC. The rationale given for the 2.0 Credits per acre was that the average number of credits per acre for the nine approved SSAs is 2.0.

**Policy 2.3**

~~Within one (1) year from the effective date of these amendments, Collier County will establish an Agriculture Advisory Council comprised of not less than five nor more than nine appointed representatives of the agriculture industry, to advise the BCC on matters relating to Agriculture. The Agriculture Advisory Council (AAC) will work to identify opportunities and prepare strategies to enhance and promote the continuance, expansion and diversification of agriculture in Collier County. The AAC will also identify barriers to the continuance, expansion and diversification of the agricultural industry and will prepare recommendations to eliminate or minimize such barriers in Collier County. The AAC will also assess whether exceptions from standards for business uses related to agriculture should be allowed under an administrative permit process and make recommendations to the BCC.~~

**Public Input:**

**Staff Comments:**

**April 1, 2008 Committee Preliminary Action (tabled):**

The Committee discussed the fact that the Agriculture Advisory Council was never created; that there was no overt interest to date to establish the AAC; and that there are many agricultural

interest groups and organizations already established which can initiate discussions and actions before local, state, and federal agencies and elected bodies relative to their agricultural interests.

**Policy 2.4**

~~The BCC will consider the recommendations of the AAC and facilitate the implementation of strategies and recommendations identified by the ACC that are determined to be appropriate. The BCC may adopt amendments to the LDC that implement policies that support agriculture activities.~~

**Public Input:**

**Staff Comments:**

**April 1, 2008 Committee Preliminary Action (tabled):** See discussion under Policy 2.3.

**Policy 2.5 3**

Agriculture is an important aspect of Collier County's quality of life and economic well-being. Agricultural activities shall be protected from duplicative regulation as provided by the Florida Right-to-Farm Act.

**Public Input:**

**Staff Comments:**

1. IF Policies 2.3 and 2.4 are recommended for deletion by the Committee, then current Policy 2.5 would become Policy 2.3.

**April 1, 2008 Committee Preliminary Action (tabled)**

**Policy 2.6 4**

Notwithstanding the special provisions of Policies 3.9 and 3.10, nothing herein or in the implementing LDRs, shall restrict lawful agricultural activities on lands within the RLSA that have not been placed into the Stewardship program.

**Public Input:**

**Staff Comments:**

1. IF Policies 2.3 and 2.4 are recommended for deletion by the Committee, then current Policy 2.6 would become Policy 2.4.

**April 1, 2008 Committee Preliminary Action (tabled)**

**Group 3 – Policies to protect water quality and quantity and maintain the natural water regime, as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flow way Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas, where lands are voluntarily included in the Rural Lands Stewardship Area program.**

### **Policy 3.1**

Protection of water quality and quantity, and the maintenance of the natural water regime shall occur through the establishment of Flowway Stewardship Areas (FSAs), as SSAs within the RLSA Overlay. FSAs are delineated on the Overlay Map and contain approximately 31,100 acres. FSAs are primarily privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the primary wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated FSAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that FSA lands score within a range of 0.7 to 2.4; approximately 96% score greater than 1.2 while 4% score 1.2 or less. The average Index score of FSA land is 1.8.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 3.2**

Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately 40,000 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HAS lands score within a range of 0.6 to 2.2. There are approximately ~~13,800~~ ????? acres of cleared agricultural fields located in HSAs. The average Index score of ~~HAS~~ HSA designated lands is 1.3, however, the average index score of the naturally vegetated areas within HSAs is 1.5.

**Public Input:**

**Staff Comments:**

1. [Comprehensive Planning staff]. The 13,800 acreage needs to be recalculated due to possible acreage changes which would result from the approval of Growth Management Plan amendments CP-2006-09 and CP-2006-10 expected in late 2008 or early 2009. Additionally, HSA acreage was added between Transmission and Adoption of the RLSA

and needs to be updated. Staff will proceed to determine the current and correct acreage amount. "HAS" [resulted from a "spell check"] error and needs to be changed to "HSA".

2. [Environmental staff] Protection of listed species and wildlife habitat from intense land uses is one of the requirements in the Growth Management statutes. The HSAs were delineated to protect listed species and their habitat. During the first 5 years of the RLSA program there have been several instances of listed species in Open areas. The HSAs alone do not provide adequate protection to listed species. Additionally the 2002 definition of panther habitat is very limited compared to the habitat valuation matrix utilized by USFWS now.

**Committee Action:**

**Policy 3.3**

Further protection for surface water quality and quantity shall be through the establishment of Water Retention Areas (WRAs), as SSAs within the RLSA Overlay. WRAs are delineated on the Overlay Map and contain approximately 18,200 acres. WRAs are privately owned lands that have been permitted by the South Florida Water Management District to function as agricultural water retention areas. In many instances, these WRAs consist of native wetland or upland vegetation; in other cases they are excavated water bodies or may contain exotic vegetation. The Overlay provides an incentive to permanently protect WRAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated WRAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that WRA lands score within a range of 0.6 to 2.4; approximately 74% score greater than 1.2 while 26% score 1.2 or less. The average Index score of WRA land is 1.5.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 3.4**

Public and private conservation areas exist in the RLSA and serve to protect natural resources. Corkscrew Marsh and Okaloacoochee Slough State Forest include approximately 13,500 acres. Analysis shows that they score within an Index range of 0.0 to 2.2; with an average Index score of 1.5. Because these existing public areas, and any private conservation areas, are already protected, they are not delineated as SSAs and are not eligible to generate Credits, but do serve an important role in meeting the Goal of the RLSA.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 3.5**

Residential uses, General Conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs in exchange for compensation to the property owner as described in Policy 3.8. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of

1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas extraction in FSAs in order to minimize impacts to native habitats. Other layers may also be eliminated at the election of the property owner in exchange for compensation. The elimination of the Earth Mining layer shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within a FSA.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 3.6**

Residential Land Uses listed in the Matrix shall be eliminated in Habitat Stewardship Sending Areas in exchange for compensation to the property owner as described in Policy 3.8. Other layers may also be eliminated at the election of the property owner in exchange for compensation.

**Public Input:**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

**Staff Comments:**

**Committee Action:**

**Policy 3.7**

General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less. Asphaltic and concrete batch making plants are prohibited in all HSAs. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas Extraction in HSAs in order to minimize impacts to native habitats. In addition to the requirements imposed in the LDC for approval of a Conditional Use, such uses will only be approved upon submittal of an **EIS Environmental Impact Statement** (EIS) which demonstrates that clearing of native vegetation has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact aquifers. As an alternative to the

foregoing, the applicant may demonstrate that such use is an integral part of an approved restoration or mitigation program. Golf Course design, construction, and operation in any HSA shall comply with the best management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection. Compliance with the following standards shall be considered by Collier County as meeting the requirement for minimization of impact:

- Clearing of native vegetation shall not exceed 15% of the native vegetation on the parcel.
- Areas previously cleared shall be used preferentially to native vegetated areas.
- Buffering to Conservation Land shall comply with Policy 4.13.

**Public Input:**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

**Staff Comments:**

1. This is a clarification for the reader who may not know what "EIS" stands for as "EIS" is used extensively throughout this portion of the RLSA Overlay.

**Committee Action:**

**Policy 3.8**

Compensation to the property owner may occur through one or more of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 3.9**

1. Agriculture will continue to be a permitted use and its supporting activities will continue to be permitted as conditional uses within FSAs and HSAs, pursuant to the Agriculture Group classifications described in the Matrix. The Ag 1 group includes row crops, citrus, specialty farms, horticulture, plant nurseries, improved pastures for grazing and ranching, aquaculture

and similar activities, including related agricultural support uses. In existing Ag 1 areas within FSAs and HSAs, all such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 1 will be allowed in FSAs and HSAs beyond existing or permitted limits within property subject to a credit transfer, except for incidental clearing as set forth in Paragraph 2 below.

2. In order to encourage viable Ag 1 activities, and to accommodate the ability to convert from one Ag 1 use to another, incidental clearing is allowed to join existing Ag 1 areas, square up existing farm fields, or provide access to or from other Ag 1 areas, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared, and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. Incidental clearing is defined as clearing that meets the above criteria and is limited to 1% of the area of the SSA. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

**Public Input:**

1. Review of the SSAs currently designated indicate that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval. [Conservancy]  
Note: Also related to policy 3.10

2. Provide incentive for organic farming for ag remaining in FSAs and HSAs [FWF]

**Staff Comments:**

1. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum.

**Committee Action:**

**Policy 3.10**

Ag 2 includes unimproved pastures for grazing and ranching, forestry and similar activities, including related agricultural support uses. In existing Ag 2 areas within FSAs and HSAs, such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 2 or conversion of Ag 2 to Ag 1 will be allowed in FSAs or HSAs beyond existing or permitted limits within property subject to a credit transfer.



**Public Input:**

1. The uses retained on lands, such as Ag 2, are not preservation lands yet they are proffered as such in subsequent development analysis. This then supports arguments to completely remove wetlands within the areas where development was to take place when in reality the ratios of natural set aside preservation lands were much smaller in comparison to the wetlands being destroyed if the Ag2 lands were excluded. While some A2 lands are in more natural states, the fact they are not truly conservation lands is misleading. [Mark Strain]

**Staff Comments:**

**Committee Action:**

**Policy 3.11**

In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Should a property owner be willing to dedicate land for restoration activities within the Camp Keais Strand FSA or contiguous HSAs, four additional Stewardship Credits shall be assigned for each acre of land so dedicated. An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs. The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with four additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.

**Public Input:**

1. Many acres within SSA's are Ag lands that have been used in the past for a variety of activities that have the potential to cause soil and water contamination. These uses include cattle dipping, petroleum spillage from wells and even solid waste disposal areas from hunting or remote camps. Since the SSA's are given credit for their environmental value a requirement for a clean environmental audit prior to the SSA's credit issuance on all property within the SSA should be mandatory. [Mark Strain]
2. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between

agricultural uses and restoration areas.

3. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented.
4. Incentives for restoring farm fields in receiving [Open] areas {FWF}
5. Better handle on potential credits and restoration credits that can be generated - too many credits. [FWF]
6. Why have credits been established to be awarded just for preparing a restoration plan that does not have to be implemented? [CCPC]
7. Restoration credits: credit should be generated only for actual restoration work, this could be a two step scale involving the start of restoration and meeting specified success criteria.[Defenders of Wildlife]

**Staff Comments:**

1. Any level of restoration or maintenance receives the same amount of credits. The credit value should be tied to the functional lift and there should be levels of credit that could be earned.
2. The management plan should include more than the 1 exotic plants listed by County Code (FLEPPC Category 1). Various other exotics have been observed.
3. The LDC should define more specific requirements on what management plans entail.
4. Restoration should be to a native habitat.

**Committee Action:**

**Policy 3.12**

Based on the data and analysis of the Study, FSAs, HSAs, WRAs, and existing public/private conservation land include the land appropriate and necessary to accomplish the Goal pertaining to natural resource protection. To further direct other uses away from and to provide additional incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand, all land within 500 feet of the delineated FSAs that comprise the Slough or Strand that is not otherwise included in a HSA or WRA shall receive the same natural index score (0.6) that a HSA receives if such property is designated as a SSA and retains only agricultural, recreational and/or conservation layers within the matrix.

**Public Input:**

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.
2. More upland buffers for Camp Keais Strand & OK Slough [FWF]

**Staff Comments:**

**Committee Action:**

**Policy 3.13**

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

**Public Input:**

1. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.

**Staff Comments:**

**Committee Action:**

**Policy 3.14**

During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Group 4 - Policies to enable conversion of rural lands to other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques by the establishment of Stewardship Receiving Areas.**

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 4.1**

Collier County will encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA. Collier County will also encourage development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of Stewardship Receiving Areas (SRAs). Incentives to encourage and support the diversification and vitality of the rural economy such as flexible development regulations, expedited permitting review, and targeted capital improvements shall be incorporated into the LDC Stewardship District.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 4.2**

All privately owned lands within the RLSA which meet the criteria set forth herein are eligible for designation as a SRA, except land delineated as a FSA, HSA, WRA or land that has been designated as a Stewardship Sending Area. Land proposed for SRA designation shall meet the suitability criteria and other standards described in Group 4 Policies. Due to the long-term vision of the RLSA Overlay, extending to a horizon year of 2025, and in accordance with the guidelines established in Chapter 163.3177(11) F.S., the specific location, size and composition of each SRA cannot and need not be predetermined in the GMP. In the RLSA Overlay, lands that are eligible to be designated as SRAs generally have similar physical attributes as they consist predominately of agriculture lands which have been cleared or otherwise altered for this purpose. Lands shown on the Overlay Map as eligible for SRA designation include approximately 74,500 acres outside of the ACSC and 18,300 acres within the ACSC. Approximately 2% of these lands achieve an Index score greater than 1.2. Because the Overlay requires SRAs to be compact, mixed-use and self sufficient in the provision of services, facilities and infrastructure, traditional locational standards normally applied to determine development suitability are not relevant or applicable to SRAs. Therefore the process for designating a SRA follows the principles of the Rural Lands Stewardship Act as further described herein.

**Public Input:**

1. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers.

Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. [Mark Strain]

2. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A maximum number of towns, villages, hamlets and CROs within the RLSA should also be explored.
3. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained.
4. Establish distances between villages and towns; and distance from Immokalee. [FWF]
5. There should be more guidance on where towns and villages can be located. As it is written now, it is possible to locate towns near each other with only a small buffer between which encourages sprall. Without planning, all the density will be located on the western portion of the RLSA. Ideally the towns should be spread out, with large agricultural areas between them. Maybe a maximum number of towns needs to be agreed upon (3?) and the general areas where these can be located indicated on a map. At a minimum, there needs to be more guidance provided as to where towns can be located and their buffering requirements. This will facilitate all types of future infrastructure planning by the County. [Judith Hushon]
6. Provide maps of build out scenarios. Further, just as natural resources are mapped, so should the areas most suitable for development. [Defenders of Wildlife]

**Staff Comments:**

**Committee Action:**

**Policy 4.3**

Land becomes designated as a SRA upon petition by a property owner to Collier County seeking such designation and the adoption of a resolution by the BCC granting the designation. The petition shall include a SRA master plan as described in Policy 4.5. The basis for approval shall be a finding of consistency with the policies of the Overlay, including required suitability criteria set forth herein, compliance with the LDC Stewardship District, and assurance that the applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses. Within one year from the effective date of this amendment, Collier County shall adopt LDC amendments to establish the procedures and submittal requirements for designation as a SRA, to include provisions for consideration of impacts, including environmental and public infrastructure

impacts, and provisions for public notice of and the opportunity for public participation in any consideration by the BCC of such a designation.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 4.4**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 4.5**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map.

**Public Input:**

1. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary.

**Staff Comments:**

**Committee Action:**

## **Policy 4.6**

SRA characteristics shall be based upon innovative planning and development strategies referenced in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(l). These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. Such development strategies are recognized as methods of discouraging urban sprawl.

**Public Input:**  
**Staff Comments:**  
**Committee Action:**

## **Policy 4.7**

There are four specific forms of SRA permitted within the Overlay. These are Towns, Villages, Hamlets, and Compact Rural Development (CRD). The Characteristics of Towns, Villages, Hamlets, and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, 4.7.3 and 4.7.4. Collier County shall establish more specific regulations, guidelines and standards within **the LDC Stewardship District to guide the design and development of SRAs** to include innovative planning and development strategies as set forth in Chapter 163.3177 (11), F.S. and OJ-5.006(5)(l). The size and base density of each form shall be consistent with the standards set forth on Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

### **Public Input:**

1. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or self sufficiency, then their allowance under the RLSA should be reconsidered. [Conservancy]

Note: Also related to the following policies 4.7.2, 4.7.3, 4.7.4, 4.16, 4.17, 4.18

2. No hamlets or "compact rural developments" compact rural development could be a "Coconut Point," - no cap on size of some types of CRDs. [FWF]

Note: Also related to policies 4.7.3, 4.7.4,

### **Staff Comments:**

### **Committee Action:**

## **Policy 4.7.1**

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character.

Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, ~~in a ratio as provided~~ described in Policy ~~4.15~~ 4.15.1. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

**Public Input:**

**Staff Comments:**

Policy 4.15 was deleted and replaced with new Policies 4.15.1, 4.15.2, and 4.15.3. The above amendments would harmonize Policy 4.7.1 with these three new policies.

**Committee Action:**

## **Policy 4.7.2**

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 4.7.3**

Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five-acre lot rural subdivisions currently allowed in the baseline standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Attachment C. Hamlets may be an appropriate location for pre-K through elementary schools. Design criteria for Hamlets shall be included in the LDC Stewardship District. To maintain a proportion of Hamlets



to Villages and Towns, not more than 5 Hamlets, in combination with CRDs of 100 acres or less, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional Hamlets, in combination with CRDs of 100 acres or less, may be approved for each subsequent Village or Town.

**Public Input:**

**Staff Comments:**

**Committee Action:**

## **Policy 4.7.4**

Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. A CRD may include, but is not required to have permanent residential housing and the services and facilities that support permanent residents. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that **are** necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required, **however**, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.

**Public Input:**

1. Compact Rural Developments (CRDs) seem to be too loosely designated and could provide a loophole for increased development in areas that are already built up. A CRD of 100 acres or less seems to be a meaningless designation and it is my belief that this type of development could be dropped. [Judith Hushon]

**Staff Comments:** The word underlined was inadvertently not included in this sentence and should be added. Additionally, the correction of the sentence structure above is proposed.

**Committee Action:**

## **Policy 4.8**

An SRA may be contiguous to a FSA or HSA, but shall not encroach into such areas, and shall buffer such areas as described in Policy 4.13. A SRA may be contiguous to and served by a WRA without requiring the WRA to be designated as a SRA in accordance with Policy 3.12 and 3.13.

**Public Input:**

1. Buffers from wildlife habitat were established at distances that did not adequately address hydrologic impacts. The hydrological impacts of agricultural uses are far different than the uses of a town or village and these need to be better understood to assure no impacts to surrounding wetlands. Agricultural control elevations should be compared for compatibility with changes brought on by development. [Mark Strain] Note: Also relates to Policy 4.12 and 4.13
2. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment. Note: Also relates to Policy 4.12 and 4.13
3. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies. Note: Also relates to Policy 4.12 and 4.13

**Staff Comments:**

1. Buffer requirements for FSAs and HSAs for adjacent SRAs allow open space uses such as required yards and lakes immediately adjacent to them. There should be a minimum buffer with no area of impact. Note: Also relates to Policy 4.12 and 4.13

**Committee Action:**

**Policy 4.9**

A SRA must contain sufficient suitable land to accommodate the planned development in an environmentally acceptable manner. The primary means of directing development away from wetlands and critical habitat is the prohibition of locating SRAs in FSAs, HSAs, and WRAs. To further direct development away from wetlands and critical habitat, residential, commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within a SRA shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. In addition, conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. The Index value of greater than 1.2 represents those areas that have a high natural resource value as measured pursuant to Policy 1.8. Less than 2% of potential SRA land achieves an Index score of greater than 1.2.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.10**

Within the RLSA Overlay, open space, which by definition shall include public and private conservation lands, underdeveloped areas of designated SSAs, agriculture, water retention and management areas and recreation uses, will continue to be the dominant land use. Therefore, open space adequate to serve the forecasted population and uses within the SRA is provided. To ensure that SRA residents have such areas proximate to their homes, open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, Village, or those CRDs exceeding 100 acres. Lands within a SRA greater than one acre with Index values of greater than 1.2 shall be retained as open space. As an incentive to encourage open space, such uses within a SRA, located outside of the ACSC, exceeding the required thirty-five percent shall not be required to consume Stewardship Credits.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.11**

The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose. Where existing agricultural activity adjoins a SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.12**

Where a SRA adjoins a FSA, HSA, WRA or existing public or private conservation land delineated on the Overlay Map, best management and planning practices shall be applied to minimize adverse impacts to such lands. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the adjacent FSA, HSA, WRA or conservation land. Detention and control elevations shall be established to protect such natural areas and be consistent with surrounding land and project control elevations and water tables.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.13**

Open space within or contiguous to a SRA shall be used to provide a buffer between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the Overlay Map. Open space contiguous to or within 300 feet of the boundary of a FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required yard and set-back areas, and other natural or man-made open space. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area

south of Immokalee Road, this open space buffer shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 4.14**

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis.

**Public Input:**

1. Vesting issues and concurrency were not adequately addressed and as a result separate developer contribution agreements are being created that provide excessive development rights beyond those contemplated in the original SRA.DCA's should not be allowed until an SRA is approved in order to better understand the impacts from the SRA. [Mark Strain]
2. An analysis is needed to determine how is the long range transportation plan is coordinated with the transportation needs plan and the transportation financially feasible plan for this area. Using the 5-year modeling of the GMP is inadequate for an area the size of the RLSA and we should be analyzing the SRA's on their impact to the 30-year build out study.[Mark Strain]

**Staff Comments:**

1. [Transportation Division] Provide for direct connections between traffic-generating developments so as to reduce travel time, travel expenses, improve interconnectivity, and to keep the use of county arterial roads to a minimum when traveling between developments in the RLSA.

**Committee Action:**

**Policy 4.15.1**

SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, 4.7.3, 4.7.4 and Attachment C. An appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community wide needs of residents of the RLSA. Depending on the size, scale, and character of a SRA, such uses may be provided either within the specific SRA, within other SRAs in the RLSA or within the Immokalee Urban Area. By example, each Village or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses, however, the combined population of several Villages and Hamlets may be required to support community scaled retail or

office uses in a nearby Town. Standards for the minimum amount of non-residential uses in each category are set forth in Attachment C, and shall be also included in the Stewardship LDC District.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.15.2**

The Board of County Commissioners (BCC) may, as a condition of approval and adoption of an SRA development, require that suitable areas for parks, schools, and other public facilities be set aside, improved, and/or dedicated for public use. When the BCC requires such a set aside for one or more public facilities, the set aside shall be subject to the same provisions of the LDC as are applicable to public facility dedications required as a condition for PUD rezoning.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.15.3**

Applicants for SRA designation shall coordinate with Collier County School Board staff to allow planning to occur to accommodate any impacts to the public schools as a result of the SRA. As a part of the SRA application, the following information shall be provided:

1. Number of residential units by type;
2. An estimate of the number of school-aged children for each type of school impacted (elementary, middle, high school); and
3. The potential for locating a public educational facility or facilities within the SRA, and the size of any sites that may be dedicated, or otherwise made available for a public educational facility.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 4.16.**

A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided by the developer concurrently with the demand if the infrastructure is not scheduled for improvements. The level of infrastructure provided will depend on the form of SRA development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. Transportation infrastructure is discussed in Policy 4.14. Centralized or decentralized community water and wastewater utilities are required in Towns, Villages, and those CRDs exceeding one hundred (100) acres in size, and may be required in CRDs that are one hundred (100) acres or less in size, depending upon the permitted uses approved within the CRD. Centralized or

decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community Development District, the Immokalee Water Sewer Service District, Collier County, or other governmental entity. Innovative alternative water and wastewater treatment systems such as decentralized community treatment systems shall not be prohibited by this policy provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD of 100 acres are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.

**Public Input:**

1. Impacts on certain elements of regional infrastructure were not given adequate analysis. Hurricane evacuation and shelters space, health care facilities and affordable housing as example, were not adequately addressed and minimum standards should be considered as guidelines for SRA approval. [Mark Strain]
2. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. [Mark Strain]
3. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts. [Conservancy]
4. As it is universally recognized that the wide-scale use of septic systems as a long term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval. [Conservancy]
5. New roads and road improvements including potential 1-75 interchange must be included [FWF]
6. Each new development should have to identify traffic contributions, water usage and other resource requirements at the time they are being planned. You may want to consider the changes in these variables from agriculture to increased density. [Judith Hushon]

**Staff Comments:**

1. [Transportation] Interconnectivity between traffic generating developments in SRAs is consistent with **Policy 7.3** of the Future Land Use Element of the Growth Management Plan which states: "All new existing developments shall be encouraged to connect their streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type."

**Committee Action:**

**Policy 4.17**

The BCC will review and approve SRA designation applications in accordance with the provisions of Policy 1.1.2 of the Capital Improvement Element of the GMP for Category A public facilities. Final local development orders will be approved within a SRA designated by the BCC in accordance with the Concurrency Management System of the GMP and LDC in effect at the time of final local development order approval.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 4.18**

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

**Public Input:**

1. Fiscal impact analysis model (FIAM) minimum standards should be no less than minimum county wide standards as a conservative approach until historic data is acquired. This will provide the maximum protection to the taxpayers. The analysis needs to be revisited and the development provided corrections made every year and include accurate absorption rates, traffic capture rates and sales demographics, all of which have significant effects on the outcome of the FIAM. [Mark Strain]

2. Water storage areas that SFWMD allowed for Ag are allowed to be used for development storm water as well, yet these areas were not required to be included in development acreages nor analysis provided to determine effects of this additional use. This occurs for many uses within the developmental areas, thus making it appear as though development is using less acreage when in fact the impacts from development may cause changes to the water quality and quantity in land that is not part of the SRA. [Mark Strain]

**Staff Comments:**

This Policy language should be modified to reflect the language which is already included in LDC Section, 4.08.07 K.L.2 and LDC Section 4.08.07 K.L.3 as copied below from the LDC.

- **LDC Section, 4.08.07 K. L. 2.** – “Monitoring requirement, To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact

analysis report (“Report”) every five (5) years until the SRA is ninety percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.”

- **LDC Section, 4.08.07 K. L. 3.** – “Imposition of Special Assessments. If the Report identifies a negative fiscal impact of the project to a unit of local government referenced above, the landowner will accede to a special assessment on his property to offset such a shortfall or in the alternative make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall for a period covering the previous phase (or five year interval). The BCC may grant a waiver to accommodate affordable housing.”

**Committee Action:**

**Policy 4.19**

Eight Credits shall be required for each acre of land included in a SRA, except for open space in excess of the required thirty-five percent as described in Policy 4.10 or for land that is designated for a public benefit use described in Policy 4.19. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation entitles a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of a SRA, as provided for in Policies 4.7, ~~4.15~~ 4.15.1 and Attachment C. Such uses shall be identified, located and quantified in the SRA master plan.

**Public Input:**

1. The conversion ratio used to create Stewardship Credits should have been reviewed and applied in a model as the maximum scenario for development. The averages that were used understated the growth potential. Future adjustments should be based on a maximum impact analysis to assure a conservative approach for taxpayers. [Mark Strain]

**Staff Comments:** Policy 4.15 was deleted and Policy 4.15.1 is now the correct reference.

**Committee Action:**

**Policy 4.20**

The acreage of a public benefit use shall not count toward the maximum acreage limits described in Policy 4.7. For the purpose of this policy, public benefit uses include: public schools (preK-12) and public or private post secondary institutions, including ancillary uses; community parks exceeding the minimum acreage requirements of Attachment C, municipal golf courses; regional parks; and governmental facilities excluding essential services as defined in the LDC. The location of public schools shall be coordinated with the Collier County School Board, based on the interlocal agreement 163.3177 F.S. and in a manner consistent with 235.193 F.S. Schools and related ancillary uses shall be encouraged to locate in or proximate to Towns, Villages, and Hamlets subject to applicable zoning and permitting requirements.

**Public Input:**

1. In order to ensure that the maximum size of a town is limited to 4,000 acres, the Conservancy believes that all town uses, including schools and universities, should be incorporated into the maximum 4,000 acre footprint.



2. Why is acreage for “Public Benefit” not included within the overall acreage calculation for any SRA [CCPC]

**Staff Comments:**

**Committee Action:**

**Policy 4.21**

Lands within the ACSC that meet all SRA criteria shall also be restricted such that credits used to entitle a SRA in the ACSC must be generated exclusively from SSAs within the ACSC. Further, the only form of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be Hamlets and CRDs of 100 acres or less and the only form of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be Villages and CRDs of not more than 300 acres and Hamlets. Provided, however, that two Villages or CRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment as a result of mining operations, shall be allowed in areas that have a frontage on State Road 29 and that, as of the effective date of these amendments, had been predominantly cleared as a result of Ag Group I or Earth Mining or Processing Uses. This policy is intended to assure that the RLSA Overlay is not used to increase the development potential within the ACSC but instead is used to promote a more compact form of development as an alternative to the Baseline Standards already allowed within the ACSC. No policy of the RLSA Overlay shall take precedence over the Big Cypress ACSC regulations and all regulations therein shall apply.

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Comments received that are not clearly associated with existing policies so therefore would require drafting new Group 4 policies.**

1. Tie transportation planning to conservation goals

**Group 5 - Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program.**

**Public Input:**

**Staff Comments:**

**Committee Action:**

**Policy 5.1**

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program. Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

**Public Input:**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

**Staff Comments:**

**Committee Action:**

**Policy 5.2**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are within the ACSC, all ACSC regulatory standards shall apply, including those that strictly limit non-agricultural clearing.

**Public Input:**  
**Staff Comments:**  
**Committee Action:**

### **Policy 5.3**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are not within the ACSC, if a property owner proposes to utilize such land for a non-agricultural purpose under the Baseline Standards referenced in Policy 1.5 and does not elect to use the Overlay, the following regulations are applicable, shall be incorporated into the LDC, and shall supercede any comparable existing County regulations that would otherwise apply. These regulations shall only apply to non-agricultural use of land prior to its inclusion in the Overlay system:

1. Site clearing and alteration shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.
2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.
3. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.
4. An Environmental Impact Statement shall be prepared by the applicant and reviewed by Collier County in accordance with County regulations.
5. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent structures.

**Public Input:**  
**Staff Comments:**  
**Committee Action:**

### **Policy 5.4**

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate.

**Public Input:**

1. Stronger language for wildlife underpasses and a map of locations [FWF]
2. Panther deaths on 846 are mentioned, but not those on Rte 29 or 41 east, which are many. [Judith Hushon]

**Staff Comments:**  
**Committee Action:**

### **Policy 5.5**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away

from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered.
2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
  - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.
    - i. The following references shall be used, as appropriate, to prepare the required management plans:
      1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
      2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
      3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
      4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
      5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
    - ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
    - iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
  - b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher

- tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
- c. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - e. For the red-cockaded woodpecker *Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
  - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.
  - g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Gold courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.

- h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
- 3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species.

It is recognized that these agency recommendations, on a case by case basis, may change the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan.

**Public Input:**

**Staff Comments:**

**Committee Action:**

### **Policy 5.6**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

- 1. There are two (2) major wetlands systems within the RLSA, Camp Keais, Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA's. Policy 5.1 prohibits certain uses within the FSA's, thus preserving and protecting the wetlands functions within those wetland systems.
- 2. The other significant wetlands within the RLSA are WRA's as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
- 3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
  - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
    - i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used to

- determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
- ii. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site. Wetland flowway functions through the project shall be maintained.
  - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydroperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.
- b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.
  - c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
  - d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
  - e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed ed. Wetland buffers shall conform to the following standards:
    - i. The buffer shall be measured landward from the approved jurisdictional line.
    - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
    - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
    - iv. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
      - (1) Passive recreational areas, boardwalks and recreational shelters;

- (2) Pervious nature trails;
  - (3) Water management structures;
  - (4) Mitigation areas;
  - (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
- v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.  
Mitigation Requirements:
    - i. “No net loss of wetland functions” shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA’s and HSA’s.
    - ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.
    - iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.
    - iv. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.
  - g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

**Public Input:**

- 1. The actual ability to develop in the RLSA under the standard zoning did not include an analysis of what amount of non-jurisdictional lands could actually be permitted. This produced a false sense of urgency to protect environmentally sensitive land that in reality may never have been allowed to be improved. Even as 5 or 10 acre home sites, the ability to infringe upon wetlands is limited. [Mark Strain]

**Staff Comments:** Minor correction.



1. Currently there are no buffer requirements to FSAs, HSAs or WRAs if the project is going through base-line standards, besides the standard 25' for wetlands. Recommend some type of buffer -commercial excavation has no minimum setback to an FSA/HSA. Policy 5.6

**Committee Action:**

**Comments received that are not clearly associated with existing policies so therefore would require drafting new Group 5 policies.**

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.

**The following comments received are related to the RLSA processes, procedures, application requirements, and design guidelines and standards as set forth in the Land Development Code 4.08.00. These comments are attached for record retention and should be considered during the time of the LDC amendment process.**

1. SSA approval is not subject to EAC or CCPC review only BCC. SRA approval occurs via EAC, CCPC and BCC process, as should have been provided for SSA approval. [Mark Strain]
2. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary. [Mark Strain]
3. Require exotic clearing and ongoing management/maintenance for designated stewardship sending lands. [FWF]
4. My particular concern is that, as currently implemented, the RLSA program SSAs and SRAs do not come before the Environmental Advisory Committee. These projects are too complex for the Board of County Commissioners to assess without timely inputs from the EAC on relevant environmental issues. [Judith Hushon]
5. No exotic removal and maintenance is required for SSA designation. Staff has observed substantial amounts of exotic pest plants, and are concerned that their growth will continue to decrease the habitat value in the years to come. The presence of high concentrations of exotic plants in the sub-canopy has long been recognized as deleterious to native species, both plants and animals. This would not be a concern where management of the exotics were part of a restoration plan. [Environmental staff]
6. [Further define] Procedures for recording and handling changes in ownership of SSA lands [FWF]
7. When sold who is responsible for carrying out SSA obligations [FWF]
8. Allow non-native, non-invasive plantings if beneficial to wildlife [FWF]
8. What requirements are in place for the maintenance of areas that have been restored in SSAs? [CCPC]
9. Specific criteria for lighting standards still need to be evaluated and established in order to reduce the impact of urban lighting on wildlife and habitat areas. As Ave Maria and other towns begin to develop; standards must be in place to ensure a minimum of glow to the rural area. [Conservancy]
10. Need for Smoke [air] easements [FWF]
11. Explore Dark Skies [FWF]
12. Need for Buffers and language to address human-panther/bear/other wildlife encounters

13. Need for buffering between communities by natural features and agriculture. Need for buffering of natural areas by low intensity uses. [Defenders of Wildlife]
14. Policy should be developed on coexisting with wildlife, preventing conflicts with wildlife, responsible homeowner practices tailored to this region, and community contracts with businesses such as waste disposal services.[Defenders of Wildlife]
15. All new developments in the RLSA should be required to use dark sky guidelines or provide what their maximum illumination will be. It is a rural characteristic that could be of value to many people.[Environmental staff]
16. [Environmental Staff] In addition to the FSA and HSA areas the NRI score was intended to protect important natural resources. The NRI score was not intended to specifically provide protection for listed species, it is intended to direct development away from important natural resources. The NRI score necessary to prevent conversion to high intensity uses is 1.3. In the "Open Areas" only areas with panthers and other listed species or panthers in wetlands with muck soils will score an NRI of 1.3 or greater. The weighting is inadequate for the NRI alone to contribute significantly to natural resource protection.

The listed species that depend on large amounts of dry prairie like sand hill cranes, burrowing owls, and caracara now utilize pasture lands and fallow areas also. Although some of these areas were included as HSAs the NRI scoring is not weighted to provide protection outside of Stewardship or ACSC areas.

To provide protection to the areas providing significant habitat value to listed species in Open areas we suggest changing the scoring to :

- Endangered species with other listed species 0.9;
- Endangered species or Threatened and other listed species 0.8;
- Threatened species, Eagle nest, or rookery 0.7; and
- Species of Special Concern 0.6.

To provide some flexibility to property owners and benefit to listed species mitigation of areas with NRI values greater than 1.3 can occur off-site in similar habitat or restoration areas within or contiguous to Camp Keais or Okaloacoochee sloughs at a ratio of at least 1:1 with a management plan and conservation easement.