



STATE OF FLORIDA

DEPARTMENT OF COMMUNITY AFFAIRS

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Secretary

May 14, 2008

APPENDIX FF RECEIVED
MAY 13 2008
Board of County Commissioners
For your file.
cc: Committee
6-3-08
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The Honorable Jim Coletta
Commissioner, District 5
Board of Collier County Commissioners
3301 East Tamiami Trail
Naples, Florida 34112-4977

Re: Rural Lands Stewardship Area

Dear Commissioner Coletta:

Thank you for your February 8, 2008, letter which offered your observations on the Collier rural lands program and the Department's proposed Rural Lands Stewardship Area (RLSA) rule. Your observations are appreciated. However, I must respond to some of the statements in your letter.

As you know, the Collier County rural lands program is not subject to Florida's RLSA statute, and it will not be subject to the Department's rule. The Collier program was initiated prior to the adoption of the RLSA statute, and it was not reviewed by the Department pursuant to the provisions of the RLSA statute. Nevertheless, because the Collier County program is a pioneering rural lands planning program, Department staff has spent considerable time in studying both the strengths and weaknesses of the Collier program. The Department and others can benefit from the lessons learned from the Collier experience.

However, the Department's proposed rule does not, and is not intended to, implement the Collier County rural lands program. Rather, as required by law, the Department's proposed rule implements Florida's RLSA statute. There are significant differences between Collier County's program and the RLSA statute, which has been amended numerous times since its adoption in 2001. Indeed, if reviewed under the RLSA statute, the Collier program, as currently adopted, would not be found in compliance with the RLSA statute. Therefore, the Department's RLSA rule will not mirror the Collier program.

cc: Joe Schmitt
Bill Lorenz

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The Collier rural lands program arose out of and is based on the unique circumstances of Collier County. The Department faces a much bigger challenge. We have the difficult task of developing a program and a rule which can be applied statewide. Unlike the Collier program, which commendably involved multiple landowners in the comprehensive planning of the County's 200,000 acres of eastern rural lands, the RLSA statute has regrettably evolved into a process whereby single landowners of tracts of land as small as 10,000 acres can utilize the RLSA process. This piecemeal approach to a county's rural lands creates issues that were not present in Collier's comprehensive approach. Of necessity, this requires the Department to establish some standards and guidelines which may not have been necessary in Collier County. After all, we can hardly allow a new town on every 10,000 acres of rural/agricultural land. Also, the RLSA statute itself contains standards and requirements that did not apply to Collier County.

Your letter makes three specific criticisms of the Department's proposed rule. First, you state "that community participation and collaboration" do not appear to be a part of the Department's draft rule. The Department's draft rule does not preclude such participation and collaboration, and local governments have the power to establish such processes at the local level. More importantly, the Department's is also developing a RLSA procedural rule which will address community participation and a collaborative process involving state, regional, and local agencies.

Second, you state that the proposed rule lacks incentives and "seems over regulatory." Both the RLSA statute and the Department's RLSA rule, once adopted, are regulations as a matter of law. However, the rule will provide abundant incentives, namely, substantial new development rights and flexibility as to when and where those rights are exercised.

Third, in criticizing the Department's proposed rule, you state that "the limitation of economic development to agriculturally related business seems impossibly restrictive." The Department's proposed rule contains no such restriction. In fact, like the Collier program, it allows for the development of new towns similar to those of Ave Maria. In fact, some of the new town provisions in the Department's proposed rule were borrowed from the Collier County rural lands program. In addition to allowing the development of new towns, the Department's proposed rule also allows for agriculturally related development in designated agricultural areas as one would expect.

The Department's draft rule is a work in progress. To solicit and receive public input, the Department has held several public workshops and numerous meetings with stakeholders to develop the proposed rule. Additionally, the Department has received voluminous written comments. After assessing this public input, the Department will soon be issuing a revised rule.

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Again, thank you for your interest and your comments.

Sincerely yours,

A handwritten signature in cursive script that reads "Tom Pelham".

Thomas G. Pelham
Secretary

TGP/rd

cc: Members of Board of Collier County Commissioners

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