



COLLIER COUNTY MANAGER'S OFFICE

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March 24, 2008

Secretary Thomas G. Pelham
Florida Department of Community Affairs
2555 Shurmard Oak Blvd.
Tallahassee, FL 32399-2100

Re: Rural Land Stewardship Area Program 2007 Annual Report to the Legislature

Dear Secretary Pelham:

This is to provide our input on the assessment of the Collier County Rural Land Stewardship Program as articulated in the DCA's Rural Land Stewardship (RLS) 2007 Annual Report to the Legislature.

Summary Conclusion

The DCA assessment displays a negative bias toward what has proven to be an innovative and successful rural growth management strategy, which DCA found in compliance pursuant to the requirements of "The Collier County Rural and Agricultural Area Assessment" as mandated by the June 22, 1999 Final Order.

Findings

1. Many of the findings cited in the report simply are not based on fact. As examples:
 - The report determines that the Collier program is not protecting and conserving agriculture land. First, it must be understood that, as virtually 100% of potential receiving areas are currently in agricultural use, any conversion will be at the expense of agricultural land. However, stewardship credit generation quite often results in permanent preservation of agricultural uses in other areas. In fact, Collier County has now preserved in perpetuity nearly 25,000 acres of agricultural land, including 5,260 acres for citrus and row crops and 19,034 acres for cattle, in just the first five years of the program.
 - The cited amount of land converted from agricultural uses to non-agricultural uses in the DCA's Annual Report to the Legislature is in error. The Report claims "over 6,000" acres having been converted from agricultural uses to non-agricultural uses, however, the County's Technical Report has found the total number of agricultural acres converted between 2002 and 2007 as a result of RLS to be 5,058, principally for the Town of Ave Maria and Ave Maria University.
 - It is also important to note that the statute specifically allows for the "conversion of rural lands to other uses...through the application of innovative and flexible planning and development strategies." The 5,000 acres that have been approved for development clearly follow this directive, as well as the Growth Management Plan (GMP) amendments adopted pursuant to the State of Florida Administration Commission's June 22, 1999 Final Order which were found in compliance by the DCA.

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- The population estimate included in the report may be overstated, as it is based on "preliminary findings" of the Collier County planning staff that are not achievable. As one example, the model applies restoration credit potential to pristine lands that do not qualify for such credits.
 - The report characterizes the Collier system as "extremely complex" and suggests that it would be "difficult and expensive for smaller rural counties with limited resources to implement and monitor." Although the program uses many variables and conditions to precisely establish the credit value of the land, its modeling is done with simple multiplication. Tracking and use of the program is now done on a simple spreadsheet format that details each sending area, agricultural uses, credits assigned and credits used. An updated version of the spreadsheet is available on the County website.
- 2. Rather than focusing on the full spectrum of evaluative criteria established in the statute, the report addresses only a few.**
- The statute includes six criteria to further the broad principles of rural sustainability, specifically: restoration and maintenance of the economic value of rural land; control of urban sprawl; identification and protection of ecosystems, habitats, and natural resources; promotion of rural economic activity; maintenance of the viability of Florida's agricultural economy; and protection of the character of rural areas of Florida. The DCA report, however, chooses to focus on a much shorter list. Unmentioned are the positive economic impacts of RLS, garnered from the investment in infrastructure, affordable and work force housing, services and educational and recreational facilities in Eastern Collier County; they are without precedent.
 - The DCA report cites as a failure the fact that some three-quarters of sending areas are located in the Big Cypress Swamp Area of Critical State Concern. In fact, the Collier program intentionally places the greatest value on lands that are most environmentally significant. In so doing, the program is preserving forever natural resource lands deemed important to the state, at no cost to the taxpayer. The Collier County RLS program is in stark contrast to the State of Florida's expensive purchase of the Babcock Ranch in Charlotte and Lee Counties which was borne by all the taxpayers in the State of Florida. Obviously the owners of the Babcock Ranch property could have availed themselves of the RLS statutory program at no cost to the taxpayer. Collier County's RLS program is the most innovative of fiscally responsible RLS programs which demonstrates that local government can achieve sound growth management under the existing statute. Moreover, Collier County has adopted a financially feasible Capital Improvements Element while maintaining the concurrency management system requirements set forth in section 163.3180, F.S.
 - The report also concludes that the 93,000-acre area eligible for designation as receiving areas "is the exact opposite of the plan to direct growth to the most suitable areas," apparently because of its magnitude. In fact, the referenced area comprises less than half of the total 196,000-acre RLS area and has been shown by data and analysis to be the most suitable for future development. This statistic, in addition to other parameters in the plan that protect flow way systems, critical habitat areas, and water retention areas, does direct growth to the "most suitable areas." Furthermore, the Florida Department of Community Affairs critique of the Collier County RLS program is without merit as the assessment criticizes DCA's own Notice of Intent which found the Collier County RLS program Growth Management Plan amendments in compliance with the State of Florida Administration Commission's June 22, 1999 Final Order.

3. The report is in stark contrast to every other assessment of the Collier County program.

- Recent and independent reports including the Department-funded report from Florida State University (2007) and the Collier County Government report (2008) have provided factual and objective assessments of the program that are positive.
- Land planning and environmental groups alike have applauded the Collier RLS program. Included are prestigious awards from 1,000 Friends of Florida, the Governor's Council on a Sustainable Florida and the Florida Chapter of the American Planning Association.

Recommendation

From our perspective, it seems clear that an objective re-evaluation of the Collier County program is necessary if the DCA Report to the Legislature is to provide a fair and productive assessment of the Collier RLS program and its potential for the rural lands of Florida. We would welcome the opportunity to provide DCA with assistance in this regard.

Sincerely,



James V. Mudd
County Manager
Collier County

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