Florida
Department
of
Community
Affairs



# Rural Land Stewardship Area Program 2007 Annual Report to the Legislature

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# Introduction

his report is the Department's first annual report to the Legislature regarding the implementation of the Rural Land Stuwardship Area (RLSA) program as required by s. 163.317 (11)(d)8, Florida Statutes.

The RLSA program was established in 2001 under s. 163.3177(11)(d), Florida Statutes. Since then, the Statute has been amended four times, in 2002, 2004, 2005, and 2006. St. Lucie County adopted the first and so far the only RLSA comprehensive plan amendment under the statute in 2006. Prior to enactment of the statute, Collier County initiated a rural lands program for its eastern rural lands to meet the requirements of a Final Order of the Administration Commission. The Collier program is not subject to the requirements of the RLSA statute. Two other counties, Osceola and Highlands, have initiated the process for designating RLSAs. Several other counties and large landowners have expressed an interest in the program.

The RLSA program provides an alternative, incentivebased planning process for conserving agricultural and environmentally sensitive lands. As the name of the RLSA statute indicates, the emphasis is on stewardship. The goal of the program is to further each of the following principles of rural sustainability:

- restoration and maintenance of the economic value of rural land;
- control of urban sprawl;
- identification and protection of ecosystems, habitats, and natural resources;
- 4. promotion of rural economic activity;
- maintenance of the viability of Florida's agriculture;
   and
- 6. protection of the character of rural areas of Florida.
- (s. 163.3177(11)(d) F.S.):

Thus, any development permitted in a RLSA to restore and

maintain the economic value of rural land must also further the other principles of rural sustainability.

These principles are also reflected in the concurrently enacted "Rural and Family Lands Protection Act" in Chapter 570.70, Florida Statutes, which provides the following legislative findings that are consistent with the intent of the Rural Land Stewardship Area program:

- "(1) A thriving rural economy with a strong agricultural base, healthy natural environment, and viable rural communities is an essential part of Florida. Rural areas also include the largest remaining intact ecosystems and best examples of remaining wildlife habitats as well as a majority of privately owned land targeted by local, state, and federal agencies for natural-resource protection.
- (2) The growth of Florida's population can result in agricultural and rural lands being converted into residential or commercial development.
- (3) The agricultural, rural, natural-resource, and commodity values of rural lands are vital to the state's economy, productivity, rural heritage, and quality of life.
- (4) The Legislature further recognizes the need for enhancing the ability of rural landowners to obtain economic value from their property, protecting rural character, controlling urban sprawl, and providing necessary open space for agriculture and the natural environment, and the importance of maintaining and protecting Florida's rural economy through innovative planning and development strategies in rural areas and the use of incentives that reward landowners for good stewardship of land and natural resources."

The RLSA program is required to utilize innovative planning strategies that allow appropriate, well planned development while conserving rural/agricultural and environmentally sensitive lands and protecting them from urban sprawl. The primary method is to allow rural landowners to voluntarily transfer stewardship credits from sending areas, i.e., lands identified as having resources worthy of protection, to receiving areas, i.e., lands

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identified as more suitable for development. Once lands have been designated as sending areas, the agricultural and natural resources on these lands are protected from future development by way of permanent stewardship easements that run with the land in perpetuity.

The RLSA program has great potential for protecting farmland, conserving natural resources, and ensuring our rural landscapes are available for future generations to use and enjoy. It also presents many challenges, including the challenge of fundamentally redirecting how development occurs in rural areas.

The successful implementation of the RLSA program is especially important for the state's agricultural economy. Agriculture is one of Florida's leading industries, producing a total economic impact of \$97.8 billion. Agricultural lands cover ten million acres in Florida. Yet agriculture is under threat from urbanization, exotic pests, and global competition. In the last decade, about 500,000 acres have been converted from agriculture to other uses, including urban sprawl. According to the Commissioner of Agriculture Charles Bronson, "Perhaps the most significant long-term challenge for many sectors of Florida agriculture is the loss of agricultural lands from conversion to development or into public ownership for conservation." (July 24, 2006 Letter to Speaker Marco Rubio)

Achieving the laudable goals of the RLSA program requires effective implementation of the statutory requirements. In

particular, it is essential that priority be given to all of the statutory principles of rural sustainability and not just to the maximization of development potential at the expense of the other principles. Development is an integral part of the RLSA concept, but the type, amount, and location of development must be compatible with the statutory principles of rural sustainability.

To date, experience with the RLSA concept has been limited to the pre-RLSA statute Collier program and the St. Lucie RLSA. The critical review of the Collier and St. Lucie experiences in this report is not intended to disparage these two programs. On the contrary, it is recognized that these are pioneering programs which have broken new ground in rural planning. We can learn from these experiences. On the other hand, while each of these programs have some commendable features, neither of them, taken as a whole, is an acceptable model for achieving all of the statutory goals.

Both programs raise concerns which must be satisfactorily addressed if the RLSA program is to achieve its goals, especially those relating to the conservation of agricultural lands and the maintenance of rural economies. Some of those concerns are listed in the discussions of the two programs in this report. The Department intends to address these concerns in the RLSA rule currently under development.

# **Legislative History**

he original RLSA statute was enacted in 2001. It authorized up to five pilot projects with a minimum RLSA size of 50,000 acres and a maximum size of 250,000 acres. The program was to be monitored by the Department by providing annual reports to the legislature and the program was not to be extended until its success had been demonstrated.

In 2002, the requirement for consistency with s. 163.3187 F.S., which includes the requirement for internal consistency and financial feasibility, was added.

In 2004, the pilot status was removed even though no RLSAs had been adopted and the success of the program in meeting the legislative intent of rural sustainability had not been evaluated. The application process was streamlined including an exemption of the RLSA plan amendments from the twice per year limitation on plan amendments. The minimum size threshold was reduced from 50,000

acres to 10,000 acres and the maximum size threshold was removed.

In 2005, development in a RLSA was exempted from the development of regional impact process if certain other planning steps were followed. Language regarding stewardship credits was modified to require the establishment of a methodology and assurance that the credits would enable the long term vision and goals for the 25-year or greater projected population of the RLSA. The assignment of higher credits to open space and agricultural lands was specifically addressed.

In 2006, language regarding the creation of stewardship credits was further modified to take into account the anticipated effect of the proposed receiving areas.

A more detailed review of the legislative history is provided in Attachment 1.

# Department RLSA Implementation Activities

he Department has taken the following steps in 2007 to implement the Rural Land Stewardship Area program:

- 1. As required by the RLSA statute, the Department has established a process to authorize designation of a rural land stewardship area that includes site visits, technical assistance, requirements for public participation, and clarification of the requirements to initiate a RLSA plan amendment. The process is included in Attachment 2.
- 2. The original 2001 RLSA statute contemplated rule-making to implement RLSAs. In 2007, the Department initiated rulemaking. Two rule development workshops were held on July 19, 2007 and September 24, 2007. The Department will issue its draft proposed rule for public comment in the very near future.
- 3. The Department has established a Rural Lands State Interagency Technical Advisory Group which consists of representatives from the Department of Agriculture and Consumer Services, Department of Environmental Protection, Florida Fish and Wildlife Conservation Commission, South Florida Water Management District, Southwest Florida Water Management District, Central Florida Regional Planning Council, and the Department of Transportation. The members will provide the Department with technical expertise and advice in evaluating proposed RLSA designations and RLSA comprehensive plan amendments.
- 4. The Department has established a Rural and Natural Resources Planning Section within the agency's Division of Community Planning to provide technical assistance and guidance to rural communities with

- regard to the RLSA program and other rural planning techniques.
- 5. The Department has conducted an active public outreach program to inform local governments, landowners, and other stakeholders about the RLSA program. The Department's Secretary has made presentations about RLSA at several regional forums and at a forum for state agency officials in Tallahassee. Department staff has participated in local RLSA workshops in Highlands County and Manatee County and have held numerous meetings with representatives of local governments and landowners to discuss potential RLSA proposals.
- 6. The Department has targeted its technical assistance funds for rural counties and areas of the state where RLSA proposals are most likely to originate. As part of this effort, the Department has provided funding to support a regional visioning process initiated by the Central Florida Regional Planning Council in the Florida Heartland where there are numerous potential RLSAs.
- 7. The Department has received notices of intent to designate RLSAs in Osceola County and Highlands County. After evaluating the proposals, the Department authorized designation of a RLSA in Osceola County and in Highlands County. The two countes and the affected landowners are now considering whether and how to proceed.
- The Department has analyzed and evaluated the Collier County rural lands program and the St. Lucie RLSA, each of which is discussed in this report.

# Collier County Rural Lands Program

#### Background

Collier County's RLSA was adopted in 2002 in response to a Final Order of the Administration Commission in 1999. The program was commenced prior to the enactment of the RLSA statute, was not subject to the requirements of the statute, and was not reviewed by the Department for consistency with the RLSA statute. Nevertheless, because

some people advocate the Collier program as a model for RLSA implementation, the Department has evaluated this program.

#### Geography and Land Use

A commendable feature of the Collier RLSA program is that it is large-scale. The RLSA contains 195,846 acres

of which approximately 182,000 acres were in private ownership. The RLSA is located in eastern Collier County along the northern county boundary shared with Hendry and Lee counties. Within Collier County, it is located east of the Corkscrew Swamp Sanctuary and Golden Gate Estates. It is located on the northwest corner of the Big Cypress Swamp Area of Critical State Concern (ACSC), and 63,700 acres (33%) of the RLSA are within the boundaries of the ACSC. The RLSA is separated from the Naples urban area by extensive rural and natural resource areas and by Golden Gate Estates. However, the Immokalee urban area is an enclave in the center of the RLSA. The exclusion of Immokalee precludes the transfer of stewardship credits to



Figure 1: Collier County Rural Lands Stewardship Area

this existing development area. Figure 1 shows the RLSA within Collier County.

Most of the lands were in agricultural use when the RLSA was established as shown in the following Table 1.

Table 1: Agricultural Lands in Collier RLSA in 2000

Type of Agriculture	Acres
Citrus	39,034
Row Crops	36,037
Water Retention Areas	19,155
Pasture	16,273
Grazing Leases	63,616
Specialty Farms/other	2,497
Total Agriculture Acres	176,612

A large portion of the agricultural lands included significant wildlife habitat for listed species. Wetlands covered 74,586 acres of the RLSA, including both private and publicly owned lands and overlapping with some of the agricultural lands.

The majority of the more intensely farmed lands surround Immokalee. This area is known as the Immokalee Rise. Areas to the east, west, and south of Immokalee are lower in elevation and contain the majority of the wetlands. The lands now in agriculture surrounding Immokalee are the most environmentally suitable for agriculture as well as urban development because of the relative lack of wetlands and wildlife habitat compared to other lands within the RLSA.

## Collier County RLSA Elements

An important element of the RLSA is determining what lands should be protected through the designation of sending areas and what lands might be developed through the designation of receiving areas. In order to accomplish this, land areas within the RLSA were broadly grouped into five categories: Flowway Stewardship Areas, Habitat Stewardship Areas, Water Retention Areas, Public Conservation Areas, and Open Areas. Open Areas consisting of mostly agricultural lands having lower environmental value covered 92,800 acres or 51% of the private lands in the RLSA. Development receiving areas may be located anywhere within this very large Open Area and are not allowed in the other categories. In other words, the Open Areas which include the more intensely farmed lands constitute the land areas

eligible for development through the receipt of transferred stewardship credits whereas lands with higher environmental values are not eligible to become receiving areas. See Figure 2.

Sending areas may be established throughout the RLSA. There are no requirements to cluster sending areas to ensure the protection of larger areas or ensure geographic connections. This can result in a patchwork quilt pattern of protected and unprotected areas. Further, sending areas are not required to be adjacent to receiving areas which will eventually receive the stewardship credits or have any geographic relationship to the receiving area. This allows for lands surrounding receiving areas to develop out at the underlying land use in a low-density sprawl pattern.

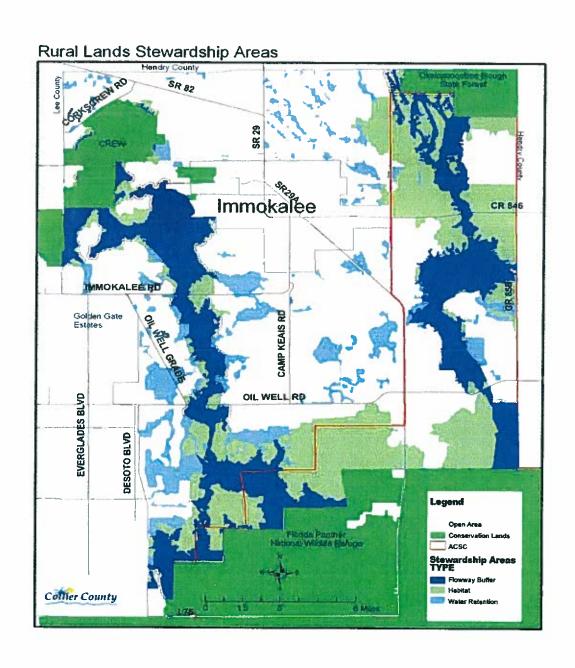
The assignment of stewardship credits to create incentives for the establishment of sending areas is a very detailed and complex multi-step process utilizing a geographic information system. The process is established by multiple policies and a worksheet in the adopted plan. The factors that are used to calculate the amount of stewardship credits for proposed sending areas include the natural resource attributes; the land use rights that will remain on the sending area; restoration opportunities and ongoing restoration and land use management commitments; and early bonus credits available during the first five years of the program.

The Collier system is extremely complex. There are over twenty general attributes that are evaluated for every acre of land in the RLSA. Similar in complexity are the land use rights or "layers" that must be removed from a sending area in order to receive credits. There are seven separate and distinct land use layers. The landowner chooses how many land use layers will be removed. The more layers removed, the more stewardship credits earned and the removal of layers and creation of credits can happen multiple times. For example, a sending area may remove residential uses but keep institutional uses, or remove residential and institutional but keep recreational, including golf courses and then at a later time remove recreational uses. In most cases however, sending areas have removed all land use layers down to one of the agricultural layers. Attachment 3 provides additional details on this process,

The stewardship credit assignment process creates substantial incentives for land parcels with high natural resource values to become sending areas. Thus far, the credit values assigned are over five times the density value of the underlying land use. This results in a greater amount of develop-

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Figure 2: Collier Rural Land Stewardship Areas



It has not been demonstrated that such a high incentive is necessary to ensure voluntary participation, nor has it been demonstrated that the larger amount of development allowed would be compatible with the long term conservation of rural resources, including rural character.

For agricultural lands with less natural resource value, there is a disincentive to become a sending area since the resulting credit value would create less density for transfer than the underlying land use. Most of the 92,800 acres of Open Areas designated as eligible for receiving areas have a disincentive to become sending areas. Instead, these Open Areas that are mostly in agricultural use have the converse incentive to become either a receiving area or to develop at the underlying land use of one dwelling unit per five acres. In this respect, the Collier program is not protecting and conserving agricultural lands.

During the initial planning process and in Collier RLSA Policy 2.1, it was anticipated that stewardship receiving areas would only consume 9 to 10 % of the private landholdings in the RLSA In other words, the spatial extent of new development or the development footprint would be about 16,800 acres. This would be controlled in part by the total amount of stewardship credits possible throughout the RLSA. However, prior to adoption of the plan amendment, several revisions allowed for an increase in the total number of stewardship credits which in turn increased the amount of acres that could be designated as receiving areas. The maximum number of stewardship credits in the RLSA is not known and thus the maximum potential development footprint cannot be determined. However, the nine sending areas created thus far compose 24,372 acres and could enable up to 7,507 acres in receiving areas or 24% of the amount of acreage designated as sending and receiving areas. It is also worth noting that the two Stewardship Districts enacted by the Legislature in 2004 include a total of 32,506 acres or about twice the acreage initially contemplated for the total development footprint.

The spatial extent as well as the distribution or pattern of development within a RLSA is important with regard to the impacts on surrounding rural lands and the fragmentation of rural resources including wildlife habitat and farmlands. The larger the footprint and the more developments encroachinto and carve up the rural landscape, the greater the impact

on rural resources, including agriculture.

The development footprint of receiving areas does not include the potential for development of the underlying use. The underlying use in Collier County is one dwelling unit per five acres and as noted, this density exceeds the incentive provided for many agricultural lands under the RLSA. Thus, it is allowable and possible that farmlands in the RLSA that do not participate in the program may develop out at the underlying use of one dwelling unit per five acres, promulgating a low-density sprawl pattern surrounding the developed receiving areas.

The number of potential stewardship credits also has implications for the potential number of dwelling units, population, and non-residential development that could occur in the RLSA. The original estimate by the county was for 36,466 dwelling units which would house a population of about 87,000 persons. However, this estimate was not based on the maximum allowable densities and did not consider the subsequent increase in stewardship credit creation. Several projections of ultimate RLSA population are possible including one estimate by Collier County planning staff of 389,193 people. A more conservative estimate would be 200,000 persons. It is questionable whether this very large amount of development is consistent with rural sustainability including maintaining the viability of agriculture.

Forms of development within the Collier County receiving areas include:

Towns ranging in size from 1,000 to 4,000 acres (1,000 to 16,000 dwelling units: 2,000 to 40,000 residents); villages ranging in size from 100 to 1,000 acres; hamlets ranging in size from 40 to 100 acres; and "compact rural development." The maximum density for a town is 4 dwelling units per gross acre. The non-residential requirements are not supported by data and analysis showing an appropriate balance of uses. Other than the towns, it is unlikely that these developments would be sustainable communities in terms of providing an adequate balance of living, working, shopping, civic, recreation, and other uses. There is no requirement

http://www.colliergov.net/modules/ShowDocument.aspx?documentid=830

<sup>&</sup>lt;sup>1</sup> 2005 Build-Out Study Attachment A in the East of County Road 951 Infrastructure and Services Horizon Study Preliminary Report downloaded from Collier County Website on December 17, 2007.

that these areas be functionally related to the surrounding rural economy and are more likely to be linked to the Naples urban area. Other areas, especially the compact rural developments which provide for low-density suburban style residential, may promote sprawl and the fragmentation of the rural landscape.

under the Collier RLSA program, large developments are required to undergo Development of Regional Impact review. Policies in the comprehensive plan require provision for adequate public facilities and services.

The Collier Plan has not established how many new towns and villages can be created in the RLSA. The only limit is a maximum of 5 hamlets or compact development areas per each town or village. In one study, the County planning staff forecast the possibility of 5 towns, 18 villages, and over 10 hamlets and compact rural developments associated with these towns and villages. If it is conservatively estimated that 22,500 acres of receiving areas can be created, then it is very possible that 4 to 5 towns and several villages may be created along with some hamlets and compact rural developments. The number of separate development types depends on the size of the town or village which can vary substantially as indicated earlier.

#### **Current Status**

Nine sending areas have been approved. The following Table 2 shows the RLSA land attributes for these sending areas. Figure 3 shows the location of the sending areas as well as the one approved receiving area, Ave Maria, and two pending sending areas. It is worthwhile noting that the sending areas are for the most part geographically separate from the Ave Maria receiving area. Sending areas numbered 1 through 6 enabled the Ave Maria receiving area. Sending areas 7 through 9 have not yet been used. Table 3 shows the land uses that remain on the nine sending areas.

The nine designated sending areas have relatively higher environmental values although a significant portion of the land is used or available for lower intensity agriculture, such as ranching. For the most part, low intensity agriculture will be allowed to continue on these lands under the stewardship easements. Wetland and habitat restoration has occurred on 3,344.5 acres. Also of note is that 18,116.7 acres (74%) of the designated sending areas are within the Big Cypress Swamp Area of Critical State Concern, which already provided additional protections to these lands. There are 7

**Table 2: Sending Area Attributes** 

Land Type	Acres
Flowway Stewardship Area	8,876.7
Habitat Stewardship Area	12,860.8
Water Retention Area	43.5
Open Area	2,591.8
Total SSA Lands	24,372.8

**Table 3: Sending Area Land Uses** 

Land Type Layer Remaining	Acres
Agriculture 1	5,288.6
Agriculture 2	18,382.5
Conservation	651.3
Mining	50.1

additional sending areas that are currently pending. Figure 4 shows these areas.

One receiving area, the new town of Ave Maria, has been approved and is under development at this time. Ave Maria has the distinction of having a new university which will provide an economic base. Ave Maria contains 5,027 acres and is approved for 11,000 residential dwelling units, 690,000 square feet of retail, 510,000 square feet of office, 400 hotel rooms, 6,000 student dormitories, 450 assisted living units, 148,500 square feet of civic and community uses, and 35,000 square feet of medical and educational uses.

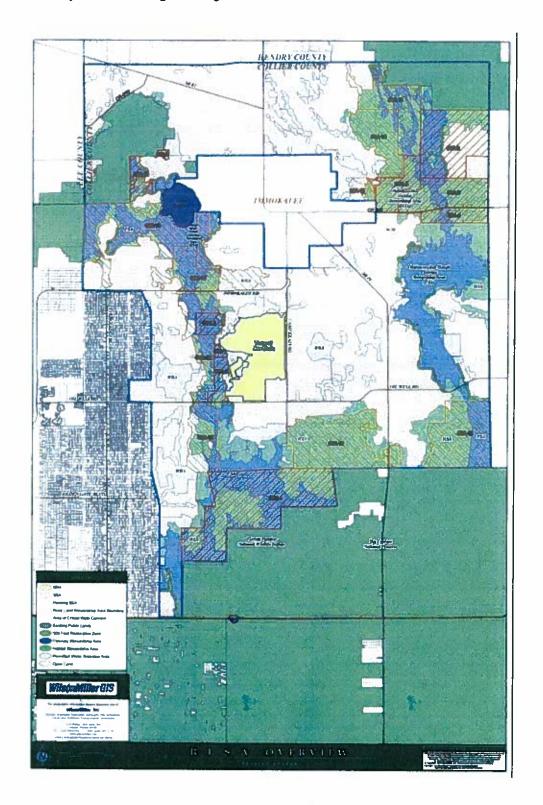
Most of the existing uses on the Ave Maria site that are being converted to urban uses were agriculture, including 3,357 acres of row crops, 583 acres of improved pasture, 327 acres of sod farms, and 133 acres of fallow crop land. Thus, over 87% of the receiving area was agricultural land.

A second receiving area named Big Cypress, located east of Ave Maria, is pending. The pre-application for the Development of Regional Impact indicates that it would cover 3,612 acres including 8,997 dwelling units, 831,000 square feet of retail, 496,530 square feet of light industrial, 858,330 square feet of office, and 500 hotel rooms. Current land cover includes 1,908 acres of row crops, 317 acres of other cropland and pasture, 293 acres of improved pasture, 79 acres of fallow cropland, and other various agricultural uses. Thus, about 72% of the receiving area is agriculture land.

Figure 3: Collier County RLSA Status Map



Figure 4 Collier County RLSA Pending Sending Area



Finally, the Collier RLSA is currently undergoing a five year evaluation by the County as required by plan policy.

# Successes and Failures in Furthering Rural Sustainability in Collier County

- 1. Approximately 24,000 acres have been designated as sending areas and the majority of these lands have highly valued environmental features. Most of these sending areas will allow lower intensity agricultural activities which should be compatible with the existing environmental resources. Sending areas pending approval total about 30,000 acres.
- 2. About 18,000 acres of the approved sending areas are located in the Big Cypress Swamp Area of Critical Concern and most are far removed from development pressures. Therefore, the benefits of protecting these lands are not as great as it might be if the lands were under the threat of development.
- 3. Despite the inclusion of statements in the plan amendment that agricultural should be protected, the Collier RLSA was not designed to protect agricultural lands from conversion to urban development. Over 6,000 acres of the more intensely farmed agricultural lands are being planned for conversion to urban uses in the approved Ave Maria and proposed Big Cypress new towns alone.
- 4. The more productive agricultural lands have a disincentive to become sending areas or continue in agriculture. The continued availability of the underlying land use allows for the development of low-density ranchette development and sprawl.

- 5. The ultimate total amount and geographic extent or footprint of development in the RLSA cannot be determined and there are practically no standards guiding the distribution of development areas. The large 93,000 acre area eligible for designation of receiving areas, which also allows the conversion of land uses to the underlying low-density uses, is the exact opposite of a plan to direct growth to the most suitable areas. This may lead to fragmentation of natural areas, wildlife habitat, and agricultural areas. The overall rural character of the area is under threat from the potentially large amount of urban development.
- 6. The compatibility of new urban development with the surrounding rural landscape has not been well addressed in terms of buffer requirements, greenbelts, or other provisions for the spatial arrangement and separation of urban areas across the rural landscape.
- 7. Although the plan requires the provision of public facilities and services, the availability of adequate water supply was not evaluated in the plan amendment for the amount of development that may occur in the RLSA.
- 8. Transportation corridors connecting to the receiving areas may promote further urban sprawl as well as possibly fragment the rural landscape.
- 9. The complexity and flexibility inherent in the Collier County approach makes it difficult to comprehend how the program works let alone forecast or plan for future development scenarios. It would be difficult and expensive for smaller rural counties with limited resources to implement and monitor such a complex program.

# St. Lucie County RLSA (Adams Ranch / Cloud Grove)

#### **Background and Geography**

The St. Lucie County RLSA was adopted on September 12, 2006 and became effective in December 2006. Compared to Collier County's much more comprehensive approval, the St. Lucic County RLSA is small scale. The RLSA is only 22,384 acres in size with the distinguishing feature that it is composed of two non-contiguous land areas: Adams Ranch, which contains 16,466 acres, and Cloud Grove, which contains 5,918 acres. <sup>2</sup> These parcels are located about three miles apart in the eastern agricultural area of the county.

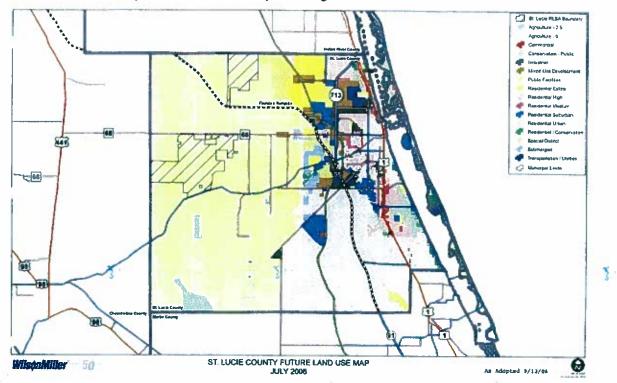
It is important to note that Cloud Grove, the anticipated receiving area for a new town, is located on the border with Indian River County. Also, the landownership for Cloud Grove extends into Indian River County, although this portion is not part of the St. Lucie RLSA. See Figure 5.

Cloud Grove is a citrus grove that has been infected with citrus canker. Adams Ranch is predominately a cattle ranch and also includes some citrus and other rural uses.

The St. Lucie RLSA was reviewed and approved by the Department in 2006. However, an examination of the



Figure 5: St. Lucie County Future Land Use Map showing the two RLSAs



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Department's files indicates that the plan amendment did not receive a thorough review in terms of RLSA statutory goals and purposes. Also, the review did not thoroughly evaluate the issue of urban sprawl including whether there was a demonstrated need for additional urban uses in St. Lucie County. The agency files do not contain any analysis of projected population growth to support the amount of development approved for the RLSA.

# St. Lucie County RLSA Elements

The St. Lucie RLSA plan amendment is similar in design to the Collier RLSA in several respects. Land areas within the RLSA were broadly categorized into four categories: Water Retention Area, Hydrologic Stewardship Areas, Habitat Stewardship Areas, and Open Areas.

Open Areas consisting of mostly agricultural lands having lower environmental value covered 9,222 acres or 41% of the RLSA. Receiving areas can occur anywhere within these Open Area designations. Cloud Grove is designated as an Open Area, with the exception of a large water retention area. See Figure 6.

The establishment of stewardship credits for sending areas is a very detailed and complex multi-step process utilizing a geographic information system very similar to the Collier RLSA; however there are some significant differences. The major differences include increased credits for agricultural lands, credit allowances for "cultural heritage," and no additional credits for early participation.

Also, credits for environmental restoration are strengthened by requiring the completion of restoration that meets specified criteria. Additional credits are also provided for wildlife corridors and interconnected environmental systems.

Like the Collier County system, the St. Lucie RLSA methodology is very complex. There are over twenty general attributes that are evaluated for every acre of land in the RLSA; however they have been categorized and ranked somewhat differently than in Collier County. Similar in complexity are the land use "layers" that can be removed from a sending area in order to receive credits. There are six separate and distinct land use layers that may be removed. The land use layer definitions are similar but not identical to the layers in Collier County. One difference of note is the allowance of sod farming and telecommunication towers in the low-intensity agricultural layer that reduces its compat-

ibility with some natural resource features inclu Ting wildlife habitat.

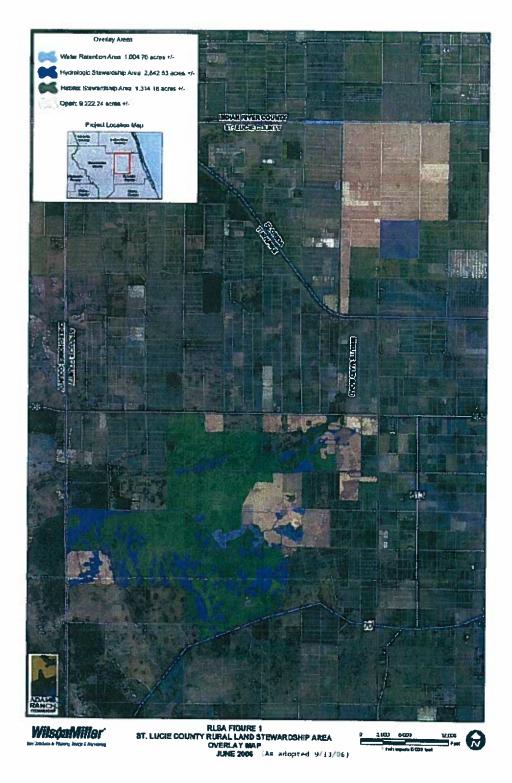
St. Lucie Policy 1.5 states that "credits are create of from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses." This policy appears to require that all development uses including the first four layers, i.e., residential, general conditional, earth mining and processing, and recreational uses, must be removed to establish a sending area. This approach would ensure that credits are created only when agriculture, open spa C e, or conservation uses are protected in perpetuity. However other St. Lucie Policies create some ambiguity as to whether this is the case. Policy 1.10 explains the land use layer removal process and Policy 3.4 describes the "removal of one or more land use layers." St. Lucie County has not adopted implementing land use regulations that would clarify this issue and the currently pending sending area application does not address this issue. Attachment 4 provides the St. Lucie

One important distinguishing feature of the St. Lucie RLSA is that, unlike Collier County, it has limited the total amount of residential dwelling units that can be built in receiving areas to 13,428. Presumably, this is linked to the total amount of stewardship credits that can be earned through the designation of sending areas; however, there is no information on the total amount of stewardship credits possible. Apparently, no analysis showing a need for any additional development capacity in St. Lucie County during the planning period of the County comprehensive plan was submitted to the Department, and there is no known planning basis for the 13,428 dwelling units. The amount of non-residential development is based on established ratios of square feet per dwelling unit and under the adopted plan could exceed six million square feet.

Further, although there is a numerical cap on the number of dwelling units in the RLSA, there is no policy cap on the spatial extent or footprint of the development area. However, it is likely that the footprint will be between 25 and 36 percent of the RLSA since the current Adams Ranch sending area application would covert about 1,000 acres of the otherwise eligible receiving area acreage to a sending area. The underlying uses can also be developed at one dwelling unit per five acres for areas not designated as sending areas.

Forms of development within receiving areas include:

Figure 6: St. Lucie RLSA Areas



Towns ranging in size from 1,000 to 5,000 acres (2,000 to 12,500 dwelling units: 4,000 to 31,000 residents); villages ranging in size from 500 to 1,000 acres; and compact rural development. These development forms are somewhat altered from the Collier RLSA without explanation. A major difference is the reduction in maximum density for towns. The Collier maximum density is 4 dwelling units per gross acre whereas the St. Lucie maximum density is 2.5 dwelling units per gross acre. Thus, the developments in St. Lucie County are much more limited in density and less likely to achieve a critical mass of sustainability as well as being less energy efficient. The non-residential requirements are not supported by data and analysis showing an appropriate balance of uses. It has not been demonstrated that these developments would be sustainable communities in terms of providing an adequate balance of living, working, shopping, civic, recreation, and other uses. There is no requirement that these areas be functionally related to the surrounding rural economy. Other areas, especially the compact rural developments may simply manifest low-density residential sprawl.

#### **Current Status**

Applications are pending for the first sending (Adams Ranch) and receiving areas (Cloud Grove). The county has raised application sufficiency issues and decision making is apparently hampered by the lack of detailed definitions and criteria for some stewardship credit calculations. The following information is based on the initial application materials and is subject to revision.

The initial application for the Adams Ranch sending area included 11,886 acres on two non-contiguous parcels. The larger parcel contains 11,691 acres and the smaller parcel contains 195 acres. The following Table 4 shows the RLSA land attributes for this proposed sending area. Of these acres, 8,455 acres will remove all land uses down to Agricultural Group 2 uses which allow ranching and other lower

**Table 4: Adams Ranch Sending Area Attributes** 

Land Use	Acres
Habitat Stewardship Area 🤫	8,281.4
Hydrologic Stewardship Area	2,278.2
Water Retention Area	268.2
Open Area	1,058.6
Total	11,886.4

intensity agricultural uses as well as sod farming. Another 3,431 acres will remove all land uses down to Agriculture Group 1 uses which allow more intense agricultural activities including crops and citrus. Approximately 35,000 credits will be earned allowing the development of 5,000 acres, enabling the planned development of regional impact at the Cloud Grove receiving area. These credits equate to a transfer of about one dwelling unit per sending acre or about five times the underlying land use density of 1 dwelling unit per five acres (0.2 dwelling units per acre). No analysis was provided that indicated that such a high credit incentive was necessary for the RLSA to operate.

The designation of this initial sending area will leave about 2,886 acres of open lands within the Adams Ranch parcel which can be designated for receiving or sending areas and about 1,674 acres that could become sending areas.

An application for a development of regional impact for the Cloud Grove receiving area has been initiated. The application includes 12,000 residential dwelling units and over three million square feet of non-residential development on 5,944 acres. <sup>3</sup> Current plans contemplate the expansion of roadways extending north into Indian River County and eventually connecting to a new Interstate 95 interchange at Oslo Road. The Cloud Grove receiving area would constitute 24% of the RLSA (excludes the water retention area).

# Successes and Failures in Furthering Rural Sustainability in St. Lucie County

- Compared to Collier County, agricultural lands have an improved incentive to become sending areas and continue in agriculture. However, the complexity of the credit assignment system makes it difficult to determine the amount of the incentive. Additionally, even though these additional incentives exist, agricultural lands may still become receiving areas. Cloud Grove, most of which is agricultural lands, is slated for conversion to urban uses.
- The geographic extent or footprint of development in the RLSA could range between 25 to 36 percent of the RLSA.

<sup>3</sup> The St. Lucie RLSA plan amendment indicated an estimate of 5,918 acres for Cloud Grove which has been updated in the planning process for the Development of Regional Impact.

- 3. There are no provisions to separate development areas from each other through the use of greenbelts, and low-density sprawl is likely to occur on the lands surrounding the development areas. This is a particular problem with the St. Lucie RLSA because it is split into two non-contiguous parcels and surrounded by agricultural lands with no additional protection. Within the RLSA, the continued availability of the underlying land (one residential unit per five acres) use can promote further sprawl.
- 4. The allowance of one of the parcels (Cloud Grove) to be non-contiguous and smaller than the 10,000 acre threshold appears contrary to the statute. The creation of multiple separate parcels that are smaller than the threshold could result in an increasingly complicated system and unnecessarily fragment the rural landscape.
- 5. The agricultural lands surrounding the Cloud Grove new town could be particularly vulnerable to urban sprawl development, including adjoining lands in Indian River County to the north. The proposed extension of a roadway in Cloud Grove north into Indian River County that would connect to a new Interstate 95 interchange would increase development pressures in that portion of rural Indian River County.
- 6. The great complexity and flexibility of the St. Lucie County approach makes it difficult to comprehend how the program works let alone forecast or plan for future development scenarios. It would be difficult and expensive for smaller rural counties to implement and monitor such a complex program.
- Transportation corridors connecting to the receiving areas may promote further urban sprawl as well as possibly fragment the rural landscape.
- 8. The allowance of sod farming in the low-intensity agricultural layer is incompatible with the protection of some natural resources that would otherwise co-exist with low-intensity agriculture.
- No analysis of projected population growth and need was submitted to the Department to support the amount of approved development which appears to be arbitrary.

# Attachments

# Attachment 1: Detailed Legislative History

A rural land stewardship pilot program was enacted by the Legislature in 2001, including the following provisions:

- Grant the Department the authority to authorize up to five local governments to designate RLSAs;
- Establish Legislative intent that RLSAs shall further the following principles of rural sustainability:
  - · 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;
- Provisions for local government application to the Department and a written agreement between the Department and local government;
- A minimum size of 50,000 acres and a maximum size of 250,000 acres to be established outside of municipalities and
  established urban growth boundaries;
- Designation of the RLSA by comprehensive plan amendment including:
  - compliance review by the Department subject to s. 163.3184, F.S.;
  - criteria for designation of receiving areas;
  - · goals, objectives, and policies setting forth innovative planning and development strategies;
  - a process for implementation of those strategies through the land development regulations;
  - · a process encouraging visioning; and
  - · the control of sprawl;
- Designation of a receiving area through a land development regulation;
- Assignment of transferable rural land use credits to the RLSA corresponding to the 25-year or greater projected population of the RLSA;
  - · Specific limitation on the use of the credits included:
    - an allowance that credits may be assigned at different ratios, with the highest number of credits per acre assigned to preserve environmentally valuable land and a lesser number of credits to be assigned to open space and agricultural land; and
    - establishment of a covenant or restrictive easement to protect lands that benefit from sending credits to receiving areas;
- Optional incentives for participating landowners;
- Requirement for annual reports to the Legislature and the following intent statement:
  - "It is further the intent of the Legislature that the success of authorized rural land stewardship areas be substantiated before implementation occurs on a statewide basis;" and

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Provisions allowing the Department to adopt necessary rules.

In 2002, the Legislature adopted a local government certification program, and within the body of that legislation was a reference to rural land stewardship that reaffirmed that plan amendments must be reviewed for compliance pursuant to s. 163.3184 and 163.3187 Florida Statutes, as follows:

"163.3246(9)(b) Plan amendments that change the boundaries of the certification area; propose a rural land stewardship area pursuant to s. 163.3177(11)(d); propose an optional sector plan pursuant to s. 163.3245; propose a school facilities element; update a comprehensive plan based on an evaluation and appraisal report; impact lands outside the certification boundary; implement new statutory requirements that require specific comprehensive plan amendments; or increase hurricane evacuation times or the need for shelter capacity on lands within the coastal high hazard area shall be reviewed pursuant to ss. 163.3184 and 163.3187."

In 2004, the Legislature amended the rural land stewardship program by:

- Eliminating the pilot status by removing the limit of five RLSAs and allowing implementation on a statewide basis;
- Increasing technical assistance from state agencies;
- Allowing for multi-county RLSAs;
- Replacing the application process and required written agreement between the Department and the local government with a notification process which must:
  - occur in conjunction with a regional planning council, a stakeholder organization of private land owners, or another local government; and
  - · describe the basis for the designation;
- Reducing the minimum size threshold from 50,000 acres to 10,000 acres and eliminating the maximum size threshold;
- Clarifying how credits are to be assigned; and
- Exempting a rural land stewardship amendment from the twice per year limitation on plan amendments.

In 2005, the Legislature further amended the rural land stewardship program by:

- Establishing an exemption to the development of regional impact program under Section 380.06(24) Florida Statutes if the local government has entered into a binding agreement with jurisdictions that would be impacted and the Department of Transportation regarding the mitigation of impacts on state and regional transportation facilities, and has adopted a proportionate share methodology pursuant to s. 163.3180(16);
- Requiring adequate available workforce housing;
- Requiring a listed species survey and protection of listed species at the time that receiving areas are designated;
- Replacing the assignment of a certain number of credits to an area with the requirement to "establish the methodology for the creation, conveyance, and use of" credits;
- Replace the requirement that transferable land use credits correspond to the 25-year or greater projected population of
  the rural land stewardship area with the requirement to enable the realization of the long term vision and goals for the
  25-year or greater projected population of the rural land stewardship area; and

 Providing for the assignment of greater credits in locations where the retention of open space and agricultural land is a priority.

In 2006, the Legislature further amended the rural land stewardship program by:

- Adding additional language to the requirements for transferable rural land use credits in 163.3177(11)(d)6. Florida Statutes as follows:
  - ... "The total amount of transferable rural land use credits within the rural land stewardship area must enable the realization of the long-term vision and goals for the 25-year or greater projected population of the rural land stewardship area, which may take into consideration the anticipated effect of the proposed receiving areas." ...

Additionally, in 2004, the Legislature created the Ave Maria Stewardship District (Chapter 2004-461, Laws of Florida; approximately 10,805 acres) and the Big Cypress Stewardship District (Chapter 2004-423, Laws of Florida; approximately 21,701 acres) as independent special districts to fund infrastructure improvements for the "Town of Ave Maria" and for another stewardship receiving area, or group of stewardship receiving areas, currently undergoing preliminary planning. These stewardship districts are conceptually similar to community development districts. While independent governing bodies, they have been designed to work in concert with the rural land stewardship program in Collier County.

# Attachment 2: Department of Community Affairs Authorization Process

# THE DEPARTMENT OF COMMUNITY AFFAIRS' PROCESS FOR DESIGNATION OF A RURAL LAND STEWARDSHIP AREA

Section 163.3177(11)(d)10., Florida Statutes, requires the Department to establish "a process by which the Department may authorize local governments to designate all or portions of lands classified in the future land use element as predominantly agricultural, rural, open, open-rural, or a substantively equivalent land use, as a rural land stewardship area." The Department's process includes the following major steps:

#### 1. Pre-Notification Conference.

Prior to giving the Department official notification of its intent to designate a RLSA, the Department strongly recommends that appropriate County officials and Department planning staff meet and discuss the RLSA program, the planning requirements and issues that must be addressed, the Department's expectations regarding RLSA-related comprehensive plan amendments, and the technical assistance which may be available to the County from state agencies. It is especially important that the County understand that adoption of a RLSA plan amendment may require major revisions to the County's existing comprehensive plan and may limit the County's ability to increase development rights on other rural lands in the future.

Therefore, in conjunction with or in addition to the pre-notification conference between Department and County staff, the Department encourages, and is willing to participate in a public workshop with the County Board of Commissioners and County staff to discuss the RLSA program. The Department believes that such a workshop would be helpful to the County Board in making its decision as to whether to designate a RLSA.

## 2. The County's Written Notification to the Department.

If the County decides to proceed with the RLSA process, the County must provide the Department with an official written notification of its intent to designate one or more Rural Land Stewardship Areas. As set forth in Section 163.3177(11)(d)3., Florida Statutes, this

written notification shall describe the basis for the designation, including the extent to which the rural land stewardship area enhances rural land values, controls urban sprawl, provides necessary open space for agriculture and protection of the natural environmental, promotes rural economic activity, and maintains rural character and the economic value of agriculture.

In preparing its written notification, the County should consider the Legislature's intent

"that rural land stewardship areas be used to further the following broad principles of rural sustainability: 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 the rural areas of Florida." Section 163.3177(11)(d)2., Florida Statutes.

The RLSA process is a local government planning tool. Therefore, the written notification should represent the County's independent assessment and justification of an RLSA designation. The Department discourages notifications that simply "rubberstamp" statements prepared by landowners.

Further, the notification should avoid factually unsupported conclusory statements and generalities and repetition of the statutory language without supporting facts. The notification should explain how the proposed RLSA designation will achieve the statutory goals and purposes by reference to the unique circumstances in the County and the characteristics of the proposed RLSA lands. In other words, the notification should include a discussion of how the proposed RLSA will interact

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with the existing circumstances in the County to enhance rural land values, control urban sprawl, maintain rural character and the economic value of agriculture, and protect the natural environment. In particular, the notification must explain how agriculture will benefit from the RLSA.

The written notification will be carefully evaluated by the Department so the County is encouraged to ensure that the notification adequately discusses the basis for the designation.

The Department strongly encourages the County to provide for opportunities for broad public participation in the RLSA process. A RLSA designation will affect not only the owners of the land to be designated but all of the County's residents, including especially other rural landowners. Accordingly, a series of public hearings or workshops on the RLSA proposals would be appropriate and desirable before the County decides to give its written notification to the Department.

#### 3. Site Visit.

Before responding to the County's written notification, the Department will contact the County and/or landowners to arrange for a visit to the site and surrounding areas. Staff of other state and regional agencies may also be invited along for the visit, as well as representatives of the landowner/applicant. Given the appreciable size of any RLSA, the visit may need to include views from the air as well as a vehicular tour.

#### 4. Post-Notification Conference.

After evaluating the County's written notification and visiting the site, the Department may request another conference with County staff to discuss issues and questions that have arisen as a result of the Department's evaluation of the notification. The Department may request the County to supplement its written notification with additional information in writing.

## 5. DCA's Written Notification to the County.

After the site visit, any post-notification conference, and evaluation of any supplemental written notification, the Department will prepare and issue its written notification to the County. The notification will either authorize the County to proceed with designation of a RLSA by a comprehensive plan amendment or inform the County of the Department's decision not to authorize the designation. If the Department decides to authorize designation of a RLSA, the notification will set forth any conditions or understandings pertaining to the authorization, including technical assistance which the Department has agreed to provide to the County. The notification will not guarantee that a comprehensive plan amendment(s) to designate a RLSA will be found in compliance by the Department. It will only constitute authorization to designate a RLSA if the necessary comprehensive plan amendment(s) are adopted and found in compliance pursuant to section 163.3184, Florida Statutes. If the Department decides not to authorize a RLSA designation, the agency's notification will explain the reasons for the decision.

# 6. Comprehensive Plan Amendments.

If the Department authorizes the County to proceed, the County may apply for or receive and process an application for comprehensive plan amendments to designate a RLSA. The plan amendments must be reviewed by the Department pursuant to section 163.3184, Florida Statutes, including the requirement that any amendments be "in compliance" with all applicable provisions of Chapters 163 and 187, Florida Statutes, and Rule 9J-5, Florida Administrative Code. Fla. Stat. § 163.3177(11)(d)4.

The Department is required to provide technical assistance to local governments in the implementation of the RLSA program. See Section 163.3177(11)(d)1., Florida Statutes. Accordingly, I encourage the County to consult early and often with the Department staff about the RLSA program and the technical assistance available from the Department. Please feel free to call the Director of the Division of Comprehensive Planning, Charles Gauthier, at 850/922-1751, or the Chief of the Office of Local Planning, Mike McDaniel, at 850/922-1806, if you have any questions.

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# Attachment 3: Collier County RLSA factors for the calculation of stewardship credits

# Natural Resource Attributes and Values for Credit Calculation

Natural Resource Index Factors	Value
Overlay Designations	
Flowway Stewardship Area (FSA): Primarily privately owned wetlands (To receive these credits, residential, general conditional, earth mining, and recreational uses must be removed.)4	0.7
Habitat Stewardship Area (HSA): Agricultural areas mostly suitable as habitat for listed species (To receive these credits, residential uses must be removed, however other development uses including institutional and golf courses may remain – see layer discussion below.) <sup>5</sup>	0.6
Water Retention Area (WRA): Agricultural water detention areas permitted by the Water Management District	0.6
Area of Critical State Concern	0.4
Proximity Indices	
Enclosed by FSA, HAS, or WRA	0.4
Within 300 feet of FSA or HSA	0.3
Within 300 feet of public or private preserve land	0.2
Listed Species Habitat Indices	
Panther occupied plus other listed species	0.8
Panther occupied	0.5
Other documented listed species habitat	0.4
Soils / Surface Water Indices	
Open Water and Muck Depression Soils	0.4
Sand Depression Soils	0.3
Flats (Transitional) Soils	0.2
Restoration Potential Indices (based on potential and historic use or character)	
Large Mammal Corridor Restoration Areas	0.5
Connector wetlands and flowway restoration areas	0.5
Wading bird restoration areas	0.4
Other listed species restoration areas	0.3
Land Use – Land Cover Indices	
Wetlands: Hardwoods, Cypress, Forested-Mixed, Marshes, Wet Prairies, and Cypress-Pine-Cabbage Palm(Transitional)	0.4
<u>Uplands</u> : Palmetto prairies, pine flatwoods, temperate hardwood, hardwood-conifer mixed, other hardwoods, cabbage palm	0.3
Agriculture: Improved and unimproved pastures, woodland pastures, row crops, citrus, fruit orchards, tree nurseries, sod farms, ornamentals, specialty farms, other agricultural lands, fallow ands. Open lands: Herbaceous dry prairie, other shrubs and brush, mixed rangelands, Brazilian pepper. Water: streams and waterways, lakes and reservoirs of various sizes	0.2

RLSA Policy (VII) 3.5
RLSA Policies (VII) 3.6 and 3.7

## Land Use Layers:

Land in the RLSA has many possible uses which have been divided up into discrete land uses that are generally referred to as layers. Each layer has a value that is multiplied times the natural resource value to determine the number of credits allowed. For example, if the natural resource value totals to 1.5 and only the residential layer is removed, then 1.5 would be multiplied by 0.2 to get a credit value of 0.3. The layers and their values are:

- 1. Residential: Value = 0.2
  - · Includes associated recreational such as golf, parks, playgrounds, tennis
- 2. General Conditional Uses: Value = 0.2
  - · Includes a variety of institutional type uses including landing strips and schools
- 3. Mining: Value = 0.1
- 4. Recreational: Value = 0.1
  - Including golf courses
- 5. Agricultural Group 1: Value = 0.2
  - · Includes row crops, citrus, horticulture, improved pasture, dairies, aquaculture, etc.
- 6. Agricultural Support Uses: Value = 0.1
  - · Including farmworker housing, agricultural retail, packing houses
- 7. Agricultural Group 2: Value = 0.1
  - · Including unimproved pasture, ranching, agricultural-educational operations
- 8. Conservation uses: Value = 0.0
  - Includes oil and gas exploration and field development and production with some restrictions.

Each layer is discrete and shall be removed sequentially and cumulatively in the order indicated above (adopted as the Land Use Matrix in the Comprehensive Plan). Therefore, in order for an SSA to be created, residential land uses must be removed first. Note that even if residential uses are removed, other significant uses remain possible if not also removed

Within Flowway Stewardship Areas (FSAs) the first four layers must be removed to become a SSA. These layers include residential, general conditional (institutional uses), earth mining, and recreational uses. There are some exceptions. Within Habitat Stewardship Areas (HSAs), residential uses must be removed to become a SSA. Other uses including general conditional, earth mining, and recreational uses are limited within HSAs.

Within FSAs and HSAs that are designated as SSAs, existing and permitted agriculture use may continue, but expansion is restricted. The purpose of this policy is to limit the further expansion of agriculture into natural areas within the SSA.

RLSA FIGURE 2 St. Lucie County Rural Land Stewardship Area Overlay Stewardship Credit Worksheet