

RURAL LANDS STEWARDSHIP AREA (RLSA) OVERLAY SUB-DISTRICT

STATEMENT OF ISSUE

The Rural Lands Stewardship Area (RLSA) Overlay is the Future Land Use Element Subdistrict which was adopted in 2002 through Ordinance 02-54, as a result of Final Order – ACC-99-002.

ISSUE BACKGROUND

ACC-99-002 was issued by the State due to the County's GMP being found to lack regulatory protection for environmentally sensitive property, not adequately discouraging urban sprawl and preventing the premature conversion of agricultural land. The Final Order required the following modifications to the GMP to address the issues within three specified areas:

1. Identify and propose measures to protect prime agricultural areas
2. Direct incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as to protect listed animal species and their habitats.
3. Assess the growth potential of the Area by assessing the potential conversion of rural lands to other uses, in appropriate locations, while discouraging urban sprawl, directing incompatible land uses away from critical habitat and encouraging development that utilizes creative land use planning techniques including, but not limited to, public and private schools, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions and mixed use development.

Comprehensive Plan Implementation & Program Assessment

As noted the RLSA was established based on the principal of preserving environmentally sensitive lands, discouraging urban sprawl, promoting mixed use, protecting listed species and their habitats, while respecting the rights inherent to the property owners within the Subdistrict. The RLSA as expressed in the Future Land Use Element contains one goal and one objective, which are furthered by 5 policy groups.

The goal of the RLSA is: *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 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 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.*

The objective of the RLSA is: *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.*

Of particular relevance to the EAR process is Policy 1.22 of the FLUE which reads:

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.*

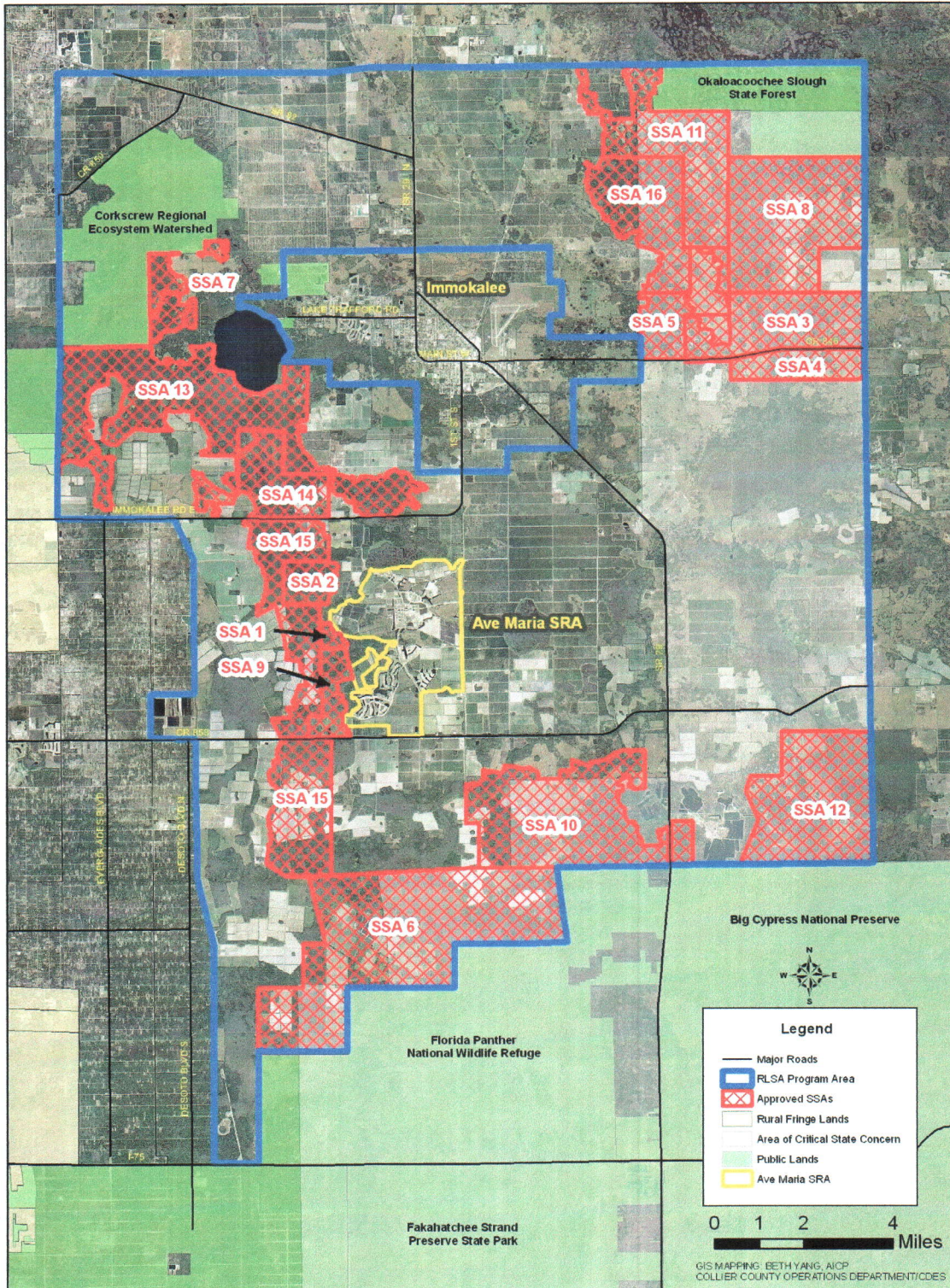
The 5-year review was compiled by County Staff and evaluated by the 5-Year Review Committee. A Committee comprised of a diverse stake holder membership. The Technical review or Phase I was conducted over a series of public meetings, with acceptance of the report on May 27, 2008 by the Collier Board of County Commissioners and transmittal of the Phase I Technical Review to the Department of Community Affairs (DCA) on May 30, 2008.

The Phase I report concluded that significant progress has been made in achieving the RLSA goal and since the conclusion of the Phase I report a number of approved SSA's have been processed within the system for a total of 16 SSA's comprising approximately 55, 956 acres. There has been no additional SRA acreage proposed to the system since the time of the technical review, leaving a total of 5,027 acres designated SRA with 1,027 of that total dedicated to public use benefit.

The two maps on the following pages illustrate the location of the SSA's within the RLSA Overlay, as well as the underlying characteristics [Flowway Stewardship Areas (FSA), Habitat Stewardship Areas (HAS), Water Retention Areas (WRA) and Area of Critical State Concern (ACSC)] of the area the SSA's cover.

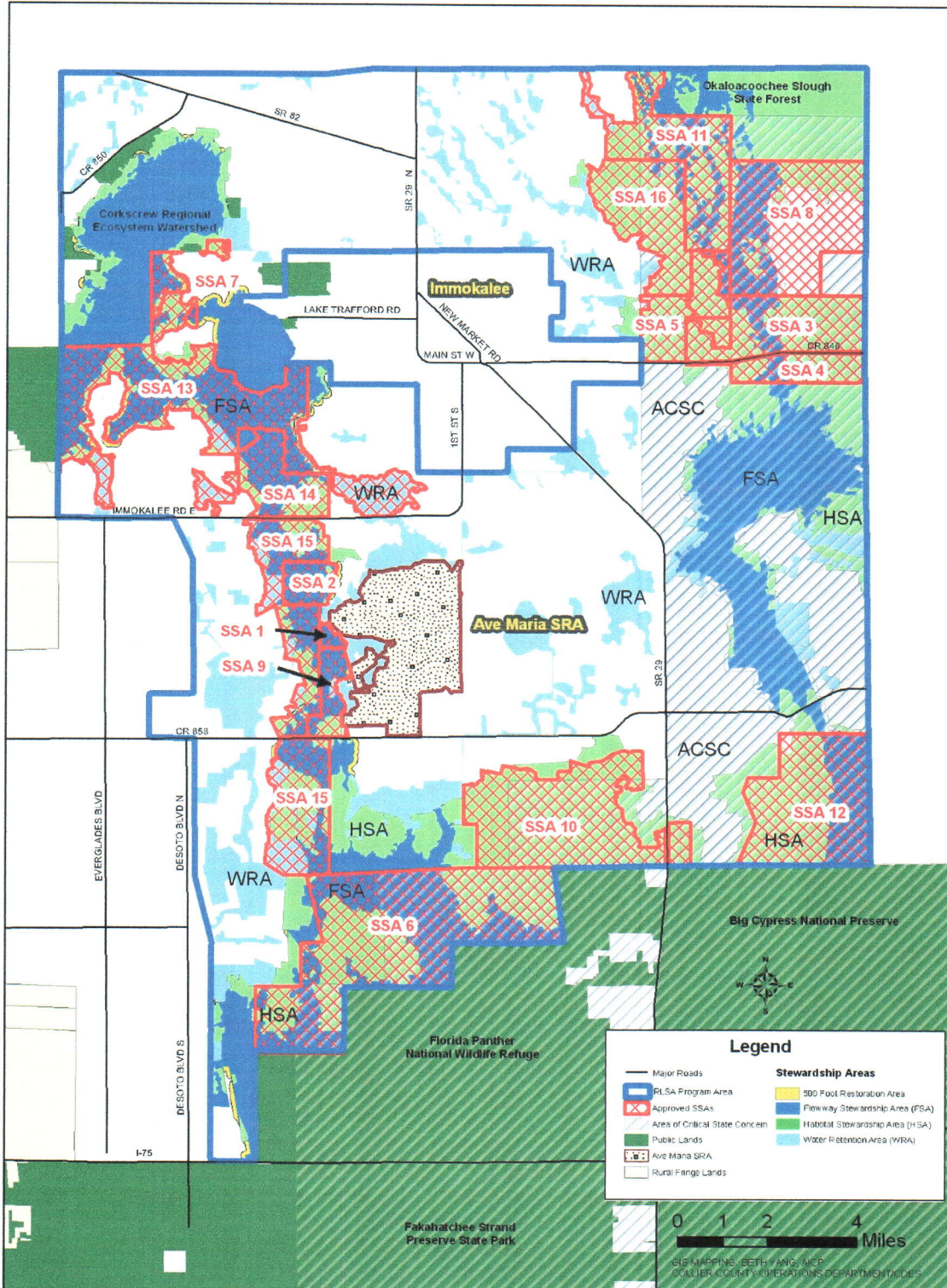
RLSA STATUS MAP

MARCH 2010



RLSA STATUS MAP

MARCH 2010



At the conclusion of the Phase I Report, the County initiated the Phase II process, which was an assessment of the individual five group policies of the RLSA which concluded with the generation of the Phase-Two Report. The Phase II Report was based upon public presentations, discussions and documents received and reviewed during the Committee's 19 public meetings held beginning on March 4, 2008 and continuing through December 11, 2008. Meetings were held in accordance with the Public Open Meeting Laws of the State of Florida and complied with Resolution 2007-305A of the Collier County Board of County Commissioners which approved the creation of the Committee and provided for its functions, powers and duties. The Committee meetings were well attended; open dialogue was encouraged; and minutes were taken and maintained as part of the public record by staff of the Collier County Comprehensive Planning Department.

The following are the major substantive proposed amendments to the RLSAO advanced for consideration by the Committee during its approximate 9-month review of the RLSAO extending from April through December, 2008. Although there are other recommended amendments to the RLSAO than those listed as follows, the remaining amendments are considered to be minor, corrective in nature, and intended to cause the RLSAO policies to be better harmonized with each other.

Policy 1.6.1 (new Policy)

The recommended new Policy 1.6.1 permits a five year "Conditional Period" for a Conditional Stewardship Easement with a possible extension for one additional year.

Policy 1.7 (amendment)

The recommended amendment to Policy 1.7 provides that the Florida Fish and Wildlife Conservation Commission would be a grantee (along with Collier County) to future "perpetual restrictive easements" (Stewardship Easements) rather than the Florida Department of Agriculture and Consumer Services which has been the grantee in past BCC-approved RLSA Stewardship Easements.

Policy 1.22 (amendment)

Currently, Policy 1.22 language provides for RLSAO review, "upon the five year anniversary of the adoption of the Stewardship District in the Land Development Code (LDC)". The amendment proposes to have the review completed as part of the Evaluation and Appraisal Report process as required by Chapter 163 of the Florida State Statutes.

Group 2 (amendment)

The recommended amendment to the **Group 2** language eliminates the language related to protection of agricultural lands from premature conversion to other uses, and replaces this language with new language related to the retention of land for agricultural production.

Policy 2.1 (amendment)

The recommended amendments to Policy 2.1 eliminate the language related to protection of agricultural lands from premature conversion to other uses. Also included is the elimination of the language comparing acreage needed to accommodate the projected population of the RLSA in the Horizon year of 2025 with the acreage required to accommodate such projected population if the RLSAO were not utilized.

Policy 2.2 (amendment)

The recommended amendments to Policy 2.2 provide for additional Stewardship Credits to retain agriculture lands within the RLSA.

Policy 3.11 (amendment)

The recommended amendments to Policy 3.11:

- eliminate the **restoration** priority language related to restoration work within the Camp Keis Strand Flowway Stewardship Area (FSA) or contiguous Habitat Stewardship Areas (HSAs); provide language allowing for two additional Stewardship Credits (rather than the 4 Credits now permitted) for restoration activities within a FSA or HSA, regardless of location in the RLSA; elimination of the additional two Stewardship Credits for each acre of land dedicated for restoration activities within other FSAs and HSAs; and provide additional Credits for either caracara restoration at 2 Credits per acre, or for exotic control/burning at 4 Credits per acres, or for flow way restoration at 4 Credits per acre, or for native habitat restoration at 6 Credits per acre. Within the area proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration Credits shall be included in the Stewardship District of the LDC;
- provide for Stewardship Credits to incentivize the creation, restoration, and enhancement of a northern **panther** corridor connection and a southern panther corridor connection by providing for 2 additional Stewardship Credits for each acre of land so dedicated and, should the owner also effectively complete the corridor restoration, an additional 8 Credits per acre would be awarded;
- provide for Stewardship Credit incentives for restoration of shallow wetland wading bird foraging habitat located in FSA, HSA, or Water Retention Area (WRA) at the rate of 2 additional Credits per acre and, upon successful completion of the restoration, an additional 6 Credits per acre shall be awarded; and
- limit Credit incentives to only one type of restoration for each acre so designated for restoration

Policy 3.13 (amendment)

The recommended amendment to Policy 3.13 requires the acreage of a WRA, if such acreage provides for water treatment and retention exclusively for a Stewardship Receiving Area (SRA), to be included in the SRA acreage and would require the use of Stewardship Credits to enable the use of such an area for this purpose in a SRA.

Policy 4.2 (amendment)

This recommended amendment to Policy 4.2 corrects/updates acreage calculations within the RLSAO which are both outside of and inside the Area of Critical State Concern and limits the amount of lands that can be designated as SRAs to **45,000 acres**. The separate Comprehensive Planning Department Staff SRA build-out projection and Wilson Miller build-out projection of the maximum SRA acreage allowable under the existing RLSAO [if 100% of property owners participate using the existing Credit system] is 41,040 SRA acres and 43,312 SRA acres, respectively. This SRA acreage does not include any development which may occur under the underlying zoning of Rural Agricultural-A District and which would not be participating in the RLSAO.

Policy 4.5 (amendment)

This recommended amendment to Policy 4.5 provides for the SRA Master Plan to be consistent with the County's Long Range Transportation Plan, the County Build Out Vision Plan referenced in recommended new Policy 3.7 of the Transportation Element of the GMP, and Access Management procedures. The recommended amend to Policy 4.5 also includes a requirement for the provision of a Management Plan as part of the SRA Master Plan which includes provisions for minimizing human and wildlife interactions between the SRA and surrounding undeveloped properties.

Policy 4.6 (amendment)

This recommended amendment to Policy 4.6 requires an SRA to include a mobility plan that includes consideration of vehicular, bicycle/pedestrian, public transit, internal circulators, and other modes of travel/movement within and between SRAs and areas of outside development and land uses.

Policy 4.7 (amendment)

This recommended amendment to Policy 4.7 eliminates Hamlets as a specific forms of SRA and reduces the number of specific forms of SRAs from four to three in conjunction with the recommended deletion of Policy 4.7.3 language related to Hamlets.

Policy 4.7.1 (amendment....Towns)

This recommended amendment to Policy 4.7.1 increases the minimum size of a Town from 1,000 acres to 1,500 acres, increases the maximum size from 4,000 acres to 5,000 acres, and provides for the requirement of an internal mobility plan.

Policy 4.7.3 (deletion...Hamlets)

Policy 4.7.3 is recommended for deletion.

Policy 4.7.4 [now renumbered Policy 4.7.3 (amendment...Compact Rural Development)]

The recommended amendment to Policy 4.7.4 keeps the maximum size of a Compact Rural Development (CRD) at 100 acres while providing language supporting the location of research, education, tourism, recreation, and housing within CRDs.

Policy 4.7.4 (new)

This new Policy 4.7.4 stresses that Towns and Villages are the preferred locations for business and industry in the RLSA to further promote economic development, diversification, and job creation with a list of examples of permitted uses such as environmental research, agricultural research, aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, etc.

Policy 4.14 (amendment)

The recommended amendments to Policy 4.14 provide:

- language requiring a proposed new SRA, at the time of SRA approval, to provide for the opportunity to provide direct vehicular and pedestrian connections to an adjoining SRA or adjoining lands designated as Open;
- new language requiring that public or private roads and connecting signalized intersections within or adjacent to an SRA be maintained by the primary town or community it serves; and

- new language providing for a variety of mitigation credits and offsets.

Policy 4.19 (amendment)

This recommended amendment to Policy 4.19 provides for:

- 8 Credits required for each acre of land included in a SRA where such Credits were created from a Stewardship Credit Sending Area deemed vested under the 8 Credit ratio; and
- 10 Credits required for each acre of land included in a SRA where such Credits were created from any other Stewardship Sending Area

Policy 4.22 (new)

This new Policy 4.22 provides that assessment of historic or cultural resources be done when such are identified in the RLSA through the SRA designation process, including the assessment of such resource's historic or cultural significance and the exploration of educational and public awareness opportunities regarding such significant resources.

Policy 5.4 (amendment)

This recommended amendment to Policy 5.4 provides language to establish a map of potential wildlife crossing within 12 months of the effective date of the GMP amendments to be used in evaluating community, cultural and historical, and transportation planning for the RLSA, including all SRAs described in Group 4 Policies.

Policy 5.5 (amendment)

This recommended amendment to Policy 5.5:

- deletes certain outdated references relative to the preparation of management plans;
- provides requirement for preparation of a management plan for the purpose of minimizing human and wildlife interactions between agricultural and non-agricultural lands uses; and
- provides for a monitoring program for developments greater than 10 acres.

Policy 5.7 (new)

This new Policy 5.7 requires that any development on lands not participating in the RLS program be compatible with surrounding land uses and that outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security.

Policy 5.8 (new)

This new Policy 5.8 provides that assessment of historic or cultural resources be done when such are identified in the RLSA, including the assessment of such resource's historic or cultural significance and the exploration of educational and public awareness opportunities regarding such significant resources.

Conclusion

The above proposed amendments have not been scheduled by the County for an official amendment cycle of the GMP as of the date of authoring the EAR. Since the acceptance of the Phase II report on April 22,

2009, there has been another effort regarding the specifics of future development for the area, lead by U.S. Fish and Wildlife, the development of a "Habitat Conservation Plan (HCP)". It is anticipated that the outcome of the HCP and the specifics contained within the HCP will have a influence upon the composition and specifics of the RLSA and how development will move forward within the regulatory environment. Based upon that recognition, the County intends to wait to the conclusion of the HCP process before scheduling any amendments to the RLSA Overlay.

Below are the Public Comments received related to the RLSA Overlay.

- *County should be studying impacts of RLSA potential development and their effect on Estates (i.e. ground water, drainage, long-term effects). **Policy 3.1 of Future Land Use Element – Rural Lands Stewardship Area Overlay***
- *L RTP not showing specifics of RLSA. **Informational***
- *Increase developer credits during RLSA revisions. **RLSA 5-Year review amendments – Observational.***
- *Credits for underground assets? (Mining) **RLSA 5-Year review amendments – Observational.***
- *Panther overpasses and underpasses (do they work)? **Programmatic.***
- *Define primary and secondary panther habitat. **Programmatic.***
- *No new high speed (> 36 mph) roads built in RLSA and Rural Fringe Sending Areas (low speed essential for wildlife preservation) **Observational***
- *Proposed RLSA amendments in Collier County did not address any concerns from DCA (7 written concerns from Tom Pelham). **Observational.***
- *RLSA and RFMUD need to be compatible with Golden Gate Master Plan. **Observational.***
- *RLSA has encouraged premature conversion of agriculture by:
Only low quality agriculture has been protected
By using eminent domain to provide transportation corridors
Refusing to address DCA concerns
Using Section 189 Districts to bypass Florida's Growth Management Laws - **Observational.***