

## Rural Fringe Mixed Use District (RFMUD) Introduction to Sending Land January 6, 2016



### **Introduction:**

With the purpose to inform the public and become more informed by the public, Collier Community Planning staff, along with consulting partner AECOM, began a series of 3 public meetings centered primarily on Sending Land issues. This series preceded the meetings intended to discuss Receiving Land uses, densities, development standards and the like. Following the Receiving series, a community-wide RFMUD meeting would be held to show areas of consensus, demonstrate economic balance, and describe the Public Hearing process necessary for Growth Management Plan

Letters were mailed to over 800 individual land owners informing them of the Restudy and upcoming meetings. Many owners among the individual owner list live in other cities and

states. Therefore, program specifics and opinions for this target segment were shared by telephone.

Our first outreach meeting drew over 65 attendees. These included individuals and families who have unimproved property in Sending areas, as well as families who currently live or conduct agriculture on Sending land. The agenda included an overview of the RFMUD, TDR concepts and basics, history of the program and current issues as identified by staff. The public was invited to identify additional issues, either through the meeting format, through a dedicated e-mail address, or via website survey.

Overall, there was strong sentiment that the program should not have been devised in the way it was, and many thought that the RFMUD governing provisions should be abandoned altogether. Most came to understand that the program was created as a result of litigation and the State's Final Order, and given that compact, the County needed to move forward and not back.

At the same time, most were grateful for a thorough discussion of how the program works today, so that they could add suggestions for improvement during the Restudy. Some initial concerns expressed by smaller land owners were the lack of a viable marketplace to sell TDR credits and the uncertainty of sale or sale price.



## **Meeting Summary:**

### **1. Welcome and Meeting Objectives**

**Greg Ault, AECOM**, consultant for the County addressed the attendees noting the Board of County Commissioners has directed Staff to develop changes to the Growth Management Plan including the Rural Fringe Mixed Use District (RFMUD). The purpose of the meeting is to obtain public input on the areas designated as Sending Lands under the Program.

### **2. Overview and History of the Rural Fringe (RFMUD) TDR Program**

**Mr. Van Lengen** presented a Power Point *“Rural Fringe Mixed Use District – Introduction for Sending Land Owners”* and provided an overview and history of the Program noting:

- The RFMUD was developed as a result of a 1999 Final Order stemming from litigation (by the Collier County Audubon Society, Inc. and the Florida Wildlife Federation) that addressed County land use planning issues including establishing the RFMUD.
- The goals of the Order were for the County to adequately preserve wetlands, protect critical species and wildlife habitat from unrestrained growth by directing it to appropriate locations within the County.
- One avenue implemented within the RFMUD District was a Transfer of Development Rights (TDR) program which identifies sending and receiving lands administered through a program of density credits.
- The restudy of the area will focus on the Program’s goal of establishing smarter development patterns, economic viability for those affected and optimal protection of sensitive areas and species.

### **3. Introduction to Sending Land Issues**

**Mr. Van Lengen** noted the sending program encompasses the “North and South Belle Meade” areas of the County, in addition to other smaller sending areas farther north.

The density credits available for transfer include base credits (1 credit for a 5 acre parcel or 8 for a 40 acre parcel), an early entry bonus, credit for restoration/maintenance and conveyance to a governmental entity (each on the basis of 1 per 5 acres). The differences in program specifics between North Belle Meade and South Belle Meade were covered in some detail. It was also noted that watershed planning and transportation planning both need to be considered in arriving at program changes.

### **4. Current Status of the Program**

**Mr. Van Lengen** reported:

- The Board of County Commissioners established an Oversight Committee to review specific areas of the Growth Management Plan including the RFMUD.
- The Committee will be meeting on a quarterly basis.

- Staff will be holding a series of public meetings to garner input on the issues so deficiencies in the Program may be addressed to ensure it functions as originally intended.
- The endeavor is anticipated to last approximately 2 years, with a status report delivered to the BCC by the end of 2016, prior to the formal public hearing process.
- A website has been developed by the County to facilitate the endeavor which will provide information on the Committee, ongoing activities, questionnaires for the public and contact information for Staff.
- Owners are encouraged to provide input in any format they desire including writing letters and/or emails, calling Staff directly, participating in questionnaires and public meetings, etc.

## **5. Importance of TDR Program to Owners**

The restudy of the area will focus on important issues to the landowners including improving the economic viability of the program, ensuring smarter development patterns and protecting sensitive areas and species. Compensation to owners who elect to participate must be addressed. It is important to keep in mind that the TDR program is optional; staff if available to help explain the program so that individual owners can best satisfy their own interests. As a restudy, staff is interested in owner input on how to improve the program.

During presentation and Question/Answer period, the following items were raised:

- There may be increases to the density allowed in the Receiving Lands, however that concept requires additional stakeholder input.
- Along with base and early entry density credits, the Program allows credits for restoration of sending lands with the owner developing and implementing a restoration plan, participating in mitigation through a State or Federal Government program, or linking to an existing approved restoration plan.
- The Florida Fish and Wildlife Conservation Commission and other agencies participated in the original development of the Program and will be providing input on any proposed revisions to the Program. They also currently participate in the permit process.
- Once an owner's density credits in the Sending Areas are transferred to a party, the sending land owner is free and clear of their use, with the receiving party bearing all responsibilities for use (or non-use) of the credits. Credits can be held for an indefinite period of time.
- One option under consideration is developing a land bank for the credits to facilitate the owner's ability to transfer sending land credits to an outside party.
- The boundaries originally approved for the areas in question will remain unchanged; however the County is seeking to improve the Program with the assistance of the landowners affected by the land use requirements.
- Consideration will be given to expanding the allowed uses in the receiving areas and increasing the number of credits made available from sending areas to help balance the

program, given that there is likely a larger demand for credits than those available under the Program.

- The County will be examining the land values and economic parameters of the Program with the recognition the current system does not reflect market values or a balance between supply and demand. Economists at AECOM will be assisting in this part of the endeavor.
- Another aspect the County will be reviewing is the “exchange process” as they recognize under the current format it is a cumbersome endeavor for those involved in the Program.
- The program will accommodate the principles adopted by the BCC in the Watershed master Plan. Interested citizens are reminded that they may wish to attend or monitor the Comprehensive Watershed Improvement Program (CWIP) ad hoc committee meetings to learn more.

**Commissioner Nance** addressed the attendees noting he has owned property in the Program area since the 1980’s and was not in favor of the settlement given the means the landowners rights were compromised. He is advocating the restudy and recognizes the Program is not functioning as intended.

Commissioner Nance noted the Program was State Mandated and the County recognizes, at this point it is not feasible to propose eliminating the Program or changing the boundaries established. The goal is to increase equity in the Program and allow the owners with sending lands to obtain fair values for their properties.

## **6. Interactive Discussion/Activity and Questions**

**Mr. Ault** encouraged attendees to provide written comments on the cards provided at the meeting or communicate with Staff through any other means they feel comfortable. A questionnaire has been developed and available on the website which aid Staff in addressing concerns identified by interested parties. He requested the owners participate in this endeavor. It can be found at the interactive content button, via website:  
<https://www.colliergov.net/GMPrestudies>.

## **7. Wrap-up and Next Steps**

**Mr. Van Lengen** noted the next public meeting is scheduled for January 27, 2016 at 6:30pm. The agenda will center on North Belle Meade and the need for long term ownership and maintenance for properties that use the TDR program.

***There being no further business for the good of the County, the meeting was adjourned at 8:15pm.***

STAFF PRESENT: Commissioner Tim Nance  
Kris Van Lengen, Community Planning Manager (Staff Liaison)  
Mike Bosi, Director, Planning and Zoning  
Anita Jenkins, Principal Planner, Community Planning  
Greg Ault, AECOM, consultant