



Planning & Zoning Division
2800 North Horseshoe Drive, Naples, FL

To: Board of County Commissioners
From: Kris Van Lengen, Community Planning Manager
Through: Mike Bosi, Zoning Director; David Wilkinson, GMD Department Head;
Leo Ochs, County Manager
Re: Workshop: Update on Eastern Area GMP Restudies
Date: December 20, 2016

Introduction:

This memorandum provides background and references related to the Four Area Restudies now underway. The Community Planning Section of the Planning and Zoning Division in the Growth Management Department serves as the project management team for the Restudies.

The January 3, 2017 Board of County Commissioners (Board) Workshop provides a venue to discuss the purpose, history and status of the four area restudies. These areas include:

- The Rural Fringe Mixed Use District (RFMUD)
- The Golden Gate Area Master Plan (GGAMP)
- The Rural Lands Stewardship Area (RLSA)
- The Immokalee Area Master Plan (IAMP)

As the RFMUD restudy was the first to commence, the majority of attention is paid to that effort in this workshop setting, focusing on key issues that need resolution or direction prior to the public hearing phase. Staff will ask for direction on those key issues at a regularly scheduled Board Meeting, using this Workshop as a venue to begin discussion.

The GGAMP Restudy has also begun, and outreach efforts will be described. Finally, staff will seek direction on the future timing of the RLSA and IAMP Restudies.

The presentation outline is as follows:

1. Background on restudies
2. RFMUD status
3. RFMUD future decision points
4. GGAMP update
5. Future restudy sequence

Additional comment related to RFMUD:

Access to the RFMUD White Paper is easily accessible on the County's website for viewing and downloading: <http://www.colliergov.net/your-government/divisions-s-z/zoning-division/community-planning-section>. As well, hard copies will be made available.

Only a few changes were made following the presentation of the White Paper to the CCPC on August 18, 2016. Those changes are summarized in the White Paper Change List found at the website location. In addition, the full list (without narrative) of 41 initial recommendations from Chapter 4 of the White Paper are located there for easy reference.

The White Paper provides a groundwork of information relating to the RFMUD, the Transfer of Development Rights (TDR) program and the ideas and perceptions of its stakeholders. It is, by design, conceptual in nature. Many of the initial recommendations are complex and related to other program elements. A change in one aspect of the program echoes in other program elements. In this regard, three keystone issues have been identified, so that other program elements will align.

Elements A through C below is the focus of staff's presentation on the RFMUD. It is anticipated that Board direction on these keystone elements will follow at a regularly scheduled Board meeting at the appropriate time. Additional data and analysis on these elements will be forthcoming. Meanwhile, Community Planning staff will be available for discussion and to provide any additional information to individual Board members at their pleasure.

A. County Ownership of Sending Lands (White Paper, Section 4, Sending D.1, and Appendix B):

One of the challenges in addressing the shortcomings of the RFMUD has been the lack of interest by public agencies in assuming ownership or management responsibility for approx. 65% of the privately-held Sending Lands, even if some level of endowment were provided. The majority of stakeholders agree that the County should take on this responsibility in the absence of other public agency interest. Funding for such an endeavor represents a substantial hurdle.

While a combination of funding sources may be required, one of the most powerful ideas involves the creation of a Regional Offsite Mitigation Area (ROMA) that can take donations of parcels in North Belle Meade over a period of time, and apply a land management plan at the landscape level. Through a ROMA, the County can mitigate its own projects such as road improvements. The potential advantages are threefold:

- Sending owners would achieve the Conveyance TDR credits through donation to the County, similar to the donation process to the State in South Belle Meade;
- The County to County sale of wetland and panther credits would create the funding to support long term land management;

- County projects may save costs in the long run by purchasing credits from a public bank, even when factoring in start-up and administrative costs.

Staff has initiated a Phase 2 Feasibility Study, to include more site specific analysis, define optimal project boundaries, conduct pre-application meetings with agencies, and provide data necessary for a pro forma financial analysis for long term program viability. The major Phase 2 tasks are expected to be completed in April, 2017.

B. TDR Bank (White Paper, Section 4, Sending C.3, and Appendix C):

A TDR Bank can serve as a secondary means of transfer between the seller and buyer of TDR credits. The Rural Fringe Coalition, GGEACA, RFMUD landowners and other stakeholders are in favor of creating a TDR Bank. Additionally, future consideration of a TDR bank was adopted as part of the RFMUD amendments in 2002, and remains in the current Growth Management Plan.

There are a great many variations in the structure and operation of such banks. Based on the program contours and history, our consultant recommends a bank funded by dedicated ad valorem (county-wide) that is bonded to create the largest possible front-end funding. A referendum would be necessary.

TDR banks signal commitment on behalf of the County to sending owners. Owners can feel more confident in a decision to enter the program if they know that there is a relatively immediate avenue to sell credits if a willing buyer cannot be found. Banks also provide assurance to developers that credits will be available when needed.

This recommendation relates to the anticipated delay between the creation of TDRs through severance and bonus provisions, and the demand for credits which may stretch out for several decades. As a bank sells its TDRs to buyers in Receiving Lands, the funds can be used or recycled to acquire additional TDRs. In time, the bank is repaid as the RFMUD matures; the cost to taxpayers is both the time value of money and the risk that development in the RFMUD will not transpire.

Consulting support services has provided an analysis of full funding with numerous assumptions. Additional analysis will be forthcoming in the next several weeks, allowing for a range of options for consideration.

C. Receiving Land Density (White Paper, Section 4, Receiving, A.6):

Public feedback has been supportive of density increases that support a form of development other than solely single family gated communities. Increased density and village structure makes RFMUD program goals and regional goals attainable. Critical mass provides the backbone for diversified housing, mobility improvements, economic development and sustainability.

As an initial recommendation, the white paper suggests a village density minimum of four units per acre and a maximum of seven units per acre. TDR requirements incentivize the higher (seven

unit) density. A non-village community would be limited to 300 acres in size. Although these are initial recommendations, staff is aware that other solutions may also provide the critical mass to support mobility options, economic growth and sustainable practices. However, a key to any of these goals is both higher density and a mix of uses, including goods and services, office, light industrial, institutional, government services and recreation options.

As a keystone issue, staff must understand whether there are any fundamental objections to higher density in Receiving areas. This will provide a basis for more specific recommendations related to the credit system, and its implications for sending owners and collateral TDR sources.

Staff Request:

1. RFMUD: Your Community Planning staff seeks Board direction at a future meeting on these three keystone elements in the RFMUD restudy prior to beginning the public hearing process for Growth Management Plan Amendments.
2. Future Restudies: Staff seeks direction at the Workshop on the sequence of future planning areas, Rural Land Stewardship Area and Immokalee Area Master Plan, for planning and effective communication to the public.