

April 21, 2009

TRANSCRIPT OF THE MEETING OF THE
BOARD OF COUNTY COMMISSIONERS
Naples, Florida, April 21, 2009

LET IT BE REMEMBERED, that the Board of County Commissioners, in and for the County of Collier, and also acting as the Board of Zoning Appeals and as the governing board(s) of such special district as has been created according to law and having conducted business herein, met on this date at 9:00 a.m., in SPECIAL SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

CHAIRMAN: Donna Fiala
Fred Coyle
Jim Coletta
Frank Halas
Tom Henning

ALSO PRESENT:

Jim Mudd, County Manager
Joseph Schmitt, CDES Administrator
Tom Greenwood, Principal Planner, CDES
Jeffrey A. Klatzkow, County Attorney
Sue Filson, BCC Executive Manager



**SPECIAL MEETING
BCC AGENDA
April 21, 2009
9:00 a.m.**

**FIVE YEAR REVIEW OF THE RURAL LANDS STEWARDSHIP PROGRAM
DATED JANUARY, 2009
PREPARED BY THE RURAL LANDS STEWARDSHIP AREA
REVIEW COMMITTEE**

**Donna Fiala, BCC Chairman Commissioner, District 1; CRAB Chairman
Fred W. Coyle, BCC Vice-Chairman Commissioner, District 4
Jim Coletta, BCC Commissioner, District 5; CRAB Vice-Chairman
Frank Halas, BCC Commissioner, District 2
Tom Henning, BCC Commissioner, District 3**

**NOTICE: ALL PERSONS WISHING TO SPEAK ON ANY AGENDA ITEM
MUST REGISTER PRIOR TO SPEAKING. SPEAKERS MUST REGISTER
WITH THE COUNTY MANAGER PRIOR TO THE PRESENTATION OF THE
AGENDA ITEM TO BE ADDRESSED.**

**COLLIER COUNTY ORDINANCE NO. 2003-53, AS AMENDED, REQUIRES
THAT ALL LOBBYISTS SHALL, BEFORE ENGAGING IN ANY LOBBYING
ACTIVITIES (INCLUDING, BUT NOT LIMITED TO, ADDRESSING THE
BOARD OF COUNTY COMMISSIONERS), REGISTER WITH THE CLERK TO
THE BOARD AT THE BOARD MINUTES AND RECORDS DEPARTMENT.**

**REQUESTS TO ADDRESS THE BOARD ON SUBJECTS WHICH ARE NOT ON
THIS AGENDA MUST BE SUBMITTED IN WRITING WITH EXPLANATION
TO THE COUNTY MANAGER AT LEAST 13 DAYS PRIOR TO THE DATE OF
THE MEETING AND WILL BE HEARD UNDER "PUBLIC PETITIONS."**

**ANY PERSON WHO DECIDES TO APPEAL A DECISION OF THIS BOARD
WILL NEED A RECORD OF THE PROCEEDINGS PERTAINING THERETO,
AND THEREFORE MAY NEED TO ENSURE THAT A VERBATIM RECORD**

OF THE PROCEEDINGS IS MADE, WHICH RECORD INCLUDES THE TESTIMONY AND EVIDENCE UPON WHICH THE APPEAL IS TO BE BASED.

ALL REGISTERED PUBLIC SPEAKERS WILL RECEIVE UP TO FIVE (5) MINUTES UNLESS THE TIME IS ADJUSTED BY THE CHAIRMAN.

IF YOU ARE A PERSON WITH A DISABILITY WHO NEEDS ANY ACCOMMODATION IN ORDER TO PARTICIPATE IN THIS PROCEEDING, YOU ARE ENTITLED, AT NO COST TO YOU, TO THE PROVISION OF CERTAIN ASSISTANCE. PLEASE CONTACT THE COLLIER COUNTY FACILITIES MANAGEMENT DEPARTMENT LOCATED AT 3301 EAST TAMiami TRAIL, NAPLES, FLORIDA, 34112, (239) 252-8380; ASSISTED LISTENING DEVICES FOR THE HEARING IMPAIRED ARE AVAILABLE IN THE COUNTY COMMISSIONERS' OFFICE.

1. Invocation and Pledge of Allegiance
2. Presentation of the Five Year Review of Phase II Rural Lands Stewardship Program Report, Dated January, 2009; Prepared by the Rural Lands Stewardship Area Review Committee
3. Adjourn.

INQUIRIES CONCERNING CHANGES TO THE BOARD'S AGENDA SHOULD BE MADE TO THE COUNTY MANAGER'S OFFICE AT 252-8383.

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MR. SCHMITT: Commissioners, you have a live mike.

CHAIRMAN FIALA: Welcome to everybody today at this RLSA meeting. Before we begin, we'll all stand and we'll say the Pledge of Allegiance, please. Put your hands over your hearts.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FIALA: We're going to try and fix that noise.

MR. MUDD: We're either going to fix that noise, ma'am, or it's going to be the shortest meeting of all time.

CHAIRMAN FIALA: Oh, good. Troy must be back there someplace, Troy or Kaydee.

Item #1A

RESOLUTION 2009-100: SUPPORTING SUBMISSION OF HIGH PRIORITY PROJECTS FOR CONSIDERATION OF FUNDING IN THE UPCOMING UNITED STATES SURFACE TRANSPORTATION BILL TO BE KNOWN AS "MOVING AHEAD FOR PROGRESS IN THE 21ST CENTURY - MOTION SUPPORTING RESOLUTION – ADOPTED

MR. MUDD: Today's commission meeting is an advertised meeting. It's not a workshop. It's an advertised meeting. The advertisement went out on the agenda, and this went out on the 22nd of April (sic).

The agenda includes but is not limited to a presentation by the Rural Land Stewardship Area Review Committee of its five-year review of the Rural Land Stewardship Area and the proposed Collier County transportation reauthorization bill projects and accompanying resolution.

And what we've done is to try to get that portion of the business which has to do with the transportation reauthorization Map 21 request to go first before we -- and it should take a short period of time before

we then go forward and start the board's meeting on the Rural Land Stewardship Area and the recommended changes.

The first thing on the agenda is an executive summary in your packets. It's a recommendation to review and approve the five proposed Collier County transportation reauthorization bill projects and request for appropriations for the Immokalee Airport through the Federal Aviation Administration, FAA, which will be presented to Congressman Mario Diaz-Balart and Congressman Connie Mack by their April 24, 2009, deadline for federal funding considerations by the House Transportation and Infrastructure Committee and also approve the accompanying resolution.

What you have on your visualizer are those six projects. Again, you were provided a re-ahead on those particular issues. But the first project has been on your list as a number one since about 2004, and that's the I-75/Everglades interchange.

The second list -- or priority on the list is the I-75 and Collier Boulevard interchange. Both of those projects in the past have been one and two for this -- for this county and for this commission, and we've received monies in that regard from the federal government so that we can continue in that regard, may it be, number one, the Interchange Justification Report going to the PD&E or, number two, the I-75/Davis Boulevard interchange where we received almost a half a million dollars for real estate acquisition in order to make that interchange a reality in the future.

Number three is State Road 29 bypass, including the State Road 82/State Road 29 intersection, and that's basically the Immokalee bypass, and it's got a lot of things to it. But the reason we've included the State Road 82 interchange going through Lehigh Acres and then going around the bypass to 29 is because that project has done a PD&E study through Congressman Mack's office, and that would help to have both congressmen working the same particular issue in the same regard. That would be number three.

Number four is the State Road 951 and U.S. 41 interchange. We've got a deficient sector -- section of roadway, approximately two-and-a-half miles from 41/951 going east that needs to be -- go from two lanes to four lanes. And then you have that wonderful intersection that everybody holds their breath in when they make the turns in order to go either from the east down to Marco Island or from Marco Island coming into Naples and/or going north.

And the ultimate configuration of that particular item would be a grade-separated overpass, and we basically vetted that with Congressman Diaz-Balart during his workshop in which Madam Chair, Commissioner Henning, and Commissioner Halas were in attendance.

The number -- the number five -- or number five on our list is the Camp Keais roadway improvements. It's fortuitous that we received some stimulus grant information that talks about areas of a particular county in the country whereby their demographics don't seem to equate within the county and/or the state and/or the rest of America. And if you start looking at the annual income of some of the residents in Immokalee, they don't meet the standard that they do in Naples and/or in Fort Myers or whatever.

So that puts us at great -- you know, you kind of say, well, we could do better, but the good news is, it made -- it made the characteristics of that particular grant and makes us able to apply.

The other issue had to do in that grant application with granting access to Indian reservations. Lo and behold, Camp Keais Road, from Oil Well Road up through Immokalee goes right in front of the Seminole reservation and their brand new casino. If we can be a participant in that grant application, we can receive up to 50 percent of the cost of building that roadway from the federal stimulus project; therefore, it's on number five. We meet the characteristics, and we meet the eligibility criteria, and we're working with our EDC, the CRA out in Immokalee, and bringing all of that information to bear so

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that we can basically get it presented to our congressmen and to that subcommittee in Congress so that we can be right up there in -- at least on the list to get after the Map 21 issue for Camp Keais.

Last but not least is the Immokalee Airport. Airports are fickle beasts, okay, because they basically are all the way FAA funding. They're not a straight transportation project, but it is a transportation aspect, i.e., airplanes, airports, now you transload trucks, cars go there, and so you have that intermodal piece to it, but it doesn't necessarily fit the defined definitions of this Map 21.

But we got Congressman Mario Diaz-Balart during the workshop to support us as we fill out our FAA grant application when that -- monies get put aside so that we can spotlight Immokalee and put it in the best possible light so we could get the FAA grants. And he agreed during that workshop that he would go arm-in-arm with you and with me to go to the FAA folks and try to get -- break that logjam so that we can get those much-needed dollars out there to get that Immokalee Airport improvement that we needed to have.

So what you have before you is five transportation projects, 1 through 5, which I've described, that we will put forward with your blessings and your approval in front of that subcommittee to both congressmen, and we will have number six as a priority list for this board, and when the FAA grant application and the -- and eligibility criteria come out within the next two months, we'll be pushing it hard based on your blessing in order to get that sixth piece in this particular bill.

Part of the recommendation that we need from the board today is that the Board of County Commissioners reviews and approves the list of five proposed Collier County transportation reauthorization Map 21 bill projects and a request for appropriations for the Immokalee Airport to the Federal Aviation Administration which will be presented to Congressman Diaz-Balart and Congressman Mack for federal funding consideration by the House Transportation and

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Infrastructure Committee and also approves the accompanying resolution that's also in your read-ahead, and it's basically a resolution that says, these are our five projects and the board approves of it so we can move that forward.

In addition, that the chairman be hereby authorized to revise and execute any and all documents necessary seeking funding for the county's high priority transportation projects under the Map 21 authorization legislation, including but not limited to, executing grant applications, assurances, certifications, and accepting any such funds received on behalf of the county.

That -- that clause at the end is only to hold us in the interim, because the 24th is coming. Sometimes things change based on what we received from the federal government as far as the applications are or the nomination of the project. And if they need to change data at the last minute, you don't want to be hamstrung having to have a special meeting in order to get that done.

And what you're basically delegating to your chairman is, if there's any last-minute changes that come up, then she's authorized to change the letter or whatever as long as she's in keeping with those priorities that you approve and review today.

With that, Commissioners --

COMMISSIONER COLETTA: Motion to approve.

COMMISSIONER HENNING: Second.

COMMISSIONER HALAS: Second.

CHAIRMAN FIALA: Okay. I have a motion to approve by Commissioner Coletta, a second by Commissioner Henning and Halas actually.

Commissioner Coletta, you have your light on. Did you want to speak?

COMMISSIONER COLETTA: That's to make the motion.

CHAIRMAN FIALA: Oh, okay, fine. I just want to commend staff for doing a great job, by the way. You and Debbie and the rest of

the staff have really worked hard. And it really -- as Congressman Diaz-Balart stated at our meeting, he said we're far -- far out in front of most of the other counties, which puts us in a better position to possibly receive that funding. So I really want to commend you all for doing that.

Yes, sir?

COMMISSIONER COLETTA: One little note I wanted to make. I want to thank you, the chair, for being there, and also Commissioner Henning and Commissioner Halas for meeting with the congressman. Regrettably I had previous plans with the EDC, and I had to be at a planning event with them.

CHAIRMAN FIALA: We missed you, but we knew you were there in spirit.

COMMISSIONER COLETTA: I knew you could carry on without me.

CHAIRMAN FIALA: Thank you. I have a motion on the floor and a second to approve this slate of offerings to be presented to our congressmen.

All those in favor, signify by saying aye.

COMMISSIONER COYLE: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN FIALA: Aye.

COMMISSIONER HENNING: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN FIALA: Opposed, like sign?

(No response.)

CHAIRMAN FIALA: Thank you very much. And --

Item #2

PRESENTATION OF THE FIVE YEAR REVIEW OF PHASE II
RURAL LANDS STEWARDSHIP PROGRAM REPORT, DATED

JANUARY, 2009; PREPARED BY THE RURAL LANDS
STEWARDSHIP AREA REVIEW COMMITTEE – REPORT
PRESENTED WITH COMMISSION RECOMMENDATIONS -
APPROVED

MR. MUDD: Now, ma'am, I'm going to turn this over to Mr. Joseph Schmitt, and he can start your RLSA hearing.

CHAIRMAN FIALA: But before we begin, what I'd like to do is mention to everyone in the audience, if you haven't put in your speaker slips and you want to speak on this subject, do it now, because after we begin, I will not accept any more speaker slips, okay. Just so that I make it known. Okay? And you can begin. Oh, Commissioner Henning?

MS. FILSON: Just so you know, we have 62.

CHAIRMAN FIALA: I'm sorry?

MS. FILSON: Sixty-two.

CHAIRMAN FIALA: Sixty-two speakers. At three minutes each, three times six is 18. That's three and a half hours of speakers, okay. I hope everybody's going to sit here tight and listen to all of them with us.

Commissioner Henning?

COMMISSIONER HENNING: Madam Chair, I would like to inquire about how the agenda was set for today's meeting and speakers.

CHAIRMAN FIALA: How it was set like this?

COMMISSIONER HENNING: Yes.

CHAIRMAN FIALA: You know, I -- what I tried to do -- I set an agenda, folks, and that's what he's talking about. I tried to make sure that everybody got a fair and unbiased offering, but we only have so many minutes in the day. So first of all, I felt staff should be presenting because they need to begin, and then they're beginning, which will only be a few minutes.

We'll then introduce the RLSA Committee because they're the ones that have put in two-and-a-half years on this thing, and I've given them 45 minutes because I felt that they had a lot to present, and I wanted to make sure that they had enough time to do it. I've been assured that they don't need 45 minutes, but I'm giving it to them anyway just in case.

Then after, I felt that -- we'd heard a lot from some of the environmental groups, so I felt -- and there are two -- it seems two different opinions. I wanted to give them both an opportunity, so I gave ten minutes to each side.

Nancy Payton said she didn't need all ten minutes. I said she could share it with Brad Cornell who's working with her. Those were the ten minutes.

The reason I've asked commissioners to keep their questions at bay unless there's something pertinent to ask one of the speakers at the time was because I felt we could move it along. Sometimes we weigh in on our opinions. We don't need to do that in the beginning. I think we only need to ask questions.

Then we'll have a break after that because by that time we'll need a little bit of a break, and then I've given all the speakers, everybody -- how many did you say?

MS. FILSON: Sixty-five now.

CHAIRMAN FIALA: -- sixty-five speakers three minutes each.

And the reason I gave each person three minutes -- you can give people five minutes, but they can usually state what they're talking about in three minutes, and then if they have five, they kind of waffle along and just repeat themselves for the last couple minutes.

So I figured it gives -- it brings people to the point. And with this many speakers, I didn't want it to drag on until tomorrow. I'm hoping that we can continue on today.

Then after we've heard all of our speakers, then I wanted the RLSA Committee to come up here and wrap up after all of the

speakers so that they get more or less, I don't want to call it a rebuttal, I'll say it's a wrap-up; and then lastly we'll have staff coming on to wrap the final thing up, we'll take another break, and we'll take a break about every hour and a half throughout this whole deliberation, then commissioners can weigh in on questions, comments, and so forth.

But remember, folks, we're not voting on anything today, okay. A lot of people keep saying, we want you to vote for, we want you to vote against, but we're not voting on anything today. We're just voting to move this thing forward. That's all we're doing.

So a lot of people are under a misunderstanding, and I just wanted to point that out, and staff will point that out, as will the RLSA Committee.

Did that answer your questions, Commissioner Henning?

COMMISSIONER HENNING: Just a follow-up question.

CHAIRMAN FIALA: Sure.

COMMISSIONER HENNING: Is there a reason why you didn't have some time for the landowners?

CHAIRMAN FIALA: Well, you know, I got -- I started getting calls. I got a call from Mitch Hutchcraft. I got another call from Judy Hushon. I started getting calls, everybody wanting ten minutes. I figured I could only give so many ten minutes. The landowners were all a part of the RLSA Committee, and I felt that their positions would be taken.

But then I presented to Mitch Hutchcraft something that we have had throughout all of these meetings, and that is, if he wanted to speak ten minutes or 20 minutes or 30 minutes, get ten speakers with three minutes each to chime in, and he gets all the time he wants, so that's exactly why.

I didn't pointed that out to him; I pointed that out to Judy Hushon. I figured if I started giving everybody ten minutes that asked, we would never get out of here, so that's the reason.

COMMISSIONER HENNING: Can you tell me which

landowners were on the committee, because it's my mistaking, it was all citizens on the committee, so --

CHAIRMAN FIALA: Tom, you were on there, weren't you?

MR. JONES: Yes, ma'am.

CHAIRMAN FIALA: Pardon me?

COMMISSIONER COYLE: Never mind. No.

CHAIRMAN FIALA: And they were all represented there. Do you have a problem with that?

COMMISSIONER HENNING: Well, I mean, I just want -- I know you want to be fair. You got two environmentalists speaking here, and it's your understanding that the RLSA Committee was made up of landowners.

CHAIRMAN FIALA: No, I didn't say entirely of landowners. I mean the landowners were on there and strongly participated, as were their agents and representatives.

COMMISSIONER HENNING: Okay.

CHAIRMAN FIALA: Along with everybody else. I mean, this -- you know, this is about their land, so I wanted to make sure I'm fair. Yes, sir?

COMMISSIONER COLETTA: And Commissioner Fiala, I think that if we find that something's lacking and a landowner gets up and they have something pertinent to say that maybe no one else wanted to offer, I'm sure at that point in time if they ran over three minutes by -- and a message was clear and we asked, you would let them continue.

CHAIRMAN FIALA: Yeah. And, you know what, we want to give everybody an opportunity to speak. I've never hushed anybody, nor has anybody else on this commission. We want to hear what everybody has to say, because it's amazing how many times somebody -- maybe they could be the 23rd speaker, and they come out with something nobody else has said, and it -- and it flashed on a light, and you think, oh, for goodness sake. But then many times you'll hear the

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first 20, and they all say the same thing, we like it or we don't like it. So it just depends on the speaker.

But somewhere in there there's somebody who will turn on a light and we'll think, oh, for goodness sake, there we go. So yes, absolutely, we'll listen to everyone and hear everyone.

Commissioner Henning, your light is on?

COMMISSIONER HENNING: I'm all done. Thank you.

CHAIRMAN FIALA: Okay. Commissioner Coyle?

COMMISSIONER COYLE: You know, one of the good things about being chairman is you get to set things like this and you get to set the rules. If there's any confusion or disagreement with that, it can be settled by a vote with the board, and I would like to make a motion that we approve the procedures you've established --

COMMISSIONER HALAS: Second.

COMMISSIONER COYLE: -- because I think they're good.

CHAIRMAN FIALA: Thank you very much. I have a motion to accept the agenda as written by Commissioner Coyle, second by Commissioner Halas.

Any discussion?

(No response.)

CHAIRMAN FIALA: All those in favor, signify by saying aye.

COMMISSIONER COYLE: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN FIALA: Aye.

COMMISSIONER HENNING: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN FIALA: Opposed, like sign?

(No response.)

CHAIRMAN FIALA: Thank you very much. I appreciate your confidence in this agenda, and I'll do my best to make sure that it moves smoothly and fairly.

Thank you. And with that -- with that, we'll begin.

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MR. SCHMITT: Good morning, Commissioners. I'm Joe Schmitt, your administrator for community development and environmental services division.

I'm going to open with a few comments so we can just set the stage. With me today, Randy Cohen, my director for comprehensive planning, comprehensive planning department, and Tom Greenwood, who's the principal, comprehensive planning department. And Tom had the pleasure and, of course, the privilege of being the staff liaison on the Rural Land Stewardship Committee.

Also with me, and your representative from the committee, the chairman of the Rural Land Stewardship Area, Ron Hamil.

Before proceeding with the presentation that Ron's going to present, I would like to set the stage for today's meeting. There's been a lot of media -- there's been a lot in the media regarding development credits, limits on the number of acres that could be developed, projected population, and panther habitat in Eastern Collier County, and assertions to contact the county commissioners to vote yes or no on the proceedings today and the changes to the Comprehensive Plan and the growth management amendments for Eastern Collier County.

First and foremost, though this is an advertised special meeting of the Board of County Commissioners, it is not a meeting to vote on the Growth Management Plan amendments. And I'll repeat that. This is not a meeting to vote on the Growth Management Plan amendments.

The meeting is for the Rural Land Stewardship Committee, more commonly referred to as the RLSA Committee, to present its recommendations related to the five-year review of the RLSA regulations in the county's Growth Management Plan.

Both staff and the committee will note, these recommendations have undergone reviews by the county's Environmental Advisory Committee and the Collier County Planning Commission.

Yes, there are issues to address and discuss, but today the

committee and the staff is here to receive guidance only. Though the board can certainly provide guidance on the controversial issues related to caps of credits, the developable acreage, wildlife habitat, please understand that this is just a start of the process.

Today the board will simply be asked on how to proceed with these recommendations with the understanding that the proposed amendments will have to subsequently undergo data and analysis and sufficiency review and then be scheduled for the requisite public hearings, GMP amendment hearings, transmittal hearings and follow-on adoption hearings before the EAC, the Planning Commission, and finally the Board of County Commissioners. At the end of the meeting we'll discuss the schedule for those activities.

In short, this is just the beginning and any votes to accept or transmit the actual proposed amendments to the Department of Community Affairs will not take place until those scheduled meetings -- or those scheduled public hearings take place.

At the conclusion of the meeting, Mr. Cohen will discuss with the board the schedule for those meetings considering staff resources and competing commitments and requirements.

So that was pretty much my opening comments. I wanted to set the stage primarily for the audience because staff has already discussed this with the chair.

I'd like to now turn the meeting over to Ron Hamil, your chair of the RLSA Committee, who's going to give you your report. This is your committee; it was a committee authorized by the Board of County Commissioners, and Ron will give a presentation. Thanks.

MR. HAMIL: Thanks, Joe.

Madam Chair Fiala and members of the Collier County Commission, for the record, my name is Ron Hamil, and I'm chair of the Rural Land Stewardship RLSA Review Committee.

It is certainly an honor for me to be here this morning to present our report and also to serve as chair of this committee. And I will tell

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you, it is a very talented and very dedicated group of volunteers that comprise the committee, and I'd like to thank you all for your selection of individuals that served on that committee.

The Collier County Board of County Commissioners appointed us back in 2007 under resolution 2007-305A, which also spelled out the duties of this ad hoc committee. And please let me assure you that the members of this committee took their mandated commission, and that is to facilitate the public review of the Collier County RLSA overlay very, very seriously. In fact, we held over 30 public meetings to provide opportunities for public input in our efforts for over the past year and a half.

At this time I'd like to introduce the members of the committee that are here with us this morning. And believe me, these folks put in hundreds of hours of outstanding and knowledgeable insight to enhance Collier County's award-winning Rural Land Stewardship Area program.

We have Neno Spagna -- if the committee members could please stand when I call your name. We have Brad Cornell, Gary Eidson, David Farmer, Tom Jones, Bill McDaniel, and Fred Thomas with us, and we certainly appreciate all of this hard work of this committee over the past two years.

(Applause.)

MR. HAMIL: Thank you.

I would also like to take the opportunity to thank the individuals and organizations that took the time to participant in these 30-plus meetings. Many of them are here today. In fact, we've got a whole room full. And believe me, our meetings were well attend over the course of the past year and a half.

Again, when I was asked to chair this committee, personally, I wanted to make this a true public review of this program and to strive to make an award-winning program even better, if that was possible.

And this program, obviously you all know, is serving as a model

not just for this county but for other counties that are looking at what happens here in Collier.

And finally, I'd like to thank the county staff, particularly those in the comprehensive planning department, the environmental services, transportation, and the County Attorney's Office for their many hours of support to the committee's efforts.

Now, let's get into our presentation.

As you are aware, back, May 27, 2008, our committee presented its Phase I technical review report to this commission. That report was a look back at what has happened with the RLSA overlay area. That's the 195,000 acres in Eastern Collier County.

Since the RLSA program was adopted in 2002, that Phase I report concluded that significant progress had been made in achieving the goal of the Collier County Overlay Plan as adopted. That Phase I report also served somewhat of a basis for the committee to think about and work on recommendations that could truly enhance the effectiveness of the overlay, and these will be highlighted today in detail under our Phase II report.

Please let me emphasize that the Collier County program is a voluntary, incentive-based initiative. It is aimed at encouraging the owners of private property in the rural eastern lands of this county to do the following:

Eliminate their rights to convert agricultural land to non-ag. uses; to retain or expand their agricultural operations; to enhance flowways, wetlands, and water resources; to create and restore panther corridor connections and also improve critical habitat; to impose a 45,000-acre cap in the stewardship receiving areas -- these are the areas that could be developed; and to promote other public benefits in this part of the county.

Our committee review and recommendations will be presented to you in the following order. First Tom Greenwood of your county staff will provide some opening remarks; Brad Cornell, a committee

member, will give a historic perspective; Gary Eidson, a member of our committee, will highlight the Phase I report; and Bill McDaniel will review the details of our recommendations.

I would like to conclude my introductory remarks by highlighting attachment D in your executive summary, and that is a letter from the Collier Rural Land Stewardship Area Review Committee dated January 5, 2009, and sent to the commission.

And I quote from that letter: Given that the Phase II report takes the form of specific recommended policy amendments to improve the RLSA program, the committee recommends and respectfully requests that the Board of Collier County Commissioners initiate a special cycle for Growth Management Plan RLSA amendments, overlay amendments. And that's an end quote.

And also our committee feels that the special cycle be initiated in a timely manner so as to keep the momentum of the committee, the staff, and the public that has been -- that has developed over the past several months moving forward.

Now I'd like to turn it over to Tom Greenwood. And before he gets up here, I'd like to say a few good things about Tom. I didn't realize that would catch a little humor.

But anyway, Tom kind of took over the duties as staff liaison, and I know it was probably like, you know, pulling teeth; but nonetheless, with the downscaling of your staff, due to the economic conditions we're facing, he had to kind of come in and pinch hit on this project, and I wanted to assure you that he truly did an outstanding job. Probably every day for a year and a half we were either emailing or something about the efforts of this committee, and truly appreciate all of his good efforts, and you all have a true, good public servant in Tom Greenwood.

So thank you for your time. I appreciate the fact that we might have final comments, and -- but, Commissioners, thank you so much for listening to us and for inviting this committee to present before this

commission.

MR. GREENWOOD: For the record, Tom Greenwood, comprehensive planning, principal planner, and I've been the liaison with this committee for several months now, and the last several months have actually been very interesting.

When people ask me how I came down to Naples, I said, my wife sold real estate in the Kansas City area, and she fired herself; and I was a department director in a suburb of Kansas City, and I demoted myself. And I'm very pleased to be here. It's a lovely county. And I came here, quite frankly, just before Wilma came, so I got introduced to hurricanes very quickly.

Staff comments will be very brief, as Ron said. The committee presentation will be done by Brad Cornell, and he's a member. He'll do the history. Gary Eidson, he'll present the highlights of the Phase I report and reference. The Phase I report is the first probably 45 pages in your Volume I. There are two volumes to the committee's final report of Volume I, which is the Phase I report, and then the Phase II report is in Volume I as well, and those are recommendations with respect to possible amendments to the overlay district.

And then last but not least, Bill McDaniel will make presentations on the Phase II recommendations and highlights.

Just a few comments on this slide. Collier County is one of the largest counties in the State of Florida. Interestingly enough, about 66 percent of the county, the areas to the south and the east, are in public ownership, and another 14 percent of the county is in the area that -- I'm kind of using my cursor -- surrounding Immokalee, which is referred to as the Rural Land Stewardship Area. That comprises about 14 percent of the county.

If you take the two figures together, about 80 percent of the county is either in public ownership, which is preserved in a conservancy status, or in the Rural Land Stewardship Area where the alternative land uses are either ag. land, low-density residential

development, one unit per five acres, or the use in the Rural Land Stewardship Program, which allows for compact urban development in exchange for the use of stewardship credits.

The other 20 percent of the county is the area that most of us are familiar with. That includes the urban area, the rural fringe, the Estates area. And, you know, the 14 percent we've talked about during -- the committee has studied during the last year and a half is -- I think most of the rocks have been turned over. There are no 100-percent answers to all the questions.

Ron has talked about the members on the committee. They have attended -- almost all of them attended most of the meetings.

The review of the data. Number one, function of the committee was the Phase I report, which Ron has touched on. And, again, that's in your Volume I of the final report.

And number two is the overlay recommendations. And, again, that's Phase II in your Volume I report, and I'm sure that will be most of the discussion today.

Number three is assist in determining the most effective venues and dates to hold public presentations. There are three different locations where committee meetings have been held, and then assist in promoting public interest and review. And certainly the committee attempted to promote as much interest in the review process and others as well did as well.

So there have been 25 public meetings held by the committee, three different locations, were all advertised on the website, Naples Daily News, emails, public attendance, 20 to 30. There are audio recordings and summary minutes for each of the meetings. And these were held prior to the issuance of the January report, which has subsequently been changed or modified after the Planning Commission/Environmental Advisory Council meetings.

Whoops. The Planning Commission held meetings on six different days; the EAC on five different days. Committee members

attended all meetings, public presentations and explanations.

Committee final report incorporates the majority of the Planning Commission and the EAC recommendations.

There's a list, and I know this is not all inclusive, but major regular contributors and media coverage for the study, and some were much more active than others.

With that, I'd like to ask Brad Cornell, who's going to cover -- Brad is a member of the committee.

MR. CORNELL: Good morning. For the record, I'm Brad Cornell, and I represent Collier County Audubon Society and Audubon of Florida, and I'm also a member of your Rural Land Stewardship five-year review committee, for which I'm very appreciative of your appointment and have mostly enjoyed my year and a half on the committee. It was a lot of work, and I think we have some excellent recommendations for you to consider.

To set the stage for that, I'd like to go to the genesis of Rural Land Stewardship in Collier County. And as you know, it is an award-winning and precedent-setting program both in Florida and in the United States as an incentive-based way to accomplish conservation, preservation of agriculture, and other public benefits without public costs.

We go back to the evaluation and appraisal report of 1996 and '97 that attempted to address planning in the rural areas of Collier County very inadequately, in our opinion, and so that was the opinion of the state as well. The state challenged the amendments that the county was bringing forward under the EAR process, the evaluation appraisal process, and Florida Wildlife Federation and Collier County Audubon Society joined that challenge, administrative challenge.

And we were successful in front of a judge. That went all the way to the governor, the newly elected Jeb Bush in 1999. And I want to show you, in 1999 this is what the Rural Land Stewardship Area looked like in terms of development potential. A hundred ninety-five

acres had about 16,000 acres of public lands. You see those in green. Everything was open to one unit per five acres of development potentially. It was all agriculture, and there was nothing to prevent that base density from being utilized. That's 182,000 acres of development.

So this is not a good map. And this is what the state and Florida Wildlife Federation and Collier Audubon challenged. The -- ultimately the judge and the governor and cabinet agreed with us and ordered the county to enter into a three-year study of the 300,000 acres of rural lands, not only the Rural Land Stewardship Area, but also the rural fringe closer into Immokalee; 95,000 acres there.

At the beginning of that process, some interim natural resource protection areas were established to basically say, well, this is a down payment on what we were obligated to do for the past eight or ten years, but now we're going to do that; however, Florida Wildlife Federation and Collier Audubon saw this as only protecting wetlands. So we challenged this in court.

Now, I'm saying that because I want to point out how adversarial this whole process was in the beginning. There was not a lot of goodwill, there was not a lot of warm, fuzzy feelings, and there wasn't a lot of common ground. And unfortunately, that was the birth of planning for the Rural Land Stewardship Area.

That challenge resulted in this map, which is better than the previous map. It does show some protection of wetlands that double as -- somewhat as panther habitat, but we were not happy with this.

Nevertheless, we were all ordered by the governor to start this three-year process. And I have to say, over that three-year process, starting in 1999 through 2002, we actually did come to find we did have common ground with landowners, with the environmental community, and with the public and everybody's interested in that. And the result was that the Rural Land Stewardship Committee, the first committee, recommended the Rural Land Stewardship Program,

which was adopted in October, 2002. And you see that map, which is a considerable improvement. You see about 92,000 acres of areas that are slated for protection, and that protection comes through incentives, through credit-entitlement development in the yellow areas which were mapped as more appropriate.

So we have accomplished a great deal of our objectives of protecting important conservation lands, wetlands, and habitat, and at the same time we also treat fairly the landowners and the farmers who are out there whose land this is, all at no cost to the public.

However, the unfortunate reality was that this also allows for about 44,000 acres of development still at that sprawl, one unit per five acres, potentially. We didn't really think that that was going to be a problem, but as time has gone by, that definitely was one of the issues that we identified in our review process, this five-year review process.

So this is a huge improvement. We still aren't exactly where we want to be, but I would say we have a very successful program. And I have to point out that very shortly after the adoption of the program in 2004, you saw the approval of Ave Maria, university and town, 5,000-acre town required 17,000 acres of permanent protection of conservation lands, more than 3-1. This was a great start for a program that many people feared wouldn't even be used, would be ignored. It was an experiment. So this showed that actually it had some real value. The landowners saw value in it, and it had value to conservation and agriculture.

Subsequently, we've seen applications for more stewardship areas, and we hear there are others -- excuse me, not just stewardship areas but receiving areas and other development, and to date we have about 56,000 acres of Stewardship Sending Areas approved. That is a tremendous success by any measure; 56,000 acres of conservation lands, panther habitat, and wetlands preserved at no cost to the public in exchange for development in areas that are deemed appropriate.

Now, before I move this on to Gary Eidson, I want to make a final note about credits and development. When this program was originally transmitted in May of 2002, the estimated development potential was about 17,000 acres and about 134,000 credits.

At adoption in October of 2002, that had gone to 315,000 credits, 43,300 acres development, plus the -- as I was just saying, the 44,000 acres of one unit per five-acre potential.

The reason that the extra development and the extra credits showed up was, we added extra public benefits. DCA said in their ORC report, we're not sure that this is even going to work. We don't know that anybody even wants to do this. So because of that, we want to add early-entry bonus credits, so we added 27,000 credits for early-entry bonus.

Florida Wildlife Federation and Collier Audubon was afraid that we didn't have enough upland habitat for panthers, so we added 5,000 acres of that to the program.

And there was also a desire -- we don't want to just preserve things as they are. We want to restore where we need to restore. There were certain areas that were identified being heavily impacted. Agriculture had cut down flowways. There were important upland areas that needed to be restored for panther habitat, et cetera, et cetera. And so that restoration required incentives. Those were extra credits.

And we didn't know how much those would be utilized. Now we have a track record, and that tells us, it's about a third of the SSAs get utilized as restoration.

So this is all a reminder that Rural Land Stewardship was established as a way to accomplish public benefits for all of us by incentivizing private landowners to do what we need them to do and reward them for that. And that's an important principle when you know that you don't have the money to buy the lands that you want for public benefits. And these are vital lands for conservation and agriculture. We don't have the money to buy it. Also it's not for sale.

And we know that regulation, while important, alone cannot accomplish this mission either. So that is the reason that the Rural Land Stewardship came to be as it is now.

And with that, I would like to introduce Gary Eidson to tell you more about the Phase I report.

MR. EIDSON: I believe Tom is going to assist me, or someone is. My name is Gary Eidson. It's a pleasure to be here today. I am a passionate Collier County supporter. I've been involved in transportation issues in the county and have recently moved to Lee County, but that has not lessened my desire to make this thing work and work well.

I wanted to highlight here that the RLSA is an overlay. We've heard that over and over again. It's voluntary, and it's on privately owned lands, something that we must remember at all times. The system is an incentive-driven system, unique in the state, and there aren't -- it's not driven by regulations.

We wanted to -- originally the overlay was stated that it was designed to prevent premature conversion of agriculture land to non-agriculture uses. You will hear us talk about that later, that term premature. But at the beginning, that was the idea.

Secondly, we wanted to direct the incompatible uses away from the wetlands and the uplands habitat, and that's proven to be working. We wanted to enable the conversion of rural land to other uses in appropriate locations, and that has a lot to do with Immokalee and the business that's growing out there.

We wanted to discourage urban sprawl and encourage development that utilized creative land use planning techniques. And you'll find as we go down and look at the recommendations, that we found ways to improve urban sprawl or preventing that.

And the most important thing was that even in its beginning, the RLSA was found consistent with the final order and in compliance with the Growth Management Plan Act. Where there was nothing, it

turned into something award-winning.

Let's take a look at what happened -- how it looked and looks today without the recommendations. There's 92,000 acres of SSAs or sending areas; there's 315,000 credits; receiving areas are 43,000 credits -- 43,300 acres, excuse me -- and the open areas are what we had heard just mentioned earlier, that -- that's the one in five, the places that are -- there's 43,700 (sic) acres of open that could be used for -- to live on, one house per five acres. Totals potential development acres of 87,000.

On the public lands and miscellaneous acres, that's another 16, and that's how we got to the 195. And we have the charts and the pie charts for those of you that enjoy looking at it that way.

The adopted system started with base credits of 128,000. That was the transmittal. That's what was established at transmittal, and that translated into 16,000 acres.

Then you heard Brad mention about the restoration, and that was a result of the DCA. They wanted to have some way to quantify what that restoration credit would mean, and that came out to 20,000 acres based on 160,000 restoration credits. And then we also heard mentioned about the early bonus, entry bonus, which has expired, I believe, if I'm not mistaken. So that's gone. But in the beginning there were 27,000 credits for that, which translated into another 3,375 acres.

Then there's a little public benefit estimate in there of 3,927, and we came up -- so that left with us 43,312 acres.

Well, since -- and it's so funny. We've been at this thing so long that stuff has been happening while we've been -- we've had trouble writing this report because stuff kept happening, and we had to kind of keep updating.

But today, and on this map, it's kind of interesting to see how things are evolving as they were supposed to. We are getting a pathway, if you will, an area of protected lands, and you can see the

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sending areas on this map, and they originally were -- we went one through nine, and then it went through one through ten, and now it's up one through 11, and we had 14, 15, 16, and all those have been approved 43,540 acres of sending areas that are protected.

We have another 12,000 that's under review in 12 and 13. So as of April two oh nine, and the clock is ticking, 55,748 acres are protected, not to mention that we have a town that's been built in the meantime.

Has the program met with any approval? Well, A Thousand Friends of Florida gave it a Better Community Award in 2005 -- I won't go through all of these -- but engineering excellence awards, Economic Development Council was excited about it, the Governor's Council with the Sustainable Florida, American Planning Association. Apparently this thing has some legs, and people have found it to be an inspiration and as a way to get people to voluntarily find a way to give up their land rights and at the same time be rewarded for doing so and not feel like they've lost something.

Now I'd like to introduce Bill McDaniel, who's been a vibrant part of our committee and has chaired this portion of the presentation part. He has been the -- in effect the co-chair of our group, and I'd like to bring him up now.

MR. McDANIEL: Good morning, Commissioners. For the record my name is Bill McDaniel.

The Rural Land Stewardship Area was established to review the existing Rural Land Stewardship Overlay, the goal that was set forth for the Rural Land Stewardship, along with the individual five groups of policies. Each one of those five groups of policies covers different sections, different issues within -- that are involved in the Rural Land Stewardship Overlay Program.

It's important that we remember that the Rural Land Stewardship Program is a planning tool. It's an avenue for us to manage the inevitable growth and development that's ultimately coming to our

community.

Throughout the process, the committee, you've heard at length, the many public meetings that were held. The committee sought expert advice, and here are a list of the fine individuals. Somebody hit my timer here. Am I only allowed to speak for ten minutes?

CHAIRMAN FIALA: Keep on going.

MR. McDANIEL: Okeydoke.

CHAIRMAN FIALA: We had 45 minutes and -- I don't know. You might be winding it up, I don't know.

MR. McDANIEL: No, no. I'm the meat and potatoes.

CHAIRMAN FIALA: Okay.

MR. McDANIEL: Here are a list of our -- the consultants that came and spoke with us, gave presentations, and shared a tremendous amount of information to the committee which assisted us in making the inevitable recommendations that we came to.

CHAIRMAN FIALA: Excuse me, Bill, just one second. I have that they can speak till 10:07, Sue, so you can adjust that clock. It says 9:52.

MS. FILSON: Okay.

CHAIRMAN FIALA: Thank you. Excuse me.

MR. McDANIEL: That's fine, that's fine. And if I get too long-winded, please, as you have always done, please share, and I'll move right along.

CHAIRMAN FIALA: I've known him since he's been a little boy.

MS. FILSON: That is ten minutes.

MR. McDANIEL: Yes, you have. Here's your -- here's your staff's participation, the different groups of staff that assisted us in making these recommendations that presented information to allow the committee to come up with the ultimate recommendations to the committee that the committee is offering up to you here today.

And just for the record, I feel -- and I know, Madam Chair, you

have a rather stringent agenda set forth, but if it meets with the pleasure, I will welcome questions as we go, as I go through this process, if you care to. You know, there's a lot of information, and I'm happy to do my best to answer those questions as we go through the process.

As I said at the beginning, the Rural Land Stewardship Program is a planning tool. It's an opportunity for us to manage the inevitable growth and development that's coming into the highly environmentally sensitive area of Eastern Collier County.

The committee's ultimate recommendations -- and as you can see here, we made recommendations for management of the SSAs, restoration activities, tiering systems into those, made suggestions with respect to one of the -- one of the comments that has arisen with the Rural Land Stewardship Program as it exists today was a lack of preservation and protection for agricultural lands in Eastern Collier County, a huge, huge industry for our community, for the United States at large.

Next slide, please. We started off -- as I shared with you, the program is set up with a goal. The goal establishes the ultimate mission of Collier County. We made recommendations and changes to the original goal that we're -- that was, in fact, adopted.

I know myself, personally, having served on the committee, a goal that we were looking to establish was to provide for clarity, reduce subjectivity, reduce the objectiveness that potentially could fly into translations of this highly sensitive and very complex Rural Land Stewardship Overlay. So elimination of subjectivity was part of our -- was part of our mission throughout this process.

The group one policies. These group one policies predominantly focus their -- our focus for the participation and the voluntary property rights that are given up through the generation of the credits that come from the different property layers on the matrix from the natural resource index.

One of the shortfalls, if you will, was an opportunity or a lack thereof for folks who voluntarily participate in the program to withdraw in the event that there are not -- or is not a marketplace for the credits, as they're, in fact -- as they're, in fact, put in place.

Our group two policies, these were predominantly around the agricultural area. I mean, we established an entire new SSA group Agricultural Stewardship Sending Areas. And you'll see later in the slides that these encompass some 40-some-odd-thousand acres of agricultural lands that can ultimately be set aside and protected and preserved, that very important portion of Collier County's industries.

Group three policies. The original Rural Land Stewardship Program was extremely heavy in environmental preservation and protection. And so with a few modifications, not many, we were able to -- and these are the highlights of those -- of those suggestions, a little manipulation of tiering of the restoration program, a panther corridor to be established on the northern end of the Rural Land Stewardship Overlay, on a specific matter, water retention uses, when you're converting from agricultural into development.

Group four policies. These policies are predominantly revolving around the development side, the SRAs, the Stewardship Receiving Areas.

The Stewardship Sending Areas create the credits. They are the preservation and protection. Those credits are then translated into development units that are placed upon receiving areas of appropriately designated lands and appropriate locations in proximity to the highly environmentally sensitive areas of Eastern Collier County.

Some of the group four policy changes that we effectuated, the one that's received a tremendous amount of press is the community's decision for the capping of the acreage for the entire footprint in Collier County in the RLSA, excuse me.

Specifically, in the 4.7 policies, we've found that hamlets just

were not a productivity entity for the compact rural developments that we're ultimately looking to attain in Eastern Collier County as they, in fact, come along.

In the creation of the new stewardship area, Stewardship Sending Areas for agricultural lands. We saw that there was going to be an increase in the potential for ultimate credits generation, and in so doing, adjusted the necessities for credits to be converted to units from a current ratio of eight-to-ten to ten-to-one. That was one of the mechanisms that we established as an offset for the additional credits that could potentially come, assuming there's 100-percent participation in the program.

And, of course, public benefit's always a necessary fact. As you have growth and development, you have to have facilities to take care of your people that are inevitably coming.

That first one there probably should be along the lines of -- in efforts of -- we're not really looking to minimize human/wildlife interactions. It's the negative human/wildlife interactions that potentially arise when growth and development occurs in the wilds of our Eastern Collier County.

Transportation. We have to be thinking about making a plan for the moving of the people from one locale to another. Western county into eastern county, and so on and so forth. In between the individual SRAs, that's all necessarily been accounted for with respect to the mobility side of what we -- what we suggested in our changes.

And not to dissuade at all, but the very important historical and cultural values that exist in Easter Collier County, and there's a lot of -- as you saw in the big package that you got, there's a tremendous amount of history that's transpired in Eastern Collier County.

Along with that transportation side of it, we worked with your transportation department to develop a separate element for the GMP to -- and offered a 12-month period and offered a conceptual map as to what the area potentially could look like for the transportation side of

the growth and development that's coming into this particular area.

Group five policies. These are -- group five policies are what we call the additional incentivization for lack of participation in the voluntary program. How about that? It's a -- these are additional incentives for folks to find value in the Rural Land Stewardship Overlay Program.

Some of the things that we talked about there and made suggestions on are, it was a very complex wildlife management plan. We basically slid everything over into all-encompassing best and newest available data that comes about with those particular wildlife management plans, and the list changes all the time of different types of species and such that come along.

And again, and a very important thing, and one of the things that came out of the committee that I would like to suggest and that's been recommended at some level, is the outdoor lighting compatibility issues. A lot of information out there with respect to the outdoor lighting and the issues that transpire from that. And we would very much like to see a countywide development of a program for compatibility with outdoor lighting to best suit the locale with which it's located. Again, also taking into account the historical and cultural resources that exist for the folks on the lands that choose not to participate in the voluntary program.

After our suggestions, this is -- this is your -- this is a potential. And I'd like to suggest this, a couple of highlight points. This horizon date out here is 2050. That's a long time. And for those of us that have been around for the last few years, what was forever two-and-a-half years ago isn't anymore.

So the -- but we can't stick our head in the sand. We can't hide from the fact that there will be inevitable growth and development. And this is a path for us to travel. This is a concept map. These are ideas. These are estimates.

But what you can see, the transition, if you followed along in the

maps from back in 1999 when there was basically nothing but a one-to-five overlay, is preservation and protection pushing 134,000 acres of land, including the newly established SSAs for agriculture lands, which are habitat, by the way. A lot of different animal species we've found and learned do use those agricultural fields.

And I would also like to suggest that these estimates assume 100-percent participation in the program. Right now you've already learned there's approximately 56,000 acres of protection and preservation that's already been accomplished. In relationship to that, 5,000 acres is in the process of being developed. And so current ratios, we're pushing a ten-to-one ratio with respect to preservation and conservation in relationship to development that's transpired.

And we all know that the Big Cypress is coming at some stage of the game, and Serenoa's another one that's out there, and so on and so forth.

But at the end of the day, with the suggestions that the committee has come up with, you're looking at approximately 134,000 acres of preservation, a footprint of 45,000 acres, as the case may be, and a credit generation of about 400,000 or so credits. And that's with the -- and there's a guess in there. I mean, it's not an exact science.

If you've read any of those matrices that are utilized for the determination of the credits and the natural resource index, these are pretty close. I would have to venture a guess, no more than ten but probably 5 percent is what we're looking at, assuming 100-percent participation in the program.

Here's how we get there from there. As these credits are generated, they translate into acres. And I was reading this over last night as I was getting ready to come speak to you today, and it's ironic that -- those SRA acres up at the top.

Originally it required eight credits to develop a unit in an SRA, and that's what it should, is -- the new ratio is a ten-to-one credit system for the units. The base credits haven't really changed. They've

always been there. Those were your underlying individual property rights.

Restoration credits have been adjusted a little bit. And I think if any of you read or heard or saw any of the presentations that we made during the EAC or the Planning Commission, the beauty of what we have here is information and knowledge, evolution.

As Mr. Cornell shared with you early on, when we started this program, there wasn't any information. And look at the amount of knowledge that we have gained in the past seven, eight years, nine years that the program's, in fact, been put in place.

Synopsis here, ultimately the committee's recommendation is for the capping of the 45,000 acres to secure the footprint, and that ultimately translates into approximately 400-some-odd-thousand credits.

I'm stuttering a little bit on this particular slide only to the extent that, you know, there's a misnomer that we're going to be debating whether we credit caps or whether we credit -- or cap credits or cap the acres.

I would like to share with you briefly the committee's rationale for the capping of the acreage in lieu of the credits, and that's what the next two slides necessarily encompass, what we perceive to be the benefits of the capping of the credits, or excuse me, the capping of the acreage in lieu of the capping of the credits. It solidifies the ultimate footprint of the development that can, in fact, transpire.

One of the most important things that I've found of interest was the last bullet item there, and that's the potential for an imbalance in the system. There are large landowners, and there are not large landowners. I think we decided that there was -- how many property owners out there -- 200-some, I believe, in excess. I can't remember right off the top.

But the last thing we want to do in an incentive-based program that is functioning, that is working, that is for all intents and purposes

doing its job, is create an imbalance, and there are property owners who have the ability to consume credits at a far faster pace than others.

And if the capping of the credits were part of the thought process, that would certainly allow that to have a huge impact on the smaller, if you will, smaller property owners that have not yet got involved in the program. Again, the capping of the acres establishes that footprint.

The recalibration of the system, that's a -- that's an interesting item in and of itself. We did a little bit of that because we were aware of the -- with the establishment of the agricultural SSAs, that was going to have to be a mechanism in place for the utilization and consumption of credits that were generated with the preservation and protection that revolved around the agricultural SSAs.

This is the part you were looking for, Ms. Donna. Summary and conclusion. At the end of the day, our goal is to balance preservation and protection. At the end of the day our goal is to have a plan to utilize, to manipulate the inevitable growth and development that's coming to our community.

We feel that throughout the process we've also instituted economic stimuluses within the program. One of the things that we've learned through the Collier County interactive growth model program is there's a demographic, that your demographic changes as you reach maturity. We don't necessarily want to go to build-out. We want to go to maturity with respect to our population. And your population demographic changes.

And so by siting places of economic growth and development, commercial growth and development, industrial growth and development and job placement in these areas, it's going to ultimately reduce infrastructure necessities going forward.

We did juice up the preservation and protection from 92- to 134,000 acres, and then set up a more meaningful situation, if you

will, for the restoration efforts that are going on throughout the -- on the peripherals of the highly sensitive areas.

There you go. This is an interesting map. This shows you where we are today, the one on the left; and the one on the right shows you, assuming the commission accepts the committee's recommendations, the ultimate build-out, the ultimate plans of where growth and development can, in fact, occur in Eastern Collier County.

I would like to recommend that you remember that we're reaching out here for a 2050 horizon, and these are concept maps. A lot of folks throughout the individual hearings hung their hat on where the little stars were and those indicating villages and cities and that sort of stuff. These are just concept maps as to where, potentially, those areas could, in fact, be developed.

CHAIRMAN FIALA: Bill, are you pretty close to complete?

MR. McDANIEL: One more slide.

CHAIRMAN FIALA: Okay.

MR. McDANIEL: And there you go. This is a synopsis on an actual acreage basis with the existing program and the potential for some-odd 87,000 acres of development as the program exists today to the capping of the acres of 45,000 and the agricultural SSAs at large, and that big question up at the top.

CHAIRMAN FIALA: Thank you. I have two commissioners that wanted to ask questions. Do you want to wait till we finish with the RLSA Committee report?

COMMISSIONER COLETTA: I can wait.

CHAIRMAN FIALA: Okay, very good. So thank you very much. Who is the next speaker?

MR. McDANIEL: That's me.

CHAIRMAN FIALA: That was it?

MR. McDANIEL: Yes, ma'am.

CHAIRMAN FIALA: Okay. Then we'll begin.

Commissioner Henning?

COMMISSIONER HENNING: What's the reason to keep the early-entry bonus credits if nobody utilized them with the existing program?

MR. McDANIEL: Well, some were already consumed when that early-entry bonus program was, in fact, in place. I believe we've been able to reduce that amount down from 20,000 originally, and that's estimated, to 13,000 or so -- 27 to 20.

You have to account for them, Commissioner Henning, because they were part of -- or are part of the original program, but they are no longer in existence today.

MR. JONES: If I may assist my fellow committee person, Madam Chair.

COMMISSIONER HENNING: Well, wait a minute. They're expired but you're saying we have to keep them now.

MR. JONES: Commissioner Henning?

CHAIRMAN FIALA: Tom, we don't usually do this. We don't usually have people popping up to the microphone, but I'm going to allow this in this case, if you needed to answer this, even though you're not registered as a speaker.

MR. JONES: I beg your indulgence, Madam Chairwoman, but as a member of the committee, Mr. McDaniel has gone through a very thorough job of it, but I think there are certain aspects of the program that some committee people may be more familiar with than other committee people.

And with respect to the early-entry bonus question, that part -- that was the originally adopted program. It sunsetted in January of 2009. And prior to January of 2009, there were a number of Stewardship Sending Areas that were established that took advantage of the early-entry bonus credits. Those credits are essentially banked for future use. But there are no additional early-entry bonus credits available after January of 2009.

CHAIRMAN FIALA: Did you state your name for the record?

MR. JONES: Tom Jones, for the record.

COMMISSIONER HENNING: The restoration credits is to take already developed land and turn it back into its natural state; is that correct?

MR. JONES: To the extent -- there's a number of ways that the restoration program can work. It could take -- it could take previously farmed or abandoned farmland and re-establish different habitat types on it.

You have a very good example of where it was done in the southern end of Camp Keais Strand adjacent to Catherine Island where there are several roads that bisect it. The southern end of Camp Keais Strand, there were a lot of exotics in the strand itself, and they -- a restoration plan that was implemented and completed in that area put culverts under the roads and eradicated the exotics that were in the existing strand. So it's a multi-prong effort and can take place under a number of conditions.

COMMISSIONER HENNING: So it's not a complete restoration; it's somewhat of a restoration.

MR. JONES: Well, it's varying degrees of restoration. A farm field being rehabilitated to potentially native habitat would be -- I think fits your definition of a complete restoration.

COMMISSIONER HENNING: Correct.

MR. JONES: Previously impacted areas from practices of the past being renovated is another form of restoration. The Camp Keais example, for instance, re-established a significant flow between two large farming areas that didn't exist prior to the restoration project.

COMMISSIONER HENNING: Is there a hierarchy of restoration credits?

MR. JONES: The committee has recommended a hierarchy, yes, they have. The existing adopted program was eight credits outside the area of critical state concern, four for designation, four for completion. We had a total of eight.

Within the area of critical state concern, you could generate six credits, two for designation and four for completion, regardless of the type of restoration that was achieved.

What the committee took a look at was establishing essentially an economic component to the levels of restoration, depending on the intensity of that restoration.

It still ranges from -- it's still a maximum of eight within the tiered system with the exception being ten potentially for a panther corridor.

But for a full habitation restoration it would be eight. For something that was not as economically intense potentially as caracara restoration, then you would generate four credits.

COMMISSIONER HENNING: Do you have-- is there a matrix on that restoration?

MR. JONES: Yes, there is. Off the top of my head, I couldn't tell you where it is.

COMMISSIONER HENNING: I think it's very important for us to focus on that. I mean, if we're talking 160 restoration credits, I think we should be aware of what kind of credits you're going to receive for what kind of restoration you're going to do.

And, you know, I'd like to know where -- on the analysis why 160 versus any other number. I mean, if you do restoration out there, there must have been a factor of what the goal was to put in 160 credits for restoration.

MR. JONES: And there was, and there is an analysis contained in the document. It will take me a minute to find it, but there is that type of data that was supplied to the committee. And it was based on a look back to an extent, as well as by looking at the percentage of lands that were restored under the existing program and extrapolating a similar percentage of restoration going forward and then an estimate -- estimate of what we believe would be the types of restorations that took place within that acreage.

But it is contained within the document, and we could get that for you.

COMMISSIONER HENNING: Right. And I think we really need to focus on it.

My next thing is, the credits the way the program is now -- credits versus acreage with 315 credits at eight -- you need eight of those credits for one unit, that's four units per acre, but that isn't what we're building out there. Now we're going to ten, approximately ten credits needed per unit, and that will bring it down to 3.1. I really need to ask somebody that has knowledge is, that's -- is that what the customer is demanding?

MR. JONES: What the -- if I follow what you're asking, the recalibration from eight credits to ten credits is to dovetail into the recommended cap of 45,000 acres.

COMMISSIONER HENNING: Okay.

MR. JONES: The density component or the units per acre hasn't changed within the program. The maximum is still four units per acre. What we're talking about is calibrating the credits to a developable acre.

COMMISSIONER HENNING: Okay. Well, you know, I guess there's a little concern about -- out there about having all these credits and then capping the acreage at 45-, and then you're going to have a lot of leftover credits, which credits are money?

MR. JONES: No, that -- and it's a subtle point and it's a point that has been very well explained.

The excess -- the credits that are generated primarily as a result of the ag. preserve SSAs, potentially, let's just say 90,000 acres -- I mean, 90,000 credits, when those credits, in addition to the panther credits, potential panther corridor credits are added to the base of 315-, which is the established program, you get in excess of 400,000 credits.

What we did to allow -- what we did to allow for the ag. preservation component, which is a major component of the program

that was overlooked initially, what we did was recalibrate from eight credits per acre to ten credits per acre. And when you take the 400000-plus credits, divide it by ten, then you're dropping it down to the -- into the 40,000-acre limit again, you account for the potential more or less 10 percent of public benefit acreage, and you now have a cap that corresponds essentially to the total number of credits that can be generated within the system.

The key to the credit versus acreage is the recalibration that occurred.

COMMISSIONER HENNING: Right.

MR. JONES: Because we recognize there's 400,000. If it was at eight credits, my God, there'd be almost 60,000 acres of potential development. Even the property owners thought that was a little bit much.

But we had a good base system in place; therefore, we recalibrated one component of the model, and that pulled it into the low 40s, you add the public benefit, you now have an acreage cap that corresponds to a potential credit cap. It's all one in the same.

And I think there's another thing to bear in mind. That's assuming 100-percent participation. I think at 100-percent participation, potentially you could entitle 47,000 acres. Well, we capped it at 45-. You have to remember, no one has been entitled to these credits. You have to go through an application process, it has to be vetted through staff, and staff has to recommend either approval or disapproval to the commission.

Somewhere down the road in 2040 or 2050, if somebody comes up with a way to generate additional credits and the cap of 45,000 has already been met, well, then it's not very hard for staff to recommend that it not be approved, and it's not very difficult for a future commission to recognize we've met the cap. There's no market for these. We're not going to approve it.

COMMISSIONER HENNING: Is it a reasonable assumption to

look at Ave Maria, and that's the kind of density that we're going to be seeing being built in the Rural Stewardship Area?

MR. JONES: I think it's an example of it. I think on a gross -- on a gross density basis, yes. I mean, in the town center we have a much higher density than we do as you move further away from it.

COMMISSIONER HENNING: Okay. What is the gross density of Ave Maria?

MR. JONES: Two-point -- 2.3, I believe.

COMMISSIONER HENNING: Okay. Well, 2.3, and now if we're talking potential of over 400 credits (sic) and we cap the land at 45-, wouldn't that be, again, over -- this one is over four units per acre.

So if it's over four units per acre but the customer is demanding 2.3, approximately, what are we going to do with those extra credits?

MR. JONES: I'm not following where the -- I'm not following where the extra credits are coming from. The credits aren't tied to density. The credits are tied to the acreage.

COMMISSIONER HENNING: You need credits in order to develop.

MR. JONES: An acre, and that acre has a number of entitlements that go with it. And you can do a density up to four units per acre on each one of those acres.

COMMISSIONER HENNING: Right, right.

MR. JONES: So the credits aren't entitling a number of units. The credits are entitling the acre. That acre also in some cases includes your commercial acreage, it includes your retail acreage, it includes those types of other additional uses.

COMMISSIONER HENNING: Okay. I understand. Do we have a matrix on that?

MR. JONES: On what?

COMMISSIONER HENNING: On --

MR. JONES: Of the uses that go with the -- yes, sir.

COMMISSIONER HENNING: How many credits?

MR. JONES: Yes.

COMMISSIONER HENNING: Okay.

MR. JONES: There is no matrix that ties credits to units. The matrix ties credits to acres.

COMMISSIONER HENNING: And the acreage ties the land use, correct?

MR. JONES: Under the program.

COMMISSIONER HENNING: Okay, thanks.

CHAIRMAN FIALA: Now, Commissioners, we've kind of -- we're off schedule a little bit here, not that we have to stick to it religiously, but I've still got two other speakers before our breaktime, and I was wondering -- I have two commissioners that have asked to speak, now one. Did you want to -- did you want to ask questions?

COMMISSIONER COLETTA: I'll be more than happy to wait till everyone finishes.

CHAIRMAN FIALA: Thank you very much, Commissioner Coletta.

Okay, so -- and thank you, Bill.

Thank you, Tom Jones.

Our -- Nancy Payton is up next.

MS. PAYTON: Good morning. Nancy Payton representing the Florida Wildlife Federation. And thank you very much for allowing us ten minutes to speak and explain our position.

We support the review committee's report, including the acre cap versus the credit cap. We're for the acre cap as presented today, and we ask that you move the report into a growth management cycle.

We are not advocating putting these amendments before those already assigned a cycle. We don't propose that it bump anybody, but that it get in line. And that -- we urge that these Rural Land Stewardship amendments be in a cycle that's only those amendments. It is complex. It's going to require work, and so we ask that it be the only Growth Management Plan amendments that are moving through

in that cycle. But, again, I want to stress, we're not suggesting it bump anybody or be treated differently from other proposals that you're looking at.

If there were no RLSA, you would have what was shown to you earlier, is an RLSA area that was entirely red, meaning entirely prone to development and one on five or something similar, one on 20. That is not a good development pattern, and that's why there was the final order in 1999 for Collier County to do a better job of protecting its rural lands, that is, it's wildlife habitat, its wetlands, direct growth to appropriate areas and to preserve agricultural lands.

This has 182,000 acres of private land in 1999 when the final order was signed that were vulnerable to this type of rural sprawl.

In 2002 -- the next map, please -- the RLSA was adopted. It's 87,000 acres of private land with development rights. And those 87 (sic) acres, which are in red, are split 50/50. Half would be in the sustainable communities that are entitled to the Rural Land Stewardship credits, and the other half is still vulnerable to the one on five because there aren't any disincentives under the current program not to do the one on five on the lands that are open lands but not entitled with towns, villages, hamlets, or compact rural developments.

Under the current program, 315 credits have been -- are exchanged. That's eight credits per each acre to entitle it to be a town, a village, or a hamlet.

Capping the credits at 315,000 presents a problem -- I'm going to have a problem -- that with the amendments that are proposed, they're going to be 404,000 acre -- or credits that are going to be potentially generated, but capping the credits, only 315,000 of those credits will be available to be used for development.

And I did a little chart so that it helps me understand how we get there. It's 315,000 credits divided by eight, you get 39,375 acres that are entitled with the RLSA credits.

And then there is a proposal that 10 percent of that area be for

public benefit, that would be university, government facilities. So I took the 39,375 acres, multiplied it by .10, and you've got an additional 3,900 -- 3,900 and -- almost 4,000 acres. I'm very bad on math. That's why I had to figure this out.

And then you add those together and you come up with a development footprint that's associated with a credit cap of 43,300. But there are 87,000 acres of open space. So with a credit cap, you still have 43,700 acres that are vulnerable to the one on five. The acre cap does not provide a disincentive to the one on five.

There are 87,000 acres of potential development -- that would be the red, the map on the left -- but you only have stewardship credits to entitle sustainable development for 43,300 acres.

Again, you have more credits out there than there are credits that are going to be allowed under the program.

The credit cap devalues credits because, first come, first get. There are going to be potentially 400,000 credits out there but only 315,000 are going to be valid, have any currency. So credits are going to be devalued.

Favors large landowners who can put their land in Stewardship Sending Areas more quickly. It favors owners with sending and receiving lands because they can bank it till they're going to do their development in the receiving area.

It discourages habitat restoration because that takes time, it's more complicated, it's more expensive, and the credits may be gone before your restoration is termed viable. And that also is true for the panther corridors. It discourages agricultural preservation as well because there isn't that incentive.

And it is -- it is not a disincentive to the baseline of one unit on five acres. It perpetuates rural sprawl on lands not entitled through stewardship credit. These are the reasons we did not support the credit cap. It has too many holes in it and it doesn't achieve what we want it to achieve.

Ninety-two thousand acres under the current plan are protected. That's very good, but it can be better. And it can be better with the conceptual, which is -- put the conceptual plan up there, please -- conceptual plan that's being proposed by the RLSA Committee.

And, again, this is a conceptual plan. The red could be in some different areas, but we have to put the red someplace. I might have put it differently. But you get idea. Through the committee's recommendation, we were getting 75 percent green out there. We started at 0 percent. So we've moved from 0 to 50 with the current plan to 75 percent with the committee's recommendations.

Four hundred four thousand acres are exchanged. The acres needed per -- the credits needed per acre in the sending area where readjusted to -- from eight to ten, so the credit value is retained. It treats all landowners equally because they know there's a place that they can sell or use their credits, and it allows time for the program to take place. Of course that 2050 is -- that's the build-out. It may not be 2050, but that's -- we use that for the build-out scenario.

It promotes protecting panther corridors, rewards agriculture and habitat preservation, because they know those credits will have value even if it takes ten or 15 years to get those credits or longer. They know they'll have value.

It's greater land use clarity. You can just look. There's less -- there's less red on the right than there is on the left. And it provides 134,000 acres of land protected and restored.

The choice to Florida Wildlife is pretty clear. You have the left map, which is the current and with the credit cap, or you can look at the right-hand map, which is the right map, with the acre cap, and there's much more green with an acre cap and much more certainty with the acre cap than there is with the credit cap. It's kind of boiling it down pretty simply.

And that's how I had to do it because it's a complex program. And I urge you again today to move the report forward as presented

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by the committee with the acre cap and also put it in the queue for Growth Management Plan amendments. And thank you very much.

And, again, I appreciate the ten minutes. Thank you.

CHAIRMAN FIALA: And now we have the Conservancy.

MR. McELWAIN: Thank you, Madam Chair. And I want to compliment the commissioners on the extensive amount of time they've clearly put into this and their knowledge. It is quite gratifying to see the extra effort you've all put in.

As noted in an op-ed piece earlier this week, including the Florida Wildlife Federation, there certainly is the opportunity to try and put these two thoughts together, which is that you can have the benefits that have been advertised but with a credit cap.

The concern the Conservancy has is that there are virtually unlimited amounts of potential restoration, wildlife crossings, and other credits, agricultural, that have been put here, and that with no cap, as Commissioner Henning noted, point well taken, you could generate significantly more than the 45,000 acres. And with that, those credits would either have to be used in the future or compensated for in some fashion. That is our primary concern.

So that a cap on credits, which include the benefits we've seen here and keep us in the general acreage that would we are now would be what we favor. So if that means readjusting some of the existing valuations of the credits within that cap to get us to something like what's been advertised here, the total number -- you know, the valuation of the cap is of less concern to my organization than is the actual limitation so that we know there are so many credits in the system and that those credits will not be exceeded at the acreage and that the -- you will not, or future commissioners, future environmental groups -- it's been suggested that those excess credits either be bought back by the taxpayers or by organizations like mine. We'd rather use those resources, frankly, on other higher priorities.

Principally, though, we support the position taken by the

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Department of Community Affairs, Crist Administration, the Collier County Planning Commission, and the Thousand Friends of Florida, all of whom have contacted either you or the committee requesting a cap on total credits.

I would note Thousand Friends of Florida was the organization that gave the earlier program the award referenced to earlier, and they, again, support the cap on credits.

Kathy Prosser, my predecessor, served on the previous review panel. We have always believed that markets work, but markets only work with scarcity. There is no value without a limited amount of product in the system, period.

Excess liquidity, something we know a little bit about here. It's one of the reasons why we are now tenth in the nation in foreclosures. That excess liquidity will be created under this system with all of these extra credits that can be generated from restoration in wildlife corridors.

Simply put, it is a serious problem for small landowners like Pepper Ranch that wanted to sell its credits into the system, was not able to, and that cost us money.

So with that, I would like to turn this over to my colleague, Nicole Ryan, for our formal presentation; however, we do support the recommendations given to you by DCA, by CCPC, Thousand Friends of Florida. We do not support a special Comp. Plan cycle, the Immokalee urban district, and the opportunity for some commercial facilities in the Golden Gate Estates, which are your pending GMP amendments. All of those, I think, deserve their place in line, some of them have been sitting with you for three years.

THE COURT REPORTER: What was your name, sir?

MR. McELWAIN: Oh, I apologize. Andrew McElwaine with the Conservancy.

MS. RYAN: Good morning. For the record, Nicole Ryan, here on behalf of the Conservancy of Southwest Florida.

Essentially there are two sets of recommendations before you today with one very substantial difference. You have your Collier County Planning Commission that is recommending acknowledging the maximum amount of credits available to the program to date, 315,000 credits, and placing that number as the upper limit or the cap within the GMP.

As Andrew said, this is the position that the Conservancy supports, and we ask that you take the Planning Commission recommendations and make that the basis for a future GMP amendment cycle.

Conversely, the RLSA Committee has recommended an arbitrary cap on SRA acres of 45,000 acres. This difference is significant.

Within the RLSA Committee recommendation, they said that all that they seek is to allow for 1,700 acres more of SRAs, going from the current 43,300 acres up to 45,000 acres. This could be accomplished by simply adding approximately 12,240 credits to the current program; however, this is not what is being recommended.

The proposal before you would generate at least 89,000 additional credits, then require ten credits per acre of SRA versus eight credits of today. Our concern is that the outcome will likely be credits that vastly exceed the 45,000 acres of SRAs and pressure in the future then to compensate landowners for their extra credits.

Why would landowners be entitled to compensation? Because credits, not acreage, are the currency of the RLSA program. As such, the credits attached to each acre of land contain value, allowing development to be transferred to more appropriate areas.

The value of this currency creates an expectation. Once the arbitrary cap of 45,000 acres is reached and credits still remain, what then? There's going to be a push to either remove the cap, or taxpayers could be obligated to purchase the credits from the landowners.

The ability for government to acquire credits already exists in the current RLSA policy, 1.18, and has been the landowners' solution to leftover credits. Thus they do acknowledge the credits could be left over; however, the Conservancy believes that this would create an unfair and costly burden to Collier County taxpayers.

And it is realistic to assume that there will be credits left over after this 45,000-acre cap is met. Look at what has been submitted to you as part of your Phase II report under the, I believe it's Section 3, technical documentation. It assumes that the number of credits generated under the proposal would be 404,000 credits translated to supposedly no more than 45,000 acres of development. But this is based on extensive assumptions. And we certainly encourage you to take a look at this during your deliberations.

If we refer to Page 78 of the technical document where there's a complicated SSA vesting assumption -- on Page 77 there are assumptions of only 23,000 credits being generated for panther corridors and 72,000 credits generated for restoration; however, these credit assumptions are not connected to any definitive credit limit within the GMP policies, thus, they are a guess as to how many credits could be generated. But what happens if the guess is too low?

For example, if the proposed panther corridors were at a truly viable width and not as narrow as the landowners have proposed, they could easily generate not the expected 23,000 credits, it could be well over 100,000 credits. That would mean that the total credit number could be closer to 500,000 than 400,000.

So the point is that there are assumptions made in the technical document that are not tied to policies, and we ask that you look at those closely.

Another concern is that when you add all those additional credits, nothing has been shown that we actually need more development in Eastern Collier County. And we believe that that needs analysis really should precede any determination of more

development being appropriate.

There have been statements made about the benefit of the additional credits and capping the acreage, and I want to mention a few of these and respond.

First, the claim has been made that the proposed changes are a result of feedback from Department of Community Affairs to do more to incentivize the protection of ag. lands; however, DCA has made it clear that their recommendation was for the county to work within the extent of development rights currently available in the system. So they're saying, work within the 315,000 credits.

A second claim is that these changes will make the underlying one unit per five acres go away, that if these changes are approved, there will only be 4- to 5,000 acres of SRAs and nothing else. This is unrealistic. That baseline zoning is there, it's going to remain there, and likely developers will build at one per five, to some extent at least.

The RLSA is a voluntary program. Unless it were mandatory and regulatory, you can't say that there will be no one per five. So we want you to keep that in mind also.

And finally, there are claims that the RLSA Committee's recommendation will benefit the little guy. Pepper Ranch is a great example. They have credits that they can't sell, they can't get rid of. So we really need to explore how this will benefit those folks.

The Conservancy asks that you first accept the Planning Commission recommendations which will acknowledge the credit currently allowed within the program, specify that this credit number, 315,000 credits, is the maximum amount available. Such a policy would then allow the county to shift the credits to more appropriate locations to do things such as incentivize agriculture. This is in no way limiting development. This will allow 43,300 of intensive development which is actually almost twice the land area of the City of Miami.

And secondly, we ask that you reject the committee's request for

an immediate special amendment cycle. This should go in the normal cycle or as part of the EAR amendment process.

And there are many individuals and organizations that support Planning Commission recommendations. Would those in the audience who support the Planning Commission and cap the credits please stand up.

Thank you.

CHAIRMAN FIALA: Thank you, everyone. Now, we have set up some chairs in the hallway for those that would like to sit down. The televisions are going in the hallway. So please feel free to take any of those chairs. There are a couple seats available way up front for those that like to sit up in the front of the church.

And, now, we are going to be taking a -- let's see -- a ten-minute break, and then we'll be back. Thank you.

(A brief recess was had.)

CHAIRMAN FIALA: Will you all please take your seats, please. Thank you. We are back in session.

Now, before we start our speakers, Commissioner Coletta has been waiting patiently. Did you have a question for a particular person, Commissioner?

COMMISSIONER COLETTA: Well, I'd like to address to the RLSA Committee and whoever they think would be the appropriate (sic). But let's get right down where the issues all lie, and the issues all lie in the difference between acreage and credit. So whoever would be the best spokesperson from that committee would be the one that I would like to direct the question to. And I see every one of you are standing up and you just can't wait to get to the --

MR. CORNELL: I'm willing to take a crack.

COMMISSIONER COLETTA: Brad Cornell, right?

MR. CORNELL: Brad Cornell, yes.

COMMISSIONER COLETTA: Sir, thank you very much. You've heard about the ongoing controversy, acres versus

credits, and it -- you listen to it, and you have to pay particularly (sic) attention to all the details. Once again, is this going to be a detriment? In other words, is this a mixed bag where we may end up with credits that will force some future commission in some year to say, okay, we're put against the wall, we generated X number of credits over and above everything that we possibly can use, we have to open up the acreage; is that a possibility?

MR. CORNELL: I don't think so, not if the county commission and the public over the next 50 years keep an eye on this program. And I make that point because every seven years we have recommended that the Rural Land Stewardship Program get reviewed under the Evaluation and Appraisal Process, the EAR process, so that you can keep track of the balance of credits and entitlements, and are we getting out of whack. Are we getting too many credits that we can't accommodate on the receiving side?

And if we see that happening before it gets all built out in each seven-year increment, then we -- you all, as a county commission, can say, we've got to make some adjustments. You know, we're obviously producing more credits than we can use.

On the other hand, if we're -- if the program is cooling down and nothing is happening and there's obviously not enough incentive, we can adjust that way. That's what this is. This five-year review is an adjustment period. Are we on the right track? Are we balanced? Are we accomplishing the things, the goals, that we said we were?

And so I would submit to you all as county commissioners that that would be the process to keep track of that balance. And the recommendation that the committee has made to you, as Mr. Jones pointed out, is balanced at this point. The recommendation is balanced. The same number of credits -- the right number of credits that entitles the right number of acres at ten credits per acre, that consumes all those credits.

If somebody purchases more credits -- remember, all that's an

estimate, and it's based on assumptions that 100 percent of the landowners out there are going to participate.

COMMISSIONER COLETTA: Then that can probably be the case?

MR. CORNELL: I don't think so. But, I mean, I hope it does, because if 100 percent participate, we get 100 percent of the public benefits, panther corridors, 40,000 acres of farms preserved, plus all the rest -- the 92,000 acres of restoration and preservation of panther habitat and wetlands.

COMMISSIONER COLETTA: Okay. Now, I'm going to say back what I thought you said early on as far as credits go. Credits are not a vested commodity. They only happen until that point in time the commission agrees to do it? In other words, if you have land out there, you're not automatically vested with credits unless you go through the process?

MR. CORNELL: That's correct. There's the potential -- you have mapped an overlay that has the potential, based on the qualities of the land -- some of it's environmentally sensitive, some of it's less so and it's farmland -- there's the potential to establish sending areas and the receiving areas, development and protection and restoration as well, but only if you -- if the landowner goes through the process of actually establishing that. That's an application process, it's defined in your LDC, and it takes a considerable amount of effort and documentation. But if -- and then it comes to you all to approve.

If you approve a Stewardship Sending Area, protection area, that generates credits. Only then does a landowner get credits, and then they have to subsequently either sell those credits for money or apply to you again for development in a receiving area, and that's another application process.

COMMISSIONER COLETTA: I think you covered that quite well, thank you. But another question. Explain to me about this 16,000 acres for public lands. I'm a little lost on this.

MR. CORNELL: Oh, that was there right at the beginning of the program. That was the Okaloacoochee Slough State Forest and the Corkscrew Marsh part of South Florida Water Management Lands. Those were publicly owned lands. They were publicly owned at the beginning of the --

COMMISSIONER COLETTA: Does that mean that there will be public access allowed to them?

MR. CORNELL: Well, that's a -- that's not a county question. Those are state lands, and yes, there is, as a matter of fact, public access on both of those.

COMMISSIONER COLETTA: Yeah, because public lands should be accessed by the public in a reasonable and responsible way.

MR. CORNELL: And that is. That's not a county program, but I happen to know that both of those are open not only to the public, but also for hunting, for bird watching, for hiking, et cetera, et cetera.

COMMISSIONER COLETTA: I go all the way back to the original plan when it was put together. We had a gentleman that was a great help to us, and possibly we grew to the point where we didn't need his help in anymore. That was Dr. Nicholas.

Did we in any way have to consult with him this time, or did we reach that point of maturity where we didn't need to?

MR. CORNELL: We did consult with a very good list of experts. We did not consult with Jim Nicholas again, whose expertise was particularly useful on the transfer of development rights program in the rural fringe. If you remember that 93,000, 95,000 acres closer to Golden Gate Estates, that was his particular expertise in which we relied heavily.

That program is not part of this review. So we did not go back to Dr. Nicholas for this process. We did go to other experts, particularly on agriculture, panther habitat, and issues involved with how we can do a better job on those two fronts.

COMMISSIONER COLETTA: Now, Secretary Pelham has

expressed great interest in the agricultural component as far as the plan goes. Is -- do you think this is going to meet his needs and his department's needs as far as agricultural goes?

MR. CORNELL: Well, we have a very unique program. This is the first Rural Land Stewardship Program in the state, and it doesn't fall under the state -- the subsequently adopted state statute that codifies Rural Land Stewardship.

So we would not be reviewed by DCA or Secretary Pelham under that rule. As such, we have a stand-alone program that has been shown to be very successful in the goals that we have established for it.

I believe that he -- he did identify some shortcomings that he felt were needing to be addressed, and I think we've addressed a good number of those. I'm not sure that he's going to be happy with everything. I guess we'll find out, but we won't find out unless we move this on. But I'm sure he's watching.

COMMISSIONER COLETTA: Thank you, Mr. Cornell.

CHAIRMAN FIALA: Okay. Commissioner Coyle?

COMMISSIONER COYLE: Yeah. I would just like to clear up a couple of issues in preparation for hearing from the rest of the public about this.

The primary -- where did he go?

MR. CORNELL: Sorry.

COMMISSIONER COYLE: You might not be able to answer this question anyway. I don't know.

MR. CORNELL: I'll ask somebody else then.

COMMISSIONER COYLE: The primary disagreement seems to revolve around, of course, credits versus acreage. And one of the things that you tried to do, the committee has tried to do, is to encourage the retention and/or restoration of land, agricultural land. And we also have raised the issue of getting away from the one in five acre development rights problem, and it is a problem for government

and all of us.

If a landowner chooses not to participate in this program and they develop at the density of one unit per five acres, do the credits that were calculated and included in the total credit number continue to exist, or is there a mechanism in the plan to move those credits away so they cannot be used by some other person for another purpose?

MR. CORNELL: Your question is, if land is developed outside the Rural Land Stewardship Area Program under the base density, the existing one unit per five acre density, are there still credits available from that land? No.

Those credits go away. You reduce the number of credits now that are available in the Rural Land Stewardship Program.

COMMISSIONER COYLE: Okay. So those credits are not left in the pool --

MR. CORNELL: No, they are eliminated.

COMMISSIONER COYLE: -- to be used by some other landowner --

MR. CORNELL: No.

COMMISSIONER COYLE: -- assuming they have the opportunity to use those credits? You understand what I'm saying?

MR. CORNELL: I believe I do, and this is part -- this is partly what Commissioner Coletta had asked, is there a vesting of credits without having to do anything? Are we -- are we bestowing upon landowners 400-and-some-thousand acres -- excuse me, credits -- 404,000 credits? No. They don't get any credits unless they actually go through an application process, and you don't -- you are not allowed to do both one unit per five acres of development and generate credits. You do one or the other.

COMMISSIONER COYLE: Okay. It's actually different than his question.

MR. CORNELL: Okay, sorry.

COMMISSIONER COYLE: But let me try to use an example. You're a large landowner and I'm a small landowner. You have plenty of credits. You can do all sorts of thing that you want to do. You have receiving and sending lands, so you can develop on your own land or you can sell them to somebody else if you like.

Now, we've calculated credits that range up to 405,000 credits, the committee has calculated that amount, and it includes credits which are intended to incentivize all landowners not to exercise the one in five acre development, right?

MR. CORNELL: Correct.

COMMISSIONER COYLE: To track it.

Okay. Now, I am a small landowner. I've decided I want to develop my lands at one to five acres. I want to create estate lots and I want to develop them. Now, is somebody in the county going to adjust the 500- -- 405,000 or so credits downward for the land that has just been removed, just has no chance of being included in this program?

MR. CORNELL: Yes. That calculation would be made as a -- as a component of, what do we think's going to happen in 2050. Yes, you would make that calculation. You would remove those number of estimated credits that could have been generated there. They no longer can be generated.

COMMISSIONER COYLE: They will no longer exist?

MR. CORNELL: Correct.

COMMISSIONER COYLE: Now, does that mean that credits that are created to discourage the one in five acres development are somehow separately identified specifically for that purpose, and if they are not utilized, they will disappear from the total number of credits allowed?

MR. CORNELL: Yes. Every acre that does not participate either in Rural Land Stewardship and the natural resource indexing method of generating credits or through the agricultural preservation

recommended method of generating credits, either way, if you don't participate and you develop through some other means, the base density in other words, those credits go away.

And credit -- a credit is a credit. However it was generated, it's the same. And if -- and an acre is an acre, wherever it is. And if it has credit-generating potential and you happen to develop it instead outside the RLSA, those credits that could have been generated never will be. They are removed.

COMMISSIONER COYLE: Okay. Now, are the credits calculated using only developable land, or do you include land that is protected through some other measure?

MR. CORNELL: Two ways to do this. Well, currently there's only one way to do it. You remove -- the current credit generation is based on natural resource values, and there's a whole matrix of how you calculate that, and how many layers of land uses you're going to remove from each acre that also has natural resource value. So those two things multiplied times acres gives you your credits.

We're recommending to you as a committee that you add another mechanism, that is a straight credit generation for preserving farmland. That's something that we saw as being left out that didn't have enough incentives. That's not a complicated process. That's a straight credit generation calculation. There's no -- there's no matrix, there's no table. But those are the two ways to generate credits. Now I've forgotten what else you asked.

COMMISSIONER COYLE: I have, too.

MR. CORNELL: Okay. That's the way these considerations go.

COMMISSIONER COYLE: Your answer was so long that it got me completely off track.

MR. CORNELL: Sorry.

COMMISSIONER COYLE: Actually you've answered my questions, I think. I think -- okay. I'll ask the rest of my questions later, but I would like to verify, once again, that the credits that are

allowed are not allowed by right, that they must be applied for, they must be approved by the county so if -- and this is a big assumption -- if the county did what it's supposed to do, there will never be any excess credits because they will be restricted by the acreage that has been approved for development.

MR. CORNELL: That's correct. What we are recommending to you is a balanced program where you have the potential, the estimated potential to generate the right number of credits for the 45,000-acre cap of development.

And, again, I remind you that you have the ability every seven years to check that trajectory. Are we keeping with that balance? And that's what this program is all about, balance. If it gets out of balance, then you make adjustments.

COMMISSIONER COYLE: So the plan, if it is properly executed -- and this is an assumption that would apply whether you go with a cap on credits or a cap on acreage -- but if it's properly executed, there would never be an excessive number of credits.

MR. CORNELL: That's correct. That's if it's properly executed

--

COMMISSIONER COYLE: Right, if it's properly executed.

MR. CORNELL: Right.

COMMISSIONER COYLE: And then spelled out clearly in the plan?

MR. CORNELL: Yes. That's the mechanism of Rural Land Stewardship entitlement and credit generation, right, and that's what we have recommended to you. There's a lot of words and policies that support that, and the Land Development Code ultimately supports that in very much detail.

COMMISSIONER COYLE: Okay, good. Thank you very much.

MR. CORNELL: You're welcome.

CHAIRMAN FIALA: Commissioner Halas?

COMMISSIONER HALAS: Yes. I'm not sure who wants to answer this question, but I'm going to throw it out there. If a land -- small landowner decides to get in this program and he signs up and he's got so many credits, he finds out that the -- as we start to get some development that he can't sell his credits because the larger landowner is the one that has the most credits, and so he is politicking to get his credits sold before the smaller landowner gets involved.

What's to say that the small landowner doesn't get frustrated and says, the heck with it, I'll go ahead and develop my own property?

MR. CORNELL: I guess I'm getting elected because I'm close to the mike. But I think I would like to hear Tom Jones answer that question.

I think the answer, in short, is that the program is balanced. Nobody can build everything unless everybody's putting their credits into the pot.

COMMISSIONER HALAS: Well, if everybody puts their credits into the pot and you've got a small landowner and he would like to get his sold fairly reasonable, or quickly, and he finds out that he doesn't have enough clout to sell his credits, that somebody else, somebody larger, has the credits or is going to build a community, and around that community or development the larger landowner has all the development rights or the credits.

MR. CORNELL: Well, I think the issue there -- and I'm really going to defer to Tom on this, but my understanding is, the large landowners don't -- as large as they are, don't have enough credits to develop all that 45,000 acres. They cannot develop the entire 45,000. You still need the smaller landowners to finish the rest of the 45,000 if everybody participates. Does that make sense?

COMMISSIONER HALAS: You didn't really answer my question, because we've had some small landowners out there that wanted to sell some credits when they were -- I believe when they were building Ave Maria and getting that around.

And obviously the landowner that owns the property said, hey, I've got all the credits and you don't -- can't step up to the plate and sell them.

CHAIRMAN FIALA: Tom is waiting at bat. We'll let him --

MR. CORNELL: Let's let Tom --

CHAIRMAN FIALA: -- jump in there.

MR. JONES: I think you can answer that question on a couple of different levels. I think that what really gets to it is the -- is the uniqueness of landownership in Eastern Collier County. And you have a couple of large property owners, of which I work for one of those large property owners, and we can't generate enough credits on our property to develop all that we own in the open areas.

So even if we took down every acre of sending area that we can generate credits from, we couldn't entitle -- we wouldn't self-entitle our land. There is probably another large property owner in a very similar situation to us.

But then what you have is you have a large number of landowners in these open areas that have the potential for development that don't have any lands that they can generate credits off of.

So you have a system out there where you have the haves and the have-nots. And the only way that some of these other larger property owners can develop is if they can secure credits from some of these smaller landowners who don't have the ability to develop an SRA because of the acreage requirements, but they do have the ability to generate credits, and that's where a big portion of these ag. credits will probably be generated.

A large portion of these additional credits will be generated off these smaller ownerships that are in agriculture. They're really not in the development business, and they have the opportunity to sell it to larger property owners who don't have any credits available to them.

COMMISSIONER HALAS: Well, the problem is right now that

that hasn't really transpired, that the large -- the large property owners have more than sufficient to do the development and that the small property owners haven't had the ability to get into the queue yet because there's still too many credits out there.

MR. JONES: Well, what's occurred in Eastern Collier -- and we did develop Ave Maria and we did self-entitle a lot of it, but we also had conversations with a number of other landowners and asked them if they wanted to participate, and they elected not to at that time.

So we did extend an offer to several other landowners to participate in it, but the program was so new, no one knew what was going to happen.

One of the other odd things that happened -- Pepper Ranch has been mentioned a number of times, you know, they wanted to sell credits, they couldn't do it. Actually they had a contractual arrangement with Lennar to sell their credits, and then the housing crisis hit, and Lennar left town, and they were left credits. That also happened to the Scofield family.

So there are -- you're dealing with a very new program. Some of these smaller landowners thought they had a deal, and then due to market conditions, everything collapsed around them.

COMMISSIONER HALAS: The other question that's bothered me is, I've gone through a lot of material the last week or so is that originally the credits were calculated at 134,000. And now all of a sudden we've got a recalibration or reset a baseline of 315,000.

Can you clarify why we started off with 134,000 and all of a sudden now we've got 315,000?

MR. JONES: I certainly can, and it's been touched on briefly, I believe, by Mr. Cornell earlier. But when the initial program was established, there was a baseline credit established, and that's where your 134,000 came from, and that's where the 17,000-acre development footprint came from. That's what left here.

Then through transmittal and adoption, a number of other things

occurred. Additional land at the request of some of the conservation organizations was placed into potential Stewardship Sending Areas, several thousand acres. These additional acres could generate additional credits then. So your 134- -- and, again, this all happened during the public process that took place between here and the Department of Community Affairs. So that was one item that occurred.

A second item that occurred was a concern that we have a brand new program here -- and remember, when this program was being assembled and put together and discussed and reviewed in the public process, the state was on a parallel track trying to develop a Rural Land Stewardship statute, and -- so these things were on parallel.

What came from the Department of Community Affairs is, well, we've got this new program, what if no one uses it. So they were the ones that asked to include an early-entry bonus program, which generated more credits into the program.

And then there was a third component that was added, again, during this transmittal adoption period of time, that a restoration component was in there. And I was involved in these early discussions when this program was being put together in early 2000, and I'll tell you, I didn't even know what a restoration program was.

But it was a program that was being advocated from a couple of -- from several of the conservation organizations that we just don't want to keep it the way it is. There's probably things that could be -- there's things that could be improved. And I gave an earlier example of the Catherine Island, Camp Keais areas.

So what you had was, once it left here and once it went into the growth management amendment process, changes were made that were incorporated into the final program that was adopted. It wasn't -- it wasn't a sleight of hand. It occurred during that transmittal process, and I can honestly --

COMMISSIONER HALAS: The only time it really surfaced

was when we started going through this Rural Land Stewardship study again. All of a sudden, it surfaced at 315,000.

MR. JONES: That's because people started calculating what could actually occur. And as I said, I didn't even know what a restoration program was when this thing started. But once we got into the program, we started looking at capabilities that, if we do these restoration projects, we can generate additional credits.

So when we got into the review period, we had the advantage of several years of history behind us, five years of history. We're into seven years now. They had five years of history behind us to take a look at how this program was able to generate credits from the existing program.

COMMISSIONER HALAS: Okay. So I guess that's where -- I'm kind of concerned that today as we go through this discussion period we're looking at 404,000. I'm concerned that it won't be 404,000. It may be something even greater. Because I was given a sheet where they were looking at how much you were going to give for residential and some other things, a tenth of a bonus point, and there was some manipulations being done that may be ending up giving even more credits.

So I'm a little concerned about exactly what we're really talking about here, and I want to make sure that we have, I guess you'd say, truth in advertising, exactly what we have for credits. What is -- what can really be generated if we do not go with capping the credits and you're saying capping of the acreage.

I think -- where I don't feel comfortable is then when you cap the acreage, I think there can be some manipulation, voodoo math that would be done here to create even more -- more credits than 404,000.

So I don't feel comfortable with it, and I -- what we have at the present time, what I can see with the 315,000, I think that a lot of people have studied this thing, and I'm kind of weighing towards that area, unless I can be assured that we're not going to generate more

credits in the future by doing some manipulations that I don't even know about as of yet.

MR. JONES: And I agree with you, I don't know what those manipulations could be either, but I think there's two checks on it. The first check is you have a 45,000-acre cap, and the only way that you can generate credits is with approval of the county commission.

COMMISSIONER HALAS: I've got other questions but I'll hold them towards the -- as we get closer to the end of this.

CHAIRMAN FIALA: Okay. Then we will begin with our speakers, and Sue Filson will call our speakers, each one having three minutes, and she will time each one. Thank you.

We will break, by the way, at noon for lunch. We'll be gone for one hour.

MS. FILSON: The first speaker is Dr. Almon Smith. He'll be followed by Bill McDaniel, who will be followed by Wendy Rowell.

DR. SMITH: Ladies and gentlemen, thank you. I come here as a resident and property owner in Naples. I do not represent any organization. I have a background -- I have a doctorate in business administration from a Florida university and have been involved in real estate virtually my entire business life; ten years in the savings and loan business, 35 years running, as the chief executive officer, a number of different Realtor associations, including the National Association Of Realtors.

I want to let you know up front that I do volunteer both at the Humane Society and at the Conservancy. In neither case do I volunteer in any kind of an executive or legislative capacity. I do grunt work at both organizations.

My concern about all of this -- and I'm sure all of you read the article that -- from the Associated Press that came out of Tallahassee over the weekend that says, developers still salivating over land.

My concern, and the real reason that I am here, is to speak to make sure that whatever this program causes to happen, that what it

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doesn't cause to happen is something that appeared in another article several weeks ago that one group will buy credits from somebody else in order for them to immediately be able to start other kinds of economic housing programs and whatever within these areas.

When I went to school, two of my three degrees came from schools that are on the east coast. My MBA was at Florida Atlantic. This was in the '70s. When I went to that school, I had -- if you went to the farthest west point, you were within about a mile of what looked like the Everglades. You go over there today and you go ten miles, and you still aren't at a position. I don't want to see that happen to Southwest Florida.

And I think, however these credits -- and I know you all have been very, very attuned, because I could tell by the questions you're asking, about what goes on with these credits and how can they -- can they be bought and sold and so forth, and I would simply encourage you to make sure that however these credits are used, they cannot be used to jump start things in an economy that, right now, I don't have to tell you, the estimate is that if everything turned around, it would take at least four years and maybe as many as six years to get rid of the excess capacity of housing that we have in this country today, and Florida is even more difficult.

I realize my time is up. If you have any questions of me, I'd be more than happy to do that. I do have copies of this article, which I could leave here for you, and I would --

CHAIRMAN FIALA: Thank you.

DR. SMITH: Okay.

CHAIRMAN FIALA: Our next speaker?

DR. SMITH: Thank you very much.

MS. FILSON: The next speaker's Bill McDaniel. He'll be followed by Wendy Rowell.

MR. McDANIEL: Good morning, again, Commissioners. For the record, my name is Bill McDaniel.

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And I would like to reiterate a point that I maybe didn't make earlier. I did serve on your Rural Land Stewardship Overlay Review Community, but I'm not a property owner in the Rural Land Stewardship Overlay Area, and it's important that that fact be brought out.

The opinions that I'm about to share with you are very similar to those that I carried with me in the decisions that we made in the recommendations for and on behalf of the committee.

I think it's important for you to remember, the existing Rural Land Stewardship Overlay Program has no caps in it today. The one that's adopted has no caps. There are estimates of acres that can, in fact, be developed. There are estimates of credits that ultimately can be generated, but there are no caps.

One of the things that we felt, because of the uncertainties of the estimates of the generations of those credits was the establishment of a footprint for the 45,000 acres of potential development that could ultimately occur was a path that could, in fact, be traveled.

But the existing program currently today has no caps. Personally, I would have liked to have seen the recommendations coming to you to have no caps. I would allow for free market to make decisions.

I also will reiterate my conversations with both the EAC and the Planning Commission while we were making our presentations to them, as Commissioner Coyle brought up, these -- this program's going to be reviewed again and again and again. And I -- I challenge you to try to take into consideration the phenomenal amount of information that has been, in fact, gained since this program was started.

Remember that there are 56,000 acres of protected and preserved lands that are set aside today at no cost to the public treasury. Perpetual maintenance programs in place.

If you equate the equivalency, I've heard the Pepper Ranch

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mentioned it several occasions. At \$13,000 an acre, it's almost \$750 million of public benefit that's been achieved through this voluntary program with no caps, with no limits, so -- there seems to be a concern about creating additional credits. I also submit to you, there will be socio (sic) changes that are going to occur. As I shared with you earlier in the presentation, what was for sure two-and-a-half years ago isn't now, for sure, going to be the case two-and-a-half years from now.

There may be thought processes of a reprioritization, a relocation of these theoretically additional potential credits into the urbanized area where there's already infrastructure, where there's already public transit and utilities and such to support the growth and development that's coming here.

Last but not least, my suggestion is, move back to a biannual transmittal process for your GMP amendments. Don't reprioritize. Keep everybody in the queue, move back to a biannual transmittal process, and outsource your sufficiency review processes to take the heat off your staff.

MS. FILSON: The next speaker is Wendy Rowell. And as I call the speakers, if I could have one come to this podium and one come to that one.

She'll be followed by Donna Erkenbeck.

CHAIRMAN FIALA: Who can step up to this podium and wait for her turn. Thank you.

Thank you, Sue.

MS. ROWELL: I'm Wendy Rowell, and I happen to have been born in Naples, Florida.

Since the inception of this program in 2002, proposed development acreage has increased exponentially. The original program called for 16,800 acres of development entitled with 134,000 credits.

We now found that in reality there are 315,000 credits in the

program which the county is obligated to honor, which increases the development of 45,000 acres, including ten new towns and five villages in addition to Ave Maria.

The population growth that 45,000 acres of new towns could generate in Collier County is nearly 400,000 people.

Now the review committee proposes that -- to add at least 89,000 credits with an arbitrary cap of 45,000 acres of development. Based on past history of this program and what has already occurred, it seems far more reasonable to cap the credits as proposed by the Collier County Planning Commission than to cap the acreage; otherwise, county and taxpayers may find themselves in potentially a detriment legal situation wherein development has been entitled beyond the 45,000-acre cap with an extra 89,000 acre -- credits added by the committee. Cap the credits for a sustainable rural area, not an over-urbanized one.

If we remember in January of 2008, the South Florida Water Management District in Collier County put a mandatory Phase III water restriction declaring an extreme district-wide shortage of water directly affecting more than five million South Florida residents and thousands of farms and businesses.

For the most part, our water flows to us in underground aquifers from north to south. The aquifers are filled from rain water seepage into the ground. With an advent of construction and the layering of concrete and pavement, the rain water is washed away in storm sewers, and then into the Gulf, never to get a chance to get into our aquifers.

One inch of rainfall in one square acre provides 2.516 million gallons of water. Developing 45,000 acres will result in potable water loss of 113 billion, 220 million gallons of water per one inch of rainfall. And our future fight is not going to be, in my opinion, so much as our crimes of overpopulation, it will be a fight over our drinking water.

Thank you.

MS. FILSON: The next speaker is Dona Erkenbeck. She'll be followed by Pat Hosker.

MS. ERKENBECK: Good morning. I'm Dona Erkenbeck, and my husband Dick and I live at Bayfront in Naples, and we're new to Naples. We haven't been here quite as long as the previous speaker.

But as I began reading about this last summer in the Naples Daily News, a big article appeared, and I actually went to one of the meetings, even though I couldn't understand a lot of it because it was a lot of initials. But I've been trying to educate myself.

And I followed articles and news. And the map that I have in front of you is the one that appeared today in the Naples Daily News. And what I look at as a person that is a taxpayer is, what is it going to cost us?

I know this is -- as you move forward on this plan -- I know cost is coming later, but to me cost is coming now. You're talking about roads, schools, libraries, maybe another sewage treatment facility. I can't imagine the one we have now going to be adequate for all this development in the eastern county.

The costs don't include things like football fields, baseball fields for the schools, Little League fields, golf courses, all types of other things. That's -- I understand from the newspaper, it's not included in the numbers that are given today by the committee.

I went back -- I tried to do a little bit of research before I came today, and I understood that -- I may have my numbers wrong, so forgive me if I'm wrong -- but I understand that the expansion of Oil Well Road, which will lead to Ave Maria, and other places, of course, is going to cost a hundred million dollars.

Now, I saw today that 40 million, we hope, is going to come from the stimulus funds, and I know some will come from impact fees.

But if you take 20 towns times a hundred million dollars, you're talking two billion dollars just in roads, and that's some roads. That's

not all the roads. That doesn't include building of elementary schools, middle schools, high schools, libraries, sewer treatment facility.

So I know today your concern is on credits and credits on -- limitations on credits, capping acres, capping credits. I'm looking at it as a taxpayer as what it's going to cost me in the future, and I hope you'll consider that as well, because two billion dollars just for 20 roads is, I think, the tip of the iceberg as possibly what you're going to face in the future.

So I thank you very much, and good luck to you.

MS. FILSON: The next speaker is Pat Hosker. And if I could ask the next speaker to come up. Nancy Payton.

MS. PAYTON: I had my time.

MS. HOSKER: My name is Pat Hosker, and I'm a concerned citizen of Collier County.

I read recently of the additional development plan for the Rural Land Stewardship Area and the potential for more credits to entitle growth.

What happens if these are excess credits beyond the 45,000-acre cap? I do not believe it is fair or economical for taxpayers to bear the burden of buying back surplus credits.

Our natural resources in agriculture are essential to the successful operation of the county. Please do not allow it to be undermined by entitling development beyond the substantial threshold. Cap the credits and safeguard the taxpayer, the county, and the environment.

Thank you.

MS. FILSON: The next speaker is Jeff Ripple. He'll be followed by Clyde Butcher.

MR. RIPPLE: Good morning, Commissioners. My name is Jeff Ripple, and I'm here on behalf of Friends of Big Cypress.

First of all I want to say something for myself, and that is, I firmly believe that there shouldn't be any additional development out

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in the eastern county. We got it with (sic) Ave Maria, we need a place for agriculture, and we need a place for what rainwater recharge and wildlife, not more towns.

Our mission statement for Friends of Big Cypress says, we are not -- we are a not-for-profit citizen-supported organization dedicated to enhancing the educational, interpretative, and research opportunities at Big Cypress National Preserve.

Our mission includes working to protect the ecological integrity of the Big Cypress Watershed and Big Cypress National Preserve, as well as their national scenic and recreational values.

In light of our mission and close proximity to the area in question today, the Rural Land Stewardship Area, we would like to offer some comments and concerns regarding the proposed changes being discussed.

As an organization dedicated to the program being -- I'm sorry. As an organization dedicated to preserving the preserve, we are concerned that the proposal to add more credits and developments to a locale adjacent to our area of interest, which also includes important environmental lands, could be highly detrimental to the entirety of the region.

The western Everglades are a significant part of the whole Everglades system, and Big Cypress and the eastern part of Collier County are an essential component within the western Everglades.

We do not wish to see Big Cypress become an island surrounded by development on all sides, the impacts of which will encroach on the integrity of the preserve's ecology. Development on this scale will inevitably cause increased habitat fragmentation, which is a serious impediment to maintaining viable ecosystems and watersheds. This is particularly a crucial point in regards to the endangered Florida panther.

Habitat restrictions is a major reason for the decline of the panther and possibly the most critical impediment to its continued

survival; therefore, we do not want the panther to become restricted within the preserves' boundaries, as this will not promote its recovery.

We feel that the Planning Commission's recommendations to cap the credits available is the most appropriate solution to the problem. We do not recommend the proposal that there be an acreage cap. We recommend the proposal for a credit cap.

Thank you.

MS. FILSON: The next speaker is Clyde Butcher. He'll be followed by Brian Call.

MR. BUTCHER: Hi, I'm Clyde Butcher. I'm representing myself and Collier County and the state.

I have a bigger view of things than a lot of people do. But at this point in time, I think it's really important to cap this whole thing so we have time to restudy this whole thing.

I mean, I have a little problem when you have the fox in the henhouse, which we had here in this whole committee. Well, I'm sure the committee did a lot of good work, but still, I think it needs to be done outside sources, not inside sources.

This is a big picture, and this is a great county. I think people are proud of their county. I think it's one of the -- probably the nicest coun- -- I'm prejudiced, I guess -- in Florida, and I'd like it to stay that way. And I think that people don't understand the importances of wide-open areas.

When you live in a city, you get a disconnect from nature and how nature is important to the survival of us here in the city. And we have to take those things in account when we do these projects, because we can't live without air and water, and that's what we're having when we have more population. We have this -- I could get into a lot of other interesting things about what the problems here are.

I was in a sustainable conference with Governor Crist, and sustainability is an important part of Florida's future. And I don't think this particular project is going towards sustainability.

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If you just look at our world situation now where people just said, well, we can do what we want to do, sometimes government has to be for the people in whole, not just for a few groups of people, and I think that's what's important is, think of everybody in Collier County, not a few.

Thank you.

MS. FILSON: The next speaker is Brian Call. He'll be followed by Reed Hecker.

MR. CALL: Yes, Commissioners. Thanks for having me here. My name is Brian Call, and I represent myself. I do have a background with panther issues. I'm a previous president of the Friends of the Florida Panther Refuge, but I am not speaking on their behalf. I'm speaking for myself.

I certainly support the Conservancy's cap of the development credits. It's a really scary thing to be thinking that, you know, that could influence even more development to happen.

I certainly question whether or not we should have more development. I don't believe that that's the -- that we should be developing out there.

The panther is critically endangered. The reason why I got involved was because I had found a road-killed Florida panther, and it's just -- it doesn't fit with what the panther needs right now. And protecting habitat is certainly the key for that -- for the recovery of the species, and that's a -- something I don't hear a lot about. I hear maintaining the current species of 80 to 100 cats, but I'm not seeing a lot in regards to recovery of the species. So, you know, that's something that is really important for me to start hearing.

Let's see. Oh, I would also like to support any efforts that the U.S. Fish and Wildlife Service, if they're -- I would support any effort that they make in designating critical habitat because I believe that that's very important for this species to be saved as well, and that's basically it.

Thank you.

MS. FILSON: The next speaker is Reed Hecker. He'll be followed by Jennifer Hecker, who will be followed by Sally Masters.

CHAIRMAN FIALA: Now, as I asked you before, if each one would step up as their name is called so we don't have to wait for people to walk up, that would move us along even a little more quickly. Thank you.

MR. HECKER: Hello. My name is Reed Hecker. I'm a sixth-grader at Oak Ridge Middle School. I am worried about what kind of place the world will be when I grow up.

I worry most that global warming will continue in great in causing most animals to go to the brink of extinction, if not extinct. I think to stop this we could recycle more, car pool, and even just tell a friend not to litter.

The one thing you can do though is to stop allowing additional development and building on one of the last remaining Florida panther habitats. They are highly endangered, so why do we need to expand in their habitat when we already have so much.

Tomorrow is Earth Day. And I hope by saying that, I hope you vote against this.

Thank you.

MS. FILSON: Jennifer Hecker. She'll be followed by Sally Masters.

MS. HECKER: Jennifer Hecker, proud mother of Reed Hecker. And I just want to say, for the record, that I did not put him up to that. He came up with this idea on his own and wrote his comment that he wanted to share with you.

Good morning. My name is Jennifer Hecker, and I'm speaking as a resident in Golden Gate. I live just a couple streets over from Commissioner Coletta. And the Estates, as you know, is only half built out. Many homes are now in foreclosure, including many on my street and due to the economic downturn, but it's taking our home

values with it.

And I'm asking you, as a Collier County resident, to not entitle additional development as the RLSA Review Committee has recommended and instead cap the credits in the RLSA program as the Planning Commission and the Florida Department of Community Affairs has recommended.

It doesn't help residents like me to recover our home values and equity to allow more inventory into an already flooded market. We need to at least halt entitling increased development, which both sides acknowledge is exactly what these amendments would allow, until all of the current inventory is completely soaked up, which will take many years at this rate, and use that time to do the necessary transportation, water supply, and other analysis needed to ensure that any additional development is sustainable and does not detract or burden existing Collier County taxpayers and citizens.

Therefore, I ask you to not move forward with these amendments, and instead, put a credit cap on this program to ensure our sustainability and our quality of life is preserved.

Thank you.

MS. FILSON: I understand Sally Masters has left, so the next speaker would be Donald Schrottenboer. He'll be followed by Linda Penniman.

MR. SCHROTENBOER: Madam Chair, Commissioners, for the record, Donald Schrottenboer, president of Alico Land Development.

There's been a lot of presentations and discussions in the media and otherwise about the uncertainty of the acreage cap before you today.

What also could be considered is the uncertainty that comes about with a credit cap that is being advocated of 315,000 credits under the current program. What is also being advocated to you in addition to that credit cap is the proposal or the recommendation to

continue with panther corridors.

So how could one cap the credits within the current program at 315,000 but also promote the ability to do panther corridors in the future? Because if those panther corridors actually go forward, that will be a generation of credits themselves unless there is some recommendation I'm not aware of to make that regulatory.

One map that you have not been presented yet today, possibly later this afternoon, is the proposed panther corridor that the Conservancy has introduced during its deliberations with the committee. This panther corridor is over a mile wide and consists of almost 10,000 acres.

Under the current recommendations from the committee before you for the panther corridor is the generation of ten credits per acre. If you were to just quickly extrapolate the 8- to 10,000 acres that are being proposed under the Conservancy's corridor, you generate an additional 80- to 100,000 credits in addition to the 315,000 that they're asking you to cap.

So there is uncertainty that comes with capping credits as well as what is being proposed for the uncertainty of capping acres.

There's no question that a credit is a form of concurrency. It is what makes the landowner whole in this program. If you cap credits, you disproportionately unbalance the program. You have favored the large landowner who can go out and reserve and take down all of those credits and leave the smaller landowners, the Russell Purdys, the Dane Scofields, the Alicos, the Consolidated Citrus at the doorstep with virtually no ability to acquire credits. The cap on acreage allows for a balanced program.

With that, I thank you. And in addition, I have one other question. Of those people that stood before you, were asked to stand up before you for Ms. Ryan that favored the cap on credits, I would like to ask those same individuals of how many of those own property within the rural land program. Would you stand up, please.

Thank you very much.

MS. FILSON: Madam Chairman, would you like me to stop at this speaker for lunch or to continue?

CHAIRMAN FIALA: Well, let's see. We can have one more yet besides this one.

MS. FILSON: After her, okay. Lindy Penniman and Rue Harrison (sic).

MS. PENNIMAN: Madam Chair, Commissioners, good morning. Thank you for your time. I'm here actually representing 1000 Friends of Florida. I'm a member of that particular group, and --

CHAIRMAN FIALA: Your name?

MS. PENNIMAN: Linda Penniman. The executive director could not be here today, so with your indulgence, I'd like for this to be entered for the record.

The right to comment on Rural Land Stewardship Area Review Committee's Phase II Report of April 21, 2009, which we understand you will consider at an upcoming commission meeting next week. We believe it's important to follow the good recommendation recently made by your Planning Commission, but the number of development credits be limited to the previously authorized 315,000 and that as feasible, the county considers the reallocation of such credits. Our considerations are explained below.

Since 2002, we have followed your innovative work as well as the RLSA Committee in adopting and implementing a development strategy within the Immokalee area that would not result in an increase in the already-allowed dwelling units in favor of a clustered approach that protects agriculture and habitats.

Our understanding is that the adopted program overcame the existing sprawl density pattern of one dwelling unit per five acres, and instead, with all parties' approval, resulted in slightly more than 134,000 credits in the compact rural development pattern on about 17,000 within this large 200,000-acre area.

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In fact, we recognized this plan for one of our prestigious better community awards for 2005, and have since been pleased with the success in making Ave Maria an integral part of this process. We continue to support the plans that evolve even though the number of credits ultimately has more than doubled to approximately 315 (sic) units.

We were somewhat surprised to learn that the RLSA Committee over the last several months has developed a proposal to add even more credits so that the total authorized would be 400,000 credits, or another 490 -- 89,000 (sic).

In addition, we understand that no cap is proposed on the future consideration for what could become additional credits.

While we appreciate the discussion of finding ways to reduce these credits, either by purchase through local, state, or federal revenues and/or grants, that is likely to directly affect taxpayers that are already concerned about their financial situation.

The need justification for the additional development credits has escaped us, as it apparently did DCA when it commented to this effect in its correspondence of June 16, 2008.

This past summer we did comment to the RLSA Committee on June 29 about several issues that concerned us, and the biggest then and remains today, the addition of more development credits. We completely understand the need for development patterns that are dense and as compact as possible, but there must be reasonable consideration made for the type and location of infrastructure needed.

We understand that the county is developing a build-out vision plan, which considers roads, landfills, and other infrastructure that will evaluate the ability of residents to pay for these services. It seems appropriate to us that until the build-out plan for the RLSA is understood and agreed to, the larger plan for this sensitive part of the county cannot be effectively proceeded (sic).

All of the above causes us to agree with the Collier County

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Planning Commission's recommendation that the credits -- am I done?

MS. FILSON: Uh-huh.

MS. PENNIMAN: Thank you.

CHAIRMAN FIALA: Thank you.

MS. FILSON: The next speaker is Rue Harrison (sic).

MR. COHEN: For the record, Randy Cohen. Could the last speaker clarify if she is here on behalf of Charles Patterson, the executive director of 1000 Friends of Florida.

MS. PENNIMAN: Yes.

MR. COHEN: Thank you.

MR. RUE: Madam Chair and Commissioners, my name is Harrison Rue. I have conducted an independent review of the RLSA Committee's report on behalf of the Conservancy, speaking as an expert witness, planner, former new town developer and builder, about 20 years experience in smart growth, over half of that in South Florida.

I'm both impressed by the RLSA program and concerned about some of the proposed changes. I believe the Collier County Planning Commission's recommendations to amend the report as a planning document should be implemented, the review of the committee's report with both attention and detail and a broad planning policy overview. The concerns are specific and sensible, especially the cap on credits at 315,000. It's just plain good public policy to rely on a planning commission's overall review of any committee reports.

There's no proven need for wholesale revisions and number of credits as requested by the landowners through this committee. It's an innovative, award-winning program. It's working well but not yet fully tested.

For the folks who said if credits are increased now they could be looked at in five or ten years, the reverse is also true. If you cap it at 315,000, in 20 years there's a need for additional credits. You do that then.

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There's no reason to rush. I think strongly it shouldn't be in a special cycle. It should be put in line with the rest, and that will give you time to look at some other things.

Much has changed in the markets in the last five years. As many have testified, we can't afford to keep providing maintaining expansive infrastructure. I believe looking at the shifting housing market nationally and here, especially in Southwest Florida, there's some chance that if you actually put a cap on credits, that you may not need to use all the 45,000 acres. The gentleman who actually said some of those credits could be applied in the western areas where you've already developed, that makes sense over time to think about that. If you put a cap on acreage, you'll guarantee that all of those acres will get developed.

It will be -- I've -- I'm handing in separately our economist's look at this at ICF. He's one of the country's preeminent cap and trade economists, going back to the early power, power caps, and he's basically determined that a rapid influx of credits will likely devalue the existing credits. A credit cap would help establish value for the existing credits. We believe that could actually work in the smaller landowner's favor.

A couple more quick things in my last 30 seconds. I think pretty strongly that because of this issue of credit math and depending on essentially one consultant's look at it, they may be very good at this, but you should really think about a Florida University team to perform an objective analysis. If you go through a regular cycle, you would have time to do that as well as plug in the costs from your upcoming build-out scenario.

Thank you.

CHAIRMAN FIALA: And with that, folks, we're all going to break for lunch. We'll see you back here at one o'clock. Thank you for your patience.

(A luncheon recess was had.)

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CHAIRMAN FIALA: Would you all please take your seats. Thank you. Welcome back after lunch. Look at that, we've lost a lot of people. They must not have enjoyed our company this morning.

We will continue on with speaker number 16.

MS. FILSON: Tom Mueller. He'll be followed by Roland Mildner.

CHAIRMAN FIALA: Who will come up to the other podium and wait their turn.

MR. MUELLER: Board of County Commissioners, it's a pleasure to be here. Thank you for hearing me.

My name is Tom Mueller, for the record. I represent myself. I have a PhD in ecology. I'm a long-standing member of the Conservancy of Southwest Florida, Audubon, and the Nature Conservancy.

For more than 20 years, I've worked as an agricultural scientist mostly in lands of the RLSA. I can't tell you how many times I've parked my truck by the side of a field or a grove, walked into the wild areas. They're very special to me, and I would like to see them preserved.

In fact, my goal is seeing 134,000 acres preserved. That's all the land in the RLSA under private ownership.

Both the credit cap plan and the acreage cap plan give about 40,000, 45,000 acres of development. I can live with that for the 134,000 acres of preservation.

The way the RLSA program works is through incentives, incentives for property owners to give up their development rights. What are incentives? They're credits. If you cap credits, you cap incentives. If you cap incentives, you cap participation. The only way to get to that 134,000 acres preserved lands is participation. Far better way is the RLSA Committee plan to cap acres.

Thank you very much.

MS. FILSON: The next speaker is Dr. Roland Mildner.

DR. MILDNER: That's myself over here.

MS. FILSON: Okay. He'll be followed by Ellen Peterson.

Okay, sir.

DR. MILDNER: My name is Dr. Roland Mildner. I'm a taxpayer. I'm not a member of any organizations. I don't represent anybody else but myself.

The one item that I see addressed very lightly here, and in many respects not at all, is the problem of water supply. We have enough problems with water as it is in Collier County, and it can only get much, much worse with more development.

Let me illustrate. Thank you.

I began this very rough sketch, and I didn't have any colored crayons or anything to work with. And all I want to do is show you that from my understanding is that we are drawing the water from the mid Hawthorne aquifer. As everybody knows, an aquifer is simply a layer of water beneath the ground.

So my illustration, this top layer here is simply the ground that we walk on when we walk out the door, and there are various layers after that, there's some layers, maybe stone or sandstone or thin -- other thin aquifers. But what's important to us is this one.

Now, there are many wells already in here sucking water out. And what we've proposed to do in the west part -- I'm sorry, in the east part of the county is to build another well, and we'll have to purify that water considerably. And the reason for that is because this aquifer is brackish water. As we all know, brackish water is simply a combination of freshwater and saltwater. Well, that saltwater comes from somewhere, doesn't it? And anytime we withdraw water from an aquifer, it has to come from some other place.

If it doesn't come, what happens? The ground sags, doesn't it, and houses fall into holes and things. And so water does come and will come to replace what you take out.

In this case, it's coming from the Gulf of Mexico, like so. So it

gets saltier over time. By the time we get up to this 50-year scenario, this will probably be so salty that this isn't going to work. We could maybe add another one to it. If this -- if this is the purifier -- maybe add another one to it. At some point they'll be overwhelmed and we'll have to go to a different system altogether.

These are very expensive systems. It might be that this will be inadequate and we'll have to go to a desalination plant of some sort, which will be extremely expensive.

So my question is, where's the money going to come from to do all this? Have we really thought about that? And if we haven't --

CHAIRMAN FIALA: Thank you, sir.

DR. MILDNER: -- we better. Thank you.

MS. FILSON: The next speaker is Ellen Peterson. She'll be followed by Kathy Malone.

MS. PETERSON: I'm Ellen Peterson. I've been around Southwest Florida for about the last 40 years trying to save the world, not very successfully, but we're still hanging in there.

Sierra Club has sent to you all a DVD or presentation on the economics of overdevelopment. And lucky you, I'm not going to play it, but maybe you'll get it and maybe you'll take a chance to look at it.

These proposed changes, I think, and Sierra Club, Calusa chapter thinks, are in direct opposition to the intent of the original legislation that was passed. We think the intent was to give underused land and underprivileged population in rural lands a hand up to help them with economic development. This land is not underused. It's vitally needed environmentally sensitive habitat for wildlife species, prized and revered by thousands of concerned citizens. It's land that has been designated as prime panther habitat, and it's also massive ag. lands.

We, if you don't remember, are the breadbasket for the whole eastern seaboard. We cannot devote these ag. lands to development. They're needed. We don't need to be developing all of our food

supplies from other countries. That's just not appropriate.

And we cannot think that the Collier company and the large landholders are, by any stretch of the imagination, underprivileged. They're just not. And the citizens that are there, the population is not underprivileged. It's virtually nonexistent.

So we respectfully request that you at least cap the credits and lower that acreage.

MS. FILSON: The next speaker is Kathy Malone. She'll be followed by Paul Rosofsky.

MS. MALONE: Good afternoon, Commissioners. Kathy Malone with the Council of Civic Associations.

We're a Lee County-based organization that networks with civic and environmental groups throughout Southwest Florida, and we're also very active at the Florida -- at the federal level. Some of you knew my husband, Brian Griffin, better. He was co-chair of Lee County Smart Growth Committee, and we worked together on many issues over a 20-year period.

We're at the crossroads of decision with the rural lands program. Developers and large landowners for years throughout Florida have told us that their development will not harm the environment, pollute the waters, or increase traffic. They also told us that growth pays for growth. We know that's not true.

We have been conditioned to believe that landowners have property rights. What happened to the property rights of the rest of us? Do we give them up once we build a home?

Please consider what is fair to all parties affected by a large development, the smaller parcel owners, and the taxpayers who pay for cleanup after the developer makes costly, sometimes uncorrectable mistakes, and we tend to ignore the people with the voice of reason who warn us ahead of time. It's a pattern in Florida.

The 1000 Friends of Florida published this brochure, Florida in 2060, not a pretty picture. It points out that Southwest Florida,

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Charlotte, Lee, and Collier Counties will build out before 2060, but an explosion of growth is expected in DeSoto, Hendry, and Glades Counties. Will that growth affect Collier County? Of course it will. And you will have no control over their mistakes, and they will make them.

A recommendation of the 2060 research is to adopt new policy on the conversion of rural lands to urban use mandating that it only be allowed in fair trade for significant public benefit, especially the preservation of natural and agricultural lands and open space.

Since you can't control what other counties do, you need to be extra cautious, not extra generous, in your county. That's why I support capping the credits, the Planning Commission recommendations, and urge you to take a firm stance knowing that rampant greed seems to be at the heart of all Florida development and will continue to push for more and more concessions from you.

Development is not inevitable unless we make it so. There are powerful landowners, but you have the power of the people, and I hope you will use it wisely.

Thank you.

MS. FILSON: The next speaker is Paul Rosofsky. He'll be followed by Michael Seef.

MR. ROSOFSKY: My name is Paul Rosofsky. I am a retired dentist from New Jersey. I'm not here today to speak to you about potential water problems or wildlife habitat. I will leave that to those who are better qualified.

In the three minutes that I am allocated, I would like to talk about quality of life and how it can be deteriorated as a result of ill-advised decisions.

What makes me qualified to talk about this? I lived in New Jersey for 40 years, and I actually saw it happen in my lifetime. I found that what was promised was not what we got.

New Jersey is called the garden state, but there are no gardens

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left, at least not in South Jersey where we lived. What we have in their place is urban scrawl (sic). The green space, the trees, and the farms were replaced by black macadam roads and gray concrete. With the trees and farms gone, the landscape is no longer a pretty one.

In their place there is high-density housing with one development on top of the other and endless strips of shopping centers. Where one stops, the next one begins.

Burlington County and Camden Counties were the home to the farmers that grew the tomatoes and vegetables that went into Campbell's Soup and Heinz Ketchup.

After the developers got their zoning, the land was more valuable for development than for farming. So farms that were in families for generations were sold off. The orchards where I took my kids to pick apples and peaches, it's still called Larchmont Farms, but now the trees are gone and tacky-tacky houses have taken their place.

Hills Farms that grew pick-your-own strawberries that were so sweet you didn't have to put sugar on them is now a shopping center anchored by Home Depot. I could go on and on, but you've got the picture. And what we have lost is never coming back. What's done is done and what is lost is gone forever. So be it. But I don't want it to happen in Collier County.

Quality of life was further eroded by the increase in property taxes that were needed to pay for the infrastructure and personnel needed to service the new communities that were a direct result of the unrestricted growth.

New Jersey has the dubious distinction of having the highest property tax in the country. This is in addition to a state income tax.

In 1999, the last year we lived in New Jersey, I paid \$10,800 in property tax. In 2008 for a beautiful home in Naples, Florida, my property tax was \$3,514.47. A difference of \$7,285. Let's keep it that way.

Thank you.

MS. FILSON: The next speaker is Michael Seef. He'll be followed by Raquel Austin.

MR. SEEF: Good afternoon, Madam Chairman and Commissioners. My name is Michael Seef. I'm a citizen and taxpayer in North Collier County. And I want to make a follow-on statement, so -- appreciate your indulgence, because some of these topics have come up before, but I feel obliged to make them because this has been a very important issue for me in following the RLSA developments in the last year and a half, watching this committee work, going out to Ave Maria for sessions, et cetera.

And I -- I'm concerned that we're not really giving heed sufficiently to common ordinary citizens and, yes, taxpayers, as you've just heard a few times.

I feel that the -- I felt that the EAC and the Planning Commission were our watchdogs and that you would take their -- their input, their valued input to act on. And as you know, one of those key inputs is the 315,000-acre cap. But there are a lot more things than the 315,000-acre cap and the 45,000-acre cap that we're talking about by and large.

For instance, the devil is in the details on a lot of these things. And one of the details is that we're not acknowledging that on the map, which was handed out earlier in the current RLSA status, three quarters of the sending areas, three quarters of the credits, development credits, are coming from the eastern areas in the state-preserved area, state of critical concern areas.

So the landowners out in those areas -- and remember, that's three quarters of all the sending areas. This is per DCA, by the way. And you can just add up the credits, 56,000 -- of the 56,000 development credits sending areas.

Anyway, this is one issue the committee hasn't addressed. The taxes, as you've just heard from a number of people, whether it's for the network of connecting 15 plus, plus villages and towns and all the

infrastructure that's connected to that, which again, has been discussed before -- I, as a taxpayer, don't want to be liable for that. I imagine others don't either.

Now, in regards to population. The University of Florida Bureau of Economic Research has forecast that this year and next year we'll have a net migration into Florida of 37,000 people. That's all of Florida. Now, we're talking here in these lovely red areas about having 250,000 to 400,000 people with a density that we've talked about.

Now, if you go to the base of one per five acres, you've got 86,000 people. So instead of just thinking about areas and aggregates, let's think about people. Let's think about the water requirements, the transportation requirements --

CHAIRMAN FIALA: Thank you.

MR. SEEF: -- the infrastructure requirements.

CHAIRMAN FIALA: Thank you.

MR. SEEF: Thank you very much.

MS. FILSON: Next speaker is Raquel Austin. He'll (sic) be followed by Mell Ackerman.

MR. SCHWARTZ: I'm really not Raquel Austin, but she did allow me to use her time. Is it possible for it to be added onto my time? Matthew Schwartz with the Sierra Club? Would that be possible?

CHAIRMAN FIALA: Sure. We're doing that with other people.

MR. SCHWARTZ: Okay. Should I -- I guess I should wait until my name is called.

CHAIRMAN FIALA: Okay.

MR. SCHWARTZ: Okay, thank you.

MS. FILSON: What was your name, sir?

STPHAO: My name is Matthew Schwartz, representing the Sierra Club.

MS. FILSON: Mell Ackerman.

MS. ACKERMAN: I am Mell Ackerman, but I'd like to cede my time to Susan Snyder.

MS. SNYDER: Should I go now or wait?

MS. FILSON: And Susan Snyder is next.

MS. SNYDER: I am?

MS. FILSON: And she'll be followed by Bonnie Michaels.

MS. SNYDER: Hi, Commissioners. For the record, I'm Susan Snyder. I'm a concerned resident with the county. I'd like to begin with several quotes.

Florida Governor Rubin Askin, who served 1971 to 1979 stated, we must build a piece in southern Florida, a piece between the people and their place, between the natural environment and man-made settlements.

Jared Diamond -- I'm sure a lot of people have read his book, "Collapse, How Societies Choose to Fail or Succeed," wrote, at an accelerating rate, we are destroying natural habitats or else converting them to human-made habitats. This has been a or the major factor in the class of all past societies.

And Joni Mitchell in her song, Big Yellow Taxi, saying, don't it always seem to go that you don't know what you got till it's gone, to pave paradise and put up a parking lot.

Commissioners, your decision today is extremely important for the future of the county, and I know you're not voting, but you're listening. The intent of the program we all are here to discuss is to give intensives to owners of environmentally sensitive land, to protect those lands in exchange for credits that can be used to develop more appropriate areas.

The intent in 2002 when the program was developed was for approximately 10 percent of Rural Land Stewardship Area to be converted into towns and villages and everything else, would be set aside as agriculture and natural areas.

It sounds great, but the details are vague and confusing. The RLSA currently allows for more developmental -- development credits than were initially expected. Since its inception, there have been three kinds of credits that we heard about today: The base credits, the early-entry bonus credits, and the restoration credits, which all together ended up collectively totaling 315,000 credits.

The Town of Ave Maria used 28,658 of those credits, leaving behind enough credits that we've promised credits for up to ten more cities the size of Ave Maria.

In the past five years this system has not been on track with its original intent. The balance isn't there, instead of less than 20,000 acres of new towns and villages allowed under the program, it is now acknowledged that 43,300 acres in intensive development is already authorized by these credits. It's already there.

And now the RLSA Review Committee, many of whom represent members of land development corporations and major landowners in Eastern Collier, recommend adding additional credits to the program and placing a cap at 45,000 development acres.

The recommendation of the Collier County Planning Commission is to place the cap equal to the number of credits currently in the program, 315,000.

Why is a credit cap better than an acreage cap since credits are the currency -- we've heard that before today -- of the RLSA? A credit cap ensures there's no currency left over after the maximum development footprint is reached. A credit cap protects habitat, agricultural lands, and taxpayers.

So there are two possible visions for the future of the county. One is to cap the acreage and allow for overdevelopment. With that, future developers will profit immensely, but pressures will be put on the county's water supply, which we heard about, and wildlife, and county taxpayers are going to foot the bill for infrastructure.

The other vision is one that will result if the credits are capped.

It exemplifies best land-management practices for the county. It helps maintain the delicate balance needed for conserving the environment, supporting agriculture, and providing for sustainable development.

Commissioners, I hope that you'll agree that capping the credits at their present level is the best plan, and thank you very much for allowing me to speak.

MS. FILSON: The next speaker is Bonnie Michaels. She'll be followed by Dorothy Hirsch.

MS. MICHAELS: Thank you for letting me speak. This is such a hard decision for you. I don't envy you. You have all kinds of experts, one on one side, one on the other side. How do you make such an important decision?

I'm not representing any group. I am a taxpayer. I went to a lot of the meetings and, frankly, I was one of the few sort of citizens that wasn't a landowner, wasn't an expert. I really wanted to understand it. It was really tough, and I'm not sure that I understand it completely.

I've been talking to my friends, and I said, do you know about the RLSA? And they say, what? What is this? So lots of people don't know what this is about, and these are the taxpayers, and these are the citizens that you represented.

We have no precedence for this. How do we know it's going to work? We want to balance it. What if the next group of commissioners come in and they don't do the due diligence that you've done and things get changed? There's a lot of assumptions being made for a very important decision.

As a citizen it concerns me that this report was written by a consultant for the landowners, and the majority of the changes were made by a paid consultant serving on the committee. I'm a corporate consultant and I know about writing reports, so I sort of come from that position that it isn't really coming from a group of technical-paid people. They're looking at the big picture for the whole county.

Because of the cutbacks in the county, there has been no staff,

regular staff from the county that could scrutinize all these things and that really represent us.

Many of the aspects of the program haven't been reviewed, and I am worried about water, I am worried about basic infrastructure, and I know a lot of other people are as well.

I wish you wouldn't do anything, but I think you're been pressured. And this whole business of cap the credits and crap -- crap? Oh, boy -- cap the credits, that just came up. That wasn't even part of the discussion during all the recommendations. It came up after the Collier Planning Commission brought it up. So how come now at the end this came up?

Four hundred eighty-four people talked to me over the last three weeks. They've said, hold on. I think cap the credits are probably the best way to go. Thank you.

CHAIRMAN FIALA: The next speaker is Dorothy Hirsch. She'll be followed Carl -- I'm not sure how to pronounce this, V-E-A-U-X.

MR. VEAUX: Veaux.

MS. FILSON: Thank you, okay.

MS. HIRSCH: Good afternoon. My name is Dorothy Hirsch, and I'm a resident of the City of Naples.

Growth is a complicated issue which is now approaching levels that could have devastating results for our precious natural resources and overburdened taxpayers if it is not thoughtfully planned and limits acknowledged and acted upon. I hope we finally arrive at smart and sustainable growth.

We should not go forward today until we have studied this area as a whole and the effect this program will have on water resources, pollution from stormwater runoff, and how to control it, night-light pollution and its effect on human life and animal life, alternative energy sources, green buildings, traffic impact on the county and surrounding areas, roads and infrastructure, and most all, how do we

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protect animal life unable to protect itself from man's giant footprint?

I wish to acknowledge the Planning Commission's efforts on looking at a dark-sky ordinance for the whole county. I really appreciate their efforts in this part of the program.

In the past it has been shown that taxpayers pay for the mistakes of developers, both in our current economy and past sugar and dredging kings of Florida.

I sincerely ask that we look at the whole RLSA program and its impact on taxpayers and resources. Before we place it into the state's comprehensive plan, I would hope that we would really review all of these issues. Looking at these issues after it's part of the Comprehensive Plan and as each landowner or developer brings it before you, is way too complicated. We -- looking at it as a whole, we will be able to really see how it will affect taxpayers and the surrounding areas.

Thank you.

MS. FILSON: The next speaker is Carl Veaux. He'll be followed by John Elting.

CHAIRMAN FIALA: And Mr. Elting, will you come up to the other speaker, please?

MR. VEAUX: I apologize for not going to your other side, but I think you know why. Thank you for being here and listening to me today. For the record, my name is Carl Veaux. I represent the Calusa group of the Sierra Club, which you all knew.

The Responsible Growth Management Coalition of Lee County, which was, first status, conceived in 1977 and is made up of professionals and students from -- college students and teachers and other professionals to try to protect the quality of life and stop urban sprawl and the Cape Coral Friends of Wildlife. We protect the burrowing owl, and we try to protect all the wildlife in this great state of ours.

I'm here to support the stance of this Southwest Conservancy

(sic) on capping the credits and not the acreage. This will help to control the population of the area in a much more sustainable and reliable fashion is what the Southwest Conservancy's position is.

I sat here taking notes. And Clyde Butcher, people didn't listen up there. I -- Clyde Butcher had the best idea. We need to review all this, and -- in a more comprehensive way and -- with the state, and certain organizations were left out, and I think this was a crime, because this is a democracy.

Oil Can Road (sic), is that going to be four lanes?

COMMISSIONER HENNING: We moved that.

MR. VEAUX: What?

COMMISSIONER HENNING: That's in Lee County now.

MR. VEAUX: Oh, Lee County. Somebody said something, it was going to be --

AUDIENCE: Oil Well Road.

MR. VEAUX: Oil Well Road. If that's going to be four-laned, the panther will say goodbye to that area. Thank you.

MS. FILSON: Someone mentioned John Elting is gone?

MR. CORNELL: I don't see him.

MS. FILSON: Okay. So I have Judy Tryka and Paula Allen who are going to cede their time to Judith Hushon, so she'll get nine minutes.

MS. TRYKA: Judy Tryka is ceding her time to Judith Hushon.

MS. FILSON: And following -- following Judith Hushon will be Bobbie Lee Gruninger.

CHAIRMAN FIALA: Who's the other one that ceded their time?

MS. FILSON: Judy Tryka and Paula Allen.

MS. HUSHON: Hello. I'm Judy Hushon, and I'm speaking to you on behalf of vice-chair of the EAC, and I chaired the proceedings and attended a large number of the meetings over the last two years.

The EAC submitted comments over a month ago, and some of

them were minor comments, were incorporated into the version that you have now, as did the CCPC, of the version of the RLSA document, Phase II document, but some of the more major ones that we had, as is of the CCPC, have not been included, and that's what I'm going to address today.

The first one had to do with program caps, which, of course, you've heard tons of today. But EAC was actually split between doing nothing, in other words, don't act now, just sit on the plan as it exists, raising no caps, doing nothing, or moving ahead and capping the credits. And that has the same result. It results in the 315 credits -- 315,000 credits, but it would -- it would come with a different cause.

I realize you're probably going to have to move and take an action on this, so their -- they could not come to a firm conclusion on that; however, but they did not want to cap the acres, and that was a concern universally in our group.

The extra credits come from agriculture, but most of them come through those restoration credits that an awful lot of people never saw and sort of snuck up on a lot of us. Somehow they ended up there, and they've been the bulk of the credits that have resulted.

Right now if the corridors are made wide enough for the panthers -- this is according to the Panther Restoration Plan that's of 2008 -- there'll be a -- they will recommend a mile in width instead of the 600 feet we were seeing on the little plan that's in the paper today.

If we raise that, we're really ending up with not 2,300 credits, we're ending up with closer -- something closer to a 100,000 credits, a 100,000 credits, which is like 10,000 acres. That's a lot more entitlement. That's where our concern came.

We're really worried that at sometime in the future people who have credits coming to you and say, we can't get anybody to buy our credits, there's no more acres, we want you to buy then from us -- and here's the rate, by the way -- or you'll have to come up with some other way to compensate them. One way, of course, is obviously

raising the cap or using the credits elsewhere. We're really concerned about that. Entitlements are a concern, and they should be your concern, yours or those who will follow after you, because it really isn't going to hit you. It's going to hit those who follow after you.

CHAIRMAN FIALA: We're staying on here forever.

MS. HUSHON: Oh, you're staying on there forever, okay.

I personally -- this is personal -- agree with the CCPC that capping the credits is probably the right answer. It removes the concern and it takes that issue out of play, that future issue, that future issue of concern.

One of the other -- the second major item that we had was in direction of development away from the primary panther habitat. There were two sections, policies 2.2 and 3.11, which -- in which this could be inserted, along with when we protect the area is of special state concern, we would also protect primary panther habitat.

The Kautz paper, which is kind of the authority paper right now, suggests that we really need -- on Southwest Florida, we really need to protect all of the primary panther habitat that we have.

It would be possible to do the development in the Eastern Collier County and still protect that primary panther habitat, so we're all for that and for including those words in the document that goes forward. I believe they were also in the CCPC version.

Another one we felt was that HSAs should not include golf courses. There's a differentiation there among two different -- the two policies, 3.7 and 4.13, and part of it is declared a low use, a low-intensity use, yet in Appendices B and C they're listed as active areas. This seems to be inconsistent, and we really feel that golf courses don't belong in habitat stewardship areas.

Habitats and animals -- golf courses and most animals don't get along well. The exception is the Big Cypress fox squirrels, since they like to terrorize golfers. So the EAC strongly recommends that this be enacted, encouraged as well.

We're worried about water, and our worries come down to the fact that Collier County does not have a build-out water plan. We were told that they would be using the middle Hawthorne aquifer, which is brackish, which you -- have been heard also today. This was by South Florida Water Management District Hydrologist Terry Benson. However, as you draw that aquifer, there's a possibility that the upper -- upper aquifers, which we use on this west side here, could be drawn down and that the saltwater could be forced into them as well. It's already coming in. That gets to be a problem. This is an expense and a concern.

Another concern of ours was that the high-quality retention areas such as cypress heads not be used for stormwater management, that they be put off the book for stormwater management.

Another issue related to the reviews of SSAs and SRAs. Right now we are only supposed to review SRAs as the EAC and the CCPC. We would also like -- both of us would like to add SSAs as well. Those are environmental areas. One of the jobs of the EAC is to review environmental claims, and we think this is to make some sense at least for the EAC. I can't speak for the CCPC on this. They did speak. So I just wanted to say, that seems to make good sense.

And finally, we would like to see some lip service at least played in this to encourage green construction concepts in this Eastern Collier County. We would like to see it through the whole county, but we think that this is a good time and a good place to at least insert a little bit of language.

The EAC felt most strongly about the issues of capping credits rather than acres and not altering the credit system at this time and directing development away from primary panther habitat.

As the EAC, we are asked to make recommendations dealing with the environment and how this county manages it. We feel strongly that this plan as currently proposed does go part of the way toward that protection through the set-aside of land in the habitat

stewardship areas, flowways, and water retention areas, but the level and location of total development also needs to be managed.

The county is not develop -- has not developed a master plan for future development and locating of these areas. Were they to do so, this would optimize some of the infrastructure requirements, reducing the total overall county costs.

At the very least, we should be directing our future development to protect our threatened and endangered species and their habitat so that they remain -- this remains the beautiful area that we moved to and does not become the east coast of Florida.

The EAC recommends that you send this plan back to the committee to make the changes concerning capping the credits, the primary -- not building in primary panther habitat, and some of the other things that I have listed. I'll be glad to give you a list if you wish.

And that's what -- that's what we are asking of you today. Thank you.

MS. FILSON: The next speaker is Bobbie Lee Gruninger. She'll be followed by Sal Melon.

MS. GRUNINGER: For the record, my name is Bobbie Lee Gruninger, and I'm president of the Responsible Growth Management Coalition. We're involved in issues that result in significant regional impacts. We believe that the Collier County Rural Land Stewardship Area Program is such an issue.

After review of the recommendations presented to you on the future direction of the RLSA, the Responsible Growth Management Coalition supports the recommendations of the Collier County Planning Commission, and we request that you accept these recommendations as the planning document for an upcoming Growth Management Plan.

The Rural Land Stewardship Plan has extended far beyond what it was ever supposed to be. It started out around, you know, 16- to

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20,000 acres. Now suddenly it's jumped up to 40,000-plus acres. That's a lot of property to be developed. This is a direct result of the addition of the credits being added to the program.

We ask that you cap the credits, please. I know there's a lot of the development interests in the room today. They're going to be speaking for not capping the credits. That's because they're probably sharpening their pencils getting ready to do a little bit of that voodoo math that someone mentioned earlier.

There's no need for additional development in this area. It will only cost the taxpayers money. The infrastructure's not there. Development does not pay for itself. We all know that. The taxpayers are the ones that have to bear that burden of paying for that development.

Also there's the issue of priority panther habitat. And just to refresh your memories a little bit and just to go over the numbers, we lost in 2006 11 panthers, 15 panthers in 2007, nine panthers in 2008. Already this year we're tracking with five panther kills. This is by road kill and loss of habitat.

We'll be well over 15 panthers by the end of this year. I don't think we can afford to go into an endangered species habitat and just develop and continue to kill off these beautiful majestic creatures.

I want to also point out I am a landowner in eastern -- Southeastern Collier County. I own acreage there, so I am a landowner in Collier County.

And I also wanted to say, you know, this is Earth Day Week. Earth Day's tomorrow. There's a big sign out front as you pull in saying, "Let's make every day Earth Day." It's going to take everyone in the community globally to do what needs to be done to actually save this planet. The planet itself is in pretty bad shape. We need to make the steps here to do our part locally. We need to think globally and act locally.

Thank you.

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CHAIRMAN FIALA: Next speaker is Sal Melon. He'll be followed by Don Ehat.

MR. MELON: Good afternoon, Commissioners. My name is Sal Melon, and I've lived in Florida now 51 years. Started in Miami, lived in Sarasota, Winter Park, Tallahassee, and Pensacola. So I've seen the changes happen in Florida from the length and breadth of it, and all I can say is that what used to be the Everglades is now getting squished out from the east coast and the west coast, and pretty soon there's not going to be anything left.

We have to start realizing that we can't keep on developing what does not need to be developed. And with that in mind, I wish to say that I wish we can go within the confines of the laws that we have now, cap the credits, and also hold back on more development. We don't need it, not when I see what's happening with all of these foreclosures and all the people that are becoming more and more destitute because all their money is gone. Their 409Ks are gone. And keep that in mind when you make your decisions.

Thank you very much.

CHAIRMAN FIALA: I'd just like to mention, just so everybody knows, we are now halfway through our speakers. That was number 31.

MS. FILSON: Next speaker is Don Ehat. He'll be followed by Bruce Johnson.

MR. EHAT: My name is Don Ehat. I'm a citizen, also member of RGMC and Sierra Club. When I think about the situation, I think about the fact that the people who sat in your position in previous years are largely responsible for the situation we have now, and I hope that you do better.

We used to see panthers here. They used to play in these wetlands. They stalked and slept and mated with each other. We no longer see panthers here. We now have lots of golf courses and places for ball. Settlement ponds shimmer in dry skies. We drive fast both

east and west and south and north, but there isn't as much to see in spite of tries.

We don't see panthers here.

MS. FILSON: Next speaker is Bruce Johnson. He'll be followed by Dane Scofield.

MR. JOHNSON: For the record, Bruce Johnson with WilsonMiller. I'd just like to address a fairly narrow set of points related to the restoration program because that came up in questions earlier.

Before I do that, I'd just like to get back to the very, very basics of the program and remind everyone that as of preprogram, pre-RLSA, there's existing zoning property rights of one per five acre. And this entire program began with a strong desire to achieve a balance between environmental preservation, some sort of permanent agriculture, which is important to the economy and the culture of Collier County, and to have a way to manage growth and in a non-sprawl fashion, in a compact rural fashion; however, I think everybody recognizes that under the best of conditions, funding is limited for acquisitions the Board of County Commissioners just approved, Pepper Ranch acquisition, which was 2,500 acres for \$33 million. It's a lot of dollars per acres, and we don't have the local, state, or federal funds to acquire lands directly. So the RLSA program is an important vehicle to provide all the preservation that everyone here today has acknowledged.

By the time we are done, if we achieve 134,000 acres of preservation, we're looking at a dollar value based on some of the numbers thrown around of one-and-a-half billion to two billion dollars. So I'd just like to get back to that very basic thing.

I direct the commissioners' attention to policy 3.11, which involves the revisions to the restoration program for the RLSA.

And during the discussions with the committee, it became clear that the idea of having one set number of credits for all types of

restoration wasn't tenable, because what we found out was that depending on the restoration proposed, we were looking at a great difference in cost of the restoration, the difficulty of it, the risk involved because some types of restorations are riskier, and perpetual maintenance requirements.

So now in policy 3.11, a landowner who dedicates land to restoration -- for restoration would receive two credits for that designation. That designation credit is intended to create a set-aside where that restoration land is set aside up front. They can partner with public entities at that point to restore the land. They can do it themselves. The two designation credits help provide some of the capital uncertainty needed for that.

Basically, very basically, before my time is up, the easier the restoration, the lower risk, the lower number of credits awarded. The higher value restoration, the more risk, the more cost, the more credits for acre, varying between four credits per acre and eight credits per acre.

Thank you very much.

MS. FILSON: The next speaker is Dane Scofield. He'll be followed by -- I have the Raquel Austin, who's deferring his (sic) time to Matthew Schwartz, so you will be the next speaker.

MR. SCOFIELD: Good afternoon, Commissioners. Dane Scofield representing our family agriculture interest in Northeast Collier County, Half Circle L Ranch partnership, and we're here in support of the great work done by the review committee and their recommended changes.

I'd like to speak specifically to their recommended language including their reverter, and as it relates -- I want to give you a specific example as it relates to our family.

We entered into this program by taking advantage of the early-entry bonus credits. Those credits are no longer out there, so there's very few incentives for landowners, especially small

landowners, to enter into the program without realizing the benefits, the incentives that are -- were intended within this program.

We had a contract on our credits with -- we actually had three letters of intent also. When the housing market collapsed, all of those goods intention went away. And we're left with land that is now encumbered by the easements placed over those lands.

We had several inquiries to purchase our panther habitat units on our Collier property, which we were unable to do so because those credits, panther habitat units, PHUs, are tied to the Rural Land Stewardship Program, and it prevented us from utilizing another program that's out there through the federal process, that we could have benefited financially. We were prevented from doing that.

The way I envision the program moving forward, now that there are no longer early-entry bonus credits, I see landowners partnering -- sending areas partnering with receiving areas, going together through a process of putting in for their applications and permits. Even if that process goes forward and, say, there is a contract between those individuals, economic factors, unknown economic factors, could prevent the fruition of the receiving areas receiving the compensation, the benefit, of an incentive-based program.

The reverter language would help landowners to boldly step out and enter into those type agreements that would protect those lands and -- but also give them a safety net in the event that unforeseen circumstances would occur, and the land would be placed back into its original state removing those conservation easements over the property.

Thank you.

MS. FILSON: The next speaker is Matthew Schwartz. He'll get six minutes, since someone vetted their time.

MR. SCHWARTZ: Okay, thank you.

MS. FILSON: After that will be Russell Priddy.

MR. SCHWARTZ: Thank you very much, and thank you for

listening to the Sierra Club's comments on this afternoon. As I said, I am with the Sierra Club, I'm in the local Broward group, I'm the political chair and Everglades issue chair, I'm on the Everglades Committee of the state, and I'm on the National Wildlands Committee of the Sierra Club nationally. We represent about a million members nationwide, about 30,000 members here in the State of Florida.

And I -- as I said, I live in Broward County. I'm in Fort Lauderdale, so I also send greetings to everybody here from your very-crowded two-million neighbors to the east, who live like sardines in a very small piece of land.

But I do recreate in Collier County, and actually most of my recreation takes place in Collier County. I spend a lot of time in Big Cypress in the Fakahatchee and other parts of the area, and I love Collier County. I wouldn't live in South Florida without it. So that's my opening remarks.

Bobbie Gruninger talked about panther deaths. I'm going to go right into that. She quoted the numbers, I don't have to repeat them. But my total is 41 killed since 2006 on roads, and that's without the new towns that are proposed in the various programs, ten to 20 new towns.

I'm going to quote another bit of statistics from John Ogden. Dr. John Ogden is one of the leading bird experts in the county, now works for Florida Audubon, has written a classic book called "Everglades, the System (sic) and its Restoration," in 1994. He looked at birds.

And Audubon is the author of a wonderful study called Birds in Decline. We all know birds are declining. We just don't see them that much anymore.

Here are some of the numbers from John Augdon's study. He looked at great egrets, snow egrets, tri-colored herons, white ibis, wood storks. From 1931 to 1989, the numbers went from approximately, back in the '30s, 205,000 to 271,000 total. Now down

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to 22,450 for a 90-percent decline of bird life in South Florida. That's a significant number. Most of it due to habitat loss.

American crocodile -- we turn the page and look at something else. American crocodile got critical habitat designation in 2000.

In the '70s we were down to 100 to 200 animals. Today we're up over 2,000. Very big success story. One of the rare success stories where an invaded species has been delisted to threatened because the population is now viable. It's a wonderful thing. Came about through the Endangered Species Act by the designation of critical habitat, plus the fact that they -- that the crocodiles like the cooling water at Turkey Point, but that's only 25 percent. That's only 25 percent. The other three-quarters are living on the critical habitat designation.

I also support capping the credits, capping the credits, no credits in the RLSA overlay. I attended two of the meetings, one with the Environmental Advisory Committee, one with the Planning Commission. I'm astounded at their patience and ability to plow through two volumes that I bought from the county for 39 bucks. I still have to get imbursed for those from somebody.

But I listened to the conversations. I listened to conversations today all about all the -- all the -- all the uncertainty about how many credits are out there, whether you get credits by pulling weeds up on your property, panther corridors, setting land aside. It's endless. Endless uncertainty about how many credits are actually out there and how we would use these excess credits if there's no more land to develop.

But anyway, the -- capping the credits makes absolute sense to us, and it puts at least a little bit of uncertainty into a program that's going to degrade the environment no matter how it comes out.

The development out there is intense, or has -- or has the potential to become intense on top of already intense development that's degraded habitat in the county and in Southwest Florida.

The panther scientists -- I was hoping I was going to be over

there. I'm just going to move this over here and put this up.

This is -- this is from the Randy Kautz, et. al. study on How Much is Enough, talking about the needs for the Florida Panther, and you could read some of it that three zones -- three separate zones could support 79 to 94 panthers. High probability of persistence of the panther assuming no habitat loss in the primary zone, and the primary zone is very much in the RLSA.

Let's read the last quote. Thus it appears that the primary zone of large landscape consisting of a matrix of natural and disturbed cover types provides just enough space to support a population that is barely viable -- I'm underlining -- demographically as long as the habitat base remains stable.

The Panther Protection Program is not a substitute for critical habitat. This program is going to degrade the critical habitat. It is simply at odds with the science, what the scientists are saying. Am I still good for -- I don't know how long --

MS. FILSON: One minute.

MR. SCHWARTZ: One minute left. Okay. The ESA represents the Endangered Species Act, the collective will of the American people about how we expect endangered species in our country to be treated. Nobody's mentioned the ESA today. ESA is not the panther protection program, it's not the RLSA. It's the law of the land.

And if you're asking for advice, the advice that I would give you is not sit on the sidelines in this discussion that we are having with the U.S. Fish and Wildlife Service. You're an important player in this decision.

I would urge you to take the U.S. Fish and Wildlife Service to task and say, the process should begin with science. That's what the election was just about, renewal of science in the public interests. Push the U.S. Fish and Wildlife Service to do their science. It should not be being done by committees in the county, nor the environmental

groups.

The amount of land required by panthers is a scientific decision. The U.S. Fish and Wildlife should make that decision.

Thank you.

CHAIRMAN FIALA: The next speaker is Russell Priddy. He'll be followed by Laurie McDonald.

MR. PRIDDY: Thank you, Commissioners, for the opportunity to be here. I feel compelled to use my three minutes to not talk about the program, but to talk about the committee, because I've heard at least two statements here today that are just totally false.

I've heard that this rural lands committee was made up of landowners. There is not one landowner on that committee. Yes, there is one landowner representative, Mr. Jones. There was no one on that committee that was paid by the landowners. And I think it is an embarrassment to the people that served on the committee to be called a landowner representative or that they were -- were secretly placed there to protect our interests.

Neno Spagna, which worked for the county, recently worked for the city; Tammie Nemecek, which I guess is partially funded by the county but is with the EAC; David Farmer, I suspect, takes great exception to being -- having been called and put in that category; I know Brad Cornell and Gary Eidson turned red in the face when they were accused of that, and I -- I really feel embarrassed for the people that got up and said that because they were misinformed, and shame on the people that misinformed them.

Thank you.

MS. FILSON: The next speaker is Laurie McDonald. She'll be followed by Liesa Priddy.

MS. McDONALD: Good afternoon. Laurie McDonald. I'm the Florida Director for Defenders of Wildlife and a wildlife zoologist.

Defenders of Wildlife has been very involved in this process. We have attended every one of the review committee's meetings or

sent in written comments. We've attended the Planning Commission meetings, EAC, and so forth.

Defenders of Wildlife is a national conservation organization based in Washington D.C. We've worked throughout North America. In Florida we work on many things, including trying to protect a connected system of habitat throughout the state. We are a science, solution-based organization. We work on the protection and recovery of wildlife, in particular endangered species and their habitat, habitat we all depend on.

We often work on carnivores or keystone umbrella species because not only do they deserve protection in their own right, but also through their protection, we protect many plants, animals, and whole ecosystems, so we'll see why the panther is of great importance to us and a focus for us in much of this work.

The -- our objective here has been to protect -- to protect as much conservation area and as much habitat as possible. We began with a -- we began through commenting on these processes, on projects, from project bases to the federal processes. We -- then, feeling that we were unheard, we moved to litigation. We then moved into a cooperative agreement collaborative process, which we believe we're in here today.

The -- and we believe that we have found, through the changes that have been proposed to you by the review committee, that there are much greater assurances, greater incentives that will definitely improve the current program in Collier County and give greater assurances that there will be the public benefits of conservation areas, restoration, habitat corridors, agricultural preserves, and so forth.

We believe that you're looking at two different mechanisms here for trying to get a handle on predictability and assurances of maxing out some degree of development around 45- -- 43- to 45,000 acres and that the acreage cap will be the same.

When you have a chance to really work through the numbers,

some real examples, some hypothetical future examples, you'll find that that is a means that will give us the greatest assurance of maintaining a system that balances development where it's -- where it's suitable agricultural preserves and the conservation areas in a connected manner for panther and other wildlife and all of the natural resources that occur in those areas, that they would be the best way to go.

Defenders is not looking to the Rural Land Stewardship Program in Collier County to answer all the questions. We are looking at the federal level habitat conservation plan under the Endangered Species Act.

Thank you very much.

MS. FILSON: The next speaker is Liesa Priddy. She'll be followed by Tom Conrecode.

MS. PRIDDY: Good afternoon, Commissioners. My name is Liesa Priddy, and I'm the third generation of my people to own and operate JB Ranch in Immokalee. Our property is in the RLSA area, and 100 percent of our property is in the primary habitat area.

We are not developers, but we're a family-run operation. I grew up on the property, and my family and I still live there. I'm raising the fourth generation.

Our interests in RLSA is to preserve our land for future generations. As property owners in Eastern Collier County, we have been active participants in the RLSA since its inception.

We see it as an innovative way to help us preserve the land that we love and the creatures who call it home. I have to admit that it has been interesting to hear all of you here today discussing what you think I should be doing with my property.

During this process, we have been honored to work side by side with conservation organizations, including the Florida Wildlife Federation, Defenders of Wildlife, Audubon of Collier County and of Florida, and we greatly respect those groups and their members.

The RLSA program has the potential to protect 134 (sic) acres from development. This is at no cost to the taxpayer. This is an area equal to one-third of all privately owned property in the county.

We are here today to work toward a long-range plan that will accommodate what we think the population of Collier County will be while protecting the environment, agriculture, and landowners.

This is an opportunity for Collier County to implement a program which was put together locally, it addresses our local needs, it's endorsed by landowners and all but one local environmental group.

Contrary to what has been stated previously, the review committee is not made up of landowners and has only one landowner's representative. It does consist of citizens.

Also contrary to what has been stated previously -- I'm sorry, that's a -- I repeated myself.

I ask that the commission not discount the recommendations of the special committee which you chose and you appointed to undertake this task.

Thank you.

MS. FILSON: The next speaker is Tom Conrecode. He'll be followed by Dukie Neiman.

MR. CONRECODE: I yield my time to Mitch Hutchcraft on behalf of the Eastern Collier property owners.

MS. FILSON: Dukie Neiman? Brian Goguen, Gogwen (sic)? He'll be followed by Andrew McElwaine.

MR. McELWAIN: I yield my time.

MS. FILSON: To?

MR. McELWAIN: To no one.

MS. FILSON: To who? Oh.

MR. McELWAIN: No one.

MS. FILSON: Okay. Then he'll be followed by Joe Browder. Okay, who --

MR. GOGUEN: Hi. I'm Brian Goguen with the Barron Collier

Companies. I'm going to be brief. I just want to re-emphasize one point that I think is really important.

I think everyone here today really wants to do the right thing. That's why we're all here. I think sometimes we lose focus on really the big picture, and I just want to emphasize again, when we take a look at this map here and we're talking about 134,000 acres being preserved, just to put it in context, I don't think people really realize what area of land that is. That's nine times the City of Naples that will be protected forever at no cost to the taxpayers.

You look around the state. You see what U.S. Sugar is doing, what the governor is doing with U.S. Sugar. They're acquiring a similar size property for over a billion dollars. Let's celebrate what we're doing right here. We're protecting a significant portion. Ten percent of the land of Collier County is going to be added to the 65 percent that's already protected.

In total we'll have 75 percent of our total land here protected. And, again, I think sometimes we kind of get embroiled in credit cap, acreage cap, those kind of things, but I think at the end of the day what we all want to do is preserve that 134,000 acres.

Thank you.

MS. FILSON: Next speaker is Joe Browder. He'll be followed by Susan Calkins.

MR. BROWDER: Thank you very much. I'm Joe Browder. I'm from Washington D.C. I'm originally a -- the other-coast person. Grew up in Miami, and did a lot of work relating to events in Collier County in the '60s. I'm the person who organized the campaign to stop the jetport that Dade County was going to build in the Everglades, organized the campaign to put Big Cypress under the national park system.

As a matter of fact, I am the person who negotiated with the Collier family about the boundaries of Big Cypress National Preserve when Norm Heron was representing the Colliers' interests.

And I have a fairly long, perhaps, continuing interest in what goes on here. And the first thing I want to say is how impressive it is that you all are going through this. You look at the program you're trying to do, and the concept is remarkable and should be a model.

But just because people disagree about some elements of it, they shouldn't be dismissed or discarded. And one of the things that I think you all could do by listening to your own Planning Commission is send the people, both the environmental community and the landowners, a signal that they should be listening to all the voices. Life can get too comfortable when you only talk with people who agree with you.

And we have been through here before, times when huge amounts of money, public and private, have been wasted because the national interests in some parts of this great place were not paid attention to, people moved forward with very large investments, public and private, that then had to be revisited because ultimately the national interests did express itself, and it will happen again here.

I would urge you to listen to the good people who are suggesting that you need to cap the credits. And I would also urge you to really pay attention to that endangered species process because it is there, it isn't going to go away, and many other groups at the national level are going to, I think, insist that the panther be protected.

The sooner you all can send a signal that reconciles with growth planning for Eastern Collier with real protection for the right lands and for the panther, the more people's investments will be made wisely.

Thank you.

MS. FILSON: Next speaker is Susan Calkins. She'll be followed by Ian Wright.

MS. CALKINS: Susan Calkins in Naples. I'm a member of many of the groups that are represented here today.

I'd say that most people would be appalled if they knew the extent of the development which is already allowed under the current

RLSA program, given all the additions that have occurred since its inception.

So to me, to talk about expanding right now the allowable acreage for development and adding thousands of incentive development credits which clearly create uncertainty about the implications for development beyond that stated cap, that we really do need to step back for a moment to reconsider the recommendations of both the Collier County Planning Commission and the Environmental Advisory Council, especially with regard to things that we don't know enough about right now.

Water. As it says, the EAC has concerns of the potential that exists for adverse effects on water quality and availability for current users and that there will be a significant increase in county expense to provide potable water in the future.

Transportation similarly. We don't have all that data here yet in terms of what the build-out vision plan, the transportation plan are for the future. We've got still a number of unknowns.

So instead of going forward with this as a planning document now, I would really hope that we do send it back, we really reconsider, we really look carefully at the credits versus, you know, acre cap, which seems to be something that still, everybody has a difficult time figuring out and explaining.

I think there is a real possibility that we are -- if we go through right now, we are providing development credits for the future, not going to be next month for us. But we do need to all think about what we're putting in place for the future, and I think we do need more time, and I hope you will step back and ask staff to really look at this more carefully than we have. Thanks.

MS. FILSON: Ian Wright. He'll be followed by George Varnadoe.

MR. WRIGHT: Ian Wright, for the record, resident of Naples. I've been asked to represent the Isaac Walton League to read a letter

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that they have sent to the commissioners to have the letter in the record.

It's dated April 15, 2009. It's addressed to Commissioner Donna Fiala, the chair, and Collier County Board of County Commissioners, regarding Rural Land Stewardship Area Report.

Dear Chairwoman Fiala and Commissioners, the Isaac Walton League and Florida Key Chapter was formed to support protection of our natural resources, our soil, air, woods, waters, and wildlife.

Our strength lies in our grass-roots common-sense approach to solving local, regional, and national issues of conservation and sustainability.

We recognize the lands of Collier County as important parts of South Florida's interrelated ecosystems on which we all depend. We have reviewed the proposed changes to the Collier County Rural Land Stewardship Area Program which has been designed as a tool for promoting sustainability by balancing a natural resource protection, agricultural preservation, and of smart growth principles.

As the Collier RLSA is considered a model program and will likely serve as a template for such programs statewide, we believe it is in the best interests of all Floridians to understand this program and the implications of changes proposed as part of the five-year review.

After studying the recommendations of both the RLSA Committee and the Collier County Planning Commission, CCPC, the Isaac Walton League of Florida, Keys Chapter, support the recommendations of the CCPC, particularly their recommendation to cap the credits at the currently acknowledged maximum amount of 315,000 credits. We ask that you accept the CCPC's recommendation as the planning document to be followed during the up-and-coming Growth Management Plan amendment cycle.

As sustainability is a critical component of the RLSA, the viability of the lands within this 300-square-mile area is dependent upon maintaining the proper balance between natural resources,

agriculture, and development in appropriate areas.

Until recently, the amount of intensive development that could be generated through the RLSA was unclear; however, as part of the five-year review, the landowners' consultants have compiled data indicating that at a 100-percent participation, there is the potential for 43,300 acres of new towns and villages within the RLSA.

MS. FILSON: The next speaker is George Varnadoe, and he will be followed by Mitch Hutchcraft, and he has two people ceding their times, Tom Conrecode and Mike Rosen.

MR. VARNADOE: And I'm going to cede my time to Mitch Hutchcraft after just one brief comment, and that is, I've listened today with great interest to people who got up and said, you know, we should be looking at water, we should be looking at transportation, we should be looking at this, looking at that.

If they bothered coming to one of the 35 or 38 meetings the RLSA oversight committee had, they would have heard how they addressed those. And I'm not saying that they have -- that all those answers are perfect, but that's what your transmittal process is for is for your staff to review and see if there's enough data and analysis and support to move this program forward.

So I'm really sorry they didn't bother to participate in this program until today. Thank you.

CHAIRMAN FIALA: Following Mutch (sic) -- following Mitch Hutchcraft will be John Passidomo.

MR. HUTCHCRAFT: Thank you. And I'll try and be brief. I appreciate the time that I've been given. I don't think I'll take it all.

There were a number of criticisms that you've heard today, rampant greed, unbridled growth, and rush. I want to respond to those because I think it's important to understand that I think that those reflect the general lack of understanding of the process, who we are, and what the program is.

So to start with that, who are we? I am a representative of

Consolidated Citrus. Consolidated Citrus is a family-owned company. We're owned by the King Ranch Organization. King Ranch has a 150-year history of land preservation, land management. I would say that everybody out here that has any interest in conservation knows the history and the legacy of King Ranch.

We're an agricultural company. We have not built a single, solitary house. We are orange growers. We want to stay in agriculture as long as possible, but we recognize the important nature of property rights.

Most of the property owners that are in the Rural Land Stewardship Area, the 195,000 acres, fall into a similar category. They are landowners, they are family-based businesses, they are agriculture, and they want to stay in agriculture as long as agriculture is economically viable.

Our company specifically is not a developer, but we are a taxpayer. And those taxes -- we are a donor taxpayer meaning that we receive less in services than we receive in taxes, so our taxes go to offset many of the folks that are here today.

One of the things that I think it's important to point out is, as landowners, what do we support? What do we believe in? The landowners have, as a group, sat down with a number of the participants, the committee, the staff. We are actually supporters of long-term planning and vision. We think it's critical that you have a plan, that you have a vision that you can point to in the future that says, this is what our community is going to look like at the end of the day. We think it's appropriate to take the time and identify those land -- those resources and designate them and come up with the mechanism that allows that preservation to take place and does it in a manner that's equitable and fair to the landowners.

Unfortunately, I think a lot of the criticism that's coming today is coming from folks that have not committed their land, their time, their resources, their property rights to the preservation of the resources that

they claim are so important to them.

The landowners that you are hearing from today, we are committing our time, our resources, our land, our family history to achieving the goals that are set out. We do support the concept and the goal of panther preservation, protecting natural resources.

In fact, I think the landowners were the ones that initially recommended a three-year moratorium to do the study.

The land program that is before you today -- direct response to the unbridled growth and the rush comments. We're talking about a program that at the end of the day would result in 23 percent of the area being developed. That's over a 40- or a 50-year time frame. That means 77 percent of that land would be preserved. That's a pretty significant amount of land at no cost to the taxpayer.

From a rush perspective, this is a program that resulted from an initial three-year moratorium, five years of implementation and trying it on the ground. We've been working on it for a year and a half. We still, if you ask staff, probably have another year, year and a half in front of us. There is not a rush that has been brought to this point. This has been a careful process that everybody has been available to participate in.

It's also clear that the landowners support the concept of panther connections and connected habitat.

What I want to make sure that you don't miss today is the big-picture concept. What you've heard today is a lot of discussion about the difference between credit caps and acreage caps. What's important to pay attention to is we face essentially one issue that is being discussed. The rest of the components of this plan are pretty widely supported, panther protection, protection of natural resources, compensation of landowners, an incentive-based program, a voluntary program. Let's not miss the forest for the trees.

One of the things that, as a landowner and a representative of Consolidated Citrus that we are particularly interested in, it's the

equity component. We think that it is important to make sure that the benefits that are achieved are not borne solely by the landowners. Those are a community issue. One of the ways to make sure that that equity is achieved is through the generation of credits. And a number of people have spoken today about, those credits are a currency, and I would agree with that. That currency is purely a mechanism for the landowners to become whole for implementing and achieving the public benefits that everybody's asking for. This is being done at no cost to the taxpayer, at no cost to the public.

Specifically, there's already 43,000 acres that has been preserved; 53,000 acres that was up for consideration, a total of, with an ultimate target of 134,000 acres of preservation. That's the landowners who are supporting the recommendations that would achieve that.

So what are the recommendations that are before you today? The goals that are being achieved specifically are additional agricultural preservation. That's critical to Consolidated Citrus, to Russell Priddy, to Dane Scofield. These are organizations that believe in agriculture, want to stay in agriculture. The worst thing that you could do is approve the program that, at the end of the day, the folks that desire to stay in agriculture wind up with nothing; and I'm concerned that the existing program has that potential, that the folks that stay in agriculture the longest will not have a mechanism to be compensated for the rights that have been volunteered. That is not an appropriate program.

Panther corridors. The landowners have stood forward and said, we do believe in panther corridors, and we are working towards a solution. There are some that would criticize the efforts that have been made, but the reality is, those are corridors that are supported by the landowners. The landowners step forward and say, these are things that we can believe in. And beyond that, there's agricultural preservation that could go on either side of those corridors to buffer

them and provide additional protections.

We're in support of reduction of sprawl by removing the one-to-five development. That is the essence of sprawl, low-density, single-use development. That is what characterizes the existing entitlements out there. We're supporting a mechanism that would allow that conversion to be compressed into consolidated, compact, mixed-use forms of development. We think that that is appropriate, and that ought to be supported by everyone.

There is a reduction of development in the area of critical state concern. Those are areas that contain significant natural resources. The program that is before you today for your consideration actually reduced that development impact and relocated to an area that is appropriate to accommodate it in a compact, mixed-use form of development.

And, again, there's the equity issue which brings me to the credit cap versus the acreage cap. From a smaller landowner perspective, myself, Russell Priddy, our property is essentially made up of send -- or receiving lands. We don't have any ability to generate sending credits.

The Priddys, the Scofields, they're on the opposite side of that same coin. They don't have very much receiving lands. They have all sending land. We need to make sure that the program will allow the smaller landowners to be able to participate in the program.

We have a concern that by capping the credits, it will give the larger landowners the ability to have a monopoly on those credits and to have a greater control over where development happens and when development happens.

We think that the acreage cap provides you exactly what you're looking for. We want to know specifically, where is development going to happen, how much development is going to happen at the end of the day? Forty-five thousand acres will happen, and it will provide the certainty that you need to know about how much development. It

also provides the smaller landowners the opportunity to make sure that they can participate in the program.

You've heard a lot about all the additional credits that are being generated, but what you haven't heard about are the additional protections that are being proposed in forms of these recommendations. Those additional protections that create those extra credits are agricultural preservation, additional preservation for the panther corridors, removal of development right in the area of critical state concern. Those are all significant public benefit components that will require compensation for the landowners.

We've done that by recalibrating the program so that it is fair to everybody and you know at the end of the day it's 45,000 acres.

I appreciate you -- your time and your consideration. As a landowner and on behalf of the Eastern Collier property owners, we do support the recommendations that have come to you from your committee. If you have any questions, I'd be happy to answer them. But, again, we thank you for your consideration.

CHAIRMAN FIALA: Sue, we're going to take a ten-minute break now.

(A brief recess was had.)

CHAIRMAN FIALA: Ladies and gentlemen, will you please take your seats.

We'll just -- there we go. And we will continue on with our next speaker.

MS. FILSON: The next speaker is Heidi Stacy. She'll be followed by Tyler Offerman.

MS. STACY: Hi. My name is Heidi Stacy. I'm from Florida Gulf Coast University, although I do not represent those students. I am here today because I feel like the community not just in Collier County has a vested interest in what becomes of your decision, not to say that I know what the right decision is. I don't know all the specific details or anything.

The one thing I can say though is that when mitigation banks are made, which are very important -- you know, a lot of the people here know that, whenever development occurs and you have to mitigate for a wetland area, that there's a set number of credits when that mitigation area is created, and I think that that is something that needs to be considered here.

You know, we're -- you might be paving the way for a somewhat reclusive area of development in the middle of lands that you're trying to protect, which kind of contradicts the whole -- the whole thing.

Another thing that I wanted to just mention is that before you make your decision, if you could get the book Ecological Design by Sim Van Der Ryn and read it and consider some of those concepts in your decision today, or that you're going to make in a few weeks, rather. I think that it might be helpful to think about those things.

Thank you.

MS. FILSON: Tyler Offerman. He'll be followed by Gayla Schraeder.

MR. OFFERMAN: Hello. My name is Tyler Offerman. I'm 20 years old. And unlike most people here today, I'm neither a member of Collier County nor an expert. I'm simply a student here expressing some concerns for me and for my community.

Like I said, I was born in Lee County. I've been fighting urban sprawl and resource depletion in my county, as well as the preservation of our water service, such as CREW and the DRGR. As you all know, resources have no boundaries, and our water is your water, and the same way.

I fought for sustainable growth because I am a citizen of the state, as well as of this planet. As a citizen of the state, I implore you to cap the credits for several reasons. First of all, the track record of the RLSA is that of consistent increase of credits, first with the early participation, then for restoration, and now with agriculture. Who knows what's next?

By capping acres, credits could exceed the quota, then taxpayers will either have to buy back the land or the Collier County will be forced to allow more development and honor those credits. As Commissioner Halas said, voodoo manipulation.

By not capping credits and allowing the possibility of more development, you endanger your decreasing watershed as well as my own, further imperil your constituents and your growing population. You place the burden of astronomical infrastructure costs on taxpayers, and you further destabilize your ecosystems which service the community.

And as a personal observation, I've seen three environmental groups here supporting capping acres and at least eight that I had the time to write down that are for capping the credits.

As I mentioned before, I'm not a taxpayer or a member of this community, but I have had the pleasure of enjoying your wilderness. And may I say that I am very jealous of the RLSA and wish that Lee County would adopt a similar plan soon.

And as I said, I've fought for waterways, and I just ask that you do the same for mine. By not capping credits, you give developers the opportunity to build far more than is sustainable for your area. Cap the credits and ensure the longterm survival of your community as well as mine.

I respect the rights of landowners, but I hope they respect my rights as a fellow citizen and as a fellow creature on this planet.

Thank you.

MS. FILSON: Gayla Schraeder? Nicole Ryan?

MS. RYAN: I've already spoken.

MS. FILSON: Elizabeth Fleming? She'll be followed by John Passidomo, who's going to defer to Fred Thomas.

MS. FLEMING: Elizabeth Fleming with Defenders of Wildlife. We got involved in this, as my colleague Laurie McDonald mentioned, largely because of concerns about the Florida panther.

Defenders of Wildlife served on the Florida Panther Recovery Team. In the recovery plan, it specifically notes that the Florida panther actually has a low chance of recovery due to its direct conflict with development. The recovery plan lays that out right there.

We -- we do work to recover the species. We believe we look at a much larger context than Collier County. Collier County has really, as you know, the public lands, very well-managed private lands. It is -- it's really an important area for panthers, but it's not the only area. We believe we need to protect the population here but take it to a larger regional level and work with -- Hendry County is watching this process to see what happens. We know that the counties north of the river are watching this to see what happens.

We're going to work with the U.S. Fish and Wildlife Service on a Habitat Conservation Plan which brings in the large regional context. And if we can get landowners, conservation groups, county people working with the Fish and Wildlife Service, it's going to really help towards working towards panther recovery.

Where the Fish and Wildlife Service sees different people working together, they're more apt to get involved themselves and really make a difference in the larger landscape.

Up until now, they have hardly ever intervened on a development project. They haven't stopped projects. They haven't issued a jeopardy opinion. They've not been doing what people had thought they would do for protecting the panthers' habitat, and we don't believe this is how we got involved. We don't believe we can rely on the federal government to regulate the use of land here.

And so our approach is to work with the landowners who obviously are managing well for panthers or it wouldn't be such good panther habitat. We wouldn't -- this wouldn't be such a concern.

So this has been our goal, and our -- our hope is to see 134,000 acres conserved out there in agriculture and in native lands conserved providing panther habitat and habitat for other species.

Thank you.

MS. FILSON: Fred Thomas. He'll be followed Carrie Williams, and he's the one who had someone defer to him, John Passidomo.

MR. THOMAS: My name is Fred Thomas. I am the wildlife photographer.

I wear several hats today. I'm the chairman of the Immokalee Water/Sewer District which takes up most of the rural lands area, that whole big section in the central part of the county; I'm the chairman of the Immokalee Planning and Visioning -- Master Plan and Visioning Committee; I served on the original as vice-chair of the original rural lands program that came up with this program in the first place, and I sit on the committee that's working with it today.

We only had one program that took advantage of the rural lands program so far today, and that's Ave Maria. I'll come back and deal with that in just a minute. But there's some basic concepts that are not -- I don't think people have got a grasp on. In order to get credits, you've got to give up the use of your land to get the credits.

Second, in order to do the concentrated development, you've got to buy up those credits from the people who give up the use of their land.

Now, will that cause for urban sprawl? No. We've had a bad situation that happened, County Commissioners, I'm going to remind you all, Twin Eagles; Stock Development one mile east of 951. Don't let it happen out further. Outside the urban boundary, that's what I'm talking about.

But we want to develop Twin Eagles with a concentration of higher development on the eastern edge. No, we're not going to let you do that. They want to use the five acres, they cleared the whole land out. You lost that wildlife corridor that would have gone from south of 846 up around to fifth CREW -- up around to Corkscrew, because we draw the lines in the sand.

Well, you can't draw lines in the sand, folks. That's what the

rural land program taught us, and another thing we have a problem with. I was on the Planning Commission for 11 years. I tried very hard to get you folks to go along with commercial development at the corner of Golden Gate and Everglades Boulevard. Oh, no. We don't want to let growth. What happened? You need to have super highways so you can go buy cigarettes, Coca Cola, because you've got no services out there. You cannot send a 14-year-old child to the store. That's why when they get to working at Winn Dixie, after you're able to get a driver's license, they can't even count because they haven't had practice.

I mean, think about what we're saying. Oh, I'm sorry. Let me tell you something else about me. I was born in 1939, so I know what I'm talking about. I'm from New York City, and I came here not because of an accidental birth, because I want to be here, and I live in Immokalee because I want to be there.

So we got to stop worrying about things and start thinking about the final picture, and that's why 45,000 acres is key so we can design the final picture so we can make sure we have a road network that works and communities that are walkable like Ave Maria where you can send a 13-year-old, 14-year-old, nine-year-old kid to the store and not to have a car -- not to have to have a car.

We're worried about energy and all the rest of that. We've got to start thinking along those kind of things. But there's too many of you all that don't want nobody else to come down here except your cousin.

And the only way to solve that problem, folks, is to get the great shepherds of our great society to call the herd. Unless I'm the color, I don't want to hear about color-ease.

We're worried about growth. I took this picture. I know about the panthers. You know why you don't see panthers where you all live? Because in '91 -- '90, '91, and '92, because of the freezes up on the ridge and the industrialization of Orlando, orange groves came by the hundreds of square miles down to Collier County. Most of those

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groves are to the east of 29. Those that went to the west of 29 got the stinkin' canker on them. That's why Ave Maria became a good thing to do.

Now, what does that have to do with anything? Well, the young pig said, those fruit will rate good, and I can go over there and eat.

The young deer, young leaves, people leave their trees down low, we've got the young leaves. So the flood supply of the panther went to the groves that could get there. Those that couldn't get there got sickly, you found them out on 82. Those that couldn't get there started eating our domestic animals, period. That's because we changed the environment. And most -- and we got far more, far more panthers than we had at one time. We've had studies done, we had a presentation brought to our committee that talked about all the panthers we got, but they go up the corridor to the east of 29 and they feed back over, and they cross over 29 when they get up into Hendry County to get to the big grove owned by Alico south of the Caloosahatchee.

I mean, we can't change those things, but it is important that we make sure that we create a limit on the amount of towns that can be grown and specific locations so there's some connectivity and we protect serious parts of the habitat. And this rural lands program which we've already had in place, only had one example of a good thing, can do that.

Remember, folks, you all saw the Olympics. You all saw the Olympics, most of you. China, mainland China, is roughly the size of the lower 48 states minus Oregon and Washington. It has the same air ability or life sustaining as the lower 48. They got a billion more people on that land, a billion more people on that land, and somehow they're managing to survive.

Now, I'm from New York City, and I love being down here, you understand? The point is, we're not going to ever get even close to that, never get to that point, so we need to be respectful of what's

going on, respect the rights of the private landowners, and help us not make the mistakes we've made in Golden Gate Estates but create an opportunity for small communities to grow up where kids can go to the stores for their parents.

CHAIRMAN FIALA: Thank you, Fred.

MR. THOMAS: Thank you.

MS. FILSON: The next speaker is Carrie Williams. Jeff Perry?

MR. PERRY: I'll pass.

MS. FILSON: David Hoffman. He'll be followed by Gary Eidson.

MR. HOFFMAN: For the record, my name is David Hoffman. I'm a hydrogeologist with Johnson Engineering, and I'm representing Barron Collier Companies.

In anticipation of water supply issues being raised during this process, an assessment was prepared that evaluated traditional and alternative water supply for the stewardship area. This assessment was completed using publicly available data from the South Florida Water Management District and the U.S. Geological Survey, and information from the Phase I Technical Report.

This assessment was given to members of the council, the planning council (sic), the EAC, and is part of the public record, so.

Use of traditional water, water supplies, which primarily includes groundwater from the shallow aquifer systems, has been ongoing for over 50 years in the stewardship area; however, the South Florida Water Management District has clearly said in their Regional Water Supply Plan that future use of traditional water supplies from those shallow aquifers will be limited and that alternative water supplies will be the primary source of water for future communities.

These alternative water supplies are primarily going to consist of brackish groundwater from the Floridan aquifer system. You're already seeing this in several different utilities.

One thing that's important, you heard some discussion about

recharge not coming from -- or actually coming from the Gulf of Mexico and the concern about increasing salinity in that aquifer. That's not the case. The Floridan aquifer is recharged from the areas to the north, primarily Polk County. So the concern about that saline water intrusion is really not true.

Other alternative water supplies include reclaimed water and also aquifer storage and recovery, which are used and planned in Collier County, including ten new ASR wells.

And one thing I really want to hit on and one thing you need to get from this is that the South Florida Water Management District actively promotes the use of alternative water supply. They will actually fund up to one-half of the construction costs of alternative water supplies.

And so, in summary, water supply, it's really not an issue in that alternative water supplies are sustainable in the stewardship area.

Thank you.

MS. FILSON: The next speaker is Gary Eidson. He'll be followed by Alan Reynolds, who had Anita Jenkins defer to him, and Mr. Reynolds will be your last speaker.

MR. EIDSON: My name is Gary Edison, and I am not a fox in the henhouse. I have been a member of the RLSA Committee, and I'm not a landowner in Eastern Collier County.

I wanted to emphasize how important it is for us to do what we have asked to be done, and that is to make sure that we cap the land. You know, if you don't want to -- if you want to try and stop development, you've got to start with stopping at Immokalee.

You just had a presentation this morning that you said you were going to put highways and improve access to the airport out in Immokalee, and that's going to bring in business, and the people that are coming in are going to have to live somewhere.

We also know that in Eastern Collier County that that's going to be the future of Collier County from a business standpoint. It's going

to be the economic driver. Why is it going to be the driver? Because it's a chance for us to do something other than develop homes.

It would be nice if we didn't just build houses as a way to make money in Collier County. We're totally dependent on that. And now with Eastern Collier, with the development of Immokalee, now we have a chance to do that.

And when we -- when I got on this committee, the first thing I recognized was that if we had that agriculture land, which is part of our responsibility, we needed to protect that. How do we protect that?

Well, we wanted to incentivize it, so we increased the incentivization.

Now, if you -- if you have -- now you have land over here for people to live and work to build a new economy, we save the ag. land, and we put a cap on how much land that we can develop, it all starts to come together and make a nice picture. Somehow we're losing that. You're going to have -- you've got -- another thing that's the elephant in the room, we've got a little tiny thing out there called the Seminole Indian Tribe that has a draw. It's called gambling, and they are going to come on the highway, and we can't stop that, but we haven't talked about it, so there's going to be development.

So all we -- all I've been saying is, it's not a perfect world. I wish we could go back to primeval purity, but we aren't going to do it.

And I start to be pragmatic, and I start to realize if I can't stop it, then I want to contain it. If I can't -- you know, if I can't stop the railroad from coming through, maybe I can direct the tracks.

We're going to have development. This is a nice way to contain it. It's so simple and practical -- not simple, but it's practical, and -- I'm sorry. I shouldn't have said simple. But it's a nice program.

We've worked for over a thousand man-and-woman hours on this thing. It's not an accident, folks. And we invited everybody to talk for as long as they wanted to talk, thanks to our generous chairman.

It was not -- and this is -- no secrets, and there was nothing, like, popped out of the air, plan. This thing's been vetted until it's vetted to

death.

So I hope that you will keep the committee's recommendations. It's the first time I've ever got done in time in my life.

MS. FILSON: Your final speaker, Ms. Chairman, is Alan Reynolds.

CHAIRMAN FIALA: And who did you say was --

MS. FILSON: And Anita Jenkins deferred her time, so he will get six minutes.

MR. REYNOLDS: Thank you very much.

Commissioners, I guess as the last speaker, I should start by thanking you for your patience in listening to all of this commentary. And forgive my laryngitis, but -- you know, we have come quite a ways in the last nine or ten years in Collier County, if you think back, and some of you were part of the initial discussions about creating rural land stewardship. And you think about where we are right now and the discussion we're having today.

If you've listened carefully to what was said, almost everybody in the room agrees on what we're trying to accomplish, and the debate is really about how to get there. And I think that's an extraordinary thing when you have people from all different perspectives all saying, we want to protect critical natural resources, we want to retain agriculture, we want to -- we want growth to happen in a smarter, better way.

We have come an incredible way in a short period of time, and I think it's good just to step back and just, let's remember, you know, kind of the big picture facts because this is a complicated program, it's very easy to get lost in the weeds of, you know, credits and indexes and all that.

But think about this. We have a program that was adopted just six short years ago and has set a 25-year goal to protect 92,000 acres of land at no cost to the taxpayer. And in six years, we are over halfway to that 25-year goal.

What do we have on the other side of the equation? We have Southwest Florida's first planned sustainable community of Ave Maria, that's actually been built, and actually has people living in it.

This program has accomplished more than any other program in the State of Florida for protecting natural resources using incentives and creating a sustainable model for future development.

You know, I like the saying, facts are stubborn things, because it's easy to get caught up in the emotions of the issues we're talking about. But the fact that nobody has disputed is that the program we have today can protect and should protect 92,000 acres of land.

What has also not been disputed is that your committee has recommended that we ought to protect another 40,000 acres on top of that beyond what the current program does. And they offered up a way to do that. Nobody has taken issue with the fact that it would be good for Collier County to protect another 40,000 acres of land, because what happens, not only do we protect agriculture, not only do we give other property owners a chance to use this system, but we cut the footprint of development in half.

And I know that point was made by Nancy Payton hours and hours ago, but let's -- we really need to come back to that simple point. If you look at the map and you see the overlay as adopted and the concept plan for 2050, what you'll see is that the land that currently has baseline rights that's used for agriculture turns into agriculture SSAs without development, and you wind up with a very small increase in sustainable development on the other side of the equation.

Now, how can that not be a good thing? But you have to -- you have to do that through a system that's already been adopted, that's already been used. There are already 128,000 credits that have been created in this system. So we can't just start over again and say, well, let's design it a different way. You have to figure out a way to do this within the construct of the program that we have.

And the difference between 315,000 credits and 404,000 credits

is the number of credits it takes to protect that 42,000 acres of land. So I just -- I don't understand what's wrong with that idea. I don't think there's anything wrong with that idea.

But beyond all that, I mean, really the question here today is not who's right or what's the best technique. The question is, do we continue to move this process forward or not? That's really the issue. And I would suggest to you that we really should take advantage of the year and a half worth of work that this committee has invested and the public and all the organizations. They have laid a foundation for making some very smart decisions. But not all the answers have been addressed, and until you move this into a comprehensive planning process where you actually get the additional data and analysis to test whether or not the committee is right or whether the Conservancy is right, that has to be tested through additional data, and that doesn't happen unless you as the county commission say, we think that there's a potential to enhance an already great program, let's move to the next step, and that's really what is the question today.

I would say maybe as a -- just a final comment, because I'm just amazed, we've spent so much of today talking about whether we cap credits or acres. And you know, frankly, it's kind of a, you know -- I just, I kept thinking about, well, why should that be the issue?

But think about this. If you're going to cap something, a credit is an intangible thing. A credit merely represents a public benefit generated by elimination of development rights. Everybody has agreed that there are different estimates for credits and they can be generated in different ways, but they're intangible. But an acre today is going to be an acre in 2025, it's going to be an acre in 2050.

So if you're going to set a long-range vision for Collier County and if development is the bugaboo that we're trying to be concerned about capping, doesn't it make more sense to cap something that you can measure, something that's tangible, something that -- you know, you can farm it, you can preserve it, you can restore it, you develop it,

but it's a thing. So I think it's better for no other than the fact that on one hand you've got something tangible, and on the other you have a tool, an instrument, to get to an objective to deal with the tangible item, which is the acres. And I think that's where the committee, after a long amount of study, kind of came down on that side of the equation.

So I thank you for your patience, and I wish you good luck in your deliberations. Thank you.

CHAIRMAN FIALA: Thank you very much. And now we're going -- we have an RLSA Committee wrap-up, which will be followed by a wrap-up by the staff, and then we'll close the public hearing.

MS. FILSON: Are we timing them?

CHAIRMAN FIALA: Well, I figured ten minutes each, but if they go 12 minutes or -- you know, we want to make sure --

MR. HAMIL: Madam Chair, members of the commission, I'd like to thank you all for taking the time to spend today with the committee report and also hearing from the public.

You know, we've had the opportunity to work on this for about a year and a half, particularly the Phase II part of this. And we heard quite a great amount of discussion along the same kind of lines as what you've all heard today, probably not with the same echoing chamber, but we certainly did go through these -- many of these issues.

I'd like to say, from the committee perspective, that I think it's been said, and I'll echo this just briefly, that our committee was balanced, and we spent a lot of time and a lot of hours to try to find a way of fine tuning the program that we currently have.

Also, I'd say that regarding the staff, that even though you've got supposedly short staff, I don't know that there was a time when we didn't have staff present at our meetings and/or if we asked for staff to bring additional support staff to be able to attend our meetings. So I

just want, for the record, to echo that.

I guess I want to ask a question of staff. I don't know if this falls under my purview as the chair, but I just want to ask the staff's professional opinion. We currently have the Collier Rural Land Stewardship Program in effect, and it's been in effect now for, I guess, about seven years.

If you all don't do anything and we just have the current program in effect, how long will that program be in effect, and what will be the additional benefits for agriculture and the natural resources in this county?

MR. SCHMITT: For the record, again, Joe Schmitt, your community development administrator.

The short answer is, if nothing is done and this doesn't move forward, the current laws stay in effect. The Growth Management Plan amendments that were passed as part of the governor's order that Brad talked about the history, how that was developed, the 2003 amendments to the GMP will stay in effect, and some of the incentives and some of the other programs that have been identified as part of these recommendations will just sit on the shelf.

So bottom line, development will take place under the current rules unless you direct otherwise through some type of amendment process or we revisit it during the forthcoming evaluation and appraisal report which, again, would result in a GMP amendment.

MR. HAMIL: Thank you.

The other thing I'd like to point out before I bring our staff member -- I mean our committee member, might as well be a staff member, up to make a few parting comments is that your attorney has done an outstanding job of laying out the committee's reports and the committee's recommendations and marked them up in yellow.

And I think Mr. Reynolds made the point that it really boils down to the cap discussion if it's acres or is it credits. So I think in the deliberation, that's certainly one that we all need to look at, but if you

heard most of the comments by the property owners that have the vested property stake and the property rights in that area, that there is a strong preference as recommended by the committee to cap the acres and not the credit.

So Brad, if you could give us a few parting shots there.

MR. CORNELL: Thank you, Ron.

Again, Brad Cornell. And I just wanted to respond to some of the discussion that we've heard this morning and this afternoon. We've heard lots of issues raised from farms, panther protection, taxpayer burden, and the caps on credits or acres.

I wanted to respond quickly on preserving farms. Obviously something very important to all of us. The committee has recommended that we preserve 40,000 acres of agricultural lands through incentives, and those would be agricultural preserves.

Regarding panther protection: The committee has recommended adding a whole new corridor from the Corkscrew Marsh to the Okaloacoochee Slough and restoring and existing corridor in the southeast corner of the RLSA, in addition to improved restoration implementation and 134,000 acres of preservation and an expected habitat conservation plan through the U.S. Fish and Wildlife Service, under the Endangered Species Act. We feel this is very helpful and beneficial to the panther.

Regarding taxpayer burden. Policy 4.18 of the current plan and the revised recommended program that we're presenting before you requires that all development in the Rural Land Stewardship Area be fiscally neutral or positive to the taxpayers and is required by analysis when any development is proposed.

So that's an important guarantor that you have, that as these towns and villages get built, that we've got some sort of assurance that it's not going to be an added burden to the taxpayer. That's policy 4.18.

The Rural Land Stewardship Area has incorporated 90 percent

of the Planning Commission ideas, the one exception being the idea of capping acres or credits and our idea of capping the acres at 45,000 acres.

Development cap question is fairly straightforward to deal with. Simply, if your concern is too much development, then cap the acres. You know what you've got. Forty-five-thousand-acre footprint. That's what your concern is. You don't want any more than that.

If you want -- if you want farms preserved, panther corridors, and habitat restoration, don't cap the credits because that is the currency with which you pay the landowners to accomplish those means; otherwise, the public has to buy those or pay for those public benefits themselves. That's the tax burden that we're trying to avoid, which we cannot afford; however, we need those public benefits. So if you don't -- if you want those public benefits, don't cap the credits.

The RLSA Committee recommends additional public benefits and the added credits to incentivize them, and the 45,000-acre development cap to assure reduction of current development potential from 87,000 acres to the 45,000 acres. Remember the current program has the potential to allow 87,000 acres of development. We're capping it at 45,000 acres with the credits to incentivize that.

Rural Land Stewardship Committee also doesn't want to see the recommendations for these improvements sit on the shelf. We would respectfully ask you to put them into a Growth Management Plan amendment cycle, preferably one all by itself. Because as you've heard today, this is not a simple matter. We think it deserves full attention. We don't expect it to bump any other Growth Management Plan amendments that are already in process. We do think this needs to be put into the queue and be analyzed with data and analysis by staff.

Thank you.

CHAIRMAN FIALA: That's it, huh?

Okay. My goodness, you're early.

Then we have the wrap-up by staff.

MR. SCHMITT: I'll turn it over to Randy Cohen.

MR. COHEN: Good afternoon, Commissioners. For the record, I'm Randy Cohen, your director of comprehensive planning.

The staff wrap-up's going to be basically two parts. I'm going to give you an overview on the growth impact -- growth management impacts as well as some other areas pertaining to what was discussed today, and then Tom Greenwood will finish up with a section on what the recommendations are from the committee specifically.

First I'd like to thank the commission for setting forth a process that did not involve staff. It was a process set up with many stakeholders. You asked the staff basically to facilitate a process and to provide this committee with experts where necessary or specific staff members where necessary just to provide information so they could move their process forward, and I think we did a very good job of doing that, and I'd like to commend Tom Greenwood for his painstakingly many hours on evenings and also on weekends on working through this process. Tom did an excellent job of facilitating this process and working with this committee.

One of the things that we're dealing with here is we're not asking you to approve a report. What we're basically doing here in terms of a committee moving forward, and more from the staff perspective also, as we deal with reports, is more acceptance. When I say acceptance, we're talking acceptance of the committee's report, acceptance of the CCPC's recommendations, acceptance of the EAC's recommendations, and then if you decide that a special cycle is warranted, what would happen is all those items would move forward in the process and they would be reviewed in tandem with one another by staff, which has not done a substantive review of this process.

And what we would be looking at is the data and analysis that supports what's being recommended by all three bodies; we'd be looking at the policies from two different perspectives: One, are they

measurable policies or objectives, or two, because DCA now has gotten into the realm of aspirational policies and objectives, whether they fall under that particular category.

I don't know if you'll recall -- and I wanted to touch on this a bit, because the committee has emphasized agriculture in their analysis and what they're recommending. DCA did a report on the RLSA which was supposed to be just statutory RLSAs, but they included us in there, because there's only two RLSAs in the State of Florida.

And the one thing that they did touch on was that we had a goal, and it's the overall goal of the RLSA, and part of that goal is that we're supposed to prevent the premature conversion of agriculture to developable lands.

They wanted us to institute some type of policy into our plan that would stop that from transpiring. And I think the committee has taken that particular statement and moved forward with some initiative with respect to agricultural preservation, and that's why you see the concentration with respect to policies in that area.

And I just felt it was incumbent upon me to point that out to you because that was the state reviewing that, and they do have another bite of the apple, which they would do as part of the next EAR, which is due in January of 2011. And I guarantee you they will be addressing our RLSA policies if we don't address them ourselves. That's going to happen as part of the EAR.

One of the things that I also wanted to point out was, and it was touched on by Commissioner Halas, when we do a substantive analysis of this particular project, which is very large, we are going to have to do something with the economic analysis with respect to credits generated, acres. I'm not going to sit here and tell you which is right and which is wrong, but we don't want to run into a similar problem that developed in Maryland.

For the longest time the TDR program in Montgomery County, Maryland, was lauded as the prime example of how to do things. Well

-- and the intent there was to preserve agricultural land. But what happened there is all of a sudden they preserved all of their agricultural lands and they have a surplus of TDRs out there, and they're valueless.

So you don't want to create surplus TDRs there, you don't want to create surplus credits there. It's the same concept. So we need to take a very good look at that as a staff, probably from the perspective -- I know we had Dr. Nicholas do the TDRs in coming up with that, but if we do move forward like that, we may be looking at Dr. Nicholas coming in and looking at the credits as well, too, just to make sure that we have some degree of certainty.

I wouldn't want you to make a decision, if you move forward, that doesn't have the science behind it and hear the economies of scale.

Another key that we're talking about here is cost, and when I talk about cost, I need to talk about cost in terms of moving forward with an amendment cycle, and not only that, the experts that would be associated with that from the outside as well.

My department, just like the other county departments and divisions, we've been directed by the county manager to reduce our budgets by approximately 25 percent. My staff has been reduced as part of fund 131 from 14 to 11, would be reduced from 11 to nine if we do go forward with the 25-percent reduction. Right now I can tell you with a staff of 11, and if you look at the stuff that's in the Attachment E, which I'm sure you did, and you saw the amount of projects that we're undertaking, it's going to be very difficult to even address those projects with the staff that we have.

The major projects that we're dealing with right now with the '07/'08 amendments, we have the Immokalee Area Master Plan, which is submitted. It's going through sufficiency review right now. Starting in July we'll start our next Evaluation and Appraisal Report, we have the AUIR, we have to do another financially feasible CIE, another public schools facility element update, and the list goes on and on and

on.

So the question is, is where does the RLSA fit into the queue if you decide you want to move it forward, and how do you prioritize it, and that's up to you as a collective political body to provide us with that direction, as well as how to staff all of our various projects.

I think it's incumbent upon me to point out to you that special cycles right now in the statutes, you're allow two GMP cycles per calendar year. There's pending legislation out there, Senate Bill 360, which has passed through the Senate, will be taken up in conference with -- when the House passes the senator (sic) bill, actually limits Growth Management Plan amendments to one cycle per year. That's going to put us in a very precarious situation if that does pass.

Obviously we have the '07/'08 amendments going through the process. We've already done sufficiency, letters have gone out to the respective petitioners. We'll get a response back, and we schedule dates both for transmittal and adoption of those. We've also done the same with the Immokalee Area Master Plan.

So I want you to keep that in mind as we move forward because if we do get put in the position with one GMP cycle per calendar year, we may have to get a little bit more creative on how we approach our amendment cycles.

We'll get a very good idea of where that's going to stand on May 1st when the legislature ends its session, probably the last day of the session.

I also wanted to point out some other things to you as we move forward right here because we're talking about an RLSA where, at the same time, we're dealing with a long-term transportation plan that's in the works at the same time.

The two need to be inextricably intertwined, and they need to tie together. And given the timing of the transportation plan, I think they will if they fall into the queue in the proper place.

The other thing that really concerns me from the standpoint of

the area that's out there are bills that are pending in both the Senate and the House which eliminate impact fees per se and go to a trip mobility fee, and if it does that, it takes away your ability from the perspective of having a financially feasible CIE based on a certain stream of revenue, and it could strip that revenue stream and put more burden on ad valorem tax unless we address this during this RLSA process.

They've pushed back the financially feasible CIE requirement even though we have been financially feasible for two years. They've pushed it back to 2011. It looks like that's going to pass under an economic stimulus plan.

Within that caveat, they also give you five years till the end of the plan. I think what they've seen is that local governments are having a hard time meeting the financially feasible requirement. Obviously we have. We've done it now for two or three years, which has been a very painstaking ordeal going through the AUIR process and cutting in places and adding in places and looking at reduced levels of services.

But you may get hamstrung by the state, and you need to be aware of that when we move forward with this process if you so direct us to do so.

So in closing, what I wanted to say, there's a lot of things that we have on the table still that we don't have answers for as a staff, but when this process moves forward, if you say, yes, staff, go ahead and do a special cycle, we're going to have to take into consideration any legislation that passes, as well as a lot of substantive analysis in working with the stakeholders in the area as well as other groups.

So I look at it as being a very healthy process if it moves forward, a very long process, but one that would be a benefit to the community. And if you have any questions before I turn it over to Tom, I'd be more than happy to answer them for you.

CHAIRMAN FIALA: Nope.

MR. COHEN: Thank you.

MR. GREENWOOD: For the record, Tom Greenwood, comprehensive planning.

You have really three binders before you. One is referred to as a transmittal binder. There are two other binders. Volume I of the committee report, which is essentially a review of Phase I, and -- which is the activities within the RLSA during the first five years.

The Phase II report is -- begins on Page 30, I'm not going to go through it unless you want me to. I'm sure you don't. As Brad Cornell stated though, about 90 percent of the Planning Commission's and EAC's recommendations have been incorporated within the Phase II report and -- which is in Volume I. It's in Section 2 of Volume I.

There is a section which probably has been passed over somewhat by all the reviewing groups, and that's supporting data and analysis, which is Section 3 of the Phase II report.

And last but not least, the Volume II of the report is pretty close to a thousand pages of reports, data analysis, minutes, letters, memos, et cetera, that have been considered by the committee.

In looking at the transmittal memo to you, there really are three recommendations, and I'm going to just go right to the recommendations -- is to accept Exhibit 1, which is referred to in the transmittal memo, which is Volumes I and II as a -- in their entirety as a planning document.

I would like also to have you consider as part of that, to include the entire CCPC and EAC recommendations which are incorporated in -- I think they're Attachment B and C of the transmittal binder. And quite frankly, again, many of the Planning Commission and EAC recommendations, all of them were considered, and most of them were considered within the committee's recommendation.

The second bullet point, I'm just looking at Page 8, is to provide direction and prioritization to staff, and Randy has touched on that with respect to the committee's request for BCC authorization for a

special GMP amendment cycle. And it seem likes everybody that's talked about how this should move forward feels that it should be a special cycle.

And again -- which is a departure. You know, right now the statutes limit two cycles per year, two adoption cycles per calendar year, and the board has, by resolution, limited it to one: So you'd have to -- provides for some departure if you're going to do more than one cycle per year, and provided that after May 1; 360 doesn't eliminate that second cycle possibility.

And the third bullet point is to assign a priority of this committee request, includes committee recommendation companion, new transportation element, policy 3.7, and that links and is referenced by one of the policies in the growth -- the Rural Land Stewardship Overlay recommendation.

And again, as Randy stated, we have 2007/2008 Growth Management Plan cycle combined hearings starting this fall and Immokalee Area Master Plan GMP, which is anticipated to start in December, along with the upcoming 2009 Growth Management Plan of cycle amendments.

And Randy's made reference to Attachment E in your transmittal. I should say in your executive summary. And I -- I'm not going to go through those, but the projects that are in there are very numerous, and many people don't understand that many of them, most of them, take an inordinate amount of time. Florida's a very special state, it also has very, relatively speaking, unique statutes with respect to planning.

Collier County, as I stated, is a very special county. Two-thirds of the county is already in public ownership, has been protected. Another 14 percent, a large portion of which should be protected under the Rural Land Stewardship Program.

Those are my comments, and I might have rambled a little bit. I think we're all probably getting a little tired. You're very fortunate

you didn't have to go through all the days the Planning Commission and EAC did. They really went through this line by line, word by word, and I think in reality, we're maybe 80 or 90 percent there, to -- so thank you.

CHAIRMAN FIALA: Thank you. And with that I will close the public hearing.

And now the commissioners will offer their comments, questions, et cetera. And we start out with Commissioner Coyle.

COMMISSIONER COYLE: Thank you very much, Madam Chair. I would like to express my appreciation also for the hard work of the committee and the Planning Commission and all the others who have been involved in this process. Appreciate your comments.

I'd like to preface my suggestions with a couple of observations that may or may not allay some of the concerns of the people who spoke today.

For those who just want to stop development, we can't help ya. We don't have that authority. We can't stop development. Private property rights mean something in a democracy, and I don't think any of us are inclined to unfairly trample on private property rights, but we are willing to devise programs which will provide incentives to do the things that we want to do.

Now, with respect to infrastructure costs, a lot of people have expressed concerns about that. These rural villages are required to be revenue neutral and self-sustaining. Ave Maria didn't cost us anything for infrastructure with respect to sewer and water. They have to build their own. They have to build their own internal roads. Not one citizen was charged any money here as a result of that massive development.

And the same will be true of all the others. They are self-contained, self-sustainable communities. So there should be no infrastructure costs to be borne by the other taxpayers of Collier County. And in the case of the one example that we have, which is

Ave Maria, that is absolutely true, so we have proof of that.

We are obligated and will continue to be obligated, whether this program goes forward or not, to build traffic networks, networks of roads in the eastern portion of Collier County because it will continue to grow, and we have to improve those.

As far as water is concerned, I'll say something that will shock you probably. There will never be a shortage of water in this area. Never, ever, ever. There will be a shortage of cheap water, okay? There is always water available, and it will take expensive methods of desalination to provide it, but Collier County has been doing that for ten years. Over 50 percent of the water you drink today goes through a reverse osmosis process, and it's because we're drawing water from brackish aquifers so we don't impact the freshwater aquifers.

Now, with respect to things like sprawl, we -- the reason we're doing this is to try to control sprawl. If we didn't develop this program, we would have sprawl throughout that area. This and the rural fringe plan are designed to control sprawl.

Now, a lot of the issues related to infrastructure water, stormwater runoff and other things, are not done at the growth management planning level. Right now we're trying to classify general areas for development and protect other very important areas.

When we get to the point of reviewing a Site Development Plan for a proposed development, we take a very, very close look at that. We look at all of those issues, and absolutely nobody gets to develop anything unless there is adequate water supply.

So if this program moves forward and there is not an adequate water supply for any of the developments that are proposed, it will not get built, period.

So we have to look at the whole pro- -- we cannot make all of the decisions at the growth management planning stage because we don't have all the information. We don't know what product is going to be built there. Will they be high-rise buildings, will they be

stand-alone homes, single-family homes? How will they be clustered? Will they be commercial and residential and a whole combination of things?

We will never know that until somebody presents to us a plan which will be vetted in the public and people will have an opportunity to respond. So there's a long process there.

So let's get to the real process here. It makes no difference whether you cap acreage or you cap credits. As long as the two maintain equilibrium, it makes no difference.

I believe that the thing that is driving the desire to cap credits is the fact that there is the potential in some people's minds for excess credits to be generated and then used by developers or landowners to demand more acreage to develop. That is not going to happen. I would never ever vote for a plan that permitted the accumulation of excess credits, and I sincerely doubt that any of the other commissioners would either. We need to keep them in equilibrium. And so if we do that, it makes no difference whether you cap one or the other.

And furthermore, it's my sense that even those people who spoke against capping acreage are in favor of providing incentives for the retention of agricultural lands. That's one of the purposes of this program is to retain lands in agriculture, so we want to provide incentives to do that. That means more credits.

The way we get to preserve more land and protect the land and the habitat and the linkages between habitat is to grant credits so we can get those public benefits free of charge. I think everyone believes that it is beneficial to restore some of the property out there and we ought to grant some incentive credits for restoration, and the same thing is true for panther corridors. We need to enlarge the panther corridors. We do that by granting more credits so that people will put their land into the appropriate protection category.

So here's what I'd liked to propose that we consider. It's

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So we have to look at the whole pro- -- we cannot make all of the decisions at the growth management planning stage because we don't have all the information. We don't know what product is going to be built there. Will they be high-rise buildings, will they be

stand-alone homes, single-family homes? How will they be clustered? Will they be commercial and residential and a whole combination of things?

We will never know that until somebody presents to us a plan which will be vetted in the public and people will have an opportunity to respond. So there's a long process there.

So let's get to the real process here. It makes no difference whether you cap acreage or you cap credits. As long as the two maintain equilibrium, it makes no difference.

I believe that the thing that is driving the desire to cap credits is the fact that there is the potential in some people's minds for excess credits to be generated and then used by developers or landowners to demand more acreage to develop. That is not going to happen. I would never ever vote for a plan that permitted the accumulation of excess credits, and I sincerely doubt that any of the other commissioners would either. We need to keep them in equilibrium. And so if we do that, it makes no difference whether you cap one or the other.

And furthermore, it's my sense that even those people who spoke against capping acreage are in favor of providing incentives for the retention of agricultural lands. That's one of the purposes of this program is to retain lands in agriculture, so we want to provide incentives to do that. That means more credits.

The way we get to preserve more land and protect the land and the habitat and the linkages between habitat is to grant credits so we can get those public benefits free of charge. I think everyone believes that it is beneficial to restore some of the property out there and we ought to grant some incentive credits for restoration, and the same thing is true for panther corridors. We need to enlarge the panther corridors. We do that by granting more credits so that people will put their land into the appropriate protection category.

So here's what I'd liked to propose that we consider. It's

important that we go forward together on this program. We already know it works. All you've got to do is go out there and see it. It already works. Everybody is telling you that we've preserved more land with this program than we would have without it, substantially more land.

And that, by the way, is the only, absolutely the only criteria for evaluating this program. Are you protecting more land than you could through any other process at a lower cost? And the answer is, absolutely we are, and that is the way you gauge the success of that program is how much land do you save per acre that you allow to be developed? And as long as there is a substantial ratio of land saved to land developed, we are winning and it is a good thing.

So it's important we proceed together. It is destructive for us to fight about preserving land because we all want to do that. It's going to take four votes on this commission to make a growth management change to implement these proposals, so we need everybody's participation and support.

So here is what I would propose -- and I'm going to ask representatives from both sides if they could find common ground here -- that if we cap credits and acreage and if we write the proposal, write the plan in a way that makes it clear that credits are awarded and not bestowed as a right of the plan itself -- it is already that way, but there seem to be some people who are skeptical, so let's write it more clearly so that everybody understands it.

So I'm going to ask Mr. McElwaine. Mr. McElwaine, would you be willing to get behind a program that does that?

MR. McELWAIN: For the record, Andrew McElwaine, Conservancy of Southwest Florida. You've heard more than you want to from me today, so I'll just say yes.

COMMISSIONER COYLE: Good. Thank you very much.

And how about the other side? Who is going to speak for the other side?

MS. PAYTON: Who's the other side?

COMMISSIONER COYLE: All the people on that side of the aisle, okay. Now, if you haven't already figured it out, the people who are for the committee report are over there, and the people who are against it are over there.

CHAIRMAN FIALA: Go ahead, Tom. You're up.

COMMISSIONER COLETTA: Fred Thomas is the spokesperson, I believe.

COMMISSIONER HENNING: I didn't understand what he said the first time.

MR. THOMAS: I think it makes good sense myself because you're talking two --

MR. SCHMITT: We're good to go now.

COMMISSIONER COYLE: Well, okay. It's been decided. Fred's behind it.

MR. THOMAS: But, no. It does two things for us. It also doesn't build up any anticipations of something that's not a quarry. But by putting the cap on the amount of acres, then we can control where those acres go and make sure we've got a sustainable community that we can plan roads for and all that kind of stuff, so I think your compromise is tremendous, thank you, sir.

COMMISSIONER COYLE: Thank you, thank you. Ladies first, George.

MS. McDONALD: Laura McDonald, Defenders of Wildlife. We're interested in the harmonized program of credits and caps -- of credits in acres.

MR. VARNADOE: George Varnadoe on behalf of the Eastern Collier property owners. The answer is a qualified yes. I want to make sure that we have enough credits so that we don't have the problem that Mitch Hutchcraft talked to you about that the small landowner 20 years from now, when he has to get out of the ag. because it's not economical, he's left out of the program.

So if we went with the 45,000-acre cap and we capped the credits at 400,000 or 404,000, whatever it was, then I think we would be okay with that, Commissioner.

COMMISSIONER COYLE: It's 404,000.

MR. VARNADOE: Yes, sir.

COMMISSIONER COYLE: Okay, all right.

CHAIRMAN FIALA: That jumped up from 315-, correct.

COMMISSIONER COYLE: Yep.

THE AUDIENCE: 315-.

COMMISSIONER COYLE: If you go with 315-, you don't get the ag. retention credits, you don't get the pathway credits, you don't get the other kinds of property preserved, so --

MR. VARNADOE: Yes, sir, and you're going to have to recalibrate, and that's what the committee recommended was recalibration to ten credits an acre so that you didn't have more than the 45,000 acres, but I --

COMMISSIONER COYLE: That's right.

MR. VARNADOE: -- 404,000 credits and the 45,000 acres gives you that balance you were talking about where those things are an equilibrium so you don't have excess credits floating in the system.

COMMISSIONER COYLE: Yeah. And I think for any practical effect, you're not going to be anywhere near that figure even when this thing is reaching build-out, but it's best if we plan worst-case scenario.

MS. PAYTON: Nancy Payton representing the Florida Wildlife Federation. The cap we're talking about is the map on the right?

COMMISSIONER COYLE: That's right.

MS. PAYTON: We're there.

COMMISSIONER COYLE: Okay, all right.

Madam Chair, that's my recommendation, that we send the study forward with the suggestion that that compromise be worked into the plan, and then I will not address at this point the issue of special cycle.

I would prefer that to be a separate discussion. But I would just like to move this particular proposal, the committee's recommendation, ahead with the modification we just discussed.

CHAIRMAN FIALA: Commissioner Halas is next.

COMMISSIONER HALAS: Thank you very much. Ladies and gentlemen --

COMMISSIONER COLETTA: Second Commissioner Coyle.

COMMISSIONER HALAS: Ladies and gentlemen, I want to thank each and every one of you for enduring what -- the process that took place today, and I want to thank the Rural Land Stewardship Committee for their work and their effort for the last year and a half.

But I do have some concerns, and contrary to what my commissioner to my right stated on some issue- -- some items -- I hope you'll realize that I may have some differences of opinion.

COMMISSIONER COYLE: Now that's unusual.

COMMISSIONER HALAS: That's unusual, right.

I have a map here that was given to me, and I have some concerns about it because it shows 22 red dots which indicates to me that these are towns. It says WilsonMiller GIS.

COMMISSIONER COYLE: No, they're not.

COMMISSIONER HALAS: Can somebody enlighten me on what these red dots stand for? And it says -- down there it says town nodes.

MR. SCHMITT: I'll ask Jeff Perry to come up.

COMMISSIONER COYLE: Transportation --

MR. SCHMITT: Jeff was the author of that.

COMMISSIONER COYLE: It was improperly labeled, yeah, you're right.

MR. SCHMITT: Do you want me to put that on the visualizer?

COMMISSIONER HALAS: Sure. That might be good because there's some other questions on that particular item that I need to have addressed, unless you've got a picture of it there.

CHAIRMAN FIALA: They do.

COMMISSIONER COLETTA: Here. Hand it here. I'll take it down.

CHAIRMAN FIALA: I think they've already got it. Oh, apparently they don't.

MR. PERRY: Madam Chairman, Commissioners. My name is Jeff Perry. I'm a transportation planner with WilsonMiller.

Our firm was contracted to prepare a transportation analysis of a potential scenario, if you will, of 45,000 acres within the rural lands. In doing that, we used the county's transportation model in order to evaluate a land use configuration, conceptually what has been shown here on Ms. Payton's map here, the dark red areas there, which were identified as future SRAs.

In order to -- in order to get the computer models to account for all that development, what we have to do is create a series of traffic zones, and each traffic zone is represented by a single point in the model called the TAZ, or traffic analysis zone centroid. That map that you're showing -- seeing right there, is the -- sort of the central point locations for each of those red areas up there, and it was intended to provide information to the county transportation staff.

After our analysis was completed, we delivered that map with all of the data and all of the studies that we had done on the road system that is also shown on that map to the county transportation plan.

And someone picked it up, looked at it, and said, this is 22 towns of X number of thousands of acres and it is -- was, in fact, simply a representation of the actual centroid connectors.

Now, within each one of those centroids, there is a certain amount of land use that is loaded into the model for testing purposes. Forty-five thousand acres can be translated into homes, commercial development, and the like, and all of that is translated into computer code and put in each of those -- some of it in each of those red dots.

COMMISSIONER HALAS: Good. Now, we have a series of

little dash lines, and this indicates new roads that are to be built. And my fellow commissioner says that there will be no impact to the county. Who's going to pay for all the roads that are -- the infrastructure that's going to be built in this area if it's not going to be on the shoulders of the taxpayer?

MR. PERRY: First, the road network that we've sort of conceptualized is based on one particular concept of where development may take place. Ultimately, as time goes on between now and 2050, my crystal ball tells me that, you know, we may end up with any number of different changes to that particular map.

But in order to evaluate that 45,000-acre scenario, we had to do something. So we placed the amount of development on the map, we ran the models, and then we developed a roadway network using the models that would sustain at adopted levels of service the amount of traffic that would be generated --

COMMISSIONER HALAS: Who's going to pay for this?

MR. PERRY: These types of roads would be paid for much like existing roadways are paid for, out of impact fees --

COMMISSIONER HALAS: Impact fees?

MR. PERRY: -- gas taxes, federal and state gas taxes, because many of these road improvements you see on here are on state roads.

COMMISSIONER HALAS: Okay.

MR. PERRY: And all of that would be carried out over the next 40, 50, 60 years.

COMMISSIONER HALAS: Well, as you know, right now there's a bill that's going to try to limit impact fees. We're -- we also realize that we get less state gas tax and federal gas tax down here to address our transportation needs.

So I just want to make it clear because we've already got a commitment with Ave Maria that we've got to build Oil Well Road. So when I look at this -- and I just want to make sure that these red dots aren't going to be developments throughout the whole county out

there in the eastern area. That's going to cause an impact to where we have to build all these road systems.

So I guess the question I'm asking you is, in your conceptual drawing or idea of what the county's going to look like, are you only going to have maybe two of these areas so that you've got the concentration of people in two to three areas and not 22 areas, because you've got these nodes here?

MR. PERRY: This map does a fairly good job of demonstrating

--

COMMISSIONER HALAS: That doesn't tell me where the development -- where the --

MR. PERRY: It's the red areas. It's the dark red areas are those areas that would be the stewardship receiving areas where development would occur. So if you look at those two maps, there's a red dot in the center of those particular areas.

Now, some will be more concentrated where there would actually be clusters, perhaps, of different SRAs that might be clustered together. But they are -- but they are -- the 45,000 acres is trans- -- as represented on that map, is translated into land uses, which are then analyzed for the purposes -- in my case, for the purposes of transportation.

COMMISSIONER HALAS: Now, what is your conceptual idea with the 45,000 acres that are going to be developed? What is your conceptual idea of what the population will be in that area for the 45,000 acres?

MR. PERRY: I'd have to go back and look at my notes and see exactly what that is. It's in the report, but I can't quote it from memory.

MR. GREENWOOD: Commissioner Halas, Tom Greenwood, for the record. The approximate, you know, at maturity for SRAs, would be approximately 210,000 holding capacity; however, as we all know, you don't have 100-percent occupancy. But that 210,000 is

based upon the assumption that there will be 100-percent participation in the RLSA program as well.

COMMISSIONER HALAS: So are you telling me that how much participation is on the program is going to dictate the density or the amount of people that are going to move into this area?

MR. GREENWOOD: Well, the participation in the program will be measured by the acres of stewardship receiving area development.

COMMISSIONER HALAS: Okay.

MR. GREENWOOD: And based upon our experience with the Town of Ave Maria and possibly Big Cypress, there is going to be a typical gross density of about 2.5 units per gross acre. And if you use 2.5 persons per household as a round number, you really don't know, that will drive approximately 210,000 population.

The Van Buskirk study that was done as part of the east of 951, they also concluded a similar population, and that was done independent of staff estimates.

COMMISSIONER HALAS: Okay. One other question that I want to get clear in my mind. Through all of the public comment, there was a comment made that at the present time, if we approve the 404,000 units -- the credits, okay, that if the corridor up to the north, if you look at this -- your particular map that I lent to you, they show a little corridor, like an alleyway, that the panther is supposed to travel. There it is right there. That little -- that black area is the indentation where they're going to put signs in there or do something so that the panther will traverse that particular area.

Now, that's what's proposed now. And there was a statement made that if the landowners up in that particular area decide to open up that corridor, that there would be more credits put into the system, is that true, and that there could be -- there's a statement made of up to 101,000 additional credits could be put into the system?

MR. PERRY: I think the statement that you're talking about

dealt with the -- what is shown on that map is far different than the corridor that was represented by others that was much larger. And if you use sort of the credits against the larger corridor, that you would end up with a lot more panther corridor credits in the system than based on what that is.

COMMISSIONER HALAS: So are you telling me then on top of the 404-, there could be additional credits added to the system?

MR. PERRY: I'm not sure I understand the question.

COMMISSIONER HALAS: If you opened the -- right now what you've got with the corridor, it's my understanding -- or something that's very similar to this, you've already said that you've got 404,000 credits, 404,000 credits. If for some reason the landowners up in there decide to open that corridor up, there's the possibility of generating more credits.

MR. PERRY: You could generate more credits within that corridor, but you could not generate more receiving lands. You're still capped at the -- I mean, the -- it's just like the --

COMMISSIONER HALAS: Wait a minute. If you've got 404- and somebody says, hey, I want to open up this corridor, I want more credits, so does that add to the equation?

MR. REYNOLDS: For the record, Al Reynolds. I think the comment was made is, if you had mile-wide corridors, that that would generated more credits than were estimated as part of the 404,000 credits.

COMMISSIONER HALAS: That's correct.

MR. REYNOLDS: And that is correct. If you had mile-wide corridors, you would potentially generate more than what's in the estimate. I think what you heard is that there's a -- that there's a balance that's going to have to be achieved in the corridors so that they fulfill the purpose for which they're intended.

And at this point in time, the design of these corridors has not been finalized because that's subject to a federal process that will take

lots and lots of time and effort between the federal government and the property owners to determine.

So what we've done is we have come up, as part of the program, with an estimate of what we think it would take to accommodate the two panther corridors, and that's the 23,000 credits that are in the 404,000 number.

COMMISSIONER HALAS: Okay. I'm glad you brought up the federal government because to me, since the panther is a wildlife species here that supposedly is a protected species, and we in Collier County -- whether it's the landowners or whether it's the government, the county government that's getting involved in this issue, if the panther is to be protected, I'm surprised that the federal government does not come down here and purchase the land from the landowners to take care of this particular problem instead of it being left up here to the local government.

To me, that's another unfunded mandate in a way, and I've got some concerns about that. Because it is a burden one way or another whether the -- whether the property owner decides to give up his development rights or not, it ends up to be a burden, unfunded mandate to the local citizens here one way or the other.

MR. REYNOLDS: If I was a property owner, I guess I could speak to you as a potentially affected property owner. But what I will tell you is that we do have an Endangered Species Act. The federal government does have regulations. And what this represents is a potential for the property owners and the governmental agencies and the people that are trying to create these panther corridors to work collaboratively to create something that I think would be acknowledged to be a benefit to that species, and that's the reason for the inclusion of that incentive in the program.

COMMISSIONER HALAS: I understand what you're getting at. But where I guess I'm getting -- trying to drive the point home is, that if we end up giving more incentive and more in credits, what that

does is even puts more pressure on development out in that particular area of the county, okay, because you have these additional credits, okay.

The other thing that I have concerns of, right now agriculture is the highest and best use for that land out there, and I've got concerns that it may not be the highest and best use because of the federal government's laws in regards to NAFTA. And it gets to a point where that may not be the highest and best use in being ag. land. So what do we do in that case if we can't change the philosophy of the thinking up in Washington?

Because it's important that we save ag. land and it stays ag. in perpetuity. And if it gets to the point where the farmer out there cannot make a go as the primary use of that land, then what other benefits will he have for that land after he strips the development credits off of that land?

MR. REYNOLDS: I'm going to suggest that maybe one of the agricultural owners answer that question. But what I will tell you is that what this program does is it creates other options for that agricultural property owner to find a way to monetize their development rights that they have today without using them. That's the whole idea behind the credit system is that if they find that they need an additional economic incentive to be able to stay in agriculture to be competitive over the long haul, the credit program is what gives them that financial incentive, and that's the whole purpose behind the ag. preserve credit feature that the committee has recommended.

COMMISSIONER HALAS: But I think that's only a short term. Once you take the credits off, then the next family or next generation down really doesn't have any other use for it, so I have some concerns on that.

MR. PERRY: Let me just suggest, if I may, Mitch Hutchcraft, who is both an agricultural property owner and one of the property owners at the north end, may have something else to share with you

on that question.

MR. HUTCHCRAFT: Yes, Commissioner. I'd like to try and address two of the points that you made. The first one is regarding the panther corridor. The first thing that's critical to understand is that particular panther corridor is not a panther corridor that exists today. There are no panthers that use that.

COMMISSIONER HALAS: Oh, I know that, but that's what's proposed.

MR. HUTCHCRAFT: And what you see there is an effort to establish additional protections for the panther. What you also don't under -- don't -- is not evident in that map is that there are agricultural preservation credits that could be utilized on either side of that corridor to provide an enhanced width.

So we believe that through the use of agricultural credits or the preservation credits, you could achieve a wider corridor. So we don't know that necessarily that translates into additional corridors.

Where I do have to disagree is the mile-wide corridor. The thing that's critical to understand, the vast majority of that corridor, not the vast majority but a significant percentage, is on our property. Our property is an active agricultural use. It's the lifeblood of our organization, and if you were to require a mile-wide corridor, our company would be unable to participate. The corridor would not occur and the credits would never be accrued.

So that you see, there is an effort by the landowners to partner with the environmental organizations to do something that actually benefits the panthers. There are credits associated with the panther corridor and also credits that are associated with agricultural preservation that we believe can provide a reasonable corridor width.

The document that's been referenced also indicates a corridor width more in the quarter-mile range for a -- up to a five-mile corridor. We think because of the natural nodes in there, that that can be achieved.

COMMISSIONER HALAS: Okay.

MR. HUTCHCRAFT: We don't believe that the corridor width necessarily translates an overabundance of credits.

The second issue is agriculture. I think it's critical to understand that most of the agricultural companies are self-included. We want to remain in agriculture. What we're looking forward to is a program that incentivizes us, that encourages us and enables us to remain in agriculture rather than being pushed out of agriculture.

We are concerned that there are some of the environmental benefits that are being achieved that will be implemented through regulation that will ensure the rapid demise of agriculture. Through the incentive-based program that we're talking about, it allows the agricultural property owner to remain active for a much longer purpose.

COMMISSIONER HALAS: Okay. The concern that I have is there's areas in the country whereby there hasn't been any true growth management, and what's happened is that as the population increases, the reserves of groundwater dissipate.

Now, one of -- one commission, my favorite commissioner here, tells me that, you know, we're going to have adequate water supplies. I don't think anybody really knows, once you have a build-out of 210,000 to 230,000 people, what the drawdown of the aquifers are going to be. And we have to realize that there's a drawdown of all these aquifers throughout the State of Florida.

Being involved with the Century Commission in the 2008 Water Congress, that was one of the big problems that we face. And in some areas of the country, when it comes to, are we going to put -- have water for the people that live there, or are we going to have water for agriculture?

And what's happening is that in a lot of cases, they're shutting off the water supply to ag. so that they have the water for the populous. And if you shut off the water to the ag., then obviously

that's going to affect the food supply overall, and it's going to also affect the end result of what it's going to cost us to buy food.

MR. HUTCHCRAFT: Two great points.

COMMISSIONER HALAS: Those are some of the points that, as I look at this whole thing, I want to make sure that when we look at credits, that we don't just arbitrarily pick a number or pick whatever and say, that's what we're going to live with, because there's a lot of ramifications that I don't think any of us know the answer to.

But I do see what's happening in other areas of the country, in the world, as far as the water supply. That's a precious resource. And so I try to tie that into how we're going to develop this county and how it is going to turn out.

MR. HUTCHCRAFT: And I appreciate your concern. And as an agricultural landowner, we're concerned about property rights and water rights as well. You made two specific points, the first one about long-term planning, and it needs to be done. And I would respectfully submit, that's exactly what we're talking about today.

We're taking a 50-year look into the future about, what do we want to see at the end of the day? What resources are important to protect? How can we establish connected open space and connected habitat and do that in partnership with the landowners so that you leave them whole?

I would encourage you that I think that this is a program that does that. And I would even say that all of the people here today acknowledge that the benefits resulting from this program are dramatically greater than what existed seven years ago, even five years ago. We are making significant progress, and we're doing it in partnership with the landowners so the landowner does not carry all of the burden.

Regarding water use. I would encourage you to also take a look at the equitability of where the water is going and who's using the water. The vast majority of the people in areas in Collier County are

utilizing surface water wells for their drinking water. That's what's consuming a lot of the water supply that would be allocated to agricultural use.

I think it's an ethical and an appropriate conversion, as the commissioner indicated, to convert to another water supply for the potable use. It will be more expensive, but that is a societal impact. It is not the result of solely development in one location. It's the result of development in Naples, in Golden Gate, in Collier County. Everybody shares a burden for that.

If your interest is in protecting agriculture, then all of the people that are using freshwater should be converting to a non-freshwater source and paying to use that water.

COMMISSIONER HALAS: We're doing that now in this county.

MR. HUTCHCRAFT: I agree, and I think that that will be an issue that everybody will do fairly.

COMMISSIONER HALAS: But I'm also concerned about the lower aquifer because there's -- it has a limit too. It's not a limitless supply of water.

The other thing that -- where I stand on this thing, I'd like to see the credits remain at 315,000, and I think that the Growth Management Plan, I would hope, would be -- would be paid for by the landowners that want to put through these amendments, and I think that the amendments that were -- that I read that were a joint effort, actually three to four parties that put their input into it, I believe that it was well thought out, and I think that we need to move forward with those amendments, but I also think that we need to look at who's going to pay for these amendments, and I would hope that it would be the landowners and not on the backs of the county.

And, of course, I look at right now, with the growth management amendments that are in the hopper, it should be based on first in and first out. I feel that we've had some people that have been waiting

since 2006, so I really think that -- that's where I stand on this issue. And I hope that my fellow commissioners will go along with that.

But I guess I'm going to stick with the cap of 315,000 until I get some additional input to make sure that we are going to not only protect the environment out there, but that we're also going to make sure that we have the ag. lands to sustain the quality of life not only in Collier County, but throughout the State of Florida and continental United States.

MR. HUTCHCRAFT: And those are three important points, and I'll take them in reverse order. The first one is jumping over somebody else. I don't think anybody here suggested that this should have priority over any other project.

COMMISSIONER HALAS: I just wanted to make clear where I stood on it.

MR. HUTCHCRAFT: I appreciate that. It is an important amendment. It does need to be handled in a timely manner.

Regarding paying it, you've heard from a number of folks who have talked about the value of these resources, that the agriculture is the bread basket of the eastern seaboard. I think the preservation that we're talking about is quality of life for the county, agricultural for the eastern coast. This is not a landowner responsibility. This is a societal long-term planning, what do we want our community to look for. I think this is a county responsibility to pay for this.

The last issue was the 313-acre (sic) -- 300,000 credits. I guess my comment is, the increase in the credits comes as a result of additional preservation. Additional preservation to panther corridors, agricultural preservation, removal of development within the area of critical state concern. And if you're looking at capping at 300,000 credits, I want to know which of those additional protections you'd like to remove or which landowner you would like to be responsible for not having compensation for giving up their rights.

COMMISSIONER HALAS: Well, at this point in time, we have

a granary. And so how many credits are in the granary today? Do we have 315,000 credits in the granary? Do we know how many --

MR. HUTCHCRAFT: There have not been that many credits that have converted by preserving in the stewardship areas, no.

COMMISSIONER HALAS: So if the granary is still full, why don't we wait and make a decision later on as the granary starts to get depleted of seed corn, and then we can figure out if we need to add more.

MR. HUTCHCRAFT: Because I think it's in everybody's best interests to do long-term planning, set a course for where we wanted to be rather than incremental and possibly lose the opportunity to preserve the corridors, the habitat, the agricultural lands, that everybody has acknowledged that they're concerned with.

COMMISSIONER HALAS: But where are we -- where do we stand with the credits that's been -- that's been used up out there? Obviously, when we put this plan together, they said there was 315- -- they made a correction. They said there's 315,000 credits. Does anybody know how many credits we've used so far?

THE AUDIENCE: Twenty-nine thousand.

MR. HUTCHCRAFT: Twenty-nine thousand credits.

COMMISSIONER HALAS: Out of the 315,000.

MR. HUTCHCRAFT: That's correct.

COMMISSIONER HALAS: Okay.

CHAIRMAN FIALA: Thank you very much.

Commissioner Coletta, you're next.

COMMISSIONER COLETTA: Is it still Tuesday?

CHAIRMAN FIALA: And then after you're finished, we're going to take a break, because our poor stenographer is about to fall off her chair.

COMMISSIONER COLETTA: I'll try to keep it down to half an hour or shorter. First off, I don't know if you caught it, but I did second Commissioner Coyle's motion.

CHAIRMAN FIALA: I heard you back there.

COMMISSIONER COLETTA: I wasn't too sure. I just had to make sure that we went through it.

Just a quick question, Mr. Schmitt, while he's standing there looking for something to say or do. Mr. Schmitt, how many more times will this be coming back to us in one form or another until we reach the final point where we get it back from the state for the final blessing?

MR. SCHMITT: You'll see it two more times. You'll see it through a transmittal hearing and then an adoption hearing.

COMMISSIONER COLETTA: Okay.

MR. SCHMITT: Transmittal -- between the transmittal and adoption, of course, it goes to the state for its ORC Report, its objections, recommendations, and comments, and then we'll tweak it and come back to you again, so you'll see it at least twice.

COMMISSIONER COLETTA: Well, I want to tell you how much I appreciate Commissioner Coyle's leadership in this particular venture and finding a middle ground to try to bring everybody together. It's very much appreciated. And with that, I hope it's going to remove some of the animosity that was out there that existed in this room prior to your suggestion, which I think everybody is going to embrace.

We've got a long ways to go before we get to the final product. There's a lot of things we don't know yet. We have no idea where the state's going to stand, we have no idea where the -- at some future date the federal government's going to weigh in as far as the panther goes.

There's going to be a lot of different elements. But the only appeal I'm going to make is a personal one to everyone in this room that, when we come back for the next hearing and the hearing after that, work with facts. There is nothing more discouraging to hear people shoot off at the top of their mouth with absolutely no bearing on the subject matter that's there with total disregards for the

intelligence of the rest of the room that's in here that's been sitting through this process for many years.

There was statements that were made that were totally inaccurate, and it has a tendency to diminish the effect of this commission when it's trying to weigh and balance everything on each side.

So when we come back for a redraft on this whole thing to be able to see where we are to be able to move it to the next level, let's follow the good example we heard today from Commissioner Coyle and remember that we're one community that has to work together to come up with a final product that's going to serve everyone out there.

It's obvious that we can't live with a product that's going to degrade the land. It's obvious the landowners aren't going to give away rights that don't have a reasonable expectation of profit.

So let's concentrate on that. Let's forget the innuendos out there about the fact that the residents of Collier County are going to be burdened with unbelievable costs, the fact that there is no provisions being made for the water that's out there, the fact that all these other things have been put in place by you, a lot of the people within this room over many years, all the protections that have been put in place to make sure everything will be there is still there.

So when you come up with these particular facts, you're not playing to an unsophisticated audience that has not been knowledgeable of what's taking place. Stick with the actual facts that's out there, and it will be a lot easier to be able to digest what you're suggesting to be able to go forward.

I heard a number of people suggest that development wasn't appropriate anyplace out there. Total turnoff. I'll be honest with you. When we hear something like that that those rights of those people have to be taken away to be able to satisfy some need within yourselves, that's wrong. Don't go with that. There's got to be some way you offer something to them.

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In this case we've found a mechanism, an unbelievable mechanism, whereby we can make these people whole at no expense to the rest of the taxpayers out there and still be able to preserve the land, still be able to preserve agriculture.

That's my comments. Thank you.

CHAIRMAN FIALA: Okay. We're going to take a break. When we come back we'll hear from Commissioner Henning and then Commissioner Coyle.

(A brief recess was had.)

MR. SCHMITT: You have a live mike.

CHAIRMAN FIALA: Thank you very much. Well, that felt good. Just a little bit of a stretch, little bit of a glass of water, and it makes it -- here we go, and we're going to try and wind this thing up now.

We've got Commissioner Henning on deck with Commissioner Coyle waiting, and then we'll have staff give us a little bit of direction as we vote.

COMMISSIONER COYLE: I've got to rebut your remarks.

COMMISSIONER HENNING: I have no commentary and I have no criticism of any of my colleagues or their comments, but I do have a concern that we don't have enough information to make the right decision.

I do believe credits, when you're getting paid for them, when you're selling them, it is a commodity, and it has a value on it. Unless every landowner's going to sign off on that, there is a value, and I think it needs to be honored. I think government will be forced to honor that. Somebody's going to be forced to honor those credits if they're not taken up or bought.

The second thing is, we really don't know how much it will generate, how many credits will be generated since the committee wants to put a cap on it, landowners want to put a cap -- or don't want to put a cap on the credits. They want to put it on the land. So I don't

feel comfortable enough to vote for the motion until we have some more information. That's where I'm at.

And like Mr. Reynolds says, you know, we could be right or the Conservancy could be right. I don't want to take that chance because you're vesting people and you're vesting them through these credits.

CHAIRMAN FIALA: Okay. I, too, have -- I haven't weighed in at all, so -- and believe me, these are all my questions, but I'm not going to do that to you, but I do have a couple that I just want to clear up.

And one of them is, once it goes to staff, aren't you then going to be working this out anyway, what works, what doesn't and so forth, and come back with recommendations to us then, I mean, as far as credits, as far as acres, as far as this whole thing, as far as costs and so forth go, as far as infrastructure?

MR. SCHMITT: Yes, ma'am.

CHAIRMAN FIALA: Okay.

MR. SCHMITT: Basically we'll be doing a complete review, data, and then we'll ask for the supporting data and analysis. We'll come back to you with our staff analysis and most likely a recommendation. Hopefully by then we will be where Commissioner Coyle recommended, and that is that we have -- we'll meet -- at least have an agreement between all parties and approach in a manner that he so expressed where there is agreement between acreage and the credits.

CHAIRMAN FIALA: Yeah, the compromise that he mentioned, it seemed like the compromise was the landowners wanted 404,000 (sic) credits, and the landowners wanted 315,000 acres, and I didn't -- I didn't know where the compromise was there.

MR. SCHMITT: Three hundred fifteen thousand credits. And again, hopefully we reach consensus.

CHAIRMAN FIALA: They wanted 404,000 credits and 45,000 acres.

MR. SCHMITT: Yeah.

CHAIRMAN FIALA: Okay, 45,000 acres, but that's what the landowners wanted. I'm sorry if I said the other; 404,000 credits and 45,000 acres, and I didn't quite know where the compromise was.

But my second question to you was, if the legislature comes in next week, Friday, and decides to blow our impact fee structure all to pieces and we can't build this infrastructure now that we don't have any -- any impact fees coming in to do that. Are you going to be taking that into consideration, too, as we turn it over to you?

MR. SCHMITT: Answer -- short answer, yes.

CHAIRMAN FIALA: Okay.

MR. SCHMITT: But if I can just -- one little piece of that. This is the comprehensive plan that identifies the goals and policies for future implementation of the Rural Land Stewardship Program.

The impact fee issues and infrastructure associated are normally more at the time when they come in for Stewardship Receiving Area, which is -- to use the similarity, it's like a PUD where they come in and actually express specifically what they want to develop and identify the impacts. That's where you would certainly want to address any -- any loss of impact fees or the fiscal -- five-year fiscal plan through the -- whether it's going to be financially feasible or will it be a burden on the county.

So there -- it's kind of a twist. Yes, we will still proceed with these GMP amendments, but certainly we'll take into consideration whatever the state -- the state --

CHAIRMAN FIALA: Right.

MR. SCHMITT: -- lays on us.

CHAIRMAN FIALA: Because if the state -- if the state pulls the rug out from underneath us, we're not going anyplace, and nothing can be done because we'll have no money coming in to build any infrastructure.

MR. COHEN: Yeah. For the record, Randy Cohen again.

One of the things that will transpire if the state does go the route of changing its methodology with respect to proportionate fare share and also with respect to impact fees and having some method of trip mobility fees, it will be incorporated into your next AUIR as well as your next CIE, and both that AUIR and CIE should actually take place prior to the RLSA amendments, and then we would go ahead and, you know, look at those RLSA amendments based on what's in the CIE and AUIR.

CHAIRMAN FIALA: Okay, good, good. Last thing, I just wanted to say, I was concerned because somehow the Immokalee Master -- growth management -- or I'm sorry -- Immokalee Master Plan was somehow coupled into this thing, which is a completely different entity altogether, and I just wanted to make sure we're not going to hold them up as we do this. We're -- they're going to be marching forward; is that correct?

MR. SCHMITT: That's correct. We're --

CHAIRMAN FIALA: Okay.

MR. SCHMITT: -- the dates that we've at least tentatively locked in -- you don't have the Board of Commissioners hearing dates on there yet. But the GMP amendments for the '07/'08 cycle were on there, and then the Immokalee Area Master Plan. And note that says transmittal hearing for the EAC, and then bump down to C where it's the transmittal hearing for the Planning Commission. I would expect the board will be looking at those -- this, and it will be, just roughly speaking, probably 30 or 40 days later. So it will be mid March, early April for the -- your transmittal hearing for the Immokalee Area Master Plan.

CHAIRMAN FIALA: But if this gets held up in any way, Immokalee is not going to be held up; is that correct?

MR. SCHMITT: That's correct.

CHAIRMAN FIALA: I just want to make sure that's moving forward. It's already been in the pipeline for a while, and that would

be -- they would really be suffering a great loss if we couldn't move that forward. Okay.

All righty. Commissioner Coyle?

COMMISSIONER COYLE: Yeah, let me first clarify the concern about what the compromise was. The compromise was on the only issue that was before us, which was the committee report. The committee report had 45,000 acres and 404,000 credits. The recommend- --

CHAIRMAN FIALA: Three-hundred-fifteen thousand credits?

COMMISSIONER COYLE: That was the old plan. That was the existing plan. Nobody who understands what's going on here could possibly say we should freeze it at 315,000 credits because you're getting another 40,000 acres of preserved land by granting some more credits. You're preserving ag. land, which is exactly what DCA said we had to do. They said that's one of the weaknesses of the plan, that we didn't have any incentives, enough incentives to preserve ag. land. There was also a recommendation that we have restoration credits and creation of panther corridors.

Now, if you want to reduce the number of credits, then as one of the speakers said, Mr. Hutchcraft, I believe, said, all right, if you want to reduce the credits, which one of those preservation areas do you want to eliminate?

Because that's what happens. You grant more credits, you get more preserved area. You want to reduce credits, you're going to get less reserved (sic) area.

So we have all along been talking about ag. credits, restoration credits, and panther corridor credits, and that's why the number of credits went up because we got something valuable in return without having to pay for it.

So this debate about credits is irrelevant as long as you're getting something valuable in return.

So is -- are these things valuable? I don't -- I haven't heard

anybody yet to say we don't want to have -- to encourage the retention of agricultural lands, we don't want to have restoration credits, and we don't want to have a panther corridor. Nobody has said that today. Okay? So that must mean that you want it.

Now, if you want it, you've got to pay for it. How you going to pay for it? You're going to give credits. It costs you absolutely nothing.

So what's the problem? You're not granting any more acreage for construction. What I am afraid is happening here is that there are people who just want to stop the plan. I think that's what's happening here, and I'm very concerned about it.

But -- now, let's -- let me say this. Mr. McElwaine has informed me that he does have some concern about the calculation of the ag. credits, and maybe the two units might be a little bit too high and there ought to be some evaluation of that to justify what is appropriate, and I don't have any problem with that. I think our process we're proceeding through will tend to verify these kinds of things.

So I don't consider that a change in the settlement agreement issue but, you know, if we start saying, whoops, we meant 315,000 credits, now that's a significant change, and I'm not going there.

So the compromise is this: The landowners wanted a cap on acreage at 45,000. The Conservancy and others wanted a cap on credits. The only credits we were talking about were the credits that were associated with 45,000. That's 404,000 credits. And in turn for that increase in credits, we got ag. retention incentives, we got restoration credits, and we get panther corridor credits. All those are good. If somebody has an argument about how much you're getting, well, we can work that out in the details, okay. But in any event, that's where we are.

Now, let me get to this issue of infrastructure. How many people here live east of 951? Okay. All the rest of you, the chances of you having any infrastructure costs associated with this are

absolutely nil.

Secondly, all of these roads that will be built over the next 50 years, we're going to decide that we can't afford it because of our budget this year? So we're not going to plan for the future for 50 years because we don't have a budget that covers it for next year? You know, it doesn't make sense.

So let's -- I don't think that even getting into that kind of a discussion is worthwhile at this point in time. The bottom-line issue is, people in the audience were saying, how much is it going to cost us for the infrastructure for these new villages? And it's going to cost you nothing because they have to build their own.

Now, if they want a road to that new village and we don't have the money to build it, guess what? Nobody comes. All right. Nobody comes. And so, what we'll find out is whether or not developers are willing to make a contribution to those -- the building of those roads.

But the point is, we can't build it if we don't have the money, and the builders are going to take this into consideration when the time comes, and they're going to say, the county doesn't have a budget, the state has pulled the rug out from under them, we can't get the roads to and from our village, so do we really want to build it now? The answer's probably going to be no. And so, you know, we get upset about things that we can't possibly anticipate.

One final issue and I'll stop.

CHAIRMAN FIALA: Please.

COMMISSIONER COYLE: Okay.

CHAIRMAN FIALA: I love him to death, don't get me wrong.

COMMISSIONER COYLE: Here's why you plan long term.

Some people have said, hey, wait a minute. You know, there are too many houses here now. Let's not plan long term. Let's not develop a long-term plan. Let's wait till we sell up all these excess homes.

Wow.

Suppose we did our long-term planning like that all the time? What a mess would we be in today?

We're planning for something 20 years out, 30 years out, 40 years out, doing exactly what you said you wanted us to do, and then we've got people telling us, you know, don't plan long term because we don't have any money this year. I'm sorry, but it doesn't make sense.

CHAIRMAN FIALA: So now you have a motion on the floor.

COMMISSIONER COYLE: I do. Let's vote for it, second.

CHAIRMAN FIALA: Okay.

COMMISSIONER COLETTA: Second.

CHAIRMAN FIALA: And the second was by Commissioner Coletta.

I know Joe wants to advise us on that, but Joe, I still have Commissioner Henning and Coletta. No? Okay.

COMMISSIONER HENNING: Not on this issue.

MR. SCHMITT: Could I add one statement?

CHAIRMAN FIALA: Certainly.

MR. SCHMITT: Because there has been so much emphasis played on the cap, and the committee members know when the Planning Commission discussed the cap of 315,000, primarily -- and I'm going to simplify this. The reason they placed it, because they thought they would never get to that within six or seven years and we'd be through another EAR process and we'd be re-evaluating those credits eight, nine years from now.

So it wasn't sacrosanct that 315,000 was going to be the cap. I think even the quote from Mr. Strain at the time was, we'll revisit that. I believe the committee wanted certainty.

And so it's not -- I don't think we're -- this is a -- we're at an impasse here. I think that there will be some resolution. And as the two groups discuss this further, they'll come to some consensus on this. And hopefully when you get this during the transmittal hearing,

that will not be an issue. Maybe something else will be, but not that.

CHAIRMAN FIALA: Thank you for clearing that up for us.

Thank you, Commissioner Henning.

Commissioner Coletta?

COMMISSIONER COLETTA: To be honest with you, my issue had to do with Immokalee and where they were going to be into it. You handled it quite well.

CHAIRMAN FIALA: Oh.

COMMISSIONER COLETTA: No, that's fine. I'm glad you did. And I just need to get agreement from my constituents from Immokalee. That means okay? Okay, got it.

CHAIRMAN FIALA: Oh, great.

COMMISSIONER COLETTA: So I'm all set, thank you.

CHAIRMAN FIALA: Okay, very good.

Now, Joe, would you like to give us final instructions?

MR. SCHMITT: Yes. All we need under staff recommendations, as Tom pointed out, all we need is a vote formally to accept the report in its entirety, and that would include both the plan -- well, the committee's report, the Planning Commission comments, and the EAC comments, and then staff will move forward accordingly.

COMMISSIONER HENNING: Let's deal with the motion.

COMMISSIONER COYLE: And our comments?

MR. SCHMITT: And your comments, thank you, yes.

COMMISSIONER HENNING: Let's deal with the motion first.

CHAIRMAN FIALA: Okay. Commissioner Henning just suggested, let's first deal with the motion that was on the floor.

COMMISSIONER COYLE: That's right.

CHAIRMAN FIALA: And would you like to restate that motion? I dare you to restate the motion. I challenge you.

COMMISSIONER COYLE: I'm just trying to contain myself so I don't start talking again.

The motion is that we accept the committee's report and that we move -- that I move to move it forward through the GMP process incorporating the compromised changes associated with caps on acreage and a cap on the credits. Did I leave anything out?

CHAIRMAN FIALA: What's that banging noise up here?

COMMISSIONER COYLE: I'm sorry? 404,000 for the cap, recognizing that you have to develop justifying backup data to submit it to the process and that we make it very clear in the process, in the notice document, that this does not bestow any vested rights on any landowner, okay, and that there will be no excess credits created; is that right?

And now you agree with me about the vested rights issue? You agree that this plan does not create vested rights for credits?

MR. KLATZKOW: I think we can put in our Comp. Plan that exact statement.

COMMISSIONER COYLE: Okay, okay.

CHAIRMAN FIALA: And that -- and that is also your second, Commissioner Coletta?

COMMISSIONER COLETTA: I don't think we varied from our original motion.

CHAIRMAN FIALA: No, no. I just wanted to make sure everybody understands what we're doing.

And Joe, does that meet your needs?

MR. SCHMITT: Bullet number one, yes, ma'am.

CHAIRMAN FIALA: Okay, very good. So now we have the motion as restated on the floor and the second.

All those in favor, signify by saying aye.

COMMISSIONER COYLE: Aye.

CHAIRMAN FIALA: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN FIALA: Opposed, like sign?

COMMISSIONER HALAS: Aye.

COMMISSIONER HENNING: Aye.

COMMISSIONER HALAS: And I'm opposed because I am very emphatic about the credits of 315,000 until such time as we empty the granary.

CHAIRMAN FIALA: Okay. Thank you for telling me why you are opposed. Would you like to --

COMMISSIONER HALAS: Everything else I agree.

CHAIRMAN FIALA: -- state yours as well?

COMMISSIONER HENNING: I already did.

CHAIRMAN FIALA: Okay, very good.

COMMISSIONER HENNING: I know it was a long time ago.

CHAIRMAN FIALA: That's all right. I have a short memory, too. It's written down someplace.

Okay. So now you're going to take this back --

MR. SCHMITT: Yes, ma'am. Based on that, we've accepted the report. So the second piece, is it the board's desire for staff to come back to you? We'll have to schedule a special cycle for these -- this to be treated as a -- during a special GMP cycle, and we'll come back to you in a formal executive summary with dates proposed for that.

CHAIRMAN FIALA: And let me just clarify. Special GMP cycle does not mean that it goes before anything else? It still goes to the bottom of the barrel? It's just a special -- like an individual cycle?

MR. SCHMITT: I'll make this simple. We're going to try and do the '07 transmittal, followed by the Immokalee transmittal, followed by these GMP amendments transmittal, and then we start the train again with adoption. So it will be sequential.

I'm going to try and fit that in. We're going to look at the dates, look at availability, look at your calendar, and all the other things will be placed on your shoulders. So -- and I could -- LDC hearings, you still have the sign LDC. You have lots of other things. We just need to look at all that. And we'll come back to you with a date.

CHAIRMAN FIALA: Right. I just wanted to make sure this -- so that everybody is clear that a special cycle does not mean it's a special one that goes before anything else. It still is in line with everything else. It's just an individual cycle.

MR. SCHMITT: Unless you so direct it bumps one of the two that's scheduled.

CHAIRMAN FIALA: No, no, no. We would never do that, or let me say I would never do that, okay.

Okay. So let's see. Commissioner Henning?

COMMISSIONER HENNING: Are we bumping anybody out from their submitting of their monies and documents for a GMP amendment?

MR. SCHMITT: No, sir.

COMMISSIONER HENNING: Okay. So this is -- this is -- this is not going to slow down that process whatsoever?

MR. SCHMITT: No, sir. The dates are shown right there on the executive summary.

COMMISSIONER HENNING: But the -- we're going to put Immokalee into the RLS (sic) amendments?

MR. SCHMITT: No, sir. It will be a separate cycle. We'll deal with the '07/'08 cycle, Immokalee will be separate because that's -- you're going to have your hands full with that, and then we will -- we will special -- schedule another cycle to deal strictly with the RLSA amendments.

COMMISSIONER HENNING: Okay.

CHAIRMAN FIALA: Okay. Commissioner Halas?

COMMISSIONER HALAS: And the -- who's going to pay for the cost of these amendments?

MR. SCHMITT: That's a good question. That's -- that was one of the questions raised by Mr. Cohen as well that they -- in your executive summary, I -- the five-year review was required when you adopted the plan. There was no requirement to do a follow-on

amendment cycle so that that's -- that's for you to direct.

I'll identify it in the budget as part of our budget preparation if, in fact, you direct that it be absorbed -- we absorb the cost as part of the -- in the county.

COMMISSIONER HALAS: Well, when other people come forward with a GMP amendment, they have to put money up front to get that accomplished, and I don't see why we should treat this any different than where a group of landowners want to go forward with these GMP amendments. And I feel that in order to address this, I think they need to come forward with the monies that it's going to take to pay for staff's time.

CHAIRMAN FIALA: So did you have a motion on that or something?

COMMISSIONER HALAS: I'll make a motion that we pay -- that the outside people, the people involved in this Rural Land Stewardship group, the landowners, step up to the plate and pay their fair share to go through with the amendments.

COMMISSIONER HENNING: I'll second that as long as you say that Bill McDaniels will pay for it if they don't.

CHAIRMAN FIALA: I have a motion on the floor by Commissioner Halas and a second by Commissioner Henning. Commissioner Coyle?

COMMISSIONER COYLE: Did I understand the phrase their fair share in there somewhere?

CHAIRMAN FIALA: I didn't hear that.

COMMISSIONER COYLE: Yeah, he said pay their fair share. What is their fair share?

COMMISSIONER HALAS: They're going to pay just the -- they're going to pay whatever's required that we ask other people to come forward when they request a GMP amendment.

COMMISSIONER COYLE: Is that a fee, Joe?

MR. SCHMITT: Well, yes. There's a fee for a basic

amendment if you're going to come in as a private submittal. And that fee, Randy, is what, 16,000? 16,500, that -- and then your executive summary, we probably -- we estimate this will probably run somewhere between -- and I turn the page here, 90,000.

CHAIRMAN FIALA: Ninety-eight thousand or something like that.

MR. SCHMITT: About \$91,000 based on staff time and everything involved.

COMMISSIONER COYLE: Total? Or is that 90,000 in to the fee that you charge?

MR. SCHMITT: No, that's ninety thousand total, not counting the fee.

COMMISSIONER COYLE: Okay.

MR. SCHMITT: I'm talking everything from legal advertising, court reporter, cost of minutes, cost of printing, everything involved. Go ahead, Randy.

MR. COHEN: Just one other thing, and I think it's probably a necessary item as well, too. If we're going to properly analyze the credits in relationship as to how they entitle acreage, we're probably going to have to have an outside economic consultant take a look at it, just as we did with the rural fringe, and that cost will probably have to be added to it as well.

CHAIRMAN FIALA: And, quite frankly, I'm with Commissioner Halas on this all the way, because our budget is so bad as it is, we can't -- you know, we -- we let staff go, and we can't even build roads and things now, and we can't -- we can't afford to do something like this.

And I think we would jeopardize the whole county by us forwarding this. So unless we find a funding source for this, I could not vote on moving that forward.

MR. COHEN: And the one other thing is, I think we'll probably need to put a caveat on that that would be with my staff remaining the

same as well, too.

COMMISSIONER HENNING: That's not in the motion.

MR. SCHMITT: Nick wanted --

MR. COHEN: I just wanted to let you know.

MR. SCHMITT: Nick wanted to add the transportation study involved as well, and Nick, this is only your staff time involved?

MR. CASALANGUIDA: Yeah. Nick Casalanguida with transportation. We put in an estimate in there just for staff time, not to go through and run the analysis of that transportation study done by Wilson Miller.

We are doing some analysis right now with our general, you know, funding that we get annually. But to do a specific study of what you're proposing, I'll have to put something together for Joe to bring back to you and tell you what we would -- you know, what it would take for us to do that.

COMMISSIONER HALAS: Well, I think the costs have got to

--

MR. SCHMITT: I would recommend that we, as staff, come back to you during one of the upcoming BCC meetings, identify the dates for the special cycle, which then you can vote on, and we'll also identify costs.

CHAIRMAN FIALA: Okay.

COMMISSIONER HALAS: Good.

CHAIRMAN FIALA: So would you like to repeat your motion, Commissioner Halas?

COMMISSIONER HALAS: The motion is that the special cycle for this RLSA program be paid for by the landowners that are involved in this process.

CHAIRMAN FIALA: And Commissioner Henning?

COMMISSIONER HENNING: And just to reiterating, it's not taking anybody out of the hopper right now.

COMMISSIONER HALAS: That's true, and this is first in, first

out, right.

CHAIRMAN FIALA: Okay.

COMMISSIONER HENNING: No cutsies.

MR. VARNADOE: Commissioner Fiala, could I make just one comment. I just want to set the record straight. The landowners did not ask for a Growth Management Plan amendment.

You appointed a committee, you asked them to make some recommendations to you, they did. They're the ones that are recommending the Growth Management Plan amendment, not the landowners. So when you say that, it's not our amendment, Commissioner Halas. And I know that you don't want this to go forward, but let's be fair about it.

COMMISSIONER HALAS: No, no.

MR. VARNADOE: We did not --

COMMISSIONER HALAS: I want it to go forward, George, but there's -- we don't have the money, okay.

MR. VARNADOE: We've taken --

COMMISSIONER HALAS: So if you want this to go forward, George, somebody's going to have to step up to the plate, and the taxpayers aren't going to step up to the plate on this. We just don't have the money.

MR. VARNADOE: So why did we not think about this two years ago when we appointed this committee?

COMMISSIONER HALAS: Well, I don't know, because things could change.

CHAIRMAN FIALA: We didn't have the problem two years ago.

MR. VARNADOE: Well, the landowners are willing to talk to your staff about participating, but this is not our amendment, and I want that clearly on the record. That was your committee that made this recommendation.

CHAIRMAN FIALA: Well, we don't even have to go forward

then as long as that's the case.

COMMISSIONER COLETTA: Oh, no, no, no.

CHAIRMAN FIALA: Commissioner Coletta?

COMMISSIONER COLETTA: No, let's vote on this with the idea that this thing has still got to come back with Joe to be able to give us a total in-depth story of what the cost is going to be.

At that point in time, we can hear from everybody and his brother, and if we have to, modify our decision if there's any reason to do so.

CHAIRMAN FIALA: Okay. Go ahead.

MR. SCHMITT: If I could clarify. If we don't do it now, we end up doing it as part of the -- probably as part of our EAR-based amendments, and that's going to delay it probably, Randy, 2012, 2013 when -- by the time we do an EAR and then do our EAR-based amendments, because essentially what you did here was an evaluation and appraisal report of your GMP but only for the Rural Land Stewardship Program.

Certainly those kinds of things are absorbed by the taxpayer as part of your every-seven-year amendment cycle. And if we don't do it as part of the special cycle, it would most likely fall into the EAR process.

CHAIRMAN FIALA: Okay. Any other comments from commissioners?

COMMISSIONER COLETTA: Just one quick one. That's also something else that can be weighed out by the landowners at that point in time, you know, whether that cost is justified against waiting in the -- for a time off in the distant future.

CHAIRMAN FIALA: Okay. We have a motion on the floor and a second.

All those in favor, signify by saying aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN FIALA: Aye.

COMMISSIONER HENNING: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN FIALA: Opposed, like sign?

COMMISSIONER COYLE: Aye.

CHAIRMAN FIALA: Okay. We have a 4-1 vote on that.

Okay.

MR. SCHMITT: And the third one you've already discussed, so we're not bumping any other cycles.

Go ahead, Randy.

MR. COHEN: Commissioners, there's one other thing that I think we need clarified. This committee has done Phase I and it's done Phase II. Obviously we have other things that are still going to be in the hopper for them to review or participate in.

The question really is is, is it your intent for this committee to continue to meet at various times and stay in existence, or is it -- are we at a point in time now that we're -- the report's moving forward and it's going to be moved into a GMP amendment cycle, do you want the committee to redissolve? And that's a fundamental question as to how you view this committee and how you want their involvement.

Obviously with amendments moving forward and the like, you may want them to continue to be in existence and be an active group as stakeholders, and that's your call.

CHAIRMAN FIALA: Commissioner Henning?

COMMISSIONER HENNING: We asked them to provide a report on any changes, and they have done that. They've done a very good job on it. That is going to be a cost to continue that, just like the east of lands study committee. That's going to continue. There's a cost on to that.

At a certain point, even our president says, you know, he's going to cut some of these out. We need to do the same thing. We need to thank the committee formally through a letter by the chair, and move on.

MR. SCHMITT: Yeah. If we continue with these meetings, minutes, televising them, sometimes televising these meetings. We could certainly sunset this committee but still have stakeholders involved as it evolves through the -- through the amendment process, and certainly there will be involvement from the landowners, and most likely because of the authors of this -- WilsonMiller when they developed the original plan, will certainly be involved in this as well.

CHAIRMAN FIALA: Okay. Commissioner Coletta?

COMMISSIONER COLETTA: Yeah. I understand where Commissioner Henning's suggestion's coming from, and I'd like to save money whenever possible; however, this committee has been quite a resource that we have come to depend upon, and we wouldn't be as far as we have been as far as bringing this plan forward if it wasn't for them.

I would suggest that we have them meet one more time when Mr. Schmitt gets the proposal together so that they can critique it and offer us their final advice, and at that point in time sunset them, because we're far from completed here. We have -- we have some stuff still in flux.

MR. SCHMITT: That's fair. When we come back with the GMP amendment, we'll identify what -- the desires of the committee in regards to whether they would like to continue or sunset, and we'll bring that back as well.

CHAIRMAN FIALA: Okay. All in agreement? Do I see some nods from my commissioners? Yeah.

COMMISSIONER HENNING: Boy, that was turned around. Geez.

CHAIRMAN FIALA: Go ahead, comment.

COMMISSIONER HENNING: Commissioner Coletta said about the executive summary, bringing it back on the next agenda --

COMMISSIONER COLETTA: No, I didn't say that and get the committee's recommendations. What you said is get the GMP

amendments together and then --

MR. SCHMITT: No, sir. I'm coming back to you with an executive summary to identify the dates for the special cycle --

COMMISSIONER HENNING: Right.

MR. SCHMITT: -- along with the costs. What I heard Commissioner Coletta say was also for the committee to meet one more time to discuss what their future is.

COMMISSIONER COLETTA: When you have the information together --

MR. SCHMITT: The information on the --

COMMISSIONER COLETTA: -- and you can come back with your staff recommendations so that they can dovetail everything that they learned into that to be able to bring us to a final conclusion.

COMMISSIONER HALAS: When do you anticipate that happen, to bring that back?

MR. SCHMITT: It would be --

COMMISSIONER HALAS: The final conclusion.

MR. SCHMITT: I'm thinking of the dates, the May 12th meeting. It may be the second meeting in May, the BCC meeting.

COMMISSIONER HALAS: All right. And then we can sunset it after that.

MR. SCHMITT: Whatever your direction is. I heard Commissioner Henning say --

COMMISSIONER HENNING: I'm going to make a motion that we sunset the RLS (sic) Committee and direct the chairman to write a letter of appreciation for their time.

CHAIRMAN FIALA: You mean sunset them today, or what do you mean?

COMMISSIONER HENNING: Yeah, I think we have to do that formally on an agenda.

MR. SCHMITT: I would have to look at the ordinance. I don't recall -- I can't recall if there was an official sunset date. I'm

looking at Jeff. I have to look at --

MR. KLATZKOW: How about when Joe comes with his executive summary we can take care of the issue at that point in time

--

COMMISSIONER HENNING: Right.

MR. KLATZKOW: -- one way or the other.

COMMISSIONER COLETTA: Okay. So in other words, leave it open. I just, that last bit of information, I'd love the feedback from that committee. I see what you're saying. Give us a choice that we can work with, then I have no problem with that. And I assume that they probably want to get on with the rest of their lives, but don't relax too long. We're going to recycle you.

CHAIRMAN FIALA: Okay. Now, you've made the motion. Is that a second?

COMMISSIONER COLETTA: No, no. I didn't second. Well, the motion that Commissioner Henning made didn't quite represent what I'm looking for. His was just to sunset it now.

CHAIRMAN FIALA: Would you like to restate your motion, Commissioner Henning?

COMMISSIONER HENNING: You said you're going to bring it back -- we're going to bring it back up on the agenda?

MR. KLATZKOW: Mr. Schmitt's bringing it back on the executive summary on this entire matter. This could be one of the issues he brings up as well.

COMMISSIONER HENNING: That's fine.

MR. SCHMITT: We extended this committee --

COMMISSIONER HENNING: I remove my motion.

CHAIRMAN FIALA: Okay.

MR. SCHMITT: -- once, and I'm not aware of the dates, so we'll bring it back.

CHAIRMAN FIALA: Okay, very good. So now everybody's set? May I have a motion to --

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COMMISSIONER HALAS: Commissioner Henning did
remove his motion?

CHAIRMAN FIALA: Yes, he did.

COMMISSIONER HALAS: Okay.

Item #3

ADJOURN – APPROVED

COMMISSIONER COLETTA: Motion to adjourn.

CHAIRMAN FIALA: Okay. Motion to adjourn --

COMMISSIONER COYLE: Second.

CHAIRMAN FIALA: -- by Commissioner Coletta and a second
by Commissioner Coyle.

All those in favor, signify by saying aye.

COMMISSIONER COYLE: Aye.

COMMISSIONER HALAS: Aye.

CHAIRMAN FIALA: Aye.

COMMISSIONER HENNING: Aye.

COMMISSIONER COLETTA: Aye.

CHAIRMAN FIALA: Opposed, like sign?

(No response.)

CHAIRMAN FIALA: We're done.

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There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 5:11 p.m.

BOARD OF COUNTY COMMISSIONERS
BOARD OF ZONING APPEALS/EX
OFFICIO GOVERNING BOARD(S) OF
SPECIAL DISTRICTS UNDER ITS CONTROL

DONNA FIALA, Chairman

ATTEST
DWIGHT E. BROCK, CLERK

These minutes approved by the Board on _____,
as presented _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF GREGORY COURT
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