

EXECUTIVE SUMMARY

DRAFT OF COLLIER COUNTY GROWTH MANAGEMENT PLAN (GMP) AMENDMENTS ADDRESSING THE REQUIREMENTS OF THE FINAL ORDER (AC-99-02) ISSUED BY THE STATE OF FLORIDA ADMINISTRATION COMMISSION ON JUNE 22, 1999, FOR THE EASTERN LANDS PORTION OF THE RURAL AND AGRICULTURAL ASSESSMENT (TRANSMITTAL HEARING).

OBJECTIVE: To have the Board of County Commissioners review for Transmittal the attached draft GMP Amendments intended to address the requirements of the Final Order, for the Eastern Lands portion of the Rural and Agricultural Assessment (Assessment).

CONSIDERATIONS:

Background

Pursuant to the Final Order imposed by the Governor and Cabinet on June 22, 1999, the State of Florida has mandated certain revisions to Collier County's Growth Management Plan. The Final Order directs the County to conduct a Rural and Agricultural Area Assessment (the "Assessment") to collect the appropriate data, gather public input and to develop amendments to the Growth Management Plan. Major issues to be addressed by the Assessment include: protecting wetlands, wildlife and their habitats; protecting prime or unique agricultural lands from the premature conversion to other uses; and, assessing the growth potential of the Area by assessing the potential conversion of these rural lands to other uses, in appropriate locations. All of this is to occur while discouraging urban sprawl, directing incompatible land uses away from critical habitat and encouraging development that utilizes creative land use planning techniques. The Final Order acknowledges there must be a balance between meeting these regulatory requirements and protecting private property rights. The creative techniques may include, but are not limited to, public and private schools, urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development.

The Final Order allows the County to conduct the Assessment in phases. Accordingly, Collier County has divided the Assessment into two geographical areas - the Rural Fringe Area, and the Eastern Lands Area, also known as the "Immokalee Area Study" (and sometimes referred to as the "Rural Lands Area"). The Final Order requires that the County adopt GMP Amendments developed as a result of the Assessment process by June 22, 2002, excluding the "Eastern Lands Area", for which adoption of the GMP amendments is required by November 1, 2002. As part of this process, Collier County has established the Rural Fringe Area Oversight Committee (RFAC) and the Eastern Lands Area Oversight Committee (ELAC) to address the planning for each respective area. The Final Order notes that public participation will be the "hallmark" of this planning effort. The primary mechanisms to involve and inform the public and solicit community input during the Assessment process have included: advertised meetings of the advisory committees; an interactive Rural Assessment web site containing all pertinent documents, meeting agendas and minutes; presentations to various BCC advisory committees and community, civic, and professional organizations; presentation to various stakeholder groups; and, several special public

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meetings and workshops. The ELAC, for example, has held 33 advertised meetings over the past two and one half years.

The GMP Transmittal amendments only apply to the Eastern Lands portion of the Assessment Area. The Rural Fringe amendments also included some policies with countywide applicability, less the Eastern Lands.

Data Collection and Analysis

Within the Eastern Lands Area, the County previously authorized a scope of services wherein WilsonMiller, as consultant to several large property owners in the area, collectively known as the Eastern Collier Property Owners (ECPO), to collect and analyze data that will form the basis for the proposed amendments in the Eastern Lands Area. Accordingly, WilsonMiller has provided a series of data sets addressing land use, land cover, wildlife and other resource information that were updated and field verified to establish a Geographical Information System (GIS) data base that is current to November 2001. These data have been used in the study to address the requirements of the Final Order, to guide the design of various planning alternatives (scenarios), and to assist in the formulation of Goals, Objectives and Policies (GOPs). This information is summarized in the document entitled "*Report and Recommendations of the Collier County Rural Lands Assessment Area Oversight Committee for the Immokalee Area Study, May 2002.*" The Committee's recommended GOPs as of April 29, 2002 can be found in Section X of this Report.

The Eastern Lands portion (Immokalee Area Study) of the Rural Assessment encompasses approximately 195,000+ acres, the vast majority supporting agricultural uses. Approximately 113,000 acres (58%) of the area is classified as Agriculture with infrastructure. Grazing leases account for another 63,600 acres (33%). Public lands account for approximately 13,000 acres (7%). Other uses such as residential, commercial, mining, etc. account for only 3,600 acres (2%). Water accounts for 2,000 acres (1%)

As to land cover classifications in the Study Area, wetland land cover comprises 74,900 acres (38% of the area's land cover), and includes 19,200 acres of permitted agricultural water retention areas; uplands comprise 20,300 acres (10%); agricultural land cover was mapped at 93,800 acres (48%); and, other land cover classifications account for 6,000 acres (3%).

Within the Study Area, the major Public areas are the Corkscrew Marsh (Corkscrew Regional Ecosystem Watershed Lands) and the Okaloacoochee Slough State Forest. Existing preservation lands account for approximately 7% of the Study Area. The Florida Panther National Wildlife Refuge and the Big Cypress National Preserve occur along the southern boundary of the Study Area. Privately held lands account for approximately 182,300 acres (93%).

The interim NRPAs (Natural Resource Protection Areas) comprise approximately 41,000 acres, or 21% of the area. An objective of the Assessment is to evaluate the interim NRPAs as suitable natural resource protection mechanisms for the Study Area. The interim NRPAs and Special Study Areas approved by the BCC in November 1999, were evaluated in the Immokalee Area Study. As further described, the Study has recommended the interim NRPAs be replaced by the delineation of Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), and Water Retention Areas (WRAs). These areas total 85,000 acres.

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Rural Lands Stewardship Overlay Strategy

The primary basis for providing natural resource protection and addressing the Final Order requirements in the Study Area is the establishment of a Rural Lands Stewardship program through the creation of the Collier County Rural Lands Stewardship Area Overlay. The Rural Lands Stewardship Area Overlay will become a feature of Collier County's Future Land Use Map (FLUM) and be governed by the adoption of the proposed Growth Management Plan policies.

The Rural Lands Stewardship Program is an incentive-based program that rewards property owners for voluntarily agreeing to protect important natural or agricultural features. For example, the program compensates property owners for preserving environmentally sensitive land, open space and/or certain types of agricultural operations. Compensation to the property owner occurs through the awarding of "stewardship credits" which can then be used in "receiving" areas that will require the credits in order to be developed.

Stewardship Credits (Credits) are created from any lands within the Overlay area that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas (SSAs). Credits are calculated using a specific methodology set forth in a Stewardship Credit Worksheet. Natural resource values of the land are measured by the Natural Resource Stewardship Index as specified on the Worksheet.

Credits can be transferred only to lands within the Overlay area that meet defined suitability criteria. These lands are defined as Stewardship Receiving Areas (SRAs). SRAs are the target areas for a compact mixed use development pattern, rather than the traditional single-family 5-acre tract development that characterizes rural residential uses. SRAs have the least environmental sensitivity and must have a Natural Resource Index value of 1.2 or less to receive Credits. A minimum of eight (8) Credits must be expended to develop each acre of an SRA. An individual SRA shall be at least 20 acres in size and meet various development criteria. Although there are 115,300± acres of potential SRAs (Private lands less FSAs and HSAs), it is estimated that the "8 credit requirement" will set aside approximately 16,800 acres, or 9% of the Study Area, for clustered development. It is estimated that only 6,700 acres would be needed to meet the Study Area's population projections for the year 2025.

Mapping areas of highest ecological value, using the best available data and analysis established in Stage One of the Immokalee Area Study, has led to the mapping of wetland flow ways and native habitat areas. Wetland flow ways are mapped as Flow way Stewardship Areas (FSAs) and natural habitats are mapped as Habitat Stewardship Areas (HSAs). Within the Stewardship Overlay System, FSAs and HSAs are defined as Stewardship Sending Areas (SSAs), and are precluded from being Stewardship Receiving Areas (SRAs). FSAs comprise approximately 31,000 acres; HSAs comprise approximately 36,000 acres. Combined, FSAs and HSAs represent roughly one third of the Study area.

The Stewardship Overlay also has identified Water Retention Areas (WRAs) as having a unique status. These areas (18,000 acres) are part of the permitted stormwater management system for agricultural operations, yet typically are considered wetlands and have an important ecological function. The proposed policies will allow WRAs to be either SSAs or be incorporated into SRAs. If they are incorporated into SRAs, then any modifications to the WRA shall ensure that there will be no net loss of habitat functions.

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Of the 78,000 acres of wetland land cover mapped in the Overlay, staff has estimated that approximately 51,000 acres are located in FSAs and HSAs, and another 14,000 acres of wetland land cover are located in WRAs. Thus approximately 65,000 acres, or 83% of the Overlay's wetland land cover is located in FSAs, HSAs and WRAs. Additionally, the attached Report states that approximately 91% of panther telemetry points have been recorded in FSAs, HSAs, and WRAs.

Minimum Regulatory Requirements

The basic premise of the Stewardship Overlay Program is that the economic incentive for generating credits by preserving environmentally sensitive land, open space and/or certain types of agricultural operations, will discourage landowners from developing land within FSAs and HSAs; or, conversely, will encourage landowners to transfer development rights out of FSAs and HSAs. Thus, the primary focus of the strategy is an incentive-based program designed to direct incompatible land uses away from wetlands and listed species habitats in addition to preventing the premature conversion of agricultural lands.

The proposed policies, however, do provide for some minimum regulatory standards. Key among the policies for habitat protection is the requirement that, when a property owner does not participate in the Stewardship program, site clearing and alteration within FSAs and HSAs - outside the Area of Critical State Concern (ACSC) - be limited to 30% of the property, of which no more than 50% may be non-permeable surfaces. Areas within the ACSC (approximately 63,700 acres, or 33% of the Study Area) will still be subject to the ACSC regulations, e.g. 10% clearing standard. Additionally, the design of SRAs shall demonstrate that ground water table draw-down will not adversely impact adjacent FSA, HRAs, WRAs or Conservation land. Open space and recreational uses shall be used to provide a buffer within an SRA adjoining an FSA, HSA, or existing Conservation land.

Allowable Land Uses

Properties outside of an FSA and HSA, not participating in the program, will experience no change in the current residential density (1 unit per 5 acres), permitted uses, or property rights of their land. For properties located within an FSA, and not participating in the program, all uses are prohibited except for agriculture. Properties located within an HSA, and not participating in the program, will experience no change in the current residential density (1 unit per 5 acres), permitted uses, or property rights of their land; however, site alteration (for non-agricultural uses) will be limited to 30%.

However, once a landowner has voluntarily designated property as a Stewardship Sending Area (SSA), by petitioning the Board of County Commissioners, the allowable land uses on that property become strictly defined. SSA designation is considered to be perpetual; in essence, it runs with the land and cannot be removed. Properties designated as Stewardship Receiving Areas (SRAs) are allowed higher residential density, and possibly other types of land uses as well, depending upon the number and types of credits used, as applied to the Receiving Area Characteristic Table, and depending upon the size of the receiving property. Densities within SRAs shall not be less than 1 unit per 2 acres (0.5 units per acre), and cannot exceed 4 units per acre. An individual SRA must be at least 20 acres in size.

An SRA is established via a petition submitted by the property owner to the Board of County Commissioners; the location, size, and density of each SRA will be determined on a case-by-case basis. This petition must include a master plan that demonstrates the SRA: complies with applicable policies of the Overlay; is designed to direct incompatible land uses away from wetlands and critical habitat areas designated as FSAs and HSAs; and, is designed to discourage urban sprawl. The SRA master plan must

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also identify the mixture of uses to be provided, which, in addition to residential uses, must include necessary support services and facilities. The uses allowed include: residential, office and retail commercial, schools, parks, recreational facilities, churches, civic and governmental, libraries, and essential services. The form of development for SRAs - which are to be compact and contain a mixture of uses (or be proximate to) - may include towns, villages and hamlets; these developments may include commercial centers and "smart parks." Adequate infrastructure to serve the SRA is required concurrent with demand. The perimeter of each SRA must provide for a transition to uses outside the SRA; the transition area may consist of setbacks, landscape buffers, recreation/open space uses, and other appropriate uses/techniques. Where agricultural uses exist on the adjoining lands outside of the SRA, the SRA must be designed in such a way as to allow for the continuation of the agricultural use and to minimize potential conflicts between the agricultural use and SRA uses. Where an FSA, HSA or conservation land exists on the adjoining lands outside the SRA, open space and recreational uses shall be provided as a buffer.

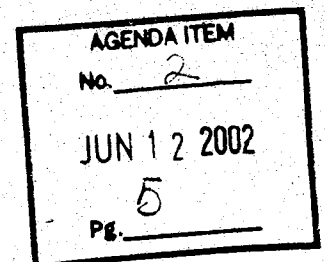
It is believed that the adoption and implementation of the Rural Lands Stewardship Area Overlay will not result in an increase to the total number of allowable dwelling units or population in the Eastern Lands area, but rather result in a re-allocation of the density and population allowed under the baseline standards (pre-Final Order conditions) from a land-consuming checkerboard pattern into compact, clustered developments. However, not unlike the Rural Fringe amendments, the potential certainly exists for an increased amount of commercial development and other non-residential development in the allowed compact, mixed-use developments (towns, hamlets, villages).

The following table illustrates currently permitted land uses and limitations thereon, and those under the proposed GMP amendments:

Land Use	FSA ⁽¹⁾	HSA ⁽¹⁾	WRA	SRA
	Par/Non	Par/Non	Par/Non	Par/Non
Agriculture	P/P	P/P	P/P	P/P
Residential	N/N	N/P	N/N	P/P
Golf Course	N/N	P/P	P/N	P/P
Conditional Uses, e.g., Excavations, Essential Services, etc.	N/N	P/P	P/N	P/P
Commercial	N/N	N/P ⁽²⁾	N/P ⁽²⁾	P/P ⁽²⁾

Par = participating in Stewardship Program; Non = not participating in Stewardship Program;
P = Permitted Use; N= Not Permitted after participation in the Stewardship program.

1. A 70% site preservation requirement (i.e., a limitation on clearing no more than 30% of the site) in HSAs and FSAs applies for both participating and non-participating properties.
2. Commercial is allowed subject to the Rural Commercial Subdistrict (not part of the Stewardship Program), which contains limitations such as spacing and size criteria.
3. ACSC limits clearing to 10% of the site and also has other limitations, including limits on impervious area, regardless of participation and Stewardship designation.



Transfer of Development Rights/Rural Lands Stewardship Area Overlay Comparison:

Since the BCC is more familiar with the Transfer of Development Rights (TDR) program proposed for the Rural Fringe area, a comparison of the TDR program and Rural Lands Stewardship Area program may be helpful. In both programs, areas of greater and lesser environmental value are identified, and minimum protection standards established, though the standards are different; both programs contain provisions for sending development rights from areas of higher environmental value to areas of lesser environmental value; participation in both transfer programs is strictly voluntary; the RLSA program also contains provisions to protect agricultural uses; some uses are eliminated, and densities reduced, for some properties within the Rural Fringe and Eastern Lands areas - especially Sending Lands, and FSAs and HSAs, respectively; all "receiving" properties in the Rural Fringe are eligible for a density increase via TDRs; a provision for mixed use development is available in the Rural Fringe (Rural Village) via BCC approval; a comparable mixed use development is allowed in the Eastern Lands area via BCC approval, but it is the only mechanism to increase density; the TDR program only allows the transfer of residential development rights; the RLSA allows the transfer of development rights in layers which translate into credits (point values) which, when accumulated, allow for a variety of land uses; the TDR program establishes rather fixed Sending and Receiving Lands boundaries on the Future Land Use Map at time of Adoption of the Rural Fringe amendments; the RLSA Receiving area boundaries are established upon request by the property owner.

Pepper Ranch

Mr. Robert Duane, AICP, made a presentation to the ELAC regarding some + 2500 acres of land of which + 2270 acres are within the Rural Stewardship Overlay Area and 235 acres are within the Immokalee Urban Area. The Urban lands, designated RT on the Immokalee Area Master Plan (IAMP), contain a high degree of wetlands and have significant habitat value. These lands are adjacent to Lake Trafford and to the Camp Keais Strand (and FSA). Staff has worked with Mr. Duane to develop a Density and Intensity Blending policy, which is included with the draft GOPs for your consideration, which is only applicable to the RT designation and adjacent lands under same ownership along the northwest side of Lake Trafford. (An analysis by Mr. Duane revealed that the earlier language would have had a much broader application, perhaps affecting 4,500 acres along the periphery of the IAMP boundaries.) The IAMP should also be amended to cross-reference this FLUE policy.

FISCAL IMPACT:

Implementation of these GMP amendments will require a significant number of Land Development Code revisions. Development of these revisions may require consulting services in addition to staff time. In addition, there will be future operational impacts that will likely necessitate additional staff resources, particularly in the area of environmental review.

GROWTH MANAGEMENT IMPACT:

These amendments are necessitated by the Final Order.

Conclusions

Staff recognizes that the proposed Stewardship Program is an innovative and incentive-based approach to protect agricultural land and natural resources in the Eastern Lands Area. The Stewardship Credit program is designed to provide landowners incentives to direct incompatible land uses away from wetlands, listed species and their habitats. Much of the areas's natural resources are found within the FSAs, HSAs and WRAs. The FSAs and HSAs combined acreage of 67,000 acres exceeds the interim

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NRPA acreage of 41,000 acres by 26,000 acres. The Overlay also identifies and provides for the protection of approximately 18,000 acres of WRAs. These three areas combined contain 83% of the area's wetland land cover; additionally, FSAs and HSAs contain approximately 91% of the area's panther telemetry points. In addition to the incentive program, the Overlay also contains some minimum standards for protecting the area's natural resources.

Recognizing the innovative nature of this incentive-based program, Staff is generally supportive of the proposed Overlay and its policies. However, Staff has offered some specific recommendations to strengthen the Overlay's natural resource protection mechanisms. Also, staff recognizes additional analyses are needed regarding impacts upon public infrastructure; and, some other GMP Elements will need to be amended at time of Adoption to reflect, and correlate with, the proposed FLUE Overlay.

ELAC Recommendations

The ELAC met on June 3, 2002, to review the recommendations of staff, the EAC and the CCPC. Their recommendations are contained in Attachment "A," EAC, CCPC, ELAC and Staff Recommendation.

EAC and CCPC Recommendations

The EAC met to consider these amendments on May 22 and 23, 2002. The CCPC hearing to consider these amendments was held on May 24, 2002. Their actions are contained in Attachment "A."

STAFF RECOMMENDATION: That the Board Transmit the attached GMP Amendments to the Department of Community Affairs, subject to the specific Staff recommendations identified in Attachment "A."

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