

## EXECUTIVE SUMMARY

COLLIER COUNTY GROWTH MANAGEMENT PLAN (GMP) AMENDMENTS AS A RESULT OF THE RURAL AND AGRICULTURAL ASSESSMENT FOR THE EASTERN (RURAL) LANDS PORTION OF THE ASSESSMENT AREA, INCLUDING SOME AMENDMENTS APPLICABLE TO THE ENTIRE UNINCORPORATED AREA OF COLLIER COUNTY, EXCEPT THE RURAL FRINGE PORTION OF THE ASSESSMENT AREA (ADOPTION HEARING).

Time-Certain at 1:30 p.m.

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**OBJECTIVE:** To have the Board of County Commissioners review for Adoption the attached GMP Amendments intended to address the requirements of the Final Order issued June 22, 1999, for the Eastern Lands portion of the Rural and Agricultural Assessment (Assessment), including some amendments applicable to the entire unincorporated area of Collier County, except the Rural Fringe portion of the Assessment area.

### CONSIDERATIONS:

#### Background

##### Final Order and Assessment

Pursuant to the Final Order imposed by the State of Florida Administration Commission (Governor and Cabinet) on June 22, 1999, the State has mandated certain revisions to Collier County's Growth Management Plan (GMP). 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 GMP. 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 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 is required by November 1, 2002. As part of this process, Collier County 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

AGENDA ITEM
No. <u>8</u>
OCT 22 2002
1

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 meetings and workshops. The ELAC, for example, held 33 advertised meetings over the past three years.

#### 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), was to collect and analyze data that would form the basis for the proposed amendments in the Eastern Lands Area. Accordingly, WilsonMiller 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 were 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). That information was summarized in a document (entitled "*Report and Recommendations of the Collier County Rural Lands Assessment Area Oversight Committee for the Immokalee Area Study, May 2000*") that was included in the Transmittal hearing packets.

The Eastern Lands portion 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 3,600 acres (2%). Water accounts for 2,000 acres (1%).

As to land cover classifications in the Study Area, wetland land cover comprises 74,586 acres (38% of the area's land cover), and includes 18,300 acres of permitted agricultural water retention areas; uplands comprise 20,578 acres (10%); agricultural land cover was mapped at 93,800 acres (48%); and, other land cover classifications account for 6,000 acres (3%).

The major Public areas in the Study Area are the Corkscrew Marsh (Corkscrew Regional Ecosystem Watershed Lands) and the Okaloacoochee Slough State Forest; both are designated Conservation on the Future Land Use Map. Existing preservation lands account for about 7% of the Study Area. Privately held lands account for approximately 182,300 acres (93%). The Florida Panther National Wildlife Refuge and the Big Cypress National Preserve abut the southern boundary of the Study Area. The interim NRPAs (Natural Resource Protection Areas) comprise approximately 41,000 acres, or 21% of the Study Area. The Study has recommended the interim NRPAs be replaced by the delineation of Flowway Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), and Water Retention Areas (WRAs), all described below. These areas now total almost 89,500 acres.

#### Rural Lands Stewardship Area Overlay Strategy

The primary basis for providing natural resource protection and addressing other 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 (RLSA) Overlay. This Overlay - consisting of policies, maps, tables and worksheets - will be incorporated into the Future Land Use Element (FLUE). An attachment to the EAC/CCPC Staff Report titled "Glossary" provides useful information/definitions pertaining to the proposed Rural Lands Stewardship Area Overlay.

AGENDA ITEM
No. <u>8</u>
OCT 22 2002
Pg. <u>2</u>

The Rural Lands Stewardship Program is incentive-based - it rewards property owners for voluntarily agreeing to protect important natural or agricultural features. For example, the program compensates 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 must be at least 40 acres in size and meet various development criteria. Although there are 93,000± 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, led to the mapping of wetland flowways and native habitat areas. Wetland flowways are mapped as Flowway 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). Combined, FSAs and HSAs represent over one third of the Study Area.

The Stewardship Overlay also has identified Water Retention Areas (WRAs), areas that 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, which comprise 18,300 acres, to be incorporated into SRAs. If they are incorporated into SRAs, then any modifications to the WRA must ensure that there will be no net loss of habitat functions.

Of the approximately 74,600 acres of wetland land cover mapped in the Study Area, approximately 57,800 acres, or 77%, are located in FSAs, HSAs and WRAs. Exhibit B to the ORC Response document, within this Executive Summary packet, provides an acreage breakdown by native vegetation land cover and Stewardship classification.

#### 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,

AGENDA ITEM
No. <u>8</u>
OCT 22 2002
Pg. <u>3</u>

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.

However, not all landowners will choose to participate in the Stewardship Overlay Program. All of the Group 5 policies would apply to those properties thereby assuring minimum regulatory standards; these include site clearing and alteration limitations for FSAs, HSAs and WRAs. Lands within the Area of Critical State Concern (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 must demonstrate that ground water table draw-down will not adversely impact adjacent FSA, HRAs, WRAs or Conservation land. An attachment to the EAC/CCPC Staff Report titled "Protections in Place Where Stewardship Credit System Not Utilized" provides a useful summary of protection measures for non-participating properties.

#### Allowable Land Uses

Landowners not participating in the program will continue to be allowed the uses in the Agricultural/Rural designation, including residential density at 1 unit per 5 acres. However, as noted above, if located within an FSA, HSA, or WRA, certain site alteration limitations will apply (for non-agricultural uses). 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 other types of land uses as well, depending upon the number and types of credits used and the size of the receiving property. Attachment C, Stewardship Receiving Area Characteristics, to the RLSA Overlay sets forth the allowable uses, intensities and densities. Densities within SRAs cannot be less than 1 unit per 2 acres (0.5 units per acre), and cannot exceed 4 units per acre - except when providing affordable housing or using the density and intensity blending provision. An individual SRA must be at least 40 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; and, is designed to discourage urban sprawl. The SRA master plan must 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 vary depending upon the size of the SRA, but include: residential, commercial, light industrial, 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) - include towns, villages, hamlets, and compact rural developments.

#### ORC Report and Response

On June 12, 2002, the BCC approved the Eastern Lands GMP amendments for Transmittal to the Florida Department of Community Affairs (DCA). On September 16, 2002, DCA issued their Objections, Recommendations and Comments (ORC) Report based upon their review of the Transmitted GMP amendments for compliance with Florida Statutes. "Objections" which are not

AGENDA ITEM
No. <u>8</u>
OCT 22 2002
11

addressed (by revising the proposed amendments, providing additional data and analysis, or both) may result in a determination of non-compliance. "Comments" are advisory in nature and will not form the bases for a determination of non-compliance. "Recommendations" offer one or more ways to address an objection or comment.

Within this Executive Summary packet is an "ORC Response" document containing the various objections, recommendations and comments from DCA, each followed by a response and analysis. The entire ORC Report from DCA is also included within this Executive Summary packet.

Many revisions have been made to the RLSA Overlay in response to the ORC Report. These are shown in strike through/underline format so as to easily identify changes made since the BCC Transmittal. Generally, they consist of increased environmental protection measures, both for properties where the Stewardship Credit System is utilized and for those where it is not; and, greater detail about the forms of development allowed (towns, villages, hamlets, compact rural developments).

NOTE: Due to the volume of materials involved, including some documents in color and/or over-sized, thus not suitable for reproduction in the full BCC agenda packet, some materials are not included in this Executive Summary packet. Instead, a complete packet (notebook) will be provided to each Commissioner in advance of the October 22 hearing.

#### Additional Changes

The Rural Fringe amendments were adopted on June 19, 2002, and included some policies and provisions with countywide applicability (less the Eastern Lands area). However, those amendments have not become effective due to the two challenges filed to DCA's determination that those amendments are "in compliance" with Florida Statutes. Rather than await the outcome of those challenges, staff recommends the re-adoption of those amendments with countywide applicability, less those for the Rural Fringe area. Accordingly, the attached GMP Adoption amendments apply to the Eastern Lands portion of the Assessment Area, and include the re-adoption of some amendments that are applicable to the entire unincorporated area, less the Rural Fringe portion of the Assessment area. The amendments proposed to be re-adopted primarily pertain to the protection of vegetative communities, including wetlands, and listed species and their habitats. Also, as a result of this Overlay, related amendments are needed to the Conservation and Coastal Management Element, other portions of the FLUE, the Immokalee Area Master Plan Element, and the Potable Water and Sanitary Sewer Sub-Elements of the Public Facilities Element.

#### Staff Conclusions

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 pre-Final Order conditions from a land-consuming checkerboard pattern into compact, mixed-use developments. The potential exists for an increased amount of commercial development - and other non-residential development in the allowed compact, mixed-use developments - beyond that presently permitted in the Agricultural/Rural designation; however, under the 1 DU/5A scenario, as development/population increased the demand for support services would increase and inevitably result in GMP amendment requests to provide for those support services.

Staff recognizes that the proposed Stewardship Credit Program is an innovative and incentive-based

AGENDA ITEM
No. <u>8</u>
OCT 22 2002
Pr <u>5</u>

approach for protection of agricultural land and natural resources in the Eastern Lands Area. The Program is designed to provide landowners incentives to direct incompatible land uses away from wetlands, listed species and their habitats, but also contains minimum standards for protecting the area's natural resources. In staff's opinion, adoption of the RLSA Overlay, and its subsequent implementation, should result in a more efficient development pattern that helps to better protect natural resources and important agriculture.

**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 Final Order No. AC-99-002 issued June 22, 1999.

**EAC and CCPC Recommendations**

The EAC will meet to consider these amendments on October 16, 2002; the CCPC hearing will be held on October 17, 2002. Their recommendations will be presented at the BCC hearing.

**STAFF RECOMMENDATION:** That the Board Adopt the attached GMP Amendments and transmit them to the Florida Department of Community Affairs.

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AGENDA ITEM
No. <u>8</u>
OCT 22 2002
Pg. <u>6</u>