



Meeting Summary

RLSA Restudy Group 1 Policies Meeting

General Purpose and Restructure of RSLA

February 22, 2018, 4:00 PM, North Collier Regional Park, Exhibit Hall

Kris Van Lengen opened the meeting at 4:15. He appreciated those in attendance and said the County will continue working on getting more people to attend the meetings going forward.

(Note: The meeting room was arranged with ten roundtables, each identified by a different color. Each attendee was assigned randomly to a table, forming groups at each roundtable.)

Mr. Van Lengen acknowledged Johnson Engineering team members for helping with the logistics of this RLSA Restudy meeting and the meetings going forward, including Laura, Ashlynn, Josh and Marina. Mr. Van Lengen introduced Amanda Evans, a professor at FGCU with broad experience including facilitation.

Dr. Evans described her role to facilitate dialogue. She explained her background is in mediation and facilitation. She has also taken students to Tallahassee every session for nineteen years to work with legislators on policy issues. She said she's also a native Floridian but does not own land in Collier County, does not live in Collier County, and does not have interests in the RLSA Restudy process. Therefore, she is a neutral party, and she is not emotionally involved in the process. She is only involved to get the conversation going. She described how the study process involves gathering data, and as a researcher, she sees the data and outcomes being derived from the participants. During the evening, questions or comments or feedback will be welcomed. She agreed with comments from attendees that working groups could be combined to make them more robust.

Mr. Van Lengen conveyed that Dr. Evans' experience is extensive, with very interesting research projects she has conducted. He then described the agenda. He announced there will first be time for speakers who had submitted speaker slips at the January RLSA Restudy meeting. Their names will be called in order and they will be given the time they need to speak. Mr. Van Lengen said he will then give an overview of the RLSA process, including how the program works. He said he'll give a quick tour of website to identify pages to help with finding material online. Then the meeting will move into group exercises meant to review Group 1 policies which are the basic purposes of the RLSA. He said the group exercises will be somewhat experimental, and a couple of policies will be assigned for the groups to discuss.

Mr. Van Lengen called the public speakers' names as follow:

Gaylene Vasaturo

Ms. Vasaturo explained that there are several topics that are important to the decision making on changes to the RLSA program. She said some additional topics should be included as topics of workshops, including:

1. Water resources – Impacts of new development to water resources must be discussed. She said the Growth Management Plan should be revised to include explicit policies to protect water resources considering all those living downstream from the proposed RLSA development. She said Rural Lands provide water storage and groundwater recharge that is important to our water quality, water supplies and flood protection.

2. Natural resources index (NRI) – She said the County should discuss Group 1 Policies 1.8 and 1.9 concerning the NRI. This was developed by Wilson Miller in 2000 and should be revised to consider new information from two panther studies and the 2008 panther recovery plan. She said the 2002 NRI assigned a low resource value to agricultural lands and disturbed lands which affects the number of credits for those lands and affects what lands are determined to be preserved. She said Wilson Miller noted in 2000 that panther use of agricultural land was not well understood and acknowledged the science would continue to evolve. She said in Willson Miller’s 2002 study, they referenced ongoing computer modeling of potential habitat and the updated Panther Recovery Plan by the U.S. Fish and Wildlife Service. She said we now have the 2008 Panther Recovery Plan and two other studies by panther experts. She said we now know that the active agricultural fields and open areas in some cases are highly valuable to panthers. Portions have been identified as primary panther habitat, and all studies and reports agree that primary panther habitat must be preserved for long term survival of the panther. She said revision to the NRI should be discussed.

3. Infrastructure – She said workshops should include discussion of infrastructure. She asked what will be required to meet Level of Service requirements for roads, schools, wastewater treatment plants, and water plants? She asked what will infrastructure cost, and who will pay? She said the costs will impact all Collier County residents, and it should be discussed in workshops, so all can participate.

Michael Seef

Mr. Seef asked about transportation issues and associated costs, and who will pay these? He said population is an issue that drives the plan. Population projections have been twice the actual population increases. He said from 2015 to the present, the population increase was 35% lower than anticipated, so population has not been growing as fast as people thought it would. Since population drives decisions, the population growth needs to be right and worked out early in the process, not as an afterthought. He said realistic projections are needed. The bureau that provides long range projections (BEBR) is a usual source for population figures. He said we also

need to understand how many households will be formed, considering 2.1 or 2.2 people per household. He said we need to make sure 20% or so of seasonal people are accounted for. He said population should be addressed early in the study, not as an afterthought. Density issues also relate to population. He questioned how dense the new towns will be, Rural Lands West and Ave Maria, for example? He questioned if there will be more sprawl like the current Naples metro area repeated in the Rural Lands? He said demand is demand, but part of the RLSA will be a denser population.

Mr. Seef said the County's CGI model can determine roads and transportation, which was a weakness in the earlier work because there aren't accurate costs identified for transportation. The County's urban area will end up paying through fees or taxes for the new proposed infrastructure for the new proposed towns. He is hoping the CGI model will give guidance on infrastructure and costs.

Bonnie Michaels

Ms. Michaels said the information shared at the meetings is important, and not enough people are attending. She said there are not enough people in attendance representing the whole population. She asked about recording of the meeting, and Mr. Van Lengen responded there is an audio recording. She said it is really important to have a recording, because she would like to refer back and listen to the meeting. People who can't attend should be able to have the frame of reference. She said Mr. Van Lengen's presentation should be online so people have a chance to learn from it.

Dr. Judith Hushon

Dr. Hushon described that she chaired the Environmental Advisory Council for Collier County during the last review (Five Year Review). She said she participated in hearings and attended all the pre-sessions. She grew familiar at the end of the whole process. She highlighted her desire to discuss whether the RLSA plan is working. She specified that the question relates to the 2002 plan, and asked whether it is working. She suggested that there are ways that it is working and ways it is not working, and the ways that it's not working need to be looked at.

She said agricultural land usage has decreased over 30% since 2002. The purpose of the RLSA plan was to encourage smart development while ensuring agricultural lands remained and were protected and that incompatible uses were directed away from wetlands and uplands to protect

water resources and wildlife. She reiterated that agricultural lands have declined. Areas were identified that were environmentally sensitive, yielding credits from 15 sending areas, allowing 28,233 acres of development that is registered. She said development was only to occur on 16,800 acres according to the original plan. One town has been built on 5,000 acres that can be doubled, with several others being planned. She said 4,000 acres are in phase one of Rural Lands West, which can be doubled. She said Alico has 778 acres, Hogan Mine has 1,200 acres, and this all adds to over 19,000 acres already planned or beginning to be planned.

Dr. Hushon said there is a total of about 95,000 acres not in conservation areas in the eastern lands. She said the panther protection team has published results and defined primary and secondary habitats to be set aside for foraging or breeding. She said this needs to be accounted for in the RLSA plan. She said setting aside the primary panther habitat still allows 40,000 acres for building and allows corridors.

She said the 2009 review (Five Year Review) was run by the landowners, which was the main reason it failed. Taxpayers need a voice, because their dollars pay for infrastructure and their future water needs must be met. Taxpayers must also endure traffic congestion and shortened resources if funds are diverted eastward.

Dr. Hushon referenced that other counties have adopted different approaches for agriculture and groundwater recharge. Charlotte and Lee Counties set aside eastern lands where development is prohibited. She said in Collier, you can presumably build anywhere except in the Area of Critical State Concern along the Everglades. She said each of the eight landowners wants to build a town, and she asked whether they really have this right.

She said we need to look at how to do smart development and how to do development that pays for infrastructure that goes into it. She said infrastructure is exceedingly expensive, which was learned due to Oil Well Road. She said Oil Well Road went in for Ave Maria, and the County paid for it, noting that it was supposed to be paid for by impact fees, by they were not paid. She said taxpayers paid for it, sacrificing other projects. She said we need to make sure we're not doing things that don't make sense as development moves forward.

Dr. Hushon said other counties in the country have concurrency, and Collier County does not have concurrency. She said concurrency means development is not allowed to be built until the infrastructure is in place. She said we want to build smart, and don't want to jeopardize the future of Collier County.

Scott Boyd was called as the final speaker. He was not present.

Mr. Van Lengen thanked participants for comments and explained this is a long process, and this is the beginning of the outreach process. He said there will be a lot of meetings and opportunities to speak about different topics because there are many policies involved. Mr. Van Lengen noted

that his presentation is a basic run through of how the RLSA program works, and that an expanded version of the presentation is available on the website.

Mr. Van Lengen mentioned the RLSA program history, starting with the 1999 Final Order by the state saying the County was not doing enough to protect natural resources. The RLSA plan began in 2000 and wrapped up with the 2002 Board of County Commissioners' adoption of the RLSA overlay. In 2004 the town of Ave Maria was approved. In 2006 the Big Cypress Stewardship Area was approved in terms of the Community Development District (CDD). In 2007 the Five Year Review began, which was required by the original legislation. The Five Year Review wrapped up in 2009 with a report to Board, and none of recommendations were adopted for a number of reasons. The Five Year Review involved a lot of important study, data and analysis from that period which is important to use and update for this project. He said in 2015, the Rural Lands West application was submitted for a new Stewardship Receiving Area west of Ave Maria, and this still in staff review, not at the public hearing process yet.

Mr. Van Lengen explained that the Restudy is an effort to find what works and doesn't work, and how well the program works and is balanced. Balance between agricultural viability, environmental protection, and responsible growth is the key so the economic prosperity of the region can be enhanced. Sometimes these things work together and sometimes they don't, and the tradeoffs need to be considered when reviewing policies.

Mr. Van Lengen highlighted the RLSA overlay map adopted as part of the Future Land Use Element of the Growth Management. The map shows the original plan provided the most important environmental assets to be protected – blue areas are flow way stewardship areas, green areas are habitat stewardship areas, and light blue areas are water retention areas, which are all important environmentally. White areas are called open areas, which are important for agriculture, and where towns villages and hamlets can be built.

Mr. Van Lengen said the private ownership occupies 186,000 acres. Environmental protection targets are at 91,000 acres. Open areas are slightly more than half (roughly 95,000 acres), which are areas where towns and villages can be built.

Mr. Van Lengen explained that credits are the currency of the program. Stewardship credits can be derived from high value areas. The value of areas as higher or lower can be debated. The application process allows an applicant to recalibrate the values. The values are Geographic Information Systems (GIS) based. Credits are sold to developers or builders for rooftops after removal from habitat or stewardship areas.

Mr. Van Lengen described the stewardship credit worksheet, which can be perplexing to most people because it looks complicated. He said the Transfer of Development Rights (TDR) process involves trading dwelling units from one place to another. The RLSA program is a more

complicated two-step process. He noted the worksheet will be on the County website and is provided on a display board in the meeting room.

He described the various elements that create the Natural Resource Index (NRI), including soil, groundcover, habitat values, and water resource values. He described a typical score of 1 to 3 when all elements are tallied together on an acre by acre basis. The second part of the worksheet is the land use layers. The owner decides how many layers to remove from a property. Layers removed from the property give a multiplier, with a maximum multiplier of 1 if all layers including conservation are removed. Most sending areas have been submitted with layers removed down to Agriculture 1 or 2. He explained the first layer constitutes the removal of residential dwelling units, yielding a 0.2 multiplier. The more layers removed, the more credits an owner gets. Other layers include conditional uses, mining, active agricultural (versus passive grazing).

Mr. Van Lengen gave an example of a 500-acre parcel with an average NRI score of 1.8, which is a relatively good score. He described the removal of layers down to grazing for cattle. The formula for the owner to determine stewardship credits would be the multiplier x 1.8 x 500 acres, yielding 810 stewardship credits. The stewardship credits are divided by 8 to determine the number of acres that could be developed. Early entry bonuses and restoration bonuses are another factor in the equation. He noted this worksheet and presentation explaining the credit formula is online.

Mr. Van Lengen described Ave Maria as an example. The developers of Ave Maria set aside 16,000 acres of sending areas in easements, mostly habitat areas along the Camp Keais Strand and the Okaloacoochee (OK) Slough. To get the stewardship credits, the easements require the owners or designees to maintain the areas in perpetuity in agricultural use or in conservation. This is done with no cost to the taxpayer.

Mr. Van Lengen gave an example of a challenge in establishing protection and maintenance of high quality habitat areas in perpetuity. The North Belle Meade area in the Rural Fringe District has high environmental importance but is vulnerable to development because there are no easements provided for. The idea of the Rural Fringe Mixed Use Transfer of Development Rights (TDR) program was to convey ownership of sending lands to a government agency. The County sought out agencies to take ownership of the lands, but no agency was willing and there is a lot of reluctance by the County to take ownership because it's costly to restore and maintain long term. The 3,000 acres is estimated to cost \$12 million for establishing and maintaining the lands in conservation over a five year period. Apply similar costs to 90,000 acres, and the costs are quite large. He summarized that the RLSA program accomplishes the removal of the development rights afforded by the Agricultural zoning from sensitive lands, and moves those rights to areas using smart growth principles (which will be reviewed during the Restudy) and in the process yields a no-cost benefit of having the sending areas being protected in perpetuity by the owners under easements.

Mr. Van Lengen said today's conditions reveal that out of 91,000 acres of highest value areas to be protected, 50,000 acres are protected (some of which are conditionally approved). To protect the remaining areas, more credits are assumed to be forthcoming.

In open areas, Mr. Van Lengen explained, conservation is still allowed, and easements are allowed for agriculture, but the NRI values are low so there is no incentive, thus less than 1% of those lands are currently protected. Mr. Van Lengen said the County will not be allowing the entirety of the 95,000 acres of open land to be developed with SRA development. The open areas outside of SRAs are vulnerable to underlying zoning, which is Agricultural zoning with development rights of 1 dwelling unit per 5 acres. This was a big concern during the Five Year Review and a big concern of staff. He said the resulting development pattern would be sprawl, and the County wants to protect open areas that won't be SRA development from such a result.

As an aside, Mr. Van Lengen pointed out that a large initiative of the County's restudy effort is the Immokalee Area Master Plan Restudy that just began. He said this is important because so much social equity can be achieved through redevelopment, and there is a lot of synergy between the RLSA areas and Immokalee. Complimentary land uses are a major theme to be aware of. He explained that if agriculture is healthy in the Rural Lands, it's healthy for Immokalee's people and economy. Immokalee is considered a possible hub of industrial and high-tech companies. There are problems with low income housing and a lack of working family housing to the extent there are no homes available for \$100-200,000 suitable for younger workers. The idea of enticing businesses to locate in Immokalee means that the affordability and diversity of housing can be addressed in the RLSA. Rules for hamlets close to or bordering Immokalee is an idea to achieve this synergy. Mr. Van Lengen challenged the audience to think of ways to achieve this synergy between the future of Immokalee and the RLSA.

Mr. Van Lengen highlighted the Restudy process. The current stage is public workshops. Six public workshops were originally scheduled, however Policy groups 3 and 4 will take two sessions each. The question of infrastructure and fiscal impact will be a separate session. The policies of Group 1 and the credit system will have to be revisited at the end of the process. After workshops, the recommendations will be compiled and revisited with the public. A white paper will be taken to the Board of County Commissioners (BCC) to explain the ideas, pros and cons. Then the BCC decides either to revisit items or to move forward to the public hearing process, which takes nine months with public hearings at the Collier County Planning Commission, the BCC, back to the Planning Commission, and back to the BCC. There will be lots of opportunities to weigh in and work on making the program a better program, which is the goal of the Restudy.

Mr. Van Lengen showed how information is on the County website. He provided the email address rlsarestudy@colliergov.net and confirmed that written comments can be submitted, and they will be addressed.

Mr. Van Lengen showed the Colliergov.net/GMPrestudies webpage. He showed the link to the Rural Land Stewardship Area page. He showed the Workshops link which has dates, times, and meeting documents. He said the Growth Management Oversight Committee meeting will be next Thursday at 3:00 p.m., where workshop start times and a greater number of meetings will be discussed. He said the fourth Thursday of the month will be used for workshops, and it's possible to skip summer.

He made it known that attendance at the Oversight Committee meeting is welcomed at 2800 North Horseshoe Drive.

He showed where RLSA Restudy meeting documents can be found online, including agendas, summaries, and PowerPoints. Meeting audio will also be posted.

Mr. Van Lengen described the RLSA Library link. He said 150 different documents are available and encouraged the public to send documents to include in the online Library.

Mr. Van Lengen pointed out the Collier County staff memo entitled "RLSA Footprint." He said the memo details the factual background on the RLSA footprint, including discussion of the original intent and factual history. He welcomed all to read and send comments, criticisms, additions, and factual challenges. He emphasized the word study means to gather the facts and then come to conclusions, and noted the Library will include the PowerPoint that expounds upon today's presentation.

Mr. Van Lengen explained the purpose of arranging today's meeting in table group format is to work together and report out what the group finds important about the Group 1 policies. He said it's an experiment that allows for us to learn and improve the next time. He said the County will post the Group 2 policies online in advance of the Group 2 policy workshop, allowing participants to tell the County in advance which policies should be considered for discussion during the next meeting.

Mr. Van Lengen summarized the Group 1 policies (*printouts of the Group 1 policies were provided to all attendees*). Mr. Van Lengen said the NRI should be addressed at the end of the Restudy Workshops because values and credits will be reviewed along the way.

Mr. Van Lengen explained there are two policies identified by the County for working group discussions during today's workshop. Policy 1.7 relates to Stewardship Sending Area (SSA) easements. Mr. Van Lengen referenced the requirement for easements to obtain a SSA. He said during the Five Year Review, it was recommended to include Florida Fish and Wildlife Conservation Commission in addition to Collier County and a state agency or land trust as grantees. The question to consider is whether it helps to have more than one grantee or enforcing party for the required easements, and whether easements are the adequate mechanism for the protection of resources.

Dr. Evans explained the group format is meant to get as many voices heard as possible. The groups may have commonalities or divergent opinions. The forms provided for gathering group input is divided to identify items for which the group has consensus, and actions items that are agreed upon; and to identify non-consensus items and the barriers to group agreement. The purpose is to gather data through the restudy process to reveal the thinking of the people who care most. There is space on the forms provided to the work groups for adding comments or questions that need to be probed further for discussion at future meetings. Dr. Evans advised that somebody in each group is needed as a scribe to take notes, and somebody is needed as a speaker to report the group's outcomes.

The meeting attendees convened in working group discussions.

The following outcomes were presented by the groups regarding Policy 1.7:

Red and Purple group

- Consensus: Three grantees should be required: county, state, and land trust or regional/state/national environmental non-profit.
- Non-consensus: There was not consensus on whether easements should be recorded at time of entering them, not held in escrow.
- Action item: Amend the plan to provide for the three grantees.

Blue and Brown group

- Consensus: Limit growth and sprawl. Two grantees should be required: county and at least one other grantee, preferably an environmental group. Easements must be in perpetuity.
- Non-consensus: There was not consensus on easements being sufficient or not for preservation. Selling of the development rights yielded from an easement still results in sprawl. An easement is a transfer of development rights. If the county purchases the easements, then the property owner should not be transferring any development rights.
- Barriers to consensus: If a property owner got a tax credit for easements instead of transferring development rights, there was concern the owner's tax credit would not be enough to compensate for the development rights. Possibility of the County buying the easements to conserve the land and avoid the area becoming Fort Lauderdale or Miami in 20 years.

Grey and Pink group

- Consensus: Update NRI science, e.g. panther data and shallow wetland science. Easements in appropriate areas are appropriate mechanisms to permanently protect high value environmental lands, as well as transfer title to County or state is also adequate. An

additional entity for a total of three to monitor and enforce the easement is needed to ensure the easement is not going to terminate.

- Barriers to consensus: Not enough time for such a complex issue. The formulas and ratios should change as science updates (panther and shallow wetlands). Easements depend on credits. Credit system is arbitrary, so those values should be discussed. The topic of easements is not a good starting point for discussion.

Green and White group

- This is a diverse group, and they could not answer the questions. There's a difference in knowledge of easements among the group. Those with easements were trying to explain to the group. Adequacy to protect depends on the terms of the easement. Is the easement enforceable? None of the information needed was provided. The group sat and looked at an easement, which was helpful, but it's hard to answer the question. They understand RLSA easements are similar but customized. More information was needed for members of this group to complete the exercise.

Dr. Evans then announced the next policy will be discussed by the working groups. Mr. Van Lengen explained Policy 1.15 relates to the action by the Board of County Commissioners to approve or deny a Stewardship Receiving Area (SRA) through a resolution by a simple majority vote (3 of 5 commissioners) versus an ordinance by a supermajority vote (4 of 5 commissioners). Mr. Van Lengen explained that the RLSA Overlay itself is a zoning action that required a supermajority vote because it determined the types of development and densities and intensities allowed in the RLSA area. After that zoning action, the implementation or consideration of an SRA is by resolution. Florida Statutes indicates that SRAs should be done by resolution. On the other hand, Mr. Van Lengen pointed out that SRAs are a lot like Planned Unit Developments (PUDs) around the County, which are zoning actions that are subject to approval by a supermajority vote.

Mr. Van Lengen explained this issue of the simple majority versus super majority voting requirement went to nonbinding arbitration in 2010 because the County felt the similarity to the PUD process correlated to a supermajority vote being appropriate for SRAs. The Arbitrator's finding was that a resolution approved by simple majority vote was sufficient for SRA approvals. Mr. Van Lengen noted that given the provisions of Florida Statutes, it may or may not be possible to impose a supermajority requirement for SRA approval. He pointed out that all answers derived during workshops will require another layer of scrutiny by lawyers at the end.

Mr. Van Lengen posed the questions to the working groups: should SRAs require simple or super majority approval by the Board of County Commissioners? Are there other alternatives to ensure responsible development? Are the Florida Statutes informative?

An audience member asked if there are criteria for SRA approval that the BCC will consider, like the criteria that applies to a PUD? Mr. Van Lengen replied the SRA process itself is like a PUD, and there are requirements including a master plan and supporting data.

The question was asked, what criteria is used as the basis for approval? Mr. Van Lengen replied that it is like a PUD – a lot of data and information is submitted and reviewed by staff, then staff makes recommendations that are considered by the Planning Commission and the BCC.

An audience member said it would be helpful if the County will post the Arbitrator’s decision and the relevant State Statute on the website. Mr. Van Lengen said the staff will do so.

The meeting attendees convened in working group discussions.

Amanda announced there is a form for attendees to identify personal views of the purpose of the Restudy.

Group Presenters on Policy 1.15

Grey and Pink

- Non-consensus: Could not reach consensus on whether three or four commissioners should be required to approve an SRA. All but one in the group felt it was vital to have four. The rationale for three commissioners was to incentivize landowners and that the program is “prescreened” via the overlay that identified the best areas for development.
- Barrier to consensus: Disagreement on whether Ave Maria is a success.

Purple

- Consensus: Super majority should be required for all approvals.
- Barriers to consensus: Not enough knowledge base to ensure alternatives that result in responsible development.

Red

- Non-consensus: Could not reach consensus on simple majority versus super majority.
- Barriers to consensus: Loss of DRI requirement is an issue.

Blue and Brown

- Consensus: The County should be consistent with State Statute, and the simple majority should remain.
- Non-consensus: Could not reach consensus on whether there is responsible growth. If the County would buy credits and not have development rights transferred, the problem would be solved. Need for adequate water, panther habitat issues, and infrastructure issues translate to non-responsible growth.

Green and White

- Non-consensus: Half of group felt supermajority requirement would lead to lawsuit. Half felt if the project impacts the entire county, it should be supermajority.

Dr. Evans asked for completion of the forms for attendees to identify personal views of the purpose of the Restudy. She asked the participants to give feedback on the work group format of the meetings or any other comments to rlsarestudy@colliergov.net.

Mr. Van Lengen said the next meeting is on the meeting schedule for 4:00 p.m. on March 22, but this might change. He advised that the website is the best place to look to keep apprised of the meeting schedule.

The meeting ended at 6:10 p.m.