

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

North Collier Regional Park, 15000 Livingston, Conference Room A of the Administration Building; December 11, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the North Collier Regional Park, 15000 Livingston, Conference Room A of the Administration Building, with the following members present:

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Gary Eidson [arrived about 10:00am]  
David Farmer  
Dave Wolfley  
Tom Jones  
Tammie Nemecek  
Jim Howard

ALSO PRESENT: CDES staff members Thomas Greenwood and Mike DeRuntz of the Comprehensive Planning Department, Jeff Wright of the Assistant County Attorney's Office, Norman Feder and Nick Casalanguida of the Transportation Division, Laura Roys of the Engineering and Environmental Department as well as approximately 25 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:03AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a *quorum was established* as 9 of 11 members were present [Gary Eidson arrived at 10:00am], with Fred N. Thomas, Jr. absent.

**III. Approval of Agenda**

*David Farmer* moved to approve the agenda as presented and seconded by *Bill McDaniel*-Unanimously approved

**IV. Approval of Minutes of the November 10, 2008 Meeting.** *Brad Cornell* moved and *Tom Jones* seconded to approve the minutes as distributed. *Upon vote*, the motion carried unanimously.

**V. Presentations.** See Attachment A to these Minutes.

A discussion ensued by the Committee members concerning Attachment A and other related matters with the following consensus:

1. Public Meetings with the EAC, CCPC, and BCC: Public meeting dates to review the Phase II Report are: EAC [9:00am January 29<sup>th</sup>] and CCPC [8:30am January 28<sup>th</sup>/January 30<sup>th</sup>] both in Rooms 609/610 of CDES and to the BCC will be held beginning at 9:00am on March 16 with a carryover to March 17 in the BCC Chambers. Public

meetings will be legally advertised with a court reporter and television and posted and advertised so that members of all the appropriate and actively involved standing and ad hoc County committees can participate.

2. Committee attendance at these meetings: The consensus was that members should be present at these meetings to provide support and rationale for the proposed GMP amendments where needed as the Committee has held 28 public meetings to date to review the RLS Program.
3. Committee meeting in February. The Committee decided to meet in February after the EAC and CCPC have each provided comments and recommendations to be transmitted to the Board.
4. Committee meeting in March. The Committee decided to meet in March after the March 16/17 Board meeting and, if approved by the BCC, to start work to commence the GMP amendments.
5. Committee role after the Phase II Report is submitted to the Board and DCA. Committee members appeared to indicate that they would like to continue as an advisory group through the Growth Management Plan amendment process which would require the Board approval to extend their original terms beyond the current extension expiring on April 24, 2009. The Committee was originally appointed on October 24, 2007.
6. Phase II Report Contents. The contents of the Phase II Report will remain unchanged, unless changed by the Committee.
7. Phase II Report distribution. The Committee wished to have the Phase II Report in the hands of the EAC, CCPC, and BCC at the same time as soon as it is copied following Committee approval of the final document.

*Brad Cornell* moved to: 1) have the Committee reconvene in February following the EAC and CCPC public meetings; 2) meet following the March 16/17 Board meeting; and 3) to request that the Board extend the term of the Committee to allow the Committee to function while the GMP amendments are underway. *Tom Jones* seconded the motion. *Upon vote*, the motion carried unanimously.

Following discussion of the fact the Board did not take action on the Committee's November 24, 2008 letter [**Attachment B** to these Minutes] requesting a special GMP amendment cycle the following action was taken. *Bill McDaniel* moved and *Brad Cornell* seconded to resend the letter of November 24, 2008 to the County Manager for consideration under the County Manager correspondences section of the December 16<sup>th</sup> Board Agenda. *Upon vote*, the motion was carried unanimously.

## VI. Old Business

- A. **Review of Draft Executive Summary to BCC to accompany the Phase II Report.** Tom Greenwood stated that this Executive Summary [now scheduled to go to the BCC for the March 16 meeting] will change and will include comments from the EAC, CCPC as well as the entire Phase II Report. The revised Executive Summary would likely come to the Committee in February. *Tom Jones* stated that he had issue with: 1) the reference on page 2 that "the amendments are synonymous with private initiated GMP Amendments"; 2) that there was only "Cursory staff input"; and on page 10 under Recommendations, that the Phase II Report "is a preliminary planning tool". No Committee action was taken.
- B. **Review of draft Phase II Report.** *Tom Jones* stated that he would like to offer some changes to the layout and formatting of the Phase II Report and handed out a one-page proposed set of format changes to make the document for user friendly, which includes:
  1. Cover letter. Replace the existing cover letter with the November 24 letter signed by Ron Hamel addressed to Tom Henning.

2. Phase I Report. Include the Phase I Report with the Phase II Report.
3. Phase II Report. Suggested changes and additions including relocation of the proposed Transportation Element Policy 3.7; inclusion of the revised Worksheet; inclusion of the revised Attachment C [Stewardship Receiving Area Characteristics]; and miscellaneous changes including making Appendix reference to letters from the various organizations rather than including the text from these letters in the currently referred to "Long Version". *Tom Jones* moved and *David Wolfly* seconded to direct staff to reformat the Phase II Report as stated above and as detailed on the handout provided by Tom Jones. *Upon vote*, the motion carried unanimously.
4. Additional Staff comments. The Committee asked staff to either remove its additional comments or to highlight and explain why they were included since they were not previously discussed by the Committee. The Committee stated that any additional information provided within the report beyond that discussed and agreed upon by the Committee would not be placed within the Report.

*Tom Jones* moved and *David Wolfly* seconded, to direct staff to make the above proposed changes to the Phase II Report and provide copies to the Committee for the December 18 meeting. Upon vote, the motion carried unanimously. *Tom Greenwood* stated that the Committee would not likely see hard copies until the December 18<sup>th</sup> meeting but that he would put on the web site as soon as it is available for review.

#### VII. New Business

#### VIII. Public Comments.

**IX. Next Meeting.** *Mr. Hamel* stated that the next meeting will be held on Thursday, December 18, 2008, in Conference Room A of the Administrative Building of the North Collier Regional Park located at 15000 Livingston Road from 9am to 12 noon for the purposes of finalizing the review of the draft Phase 2 Report. He stated that he may not be able to attend due to the illness of his mother.

#### X. Adjournment

The meeting was adjourned by acclamation at 12:06 PM.

Rural Lands Stewardship Area Review Committee

  
Ron Hamel, Chairman

These minutes approved by the Committee on 12-18-08, as presented \_\_\_\_\_ or as amended X



To: Rural Lands Stewardship Area Review Committee  
From: Thomas Greenwood, AICP, Principal Planner  
Date: December 8, 2008  
Subject: Supplement to Agenda for December 11, 2008 meeting

Chairman Ron Hamel and I discussed the following today and felt it important for the entire Committee to discuss these and other related matters related to the future of the Committee during its December 11<sup>th</sup> meeting.

The Committee can decide where on the Agenda it wishes to discuss this.

1. **Presentation of the Phase II Report to the EAC [January 29<sup>th</sup>] and CCPC [January 28<sup>th</sup>/January 30<sup>th</sup>] both in Rooms 609/610 of CDES and to the BCC [in March with a date yet to be determined].** These public meetings **[court reporter, TV, advertised]** may well take 1 day with the EAC [with 1 carryover day]; 2 days with the CCPC; and 1 day with the BCC. Staff's involvement in the public meetings may be limited to a brief review of some of the maps and tables contained in the Phase I Report, as introductory to the Phase II Report. However, the Phase II Report, being Committee-driven, should be presented by the Committee.

***Given the large amount of time involved by the Committee in such public meetings [estimated 20-25 hours January 28-30 and about 6-8 hours in March], the Committee is requested to determine whether the entire Committee should be involved in such meetings OR whether it wishes to have a smaller group of Committee members be involved in these public meetings. ACTION REQUESTED.***

2. **EAC and CCPC recommendations to the BCC.** Both the EAC and the CCPC have indicated to staff on December 3 and 4, respectively, that they wish their respective comments and recommendations on the Phase II Report to go to the BCC as separate documents. ***Staff will share those comments and recommendations with the Committee when they are ready. However, will the Committee wish to meet to review those comments [likely in mid February] and prepare any answers or rebuttals OR provide such to the BCC during the March BCC special meeting? ACTION REQUESTED.***



3. **Future Role of the Committee and Committee term limit.** The Committee's 6-month extension ends on April 24, 2009. The Committee's Phase II Report directive comes from BCC Resolution 2007-305A [October 24, 2007] and states:

*"2. Review the RLSA Overlay and make recommendations to increase the effectiveness of the Overlay"*

IF the Committee wishes to stay functioning as an ad hoc advisory committee to the BCC beyond April 24, 2009, it needs to decide whether it wishes to stay involved through:

- The Growth Management Plan Amendments....likely through 2009 into early 2010
- Land Development Code Amendments...likely in 2010

***Depending upon the Committee's feeling about continued involvement, the Committee MAY wish to make a recommendation to the BCC to extend the term of the Committee an appropriate amount of time.***

***ACTION REQUESTED.***

Attachment  
B

November 24, 2008

The Honorable Tom Henning, Chairman  
and Members of the Collier County Board of County Commissioners  
3301 East Tamiami Trail  
Naples, Florida 34112

Dear Chairman Henning and Commissioners:

The Collier County Rural Lands Stewardship Area ( the "RLSA Overlay") was created in 2002 through a collaborative community based planning process intended to protect natural resources, retain viable agriculture and promote compact rural mixed use development through an incentive based land use system on approximately 195,000 acres in eastern Collier County.

The RLSA Overlay was designed to be a long term strategic plan with a planning horizon year of 2025. Many of the tools, techniques and strategies proposed in 2002 for the RLSA Overlay were nonetheless new, innovative, incentive based and untested. A comprehensive five year review of the RLSA Overlay by Collier County was therefore proposed to assess participation in and effectiveness of the RLSA Overlay in meeting its Goals, Objectives and Policies.

The Board of County Commissioners created a citizen oversight committee (the "RLSA Committee") in 2007. The RLSA Committee is comprised of a diverse group of local citizens dedicated to creating a balance between agriculture, development and environmental sensitivity based on the principles of rural stewardship articulated in Florida's Rural Lands Stewardship Act. Its members include environmental advocates, farmers, professional planners, rural land owners, community activists and advisory board volunteers. I am privileged to serve as its Chairman.

The RLSA Committee has met over twenty times during the last year in publicly advertised work sessions that typically lasted no less than three hours each. Public participation was encouraged; diverse opinions were solicited; challenging questions were welcomed; expert testimony was offered; absolute transparency was preserved; the sunshine law was observed; and nearly every question posed, comment offered and recommendation made was considered.

Representatives from a broad range of interest groups, including Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, Florida Wildlife Federation, The Conservancy of Southwest Florida, the Collier County Transportation Department, the Collier County Community Development and Environmental Services Department, the Collier County Comprehensive Planning Department, the Eastern Collier Property Owners and others vigorously participated. Memoranda submitted by representatives of the Collier County Planning Commission, the Collier County Environmental Advisory Council, the Sierra Club, The Conservancy of Southwest Florida and the Department of Community Affairs were vetted. The RLSA Committee was ably supported throughout our process by dedicated county staff who documented the committee's work in detailed and voluminous public records.

670

The Honorable Tom Henning, Chairman  
and Members  
November 24, 2008  
Page 2

The RLSA Committee devoted the first three months of its existence to a quantitative assessment of the effectiveness of the RLSA Overlay in meeting its Goals, Objectives and Policies. The resulting Phase I Technical Review was thereafter furnished to the Environmental Advisory Council, the Planning Commission, the Board of County Commissioners and, ultimately, the Department of Community Affairs. The Phase I Technical Report concluded that significant progress had been made in achieving the RLSA Overlay Goal.

It also provided the foundation for the RLSA Committee's Phase II qualitative evaluation of ways in which the RLSA Overlay Growth Management Plan Policies could be improved to more effectively implement the program's overriding Goals and Objectives and achieve the RLSA Committee's Project Management Plan mandate to consider "potential opportunities and amendments to the Growth Management Plan". As part of Phase II, the RLSA Committee received expert testimony from the following pre-eminent industry leaders in their respective fields:

- Dr. Fritz Roka, Agriculture Economist, University of Florida Institute for Food and Agricultural Sciences, and Gene McAvoy, Regional Extension Agent, University of Florida Institute for Food and Agricultural Sciences, shared their findings on the status of agriculture in Southwest Florida and focused the RLSA Committee on the need to bolster incentives to retain land for agricultural use.
- Dr. Timm Kroeger of the Defenders of Wildlife testified as to the economic value of protecting the natural environment and retaining agricultural lands.
- Clarence Tears, Director, Big Cypress Basin, South Florida Water Management District, testified as to the vital role the RLSA Overlay plays in protecting important watersheds.
- Eric Draper, Florida Audubon Society, testified as to the use of the RLSA as an invaluable tool to protect environmental resources at no cost to the public at a time when the precious few public dollars earmarked for this purpose are harder and harder to find.
- Darrel Land, State of Florida Panther Team Leader, Florida Fish and Wildlife Conservation Commission, who is generally regarded as the state's foremost expert on the panther and as a highly respected scientist, testified as to how the RLSA Overlay provides incentives to protect and restore panther habitat.
- Nancy Payton, Florida Wildlife Federation, testified to acquaint the RLSA Committee as to how strategies contained in the Florida Panther Protection Program recently adopted by a consortium of environmental groups and rural landowners are intended to promote the protection and recovery of the panther

671

throughout the RLSA Overlay and surrounding lands and how those strategies could be integrated into the RLSA Overlay.

- Dr. Paul Van Buskirk, Van Buskirk & Associates, testified as to his findings in the "Collier County East of 951" study and how those findings fit within population growth models projected for the RLSA Overlay.
- Nick Casalanguida, Director, Collier County Transportation Planning Department, testified as to the need to develop a plan for a county transportation network that meets the adopted Level of Service through build out of the county and considers the location of public services needed to accommodate the build out population.

As a result of the exhaustive public input and expert testimony, the RLSA Committee unanimously approved the following proposed amendment to the Goal for the RLSA Overlay:

"Collier County's goal is to retain land for agricultural activities, to direct incompatible uses away from wetlands and upland habitat, to protect and restore habitat connectivity, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that employs creative land use techniques through the use of established incentives."

As we considered this reconstituted Goal in the context of existing Growth Management Plan ("GMP") Policies, the RLSA Committee developed strategies to create incentives to encourage rural landowners to voluntarily:

- eliminate their right to convert agricultural land to non agricultural uses in exchange for compensation;
- retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards (and thereby reduce the size of the "development footprint" and the threat of urban sprawl in the RLSA Overlay);
- create, restore and enhance panther corridor connections;
- restore flow ways and habitat through a credit generating system that considers cost, difficulty and benefit value of each restoration type through a newly adopted tiered system;
- impose a cap of 45,000 SRA acres in the RLSA Overlay and recalibrate the credit system to ensure the balance essential to the sustainability of a voluntary incentive based program which generates significant public benefits without incurring public expenditures; and

672

The Honorable Tom Henning, Chairman  
and Members  
November 24, 2008  
Page 4

- cooperate with Collier County in its creation of a plan for a county transportation network that meets the adopted Level of Service through build out of the county and considers the location of public services needed to accommodate the build out population.

The RLSA Committee also engaged the public and various interest groups in a rigorous assessment of each and every RLSA Overlay policy to ensure internal consistency, thoughtful precision and careful scrutiny of the data, analysis and justification for each of the proposed Policy amendments. We feel that the work product of the RLSA Committee for its Phase II Report therefore actually consists of proposed GMP Policy amendments. Further, after extensive discussion, we concluded that the public proceedings and thousands of man hours of work expended by scores of interested parties should be recognized.

At its most recent meeting, the RLSA Committee voted to authorize me to respectfully request that the Board of County Commissioners take the steps it deems appropriate to initiate a special cycle for Growth Management Plan RLSA Overlay amendments to review, refine and consider the RLSA Committee's policy proposals, data and analysis, and record of public testimony in public hearings before the Environmental Advisory Council, the Planning Commission, and the Board of County Commissioners.

We recognize that each advisory board has a distinctive role and a special responsibility to make to the public planning process and we look forward to public consideration of our Policy proposals by the other advisory boards.

We appreciate the opportunity to serve the Board of County Commissioners and stand ready to proceed in whatever way you believe best serves the people of Collier County.

Sincerely,



Ron Hamel  
Chairman, Rural Lands Stewardship Review Committee

cc: County Manager James V. Mudd

673

## SIGN IN SHEET

**DATE: DECEMBER 11, 2008**

	<u>MEMBERS</u> (PLEASE INITIAL)
Ron Hamel, Chair	✓
Neno Spagna, Vice Chair	✓
Brad Cornell	✓
Gary Eidson	✓
David Farmer	✓
Jim Howard	✓
Tom Jones	✓
Bill McDaniel	✓
Tammie Nemecek	✓
Fred N. Thomas, Jr.	✓
Dave Wolfley	✓

### Public

<u>Name</u>	<u>E-mail / Affiliation</u>	<u>Phone #</u>
Jeff Perry	jeffperry@wilsonmillcr.com	649-4040
Bradley Muckel	Emukalce CRA	252 5549
Jeff Wright	jeffwrightsq@hotmail.com	252-2839
Christian Spilker	ESPILKER@collierenterprises.com	261-4455
Mitch Taylor	mtaylor@collierenterprises.com	652-133
TEO COURSE	COLLIER ENTERPRISES	261-4455
AL REYNOLDS	wilson Miller	649-4040
Chris Straton	League of Women Voters Chris Straton LAHOO.COM	5978849
Judy Hushon	judyhushon@aol.com	643-6222
Maissa Folgar	ragma@consensus.org	262-0304
Russell A. Wolf	League of Women Voters	289-0064
Bonnie Michaels	mwfam@aol.com	596-9135
Michael Seef	mdslogistics@aol.com	"
Anita Jenkins	Wilson Miller	649-4040
Mitch Hutcraft	MHUTCHCRAFT@CULPCITRUS.COM	739.425.1294

NAME	EMAIL/AFFILIATION	PHONE #
TOM G.		
MIKE D.		
Lydia Galtm	LEAGUE OF WOMEN VOTERS lgaltm@concast.net	262-3137
GEORGE VARNADOE	CPWS	261-9300
Nancyo Payton	FWF	784-5119
Nicole Kiper	Conserwancy	403-4220
Laura Keys	CCENV SUZS	252-2933
Carrie Williams	WF	707-7137
Joyce Fletcher	League of Women Voters	417-0240
Tim Durham	Wilson Miller	649-4040
Noah Standidge	Centrus	777-7145
Terry Bengtsson	SFWMI	239 338 2929 7740
NORMAN FEEER	COLIER TRAMP	239-252-8192
NICK CARLANDIA	COLIER DOT	239-251-8192
JOHNNY PASSIDAMO	CHIEF OF PASSIDAMO	436-1529
Elizabeth Fleming	e.fleming@defenders.org	727/823-3888

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

**Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; November 10, 2008**

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:**

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Gary Eidson  
David Farmer  
Dave Wolfley (left meeting at 12:00pm)  
Tom Jones  
Tammie Nemecek

ALSO PRESENT: CDES staff members Thomas Greenwood and Mike DeRuntz of the Comprehensive Planning Department, Jeff Wright of the Assistant County Attorney's Office, Nick Casalanguida of the Transportation Division, Laura Roys of the Engineering and Environmental Department as well as approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:05AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 8 of 11 members were present, with Jim Howard and Fred N. Thomas, Jr. absent and Bill McDaniel having excused absences. *Thomas Greenwood* pointed out that Floyd Crews was forced to resign due to County ordinances which prohibit members to stay on a Committee or Board when they are running opposed for an elected position. An earlier email was sent to Committee members to advise of this fact. A quorum for meetings will now consist of a minimum of 6 members in attendance.

**III. Approval of Agenda**

*Tom Jones* moved to approve the agenda as presented and seconded by *Tammie Nemecek*. *Voice Vote* - Unanimously approved

**IV. Approval of Minutes of the October 14, 2008 Meeting** Brad Cornell stated that the abbreviation for South Florida Water Management District needed to be corrected to which staff stated that the abbreviation will be corrected. *Gary Eidson* moved and *Tammie Nemecek* seconded to approve the minutes as distributed with the correction. *Upon vote*, the motion carried unanimously.

**V. Presentations.** No presentations.



## VI. Old Business

### **A. Phase 2...Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay, including Issues, Concerns, and Questions**

- 1. Proposed new Policy 3.7 of Transportation Element of the GMP and RLSA Overlay Policies 4.4, 4.5, 4.6, 4.7.1, 4.14 [Transportation Division] and proposed Economic Development Corporation amendments to Policies 4.7.1, 4.7.2, 4.7.3, new Policy 4.7.4 and amendment to Policy 4.18**

#### **Policy 3.7 [new policy for the Future Transportation Element...see attachment from the Transportation Divison/ECPO]**

Within 12 months after adoption of this policy, the county shall develop a plan for a transportation network that has been shown to meet the adopted Level of Service (LOS) through the build out of the county (the "County Build Out Vision Plan"). The build out network shown on the County Build Out Vision Plan shall define the existing roadways that need to be improved, all proposed roadways, and the facility type and lane needs. The County Build Out Vision Plan shall be adopted by the MPO, serve as a guide to future updates of the Long Range Transportation Plan (LRTP), and be reviewed no less than annually and amended as needed by the MPO to reflect changed circumstances which occur from time to time. The County Build Out Vision Plan adoption and review shall include a review of land uses within the County and shall include consideration of the location of public services needed to accommodate the build out population. These services shall include but are not limited to government offices, jails, court houses, landfills, maintenance facilities or any other facility that might otherwise require long distance travel.

**Public Comment on November 10, 2008:** *Nick Casalanguida*, Director of the Transportation Planning Department, stated that this proposed new Policy is intended to apply county-wide and not be limited to the RLSA Overlay. *Mr. Farmer* asked what is considered "long distance travel" to which *Nick Casalanguida* replied that it is subjective, but generally a trip in excess of 30 minutes in length. *Mr. Spagna* questioned if the "County Build Out Vision Plan" would be done in one year. *Nick Casalanguida* stated that it would.

**Staff Comments:** The language shown above is proposed new Policy 3.7 to be located in the Transportation Element of the GRP and is outside of the RLSAO, but should be considered for recommendation by the Committee as it would harmonize the new language being proposed in the RLSAO. The above language represents a consensus by those staff personnel participating in its creation.

**Committee action on September 23, 2008:** The Committee referred certain Group 4 Policies to John Passidomo and the Transportation Division to resolve and this new policy outside of the RLSAO was found to be needed.

**Committee action on November 10, 2008:** *Mr. Farmer* moved and *Mr. Jones* seconded to approve the new Policy 3.7 as proposed. *Upon vote*, the motion carried unanimously.

#### **Policy 4.4...see attachment from the Transportation Divison/ECPO]**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. Such updates shall not require an amendment to the Growth Management Plan, but shall be

retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

**Public comments on November 10, 2008:** None.

**Staff Comments:** The language show above is proposed by consensus of the Transportation Division and John Passidomo to remain unchanged and the Committee should vote on this policy.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:** *Mr. Jones* moved and *Mr. Wolfley* seconded to recommend to not amend Policy 4.4. *Upon vote*, the motion carried unanimously.

**Policy 4.5...see attachment from the Transportation Divison/ECPO]**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map. To the extent practicable, the SRA Master Plan shall be consistent with the County's then-adopted Long Range Transportation Plan (LRTP), the County Build Out Vision Plan referenced in Policy 3.7 of the Future Transportation Element, and Access Management procedures.

Each SRA master plan shall include a Management Plan with provisions for minimizing human and wildlife interactions. Low intensity land uses (e.g. parks, passive recreation areas, golf courses) and vegetation preservation requirements, including agriculture, shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Consideration shall be given to the most current guidelines and regulations on techniques to reduce human wildlife conflict. The management plans shall also require the dissemination of information to local residents, businesses and governmental services about the presence of wildlife and practices(such as appropriate waste disposal methods) that enable responsible coexistence with wildlife, while minimizing opportunites for negative ineraction, such as appropriate waste disposal practices.

**Public Comment on November 10, 2008:** *Judy Hushon* suggested a few changes or word smithing to the new paragraph 2 language which changes are shown above in paragraph 2 of Policy 4.5. *Thomas Greenwood* stated that the same language should be amended in Policy 5.5 which was approved by the Committee on October 28<sup>th</sup>.

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:** *Mr. Jones* moved and *Mr. Eidson* seconded to approve the amended language for both Policy 4.5 and for the portion relating to the Management Plan contained in Policy 5.5 as approved by the Committee on October 28<sup>th</sup>. *Upon vote*, the motion carried unanimously.

**Policy 4.6...see attachment from the Transportation Divison/ECPO]**

SRA characteristics shall be based upon innovative planning and development strategies referenced in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(1). These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. The SRA shall also include a mobility plan that includes consideration of vehicular, bicycle/pedestrian, public transit, internal circulators, and other modes of travel/movement within and between SRAs and areas of outside development and land uses. The mobility plan shall provide mobility strategies such as bus subsidies, route sponsorship or other incentives which encourage the use of mass transit services. The development of SRAs shall also consider the needs identified in the County Build Out Vision Plan and plan land uses to accommodate services that would increase internal capture, and reduce trip length and long distance travel. Such development strategies are recognized as methods of discouraging urban sprawl- ,encouraging alternative modes of transportation, increasing internal capture and reducing vehicle miles traveled.

**Public Comment on November 10, 2008:** *Nicole Ryan* stated that the Conservancy has some concerns about the use such words as “consideration”, “encourage”, etc. and that the language should be more definitive. *David Wolfley* stated that he agrees with Ms. Ryan. *Russ Priddy* stated that the RLSAO is a voluntary program and the property owners do not need more regulations or the program will be less likely to work and suggested leaving the language the way it is. *Tammie Nemecek* stated that the program does need to be flexible. *Judy Hushon* stated that sustainability of communities is key to making the RLSA Overlay program work. *Gary Eidson* stated that the language needs to be wide enough and broad enough to cover everything. *Mr. Casalanguida* suggested the following change in the second new proposed sentence the words “consider the applicability of” to “provide mobility” and to change the word “and” to “or” in the same sentence. *Mr. Hamel* asked Mr. Priddy if he was OK with that change to which *Mr. Priddy* stated that he was.

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:** *Mr. Jones* moved and *Mr. Eidson* seconded to amend the language of Policy 4.6 as shown above by also changing in the second new proposed sentence the words “consider the applicability of” to “provide mobility” and to change the word “and” to “or” in the same sentence. Upon vote, the motion carried unanimously.

**Policy 4.7.1...see attachments from EDC and from the Transportation Divison/ECPO]**

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than ~~1,000~~ 1,500 acres or more than ~~4,000~~ 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity

and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal mobility plan, which shall include a transfer station or park and ride area that is appropriately located within the town to serve the connection point for internal and external public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, ~~in a ratio as provided~~ described in Policy ~~4.15~~ 4.15.1. Towns may also include those compatible corporate office, research, development companies, and light industrial uses such as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE, and those included in Policy 4.7.4. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns ~~are shall be~~ included in the LDC Stewardship District. Towns shall not be located within the ACSC.

**Public discussion on November 10, 2008:** *Nick Casalanguida* stated that the word “may” should be changed to “shall” in the proposed new sentence included in the first paragraph. *Tom Jones* stated that he is comfortable with that change. *Tammie Nemecek* explained the minor changes to paragraph 2. Brian Gogen suggested adding “development companies” as a uses which may be permitted in Towns. Tammie Nemecek stated that she felt that would be a good addition.

**Staff comment:** none

**Committee action taken on November 10, 2008:** *Tammie Nemecek* moved and *Mr. Eidson* seconded to recommend the amendments to Policy 4.7.1 as shown above. *Upon vote*, the motion carried unanimously.

#### **Policy 4.7.2...see attachment from the EDC**

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres outside the Area of Critical Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community’s support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

**Public discussion on November 10, 2008:** *Tammie Nemecek* stated that the addition of the 4<sup>th</sup> sentence from the bottom of this Policy is needed to refer to a new proposed Policy 4.7.4.

**Staff comments:** none

**Committee action on November 10, 2008:** *Tammie Nemecek* moved and *Gary Eidson* seconded to approve the additional sentence, “Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages.” *Upon vote*, the motion carried unanimously.

**Policy 4.7.4 4.7.3.....see the attachment from the EDC**

~~Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. shall support and further Collier County’s valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, tourism or recreation. Appropriately scaled compatible uses described in Policy 4.7.4 may also be permitted in CRDs. A CRD may include, but is not required to have permanent residential housing, and the services and facilities that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. A CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~

**Public discussion on November 10, 2008:** *Tammie Nemecek* stated that the only additional sentence being added is the fourth sentence and that she would like to change the word “shall” to “may”. *Gary Eidson* stated that the word “compatible” could be added after the word “scaled”. *Judy Hushon* stated that she does not like industry in CRDs and felt that it should be limited to Towns and Villages. *Nancy Payton* stated that she felt the same but there are nature and agricultural based uses that would be appropriate and that the compatibility issue can be addressed in the LDC. *Tom Jones* agreed with Nancy Payton. *Gary Eidson* asked if CRDs, as proposed, are not morphing into Hamlets. *Anita Jenkins* pointed out that the first two sentences point out that the uses must be in support of agriculture, natural resources and economic diversity and that the CRDs must demonstrate a set of uses to further these attributes within the RLSA. *Mr. Farmer* stated that the CRDs must be very small in size. *Mr. Wolfley* stated that he is concerned about an intense use being placed on a 100-acre site. *Russ Priddy* stated that he might do two or three CRDs and asked what if someone wanted to do agricultural research, etc. He stated that the door needs to be left open for these uses. *Mr. Jones* stated that a use might be a fishing lodge. *Anita Jenkins* stated that the Committee needs to address the intent of the CRD as it is now written. *Judy Hushon* stated that CRDs should be limited to environmental and agricultural uses. *Brad Cornell* stated that the word “shall” may be too strong and that it should be changed to “may” as uses are not permitted by right and that there will be a need for strong

LDC language. After further discussion both Gary Eidson and Tom Jones agreed to amend the motion by substituting “may” for “shall” and inserting the word “compatible” after the word “scaled”.

**Staff comment:** none

**Committee action on November 10, 2008:** *Gary Eidson* moved and *Tom Jones* seconded to add the fourth sentence with the two changes of changing “shall” to “may” and adding the word “compatible” following the word “scaled”. *Upon vote*, the motion carried unanimously.

**Policy 4.7.4 ....see attachment from the EDC**

Existing urban areas, Towns and Villages shall be the preferred location for business and industry within the RLSA, to further promote economic development, diversification and job creation. Permitted uses shall include, but not be limited to environmental research, agricultural research, aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, information technology, manufacturing, research & development, wholesale trade & distribution; technology commercialization and development initiatives, trade clusters, and similar uses.

**Public discussion on November 10, 2008:** *Tammie Nemecek* stated that she would like to add environmental research and agricultural research to the use of permitted uses. *Brad Cornell* stated that he would like to see the words, “existing urban areas” added at the beginning of the Policy as this is a preferred location of business as the infrastructure is already in place. *Nancy Payton* asked to have CRDs eliminated as preferred locations for business and industry although such would not necessarily prohibit such uses and that “environmental research” and “agricultural research” be listed as examples of permitted uses. *Tammie Nemecek* stated that she is comfortable with the changes promoted by Brad Cornell and Nancy Payton.

**Staff comment:** none

**Committee action on November 10, 2008:** *Tammie Nemecek* moved and *Tom Jones* seconded to recommend the creation of new Policy 4.7.4 as outlined above, including all changes discussed. *Upon vote*, the motion carried, 7-1 with David Wolfley voting in opposition.

**Policy 4.14....see attachment from the Transportation Division and ECPO**

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. At the time of SRA approval, an SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide for the opportunity to provide direct vehicular and pedestrian connections from said areas to the County’s arterial/collector roadway network as shown on the County Build Out Vision Plan so as to reduce travel time and travel expenses, improve interconnectivity, increase internal capture, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA.

Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis. To the extent required to mitigate an SRAs taffic impacts, actions

may be taken to include, but shall not be limited to, provisions for the construction and/or permitting of wildlife crossings, environmental mitigation credits, right of way dedication(s), water management and/or fill material which may be needed to expand the existing or proposed roadway network. Any such actions to offset traffic impacts shall be memorialized in a developer contribution agreement. These actions shall be considered within the area of significant influence of the project traffic on existing or proposed roadways that are anticipated to be expanded or constructed.

**Public discussion on November 10, 2008:** *Nick Casalanguida* stated that the language proposed is now in two paragraphs rather than the existing one paragraph and has been developed in working with ECPO. *Gary Eidson* asked about the Open Lands and if no development occurs in such lands. *Laurie McDonald* stated that “DCA” should be spelled out because of possible confusion with the Department of Community Affairs. *Nancy Payton* stated that the language on mitigation needs to be clarified as to whether it is environmental or transportation impact. *Nick Casalanguida* stated that the intent is transportation mitigation. *Dave Wolfley* stated that the word “Credits” should be capitalized and not to use the DCA abbreviation. After further discussion concerning language in the new second paragraph the *Committee* asked Nick Casalanguida, Nancy Payton, and ECPO to resolve and clear up ambiguities and report back to the Committee when resolved. Later in the meeting, Nick Casalanguida read the proposed new language for the second paragraph and stated that this language was agreed to by those meeting this morning.

**Staff comment:** none

**Committee action on November 10, 2008:** *Gary Eidson* moved and *Tom Jones* seconded to approve the above language amendments to Policy 4.14 as shown above. *Upon vote*, the motion was approved unanimously.

#### **Policy 4.18....see attachment from the EDC**

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

It is recognized that SRA development in the RLSA may generate surplus revenues to Collier County and Collier County may choose to allocate a portion of such surplus revenues to ensure that sufficient resources are available to allow Collier County to respond expeditiously to economic opportunities and to compete effectively for high-value research, development and commercialization, innovation, and alternative and renewable energy business projects.

**Public discussion on November 10, 2008:** *Tammie Nemecek* explained the rationale for this language. *Judy Hushon* stated that a CRD might provide such surplus revenues. *Laurie McDonald* asked if such surplus revenues could be used for environmental purposes. *Tammie Nemecek* stated that the purpose of the revenues is to further economic development. Brian Goguen stated, as chair elect of the EDC, that he supported this language.

**Staff comments:** none

**Committee action on November 10, 2008:** *Tammie Nemecek* moved and *Gary Eidson* seconded, to recommend the additional language to Policy 4.18. *Upon vote*, the motion carried unanimously.

## **2. Proposed new RLSA Overlay Policies 4.22 and 5.7 [Naples Cultural Landscape]**

Noah Standridge appeared on behalf of Naples Cultural Landscape and presented the attached proposed new Policies.

### **Policy 4.22**

When historic or cultural resources are identified within the RLSA through the SRA designation process, the applicant in conjunction with the Florida Division of State and Historic Resources will assess the historic or cultural significance and explore the educational and public awareness opportunities regarding significant resources.

**Public discussion on November 10, 2008:** *Noah Standridge* presented the proposed Policy 4.22. *Tom Jones* asked if the Policy was intended just to promote. *Gary Eidson* asked who is going to determine historic or cultural resources to which *Noah Standridge* stated the County and the Florida Department of State Division of Historical Resources determine such at time of a development review. *Gary Eidson* questioned whether this Policy is superfluous. *Noah Standridge* stated that the Policy is intended to promote, once such is identified. *Gary Eidson* suggested moving the first clause to the back of the Policy. *Christian Spilker* stated that the State often keeps its responses to development reviews as quiet as possible because of the possibility of someone destroying or removing such if that information gets into the news media. *Gary Eidson* asked Noah Standridge to re-craft the language for each Policy and report back to the Committee. This item and Policy 5.8 were temporarily tabled. Noah Standridge reappeared during the meeting and presented revised language for Policies 4.22 and 5.8 which was re-crafted with input from Christian Spilker and ECPO.

**Staff comments:** *Tom Greenwood* stated that if the County and State find an historic or cultural resource, then such must be preserved per the LDC.

**Committee action on November 10, 2008:** *Tom Jones* moved and *Gary Eidson* seconded to approve the language as re-crafted above. *Upon vote*, the motion carried unanimously.

### **Policy 5.8**

When historic or cultural resources are identified within the RLSA, the applicant in conjunction with the Florida Division of State and Historic Resources will assess the historic or cultural significance and explore the educational and public awareness opportunities regarding significant resources.

**Public comment on November 10, 2008:** Refer to Public discussion above under Policy 4.22.

**Staff comments:** *Tom Greenwood* stated that if the County and State find an historic or cultural resource, then such must be preserved per the LDC.

**Committee action on November 10, 2008:** *Tammie Nemecek* moved and *Tom Jones* seconded to approve the language as re-crafted above. *Upon vote*, the motion carried unanimously.



## VII. New Business

### A. Review of Draft Executive Summary to BCC to accompany the Phase 2 Report

*David Wolfley* stated that, as a member of the Planning Commission, he is opposed to bringing the Phase 2 Report to the Planning Commission in conjunction with the GMPAs to the RLSA Overlay. He stated the Commission needs to understand what is being presented and response and react prior to the GMPAs going forward. *Tom Jones* stated that he does not believe the Committee is jamming anything, citing about 30 advertised Committee meetings and that the Phase 2 Report has morphed into a GMPA document and that it is appropriate to get BCC direction as to when and how they wish to have the Phase 2 Report presented to the EAC and CCPC. *David Wolfley* stated that EAC and CCPC want to see the Phase 2 Report first and then with a follow-up GMPA cycle stating that the RLSA Overlay is too important to the County to shove through. *Tammie Nemecek* stated that it was the intent of the Committee since November, 2007 to make specific recommendations in the Phase 2 Report Regarding specific amendments to policies in the RLSA Overlay. *Ron Hamel* stated that he was involved in the original RLSA Overlay presentation and he recalls that the Committee report went directly to the BCC for direction and then into GMPA transmittal and adoption hearings. *George Varnadoe* stated that Ron Hamel's recollection is correct, that the original RLSA Overlay report went to the BCC and the BCC directed GMPAs which then went to the CCPC and EAC in transmittal and adoption hearings. *Jeff Wright* stated that the Committee can go to the BCC without the Phase 2 Report being completed and ask their direction with respect to the special GMPA cycle, priority on the Cycle and presentation timing to the EAC and CCPC. *George Varnadoe* stated that is a good approach and this will let the BCC decide as to when the EAC and CCPC will receive the Phase 2 Report. *Gary Eidson* stated that there must be an emphasis as to how long and how many public meetings the Committee has taken to get through the RLSA Overlay. *Christian Spilker* stated that there is a perception that the Committee wished to bypass the EAC and CCPC which is not the case. *Laurie McDonald* stated that the EAC and CCPC simply want to review the Phase 2 Report before it comes in the form of a GMPA on such a complicated matter. *Mr. Jones* stated that the BCC can decide when the Phase 2 Report should come to the EAC and CCPC and no one is planning on bypassing the EAC and CCPC.

**Committee action taken on November 10,2008:** *Gary Eidson* moved and *Tammie Nemecek* seconded to have Chairman Ron Hamel craft a letter to accompany an Executive Summary to the BCC to be presented to and approved by the Committee during its December 11 meeting which will ask the BCC to determine when it wishes the EAC and CCPC to formally review the Phase 2 Report [either prior to any GMPA or in conjunction with the GMPA if authorized by the BCC]. *Upon vote*, the motion carried, 6-1 with Neno Spagna voting in opposition.

**B. Future meeting space available and Phase 2 Report wrap up.** Tom Greenwood reported that meeting space has been reserved for the December 11 and possible December 18 meetings in Conference Room C of the Administrative Building of the North Collier Regional Park located at 15000 Livingston Road from 9am to 12 noon. The agenda for the December 11 meeting will include a review of the draft Phase 2 Report and draft Executive Summary and letter from Ron Hamel to the BCC.

## VIII. Public Comments.

**IX. Next Meeting.** *Mr. Hamel* stated that the next meeting will be held on Thursday, December 11, 2008, in Conference Room C of the Administrative Building of the North Collier Regional Park located at 15000 Livingston Road from 9am to 12 noon for the purposes of reviewing the draft Phase 2 Report and

the draft letter from Ron Hamel to the BCC to accompany the standard staff Executive Summary to the BCC.

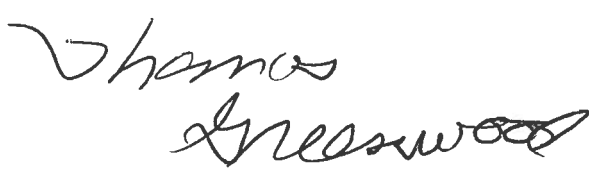
**X. Adjournment**

The meeting was adjourned by acclamation at 12:30PM.

  
Rural Lands Stewardship Area Review Committee

\_\_\_\_\_  
Ron Hamel, Chairman

These minutes approved by the Committee on 12/11/08, as presented & or as amended \_\_\_\_\_

  
Thomas  
Greenwood

11-10-08  
Committee  
Review

## Final Consensus Draft of Proposed Transportation Related Policy Amendments

### Future Transportation Element New Policy

#### **Policy 3.7**

Within 12 months after adoption of this policy, the county shall develop a plan for a transportation network that has been shown to meet the adopted Level of Service (LOS) through the build out of the county (the "County Build Out Vision Plan"). The build out network shown on the County Build Out Vision Plan shall define the existing roadways that need to be improved, all proposed roadways, and the facility type and lane needs. The County Build Out Vision Plan shall be adopted by the MPO, serve as a guide to future updates of the Long Range Transportation Plan (LRTP), and be reviewed no less than annually and amended as needed by the MPO to reflect changed circumstances which occur from time to time. The County Build Out Vision Plan adoption and review shall include a review of land uses within the County and shall include consideration of the location of public services needed to accommodate the build out population. These services shall include but are not limited to government offices, jails, court houses, landfills, maintenance facilities or any other facility that might otherwise require long distance travel.

#### **Public Comment:**

**Staff Comments:** The language shown above is proposed new Policy 3.7 to be located in the Transportation Element of the GRP and is outside of the RLSAO, but should be considered for recommendation by the Committee as it would harmonize the new language being proposed in the RLSAO. The above language represents a consensus by those staff personnel participating in its creation.

**Committee action on September 23, 2008:** The Committee referred certain Group 4 Policies to John Passidomo and the Transportation Division to resolve and this new policy outside of the RLSAO was found to be needed.

**Committee action on November 10, 2008:**

### RLSA Overlay Group 4 Proposed Revised Policies

#### **Policy 4.4**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

#### **Public Comment:**

**Staff Comments:** The language shown above is proposed by, consensus of the Transportation Division and John Passidomo to remain unchanged and the Committee should vote on this Policy.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:**

**Final Consensus Draft of Proposed Transportation Related Policy Amendments**✓ **Policy 4.5**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map. To the extent practicable, the SRA Master Plan shall be consistent with the County's then-adopted Long Range Transportation Plan (LRTP), the County Build Out Vision Plan referenced in Policy 3.7 of the Future Transportation Element, and Access Management procedures.

**Public Comment:**

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:**✓ **Policy 4.6**

SRA characteristics shall be based upon innovative planning and development strategies referenced in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(l). These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services. The SRA shall also include a mobility plan that includes consideration of vehicular, bicycle/pedestrian, public transit, internal circulators, and other modes of travel/movement within and between SRAs and areas of outside development and land uses. The mobility plan shall consider the applicability of strategies such as bus subsidies, route sponsorship and other incentives which encourage the use of mass transit services. The development of SRAs shall also consider the needs identified in the County Build Out Vision Plan and plan land uses to accommodate services that would increase internal capture, and reduce trip length and long distance travel. Such development strategies are recognized as methods of discouraging urban sprawl, encouraging alternative modes of transportation, increasing internal capture and reducing vehicle miles traveled.

**Public Comment:**

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

## Final Consensus Draft of Proposed Transportation Related Policy Amendments

### Committee action on November 10, 2008:

#### ✓ **Policy 4.7.1**

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than ~~1,000~~ 1,500 acres or more than ~~4,000~~ 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal mobility plan, which may include a transfer station or park and ride area that is appropriately located within the town to serve as the connection point for internal and external public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15.1. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

#### **Public Comment:**

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above. However, the Comprehensive Planning Department staff has noticed in the consensus version given to staff that the changes to the threshold acreages for Towns was not changed according to the Committee's recommendations and has shown that change and has incorporated that change in Policy 4.7.1.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

### Committee action on November 10, 2008:

#### **Policy 4.14**

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning

**Final Consensus Draft of Proposed Transportation Related Policy Amendments**

standards. At the time of SRA approval, an SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide for the opportunity to provide direct vehicular and pedestrian connections to said areas through the County's arterial/collector roadway network as shown on the County Build Out Vision Plan so as to reduce travel time and travel expenses, improve interconnectivity, increase internal capture, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA.

Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis. To the extent required to mitigate an SRA's impacts, mitigation may include, but shall not be limited to, the construction and permitting of wildlife crossings, the provision of environmental mitigation credits, and/or the provision of right of way, water management and/or fill material which may be required as mitigation to expand the existing or proposed roadway network. Any such mitigation provided to offset environmental impacts and to maintain the adopted level of service shall be memorialized in a Developer Contribution Agreement (DCA). The DCA shall consider the need, if any, to provide mitigation for species, wetlands, or other impacts within the area of significant influence of the project traffic or existing or proposed roadways that are anticipated to be expanded or constructed.

**Public Comment:**

**Staff Comments:** The language shown above is proposed by consensus of the Transportation Division and John Passidomo to be changed as shown above.

**Committee action on September 23, 2008:** The Committee referred this Policy to John Passidomo and the Transportation Division to resolve.

**Committee action on November 10, 2008:**



**Policy 4.5**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map. To the extent practicable, the SRA Master Plan shall be consistent with the County's then-adopted Long Range Transportation Plan (LRTP), the County Build Out Vision Plan referenced in Policy 3.7 of the Future Transportation Element, and Access Management procedures.

Each SRA master plan shall include a Management Plan which includes provisions for minimizing human and wildlife interactions. Low intensity land uses (e.g. parks, passive recreation areas, golf courses) and vegetation preservation requirements, including agriculture, shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Consideration shall be given to the most current guidelines and regulations on techniques to reduce human wildlife conflict. The management plans shall also require the dissemination of information to local residents, businesses and governmental services about the presence of wildlife, practices that enable responsible coexistence with wildlife, while minimizing opportunities for negative interaction, such as appropriate waste disposal practices.

**GreenwoodThomas**

11-10-08  
Committee Review

**From:** Noah Standridge [noah@centrusplanning.com]  
**Sent:** Wednesday, November 05, 2008 3:29 PM  
**To:** GreenwoodThomas  
**Subject:** Re: Friendly Reminder...Monday, November 10 Committee meeting

Tom,

Please find below policies 4.22 and 5.7 on behalf of Naples Cultural Landscapes. Thank you for putting us on the next meeting agenda. If anyone has questions or comments, feel free to direct them to my contact info.

Sincerely,

--  
Noah Standridge  
[www.centrusplanning.com](http://www.centrusplanning.com)  
239.777.7145  
Naples, FL

**Proposed Amendments to the Rural Lands Stewardship Overlay Regarding Historical or Cultural Resources**

**11/10/2008**

Policy 4.22

To promote knowledge of Collier County's historical and cultural heritage, when historic or cultural resources are identified within the RLSA through the SRA designation process, the applicant will assess the historic or cultural significance and explore the educational opportunities regarding significant resources.

Policy 5.7

To promote knowledge of Collier County's historical and cultural heritage, when historic or cultural resources are identified within the RLSA, the applicant will assess the historic or cultural significance and explore the educational opportunities regarding significant resources.



11-10-08 Committee Review

ECONOMIC DEVELOPMENT COUNCIL OF COLLIER COUNTY  
3050 Horseshoe Drive North, Suite 120 • Naples, FL 34104  
Phone (239) 263-8989 • Fax (239) 263-6021  
[www.eNaplesFlorida.com](http://www.eNaplesFlorida.com)



## MEMORANDUM

**To:** Tom Greenwood  
**From:** Tammie Nemecek  
**Date:** November 5, 2008  
**Re:** Economic Development Policy Changes

---

In order to strengthen the economic development section of the RLSA, the Economic Development Council of Collier County would like to propose this clarifying language. Thank you for the consideration. Modifications are highlighted in **RED**.

### ✓ Policy 4.7.1

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than 1,000 acres or more than 4,000 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal mobility plan, which may include a transfer station or park and ride area that is appropriately located within the town to serve as the connection point for internal and external public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town. Towns shall also have parks or public green spaces within neighborhoods.

Towns shall include both community and neighborhood scaled retail and office uses, ~~in a ratio as provided~~ described in Policy 4.15 4.15.1. Towns may also include those compatible corporate office, research and light industrial uses such as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE and those included in Policy 4.7.4.

Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

### ✓ Policy 4.7.2

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres outside the Area of Critical Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in Villages. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

### **Policy 4.7.4 4.7.3**

~~Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. shall support and further Collier County's valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, tourism or recreation. Appropriately scaled uses described in Policy 4.7.4 shall also be permitted in CRDs. A CRD may include, but is not required to have permanent residential housing, and the services and facilities that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. A CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to ecotourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~

### **Policy 4.7.4 (New policy)**

Towns, Villages and CRDs shall be the preferred location for business and industry within the RLSA, to further promote economic development, diversification and job creation. Permitted uses shall include, but not be limited to: aviation and aerospace, health and life sciences, corporate headquarters, computer hardware, software and services, information technology, manufacturing,

research & development, wholesale trade & distribution; technology commercialization and development initiatives, trade clusters, and similar uses.

~~A Hamlet is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village, and the services and facilities that support permanent residents. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to ecotourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.~~

## **Policy 4.18**

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

It is recognized that SRA development in the RLSA may generate surplus revenues to Collier County and Collier County may choose to allocate a portion of such surplus revenues to ensure that sufficient resources are available to allow Collier County to respond expeditiously to economic opportunities and to compete effectively for high-value research, development and commercialization; innovation; and alternative and renewable energy business projects.

11-10-08  
Committee  
Review

**EXECUTIVE SUMMARY**  
**[DRAFT, SUBJECT TO REVISIONS]**

**Request of the Rural Lands Stewardship Area Review Committee to the Collier County Board of County Commissioners to consider authorizing a special Growth Management Plan Amendment Cycle solely for the purpose of considering the adoption of the Committee-recommended amendments to the Rural Lands Stewardship Area Overlay of the Future Land Use Element of the Growth Management Plan as outlined in the Committee's Phase 2 Report, and authorization to present and review the Phase 2 Report concurrent with the requested special Growth Management Plan Amendment Cycle.**

**OBJECTIVE:** The Rural Lands Stewardship Area Review Committee ("Committee") on \_\_\_\_\_, voted to request the Collier County Board of County Commissioners' (BCC) to consider authorizing a special Growth Management Plan Amendment (GMPA) Cycle solely for the purpose of review and consideration of the Committee-recommended amendments to the Rural Lands Stewardship Area (RLSA) Overlay of the Future Land Use Element of the Growth Management Plan as outlined in the attached Phase 2 Report, and to review the Phase 2 Report concurrent with those amendments. The RLSA Overlay is the basis for Section 4.08.00 of the Land Development Code (LDC) entitled, "Rural Lands Stewardship Area Zoning Overlay District" and, if amended, would serve as the basis for amendments to this section of the LDC.

By established BCC policy, there is only one GMPA cycle per calendar year. However, the Florida State Statutes permit local units of government a maximum of two GMPA cycles per calendar year. This request, if approved by the BCC, would use the second statutorily available GMPA cycle solely for reviewing the Committee-recommended amendments to the RLSA Overlay concurrent with the Committee's Phase 2 Report.

The Project Management Plan (PMP) for the five-year review of the RLSA Program calls for the Phase 1 Report and the Phase 2 Report to be submitted to the Environmental Advisory Council (EAC) and the Planning Commission (PC) prior to submittal to the BCC. The Phase 1 Report complied with this directive of the PMP. However, the Committee did recommend to the BCC that the review of the Committee-recommended amendments to the Rural Lands Stewardship Area (RLSA) Overlay of the Future Land Use Element of the Growth Management Plan be considered concurrently with the Phase 2 Report for greater expediency and to eliminate what the Committee considered double reviews by the EAC and the PC of the Phase 2 Report. Thus, the Committee is asking BCC concurrence to divert from the PMP only with respect to this provision.

**CONSIDERATIONS:**

The RLSA has been recognized in Florida, regionally, and nationally for visionary methodology to preserve environmentally significant land, to protect agricultural land and to direct growth to suitable locations. Collier County adopted the RLSA Overlay in the Land Development Code (LDC) on January 30, 2004 as the implementing regulation for the Growth Management Plan amendments known broadly as the "Rural/Eastern Lands Amendments" which were developed in response to Administration Commission Final Order No. AC99-002, which required a "Rural

and Agricultural Assessment” and subsequent adoption of the Growth Management Plan amendment based upon that assessment.

Policy 1.22 of the of the RLSA Overlay requires a five-year comprehensive review of the RLSA Overlay by Collier County and the Department of Community Affairs (DCA) following the five-year anniversary of the adoption of the Stewardship District into the LDC. Accordingly, the BCC on October 24, 2007 approved Resolution 2007-305A which provided for the creation of the Committee and listed its functions, powers and duties, including: 1) “Review data concerning the participation and effectiveness in the Overlay meeting the Goal, Objective, and Policies in the Future Land Use Element of the GMP”; and 2) “Review the RLSA Overlay and make recommendations to increase the effectiveness of the Overlay”. Staff of the Comprehensive Planning Department was assigned to assist the Committee in its functions, powers and duties.

With respect to number 1 above, the Committee’s efforts resulted in the issuance to the BCC of the Phase 1 Report and airing during the BCC’s May 27, 2008 regular meeting. During this airing the BCC authorized transmittal of the Phase I Report to the Department of Community Affairs as provided for in Policy 1.22 of the RLSA Overlay. The Phase 1 Report was transmitted to the DCA on May 30, 2008.

With respect to number 2 above, the Committee’s Phase II Report was compiled during the final 19 of the total 27 Committee public meetings in its effort to provide a comprehensive review of the existing RLSA Overlay with all stakeholders. Committee meetings were well attended; open dialogue was encouraged; and minutes were taken and maintained as part of the public record by personnel of the Comprehensive Planning Department. These public meetings were held in the Ave Maria University Academic Building, in the Community Development and Environmental Services Building, and in the North Collier Regional Park Administration Building.

As directed by Resolution No. 2007-305A, the Phase II Report includes recommended GMPAs to improve the effectiveness of the RLSA Overlay based, in part, upon the experience with the RLSA Program during the first five years following the January 30, 2004 adoption of the implementing Section 4.08.00 of the Land Development Code. Committee-recommended amendments to the RLSA Overlay were also based, in part, upon the following:

1. Expert speakers who spoke during Committee meetings;
2. Independent research reports, statements, and issues expressed relative to the Rural Lands Stewardship program;
3. Public participation;
4. Data and analysis/justification; and
5. Cursory Staff input.

The following organizations were involved in the deliberate and detailed open public discussions and educational efforts involving the Committee’s review of the RLSA Overlay:

1. Audubon Society
2. Collier County Planning Commission
3. Collier County Community Development and Environmental Services Division
4. Collier County Environmental Advisory Council
5. Collier County Transportation Division

6. Conservancy of Southwest Florida
7. Defenders of Wildlife
8. East Collier Property Owners
9. Florida Gulf Coast University
10. Florida Department of Community Affairs
11. Florida Fish and Wildlife Conservation Commission
12. Florida Wildlife Federation
13. Fort Myers News-Press
14. Naples Daily News
15. One Thousand Friends of Florida
16. Sierra Club
17. South Florida Water Management District
18. University of Florida Institute for Food and Agricultural Sciences

**LEGAL CONSIDERATIONS:** The legal review of the Phase II Report has only been cursory, concentrated on only a few Policies, and has not been completed. A full and complete legal review of the Phase 2 Report and the proposed Growth Management Plan Amendments would need to be completed. *Note: This section has not yet been submitted or reviewed by legal staff and will be modified prior to submittal to the BCC.*

**FISCAL IMPACT:** IF the BCC authorizes County staff to initiate a Growth Management Plan Amendments special cycle solely for the consideration of amendments to the RLSA Overlay, the following are the estimated associated costs:

- a. **Legal advertisements:** \$10,032 [for transmittal and adoption hearings before the Environmental Advisory Council (EAC), Planning Commission (PC) and BCC: \$1,254 x 8= \$10,032]
- b. **Court reporter:** \$7,495 [assumes 1.5 days for EAC; 2.5 days for PC; and 1.0 day for the BCC]
- c. **Cost of printing:** This cost cannot be calculated at this time.
- d. **Cost of staff time:** Staff time to review and compile this GMP amendment is difficult to calculate. However, the following is an estimate of staff hours by Division:
  - **CDES Division:** 2,000 total staff hours, including the following departments: Comprehensive Planning, Engineering and Environmental Services, Zoning and Land Development Review, Assistant County Attorney, and Administration.
  - **Public Services [Housing and Human Services]:** 100 hours
  - **Public Services [Parks and Recreation]:** 50 hours
  - **Public Utilities:** 100 hours
  - **Transportation:** 200 hours

There are no additional fiscal impacts associated with this project, other than incidentals, such as postage, etc.

**GROWTH MANAGEMENT IMPACT:** The GMP will need to be amended concurrent with or prior to the proposed RLSA Overlay amendments to align Plan dates throughout the GMP in response to the Objection received from the Department of Community Affairs related to DCA review of the 2006 cycle of GMP amendments.

The Phase II Report recommendations have not been comprehensively scrutinized in their entirety by County staff to the point where it can be said that the recommendations are ready for GMP amendments presentation and public vetting. However, the Assistant County Attorney, the Transportation Division, and several CDES staff have participated in all or portions of the Committee's deliberations and have provided some input to the Committee.

Due to the attached list of projects internal to the Comprehensive Planning Department, including the 2007/2008 GMP Cycle amendments, upcoming 2009 GMP Cycle amendments, the Annual Update and Inventory Report, and many other projects, the Comprehensive Planning Department staff will need BCC direction as to what priority to assign to the Committee-recommended RLSA Overlay special GMPA cycle. If priority is given to this project, then the production of other products may be delayed. Further, all dates for transmittal hearings and adoption hearings will need to be coordinated with the Environmental Advisory Council (EAC), the Collier County Planning Commission (CCPC), and the BCC, both as to meeting room space availability and availability of the hearing bodies for specific dates.

**RECOMMENDATION:** Staff requests that the Board of County Commissioners provide direction to staff with respect to the Committee's requests which are: 1) authorization for the holding of a Committee-recommended special Growth Management Plan Amendment cycle, which is a departure from the BCC-adopted policy of limiting GMP amendments to one cycle per calendar year; 2) assignment of priority to this special GMPA cycle required hearings versus the already filed GMPA 2007/2008 combined cycle petitions and the upcoming 2009 GMPA cycle petitions; and 3) authorization to present and review the Phase 2 Report concurrent with the requested special GMPA cycle contrary to the PMP.

**PREPARED BY:** Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department



#	TASK	Frequency
<b>Population/DU Data</b>		
	Prepare annual Population estimates and projections by PC, cities, all fire districts, all water & sewer districts, HS attendance zones, coastal Urban area, GGE, RFMUD, RLSAO, other geographies as warranted.	annual
1	Prepare annual DU estimates and projections.	annual
2	Prepare update of countywide Build-out Study.	periodic
3		
<b>Demographic/Inventory Data</b>		
1	Update Demographic & Economic Profile.	annual
2	Update Industrial inventory.	annual
3	Update Commercial inventory.	annual
4	Update FIAM Model.	annual
5	Update Interactive Growth Model.	annual
6	GIS Mapping of Inventories and Modles	
<b>GMP Amendments</b>		
1	2007/2008 combined annual cycle of GMP amendment petitions (nine 2007 petitions and two 2006 petitions).	annual
2	2009 annual cycle of GMP amendment petitions.	annual
3	2010 annual cycle of GMP amendment petitions.	annual
4	2011 annual cycle of GMP amendment petitions.	annual
5	Annual CIE update.	annual
6	RLSA 5-Year Review-based amendments.	5 years
7	Align dates in all Elements (e.g. FLUM, TE maps, RLSAO, etc.) and compile necessary data & analysis.	once
8	IAMPVC-based.	once
9	CP-2006-11, Toll-Rattlesnake DRI-related amendment	once
10	Amend GMPA procedural Resolution to add NIM requirement & reference LDC property owner notification req'mt, and as otherwise necessary.	periodic
11	Revise GMPA petition - include cover sheet to help explain desired format/organization of the petition package. Create a checklist? Include NIM and property owner notification requirements.	periodic
12	Programed review of the Golden Gate Master Plan	every 7-10 years
13	Exploration of adoption of mass transit element to GMP per CCPC	once (multi year)
<b>LDC Amendments</b>		
1	RLSA 5-Year Review-based LDCAs.	5 years
2	PSFE-based.	once
<b>GMP Consistency Reviews</b>		
1	CPCD (Comp Plan Consistency Determination) requests - required by DEP and USACOE (mostly waterfront properties).	on-going
2	Consistency reviews of ZLDR petitions (RZs, CUs, PUDZs, SRAs, etc.).	on-going
<b>Other Major Tasks</b>		
1	Revise SBR ILA, in coordination with School District staff.	periodic
2	Process/Review/Present CDD petitions as submitted.	on-going
3	Process/Review SSAs as submitted.	on-going
4	Review proposed/adopted state legislation for impact upon Collier County.	annual
5	Annually update Interactive Growth Model.	annual
6	EAR. (due in 2011)	every 7 years
7	Census 2010 PSAP (changes to tracts, block groups, CDPs, CCDs).	every 10 years
8	Census 2010 Broup Quarters Review (nursing homes, ALFs, etc.).	every 10 years
9	BCC Re-districting.	every 5 years
10	CRA Annual and Quarterly Reporting	on-going
<b>Committee Staffing</b>		
1	Staff Working Group of Schools Interlocal Agreement	on-going
2	Affordable Housing Commission	on-going
3	Floodplain Management Committee	on-going
4	Naples Airport Noise Compatibility Committee	on-going
5	Immokalee Area Master Plan and Visioning Committee	once (multi year)
6	RLSA 5-year Review Committee	once (multi year)
7	Horizon Study Oversight Committee	once (multi year)
<b>Immokalee Community Tasks</b>		
1	Enterprize Zone Quarterly Reports	once a year
2	Enterprize Zone Annual Report	4 times/year
<b>Misc. Tasks</b>		
1	Respond to Public Records Requests and Requests for Public Information.	periodic
2	TDR Program Administration.	on-going
3	Silver Strand GMP Adoption	once (multi year)
4	Ave Maria DRI 5-year review of FIAM	once
5	Legislative review of proposed growth management and related legislation	annual
6	Review of FAC proposed legislative policy statements	annual
7	"Green" GMP amendmnets	annual



MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; October 28, 2008

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:**

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Gary Eidson  
Bill McDaniel  
Dave Wolfley  
Tom Jones  
Tammie Nemecek  
Floyd Crews

ALSO PRESENT: CDES staff members Thomas Greenwood, David Weeks, and Mike DeRuntz of the Comprehensive Planning Department and Jeff Wright of the Assistant County Attorney's Office as well as approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:05AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 9 of 12 members were present, with Jim Howard absent and Fred N. Thomas, Jr. and David Farmer having excused absences.

**III. Approval of Agenda**

*Neno Spagna moved to approve the agenda as presented and seconded by Bill McDaniel.  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the October 14, 2008 Meeting**

*Mr. Spagna moved and Mr. McDaniel seconded to approve the minutes as distributed. Upon vote, the motion carried unanimously.*

**V. Presentations.**

**VI. Old Business**

**A. Discussion of logistics and alternative calendars for Committee Phase 2 Report.**

- 1. Current Project Management Plan alternative for Phase 2 Report.** Tom Greenwood presented the **attached** Project Management Plan-based revised Phase 2 Report Schedule which calls for the Phase 2 Report to go to the EAC and CCPC prior to going to the BCC

with the tentative schedule to the EAC on February 4, the CCPC on March 16 and 17, and the BCC on April 7 or 8, 2009 and then proceed with the Growth Management Plan amendments if directed by the BCC.

2. **Alternative Schedule for Phase 2 Report.** Al Reynolds with Wilson Miller presented the attached memo dated October 22, 2008 and submitted to the Committee and participants on October 27<sup>th</sup> which proposes a January 13 presentation to the BCC asking authorization to initiate a Growth Management Plan Amendment (GMPA) Special Cycle for the RLSA GMPA; a GMPA transmittal hearing before the EAC on February 4; a March 5 GMPA transmittal hearing before the CCPC; and a April 7, 2009 GMPA transmittal hearing before the BCC.

*Mr. McDaniel* moved and *Mr. Jones* seconded to approve the alternative schedule and to go directly to the BCC to request a special GMPA Cycle to adopt the proposed RLSA Plan changes. *Upon vote*, the motion carried unanimously.

*Discussion prior to above vote:* *Al Reynolds* stated that the Committee has met 24 times since November, 2007; that waiting until 2011 for a RLSA Overlay GMP amendment is too long; that Wilson Miller is working on data and analysis, but needs some clear direction from the BCC on timing for the GMP amendments for the RLSA Overlay; and that much of the work to support the GMPA involving the RLSA Overlay has already been done by the Committee. *Brad Cornell* stated that the RLSA Overlay is receiving statewide scrutiny and we need to do it right. He stated that he had seen Nick Penniman's attached comments. *Mr. Cornell* suggested that the Phase 2 Report be presented to the EAC, CCPC and the BCC prior to the transmittal hearings. He stated that the BCC should not be asked to approve the report, but to accept it and provide further direction with respect to authorizing a special GMPA cycle just for the RLSA Overlay. *Dave Wolfley* stated that the executive summary should clearly indicate that the Committee is not asking BCC approval of the report, but to authorize a special GMP amendment cycle for the RLSA Overlay with the submittal of the Phase 2 Report to the EAC and CCPC prior to the time of the transmittal hearings.

*Mr. Cornell* moved and *Mr. Eidson* seconded to submit the Phase 2 Report to EAC, CCPC and BCC for their review at the time of the GMPA transmittal hearings. *Mr. Cornell* stated that he would like to see the EAC, CCPC and BCC see the Phase 2 Report prior to the GMPA adoption hearings. *Upon vote*, the motion carried 8-1 with *Mr. Wolfley* voting in opposition.

*Discussion prior to above vote:* *Ms. Nemecek* stated that the Phase 2 Report needs to go to the BCC directly for further direction and authorization so that the work of the Committee since November, 2007 is recognized and that it can go into the GMP amendment process as soon as possible. *Nicole Ryan* stated that the Phase 1 Report and Phase 2 Report both have a purpose and that she supports following the current Project Management Plan in that it is what has been expected by the EAC, CCPC and BCC all along and that a thorough review of the report prior to transmittal hearings is appropriate. *Judy Hushon* of the EAC stated that the EAC expectation is that the Phase 2 Report would come before it just like the Phase 1 Report did and supports the use of the schedule developed using the current project management plan. *William Hughes*, chairman of the EAC, stated that the public perception of the entire RLSA Overlay review process may be tainted by not following the established procedure in the project management plan. *Nancy Payton* stated that schedule change is a way of expediting the process, eliminating special extra long meetings to review the Phase 2 Report by the EAC, CCPC, and BCC, and that the content of the Executive Summary transmitting the Phase 2 Report to the BCC will be important and that she favors the use of the expedited schedule. *Russell Priddy* stated that he supports the expedited way of presenting the Committee's recommendations to the BCC and asking for GMPA authorization.

*Mr. Jones* stated that it is important to note that the EAC and CCPC will not be bypassed with the Phase 2 Report and that it will be made a part of the RLSA Overlay GMPA transmittal hearings. *Mr. Jones* requested staff to have a draft Executive Summary for Committee review during its November 10<sup>th</sup> meeting.

**B. Phase 2...Review of Group 1-Group 5 Policies of the Rural Lands Stewardship Overlay, including issues, concerns, and questions.**

**1. Policies 1.6 and 1.7**

**Policy 1.6**

Stewardship Credits (Credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. **Land becomes designated as a SSA upon petition** by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Sending Area Credit Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property unless the SSA is terminated as provided elsewhere herein.

**Policy 1.6.1**

Notwithstanding any provision herein to the contrary, upon initial approval of a Stewardship Sending Area ("SSA"), the Stewardship Easement shall be established for a term of five years ("Conditional Period") and shall be deemed a Conditional Stewardship Easement. The Conditional Period may be extended for one additional year at the option of the owner by providing written notice to the County prior to the expiration of the initial five year period. All conditions and restrictions of the Stewardship Easement related to maintaining the existing property conditions, including all management obligations of the owner of the SSA lands, shall be in full force throughout the Conditional Period. If at any time during the Conditional Period any of the following events occur, then the Conditional Stewardship Easement shall become a Permanent Stewardship Easement which shall be final, perpetual and non-revocable in accordance with the terms set forth therein:

1. Stewardship Credits from the SSA have been assigned to entitle an approved Stewardship Receiving Area ("SRA"), and the SRA has received all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction, including subdivision plat and site development plan approval, but not building permits. If Stewardship Credits from the SSA have been assigned to more than one SRA, then the receipt of all necessary governmental final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction of any SRA shall automatically cause the Conditional Stewardship Easement to become a Permanent Stewardship Easement;
2. The owner of the SSA lands has sold or transferred any Stewardship Credits to another person or entity, including a Stewardship Credit Trust as described in Policy 1.20, the closing has occurred,

and the owner has received the consideration due from such sale or transfer, but not expressly excluding:

- (a) a sale or transfer of the Stewardship Credits ancillary to the sale or transfer of the underlying fee title to the land, or
  - (b) instances where a landowner establishes an SSA for a specific SRA, whether the SRA is owned or developed by a separate or related entity, and the Stewardship Credits are transferred as required by the Growth Management Plan or Land Development Code for SRA approval; or
3. The owner of the SSA lands has received in exchange for the creation of the Stewardship Easement Agreement other compensation from local, state, federal or private revenues (collectively, the “Events”).

The LDC shall specify how, assuming a Notice of Termination (as hereafter described) has not been recorded, the Conditional Stewardship Easement shall automatically convert to a Permanent Stewardship Easement upon the earliest to occur of (a) any of the foregoing Events during the Conditional Period, or (b) 180 days after the last day of the Conditional Period, as and to the extent extended hereunder. In the event that none of the foregoing events has occurred during the Conditional Period, then the owner of the SSA lands may within 180 days after the last day of the Conditional Period terminate the Conditional Stewardship Easement by recording a Notice of Termination. In addition, if a challenge and/or appeal of a necessary development order, permit or other discretionary approval is filed, the owner of the SSA lands may elect to extend the Conditional Period until the challenge or appeal is finally resolved. If the challenge or appeal is not resolved such that the construction may commence under terms acceptable to the owner of the SSA lands, the owner of the SSA lands may within 180 days of the final disposition of the challenge or appeal record a Notice of Termination. Upon the recording of such Notice of Termination, the Stewardship Easement Agreement and corresponding Stewardship Sending Area Credit Agreement shall expire and terminate, the Stewardship Credits generated by the SSA shall cease to exist, the rights and obligations set forth in the Stewardship Easement shall no longer constitute an encumbrance on the property, and the SSA Memorandum shall be revised accordingly. The owner of the SSA lands shall provide a copy of the Notice of Termination to the County.

In the event that the Stewardship Credits from an SSA have been used to obtain one or more SRA approvals, but none of the foregoing events has occurred during the Conditional Period, then the Notice of Termination shall also provide for termination of any SRAs that have been assigned credits from the SSA, unless the SRA owner has obtained sufficient Stewardship Credits from another source and such Stewardship Credits have been applied to the SRA. In the event that a Notice of Termination does terminate an SRA, the owner of the SRA lands shall join in the Notice of Termination.

In the event that a Conditional Stewardship Easement is terminated, all benefits, rights, privileges, restrictions and obligations associated with the SSA shall be null and void, and the land shall revert to its underlying zoning classification, free and clear of any encumbrance from the Conditional Stewardship Easement and SSA Credit Agreement. If requested by the owner of the SSA lands, Collier County and the other grantees under the Stewardship Easement Agreement shall provide a written release and termination of easement and credit agreements for recording in the public records within 15 days of request from the owner of the SSA lands. Collier County shall update the overlay map to reflect the termination of any SSA or SRA.

This policy shall be implemented in the LDC within 12 months after adoption hereof.

**Public Input:**

1. SSA's can be created in a non-contiguous and piece meal fashion, thus assuring no functionality of wetland land mass. Even though to date that has not been the case, we should consider language that encourages contiguous SSA's. **[Mark Strain]**
2. No emphasis is put on trying to avoid fragmentation of natural areas and the maintenance of corridors. **[Judith Hushon]**

**ECPO Comments:** While it is true that individual SSAs can be non-contiguous, the ultimate implementation of the RLSA creates two large interconnected environmental systems. It is understood that this will take many years and the voluntary participation of many landowners to realize. Map "1E" of the RLSA Five-Year Review, Phase 1 Technical Report clearly demonstrates that the approved and pending SSAs are forming large contiguous blocks of protected lands that have been targeted for public acquisition since the 1970s. The RLSA program design has resulted in a predictable pattern of environmental protection, and eventually, all or nearly all of the FSA and HSA areas are likely to be designated SSA lands.

A review of the RLSA Overlay Map (Phase 1 – Technical Review, Map 1) clearly illustrates that the FSA, HSA, WRA, and Restoration Zone overlays collectively comprise a vast, interconnected system of flow ways and associated native habitats. These overlays were created for the expressed purpose of preventing wetland and habitat fragmentation, and maintaining existing wildlife corridors. Map 1E of the Phase 1 Technical Review reveals that the approved and pending SSAs form a contiguous block of protected lands that already incorporate a majority of FSA and HSA lands.

3. Maintain habitat connectivity/prevent habitat fragmentation with large linkages on a landscape scale and in association with land uses in the open area to maintain functioning systems and preserve the wetland to upland interface. Of particular note, are further protection of Camp Keais Strand and maintaining the habitat linkage in the vicinity of SR 29 and Oil Well Road. **[Defenders of Wildlife]**

**ECPO Comments:** The RLSA stewardship overlays (FSA, HSA, WRA, Restoration Zone, and Open) do not pre-determine sending and receiving area designations, but do influence the potential location of SSAs and SRAs. In 2002, the sum total of FSA, HSA, and WRA lands coincided with 91 percent of panther telemetry points collected between 1981 and 2000. A recent GIS analysis shows that these same overlays now contain 94 percent of all telemetry points recorded between 1981 and 2007. These data suggest that the overlays very effectively protect the habitat areas utilized by the Florida panther.

The FWC least cost path analyses suggest that the RLSA program may require refinements in selected areas to accommodate panther movements between large habitat blocks. These potential landscape connections are currently being reviewed as part of the RLSA five-year review.

4. SSA approval is not subject to EAC or CCPC review only BCC. SRA approval occurs via EAC, CCPC and BCC process, as should have been provided for SSA approval **[Judith Hushon]**

**ECPO Comments:** The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property,

and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the BCC hearing.

The SRA approval process is more involved, as it deals with the establishment of design guidelines, assessment of infrastructure impacts, and other matters, that warrant the review and recommendations of the CCPC.

ECPO's experience in implementing the RLSA within the process that now exists has resulted in a successful program, and does not believe changes are needed to the process. ECPO does not have recommended revisions at this time. However, this policy may need further review with additional discussion of SSAs. Also per policy, the RLSA Overlay Map should be updated to reflect SSAs and Ave Maria SRA.

**Staff Comments:** With respect to **July 15 Committee action**, the amendments recommended are minor to correct the title of each of the SSA Credit Agreements.

***Public Discussion on October 28, 2008:*** *Tom Greenwood* stated that the Assistant County Attorney would prefer that the language be brief in the RLSA Overlay and more detailed in the LDC. He stated that, should the Committee wish to include the specificity in the RLSA Overlay that is included in John Passidomo's language, then the language as submitted to the Committee is acceptable. The **attached** was presented to the Committee for review. *Mr. Jones* stated that the two attorneys have agreed to the language. *John Passidomo* stated that what you see embodies the consensus of ECPO and the assistant county attorney. *Jeff Wright*, Assistant County Attorney, corroborated Mr. Passidomo's statement and the content of the language before the Committee.

**Committee October 28, 2008 Action:** *Mr. Spagna* moved and *Mr. Jones* seconded to approve the modification of Policy 1.6 and the new policy language as potential Policy 1.6.1. *Upon vote*, the motion carried unanimously.

**2. Policies 4.4, 4.5, 4.6, 4.7.1, 4.14, and 4.16** Tom Greenwood reported that these Policies will be ready for discussion on November 10 and the Transportation Division will be present for that discussion and he believed that the differences in language have been resolved. No action was taken.

### **3. Continuation of Group 5 Policies [beginning with Policy 5.5]**

#### **Policy 5.5**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed

species or protected species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species or protected species that may be discovered.

2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species or protected species and their habitats.

a. Management plans shall incorporate proper techniques to protect listed species or listed species and their habitats from the negative impacts of proposed development. The most current and completed data and local, state, and federal guidelines and regulations shall be utilized to prepare the required management plans. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors. Mitigation for impacting listed species habitat shall be considered in the management plans, as appropriate.

i. ~~The following references shall be used, as appropriate, to prepare the required management plans:~~

- ~~1. South Florida Multi-Species Recovery Plan, USFWS, 1999.~~
- ~~2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.~~
- ~~3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.~~
- ~~4. Ecology and Development Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.~~
- ~~5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.~~

i. ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.

ii. iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.

b. Management plans shall include provisions for minimizing human and wildlife interactions. Low intensity land uses (e.g. parks, passive recreation areas, golf courses) and vegetation preservation requirements, including agriculture, shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Consideration shall be given to the most

current guidelines and regulations on techniques to reduce human wildlife conflict. The management plans shall also require the dissemination of information to local residents, businesses and governmental services about the presence of wildlife, practices that enable responsible coexistence with wildlife, while minimizing opportunities for negative interaction, such as appropriate waste disposal practices.

c. The Management Plans shall contain a monitoring program for developments greater than ten acres.

~~b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.~~

~~e. Habitat preservation for the Florida scrub jay (*Aphelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.~~

~~d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.~~

~~e. For the red cockaded woodpecker (*Picoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.~~

~~f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.~~

~~g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity~~



~~to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy. The Multi-Species Recovery Plan (1999) shall constitute minimum wildlife protection standards for the RLSAO.~~

~~h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.~~

3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property ~~containing~~ utilized by listed species. It is recognized that these agency recommendations, on a case by case basis, may ~~change~~ strengthen the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan. However, no reduction of the wildlife protection policies of Policy 5.5 will be considered as these shall constitute minimum standards for wildlife protection.

***Public Discussion on October 28, 2008: Mr. Wolfley*** stated that he did not feel that bald eagles should be called out specifically, but that other listed species should be included as well in paragraph 1 of Policy 5.5. ***Elizabeth Fleming*** agreed that other listed species should be cited so that the wording is more inclusive. ***Brad Cornell*** and ***Nancy Payton*** both agreed with Mr. Wolfley and Ms. Fleming.

***Committee Action on October 28, 2008 on paragraph 1 of Policy 5.5: Mr. Eidson*** moved and ***Brad Cornell*** seconded to accept the language amendments for paragraph 1 of Policy 5.5 as shown above. ***Upon vote***, the motion carried unanimously.

***Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection a: Mr. Eidson*** moved and ***Bill McDaniel*** seconded to accept the language amendments for paragraph 2 of Policy 5.5 through paragraph a as shown above. ***Upon vote***, the motion carried unanimously.

***Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection b: Mr. Cornell*** moved and ***Gary Eidson*** seconded to accept the language amendments for paragraph 2 of Policy 5.5 through paragraph b as shown above. ***Upon vote***, the motion carried unanimously.

***Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection b: Mr. Eidson*** moved and ***Bill McDaniel*** seconded to move the last sentence regarding mitigation to the last sentence of paragraph 2.2a of Policy 5.5. ***Upon vote***, the motion carried unanimously.

***Committee Action on October 28, 2008 on paragraph 2 of Policy 5.5, subsection c: Mr. Cornell*** moved and ***David Wolfley*** seconded to approve this language as shown. ***Upon vote***, the motion carried unanimously.

***Committee Action on October 28, 2008 on deletion of existing paragraphs 2b through 2h of Policy 5.5: Mr. McDaniel*** moved and ***Gary Eidson*** seconded to delete this existing language. ***Upon vote***, the motion carried unanimously.

**Committee Action on October 28, 2008 on amending the language of paragraph 3 of Policy 5.5:** Gary Eidson moved and Tom Jones seconded to delete this existing language. Upon vote, the motion carried unanimously.

**Policy 5.6 [new policy]**

~~Any development on lands not participating in the RLSA Program and/or not included in any RLSA Program participants' Habitat Conservation Plan, Conservation Agreement or other federal equivalent under the Endangered Species Act in the RLSA are required to pursue appropriate permitting and mitigation through the Florida Fish and Wildlife Conservation Commission and US Fish and Wildlife Service. No county development authorization shall be issued until a USFWS ESA Section 7 or 10 authorization is issued or deemed unnecessary for the proposed development. Landowners are encouraged to participate in joint efforts to establish RLSA wide wildlife management programs.~~

**Public Input:** none

**Staff comments:** none

**Committee action on October 28, 2008:** The Committee consensus was that a proposed Policy 5.6 [shown above] was not necessary.

**Policy 5.6**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

1. There are two (2) major wetlands systems within the RLSA, Camp Keais, Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA's. Policy 5.1 prohibits certain uses within the FSA's, thus preserving and protecting the wetlands functions within those wetland systems.
2. The other significant wetlands within the RLSA are WRA's as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
  - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
    - i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used

- to determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
- ii. Wetlands and immediate adjacent upland buffers required by regulatory agencies that are utilized by listed species, or serving as corridors for the movement of listed species, shall be preserved on site. Wetland flowway functions through the project shall be maintained.
  - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydroperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.
- b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.
  - c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
  - d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
  - e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
    - i. The buffer shall be measured landward from the approved jurisdictional line.
    - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
    - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
    - iv. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
      - (1) Passive recreational areas, boardwalks and recreational shelters;
      - (2) Pervious nature trails;
      - (3) Water management structures;
      - (4) Mitigation areas;

- (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
- v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.

Mitigation Requirements:

- i. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA's and HSA's.
- ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.
- iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.
- iv. Exotics removal or maintenance may be considered acceptable mitigation for the loss of wetlands or listed species habitat if those lands if those lands are placed under a perpetual conservation easement with perpetual maintenance requirements.
- v. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy and SFWMD standards. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.
- g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

4. All landowners shall be encouraged to consider participating in any programs that provide incentives, funding or other assistance in facilitating wetland and habitat restoration on private lands including, but not limited to, federal farm bill agricultural conservation programs, private or public grants, tax incentives, easements, and fee or less than fee sale to conservation programs.

**Public Input:**

- 1. The actual ability to develop in the RLSA under the standard zoning did not include an analysis of what amount of non-jurisdictional lands could actually be permitted. This produced a false sense of urgency to protect environmentally sensitive land that in reality may never have been allowed to be improved. Even as 5 or 10 acre home sites, the ability to infringe upon wetlands is limited. [Mark Strain]

**Staff Comments: minor corrections [Comprehensive Planning]**

Currently there are no buffer requirements to FSAs, HSAs or WRAs if the project is going through base-line standards, besides the standard 25' for wetlands. Recommend some type of buffer -commercial excavation has no minimum setback to an FSA/HSA. Policy 5.6 [Environmental Staff]

**Committee Action on October 28, 2008:** *Bill McDaniel* moved and *Gary Eidson* seconded to accept the proposed new language in Policy 5.6, section 3, subsection f iv. *Upon vote*, the motion carried, 8-1 with Mr. Cornell voting in the minority.

**Public discussion regarding language in Policy 5.6, section 3, subsection f iv:** *Mr. Cornell* suggested that exotic removal should not be regarded as mitigation. *Mr. Priddy* supported the mitigation proposal for exotic removal. Christian Spilker supported the idea but needed clarification on “exotic removal or maintenance”. *Nancy Payton* stated that she also had a problem with that wording. *Dane Scofield* proposed “ongoing control”. *Elizabeth Fleming* suggested removal of that subpart. *Tim Durham* stated that SFWMD will specify the expected minimal level of control.

**Committee Action on October 28, 2008:** *Gary Eidson* moved and *David Wolfley* seconded to add “SFWMD standard” to the language in existing subsection 3f iv of Policy 5.6 and renumber subsection 3fiv to 3fv. *Upon vote*, the motion carried unanimously.

**Committee Action on October 28, 2008:** *Gary Eidson* moved and *David Wolfley* seconded to leave the language in existing subsection 3g of Policy 5.6 unchanged. *Upon vote*, the motion carried unanimously.

**Committee Action on October 28, 2008:** *Brad Cornell* moved and *Tom Jones* seconded to add Section 4 to Policy 5.6, without the last sentence. *Upon vote*, the motion carried unanimously.

#### **Policy 5.7**

**Any development on lands not participating in the RLS program shall be compatible with surrounding land uses. Outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security.**

**Public input:** *Dane Scofield* asked for someone to define a smoke easement. *Christian Spilker* stated that he is concerned about smoke easements and it gives him pause. *Nancy Payton* suggested eliminating the last sentence and that can be addressed in the LDC. *Brad Cornell* stated that he had no opposition to eliminating the last sentence. *Russ Priddy* stated that he would like to see the entire Policy deleted. *David Wolfley* stated that lighting is almost always an issue when land use intensity is proposed to increase.

#### **Staff comments:**

**Committee Action taken on October 28, 2008:** *Mr. Cornell* moved and *Gary Eidson* seconded to add new Policy 5.7 as outlined above. *Upon vote*, the motion carried unanimously, 8-1 with *David Wolfley* voting in the minority.

*Chairman Hamel* asked when the Committee should review the remaining issues that may require additional policies. The Committee felt that when the draft report is in review would be a good time to review these issues.

*Elizabeth Fleming* stated that she felt that new Policy 5.5 2b should be put in Group 3 Policies. *Tom Jones* stated that it may better be placed in Group 4 Policies related to SRAs. *Anita Jenkins* stated that the language in the proposed Policy 5.5 2b is already in the LDC for SSAs, but could be put in the LDC for SRAs as well. She stated that Policy 5.5 2b would better fit in Group 4 Policies. *Ron Hamel* requested staff to provide a review of this issue.

**VII. New Business**

- A. Discussion of Naples Cultural Landscape proposal for Policy language in the RLSA Overlay.** Noah Standridge stated that the distributed Policies 4.4 and 5.7 do not have consensus yet by the stakeholders and asked that this item be placed on the November 10 agenda.
- B. Group 4, Policy 4.1.** Tammie Nemecek stated that she would like to submit some proposed Policy language related to economic development for discussion at the November 10 meeting.

**VIII. Public Comments.**

**IX. Next Meeting.**

*Mr. Hamel* stated that the next meeting will be held on Monday, November 10, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12:00A.M.

**X. Adjournment**

*Mr. McDaniel* moved to adjourn the meeting, seconded by *Mr. Eidson* with the motion approved unanimously with adjournment at 12:02PM.

  
**Rural Lands Stewardship Area Review Committee**

\_\_\_\_\_  
**Ron Hamel, Chairman**

These minutes approved by the Committee on 11-10-08, as presented X or as amended \_\_\_\_\_

<p><b><u>Present Technical Review..</u></b>  <b><u>Phase I Report to:</u></b></p> <p>EAC, March 6, 2008  CCPC, May 1, 2008  BCC, May 27, 2008  DCA, June 23, 2008</p>	<p><b><u>Present RLSAO Recommendations..Phase 2 Report</u></b>  <b><u>to:</u></b></p> <p><b>Current Schedule</b></p> <p>EAC.....November 12, 2008  [9:00am in BCC meeting Room]  CCPC...December 1, 2008  [8:30am in BCC meeting Room]  BCC.....January 29, 2009  [1:00pm in BCC meeting Room]  To DCA..February 27, 2009</p>
---	---

NOTE: The following, as directed by the Committee on October 14, 2008, is for Committee discussion purposes during the October 21, 2008 meeting.

**DRAFT REVISED PHASE 2 REPORT SCHEDULE FOLLOWING THE APPROVED PROJECT MANAGEMENT PLAN [PMP]**

**Caveats associated with the Committee's Phase 2 Report possible timing under the approved PMP [CDES and County Manager sign off]**

The timing on the release of the Phase 2 Report to the EAC, CCPC, and BCC is primarily dependent upon:

1. The timing of the Committee completion of the RLSAO Phase 2 Report; and
2. Whether the Committee wishes to have a full data and analysis section in the Phase 2 Report [required for a GMP amendment]. Staff has previously stated, in response to Committee actions to proposed amendments to Policies 2.1 and 2.2 that there is not sufficient staff at this time to do the data and analysis to support such amendments and, for that matter, other proposed amendments to the RLSAO.

Accordingly, the following DRAFT schedule is based upon Committee wrap up of the Phase 2 Report **not later than November 25, 2008**. **If** the Committee wraps up the Phase 2 Report later than November 25, then this schedule MAY need to be revised.

**October 21, 2008.....**Committee completion of Policies 1.6, 4.4, 4.5, 4.7.1, and 4.14 and remaining Group 5 Policies

**October 28, 2008.....**Committee review of Policies yet to be proposed by Naples Cultural Landscape and further direction to staff from the Committee

**November 25, 2008....**Committee review of draft Phase 2 Report and wrap up.  
\*\*\*\*\*

**February 4, 2009.....****EAC** review of Phase 2 Report February 4 is the EAC regular monthly meeting date and the date, time and place will need to be confirmed with the EAC]

**March 16/17** **CCPC** review of Phase 2 Report. These dates are open and reserved for the BCC meeting room, but will need to be confirmed with the CCPC as dates suitable to the CCPC.

**April 7 and/or 8, 2009...BCC** review of Phase 2 Report. These dates are open and reserved for the BCC meeting room have been reserved. However, confirmation of BCC availability will have to be made.

## **GMP AMENDMENTS...POSSIBLE SCHEDULE**

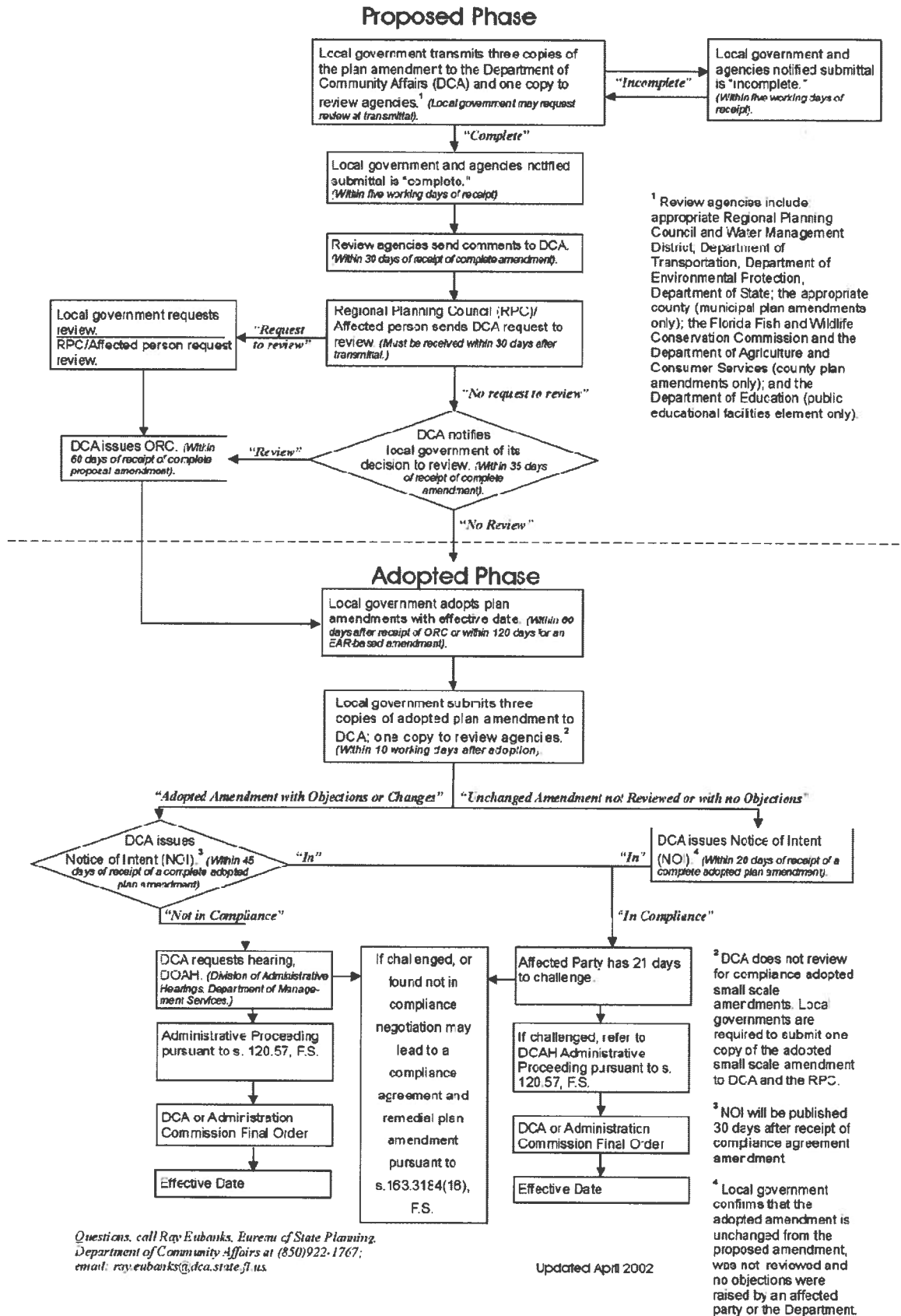
**NOTE: Very preliminary schedule and subject to revisions.** The following, as directed by the Committee on October 14, 2008, is for Committee discussion purposes during the October 21, 2008 meeting. There are many more timing uncertainties regarding GMP amendment than Phase 2 Report presentation and direction for the following reasons:

1. Annual Cycle GMP Amendments [local timing determination]. BCC Resolution No. 97-431 provides for one GMP cycle per year unless the BCC authorizes a second GMP cycle which is also the limitation [2 per/year] per Florida Statutes. Thus, there are two local options on timing for the GMP amendments for the BCC to consider as follows:
  - A. *The BCC could authorize the inclusion of the RLSAO GMP amendments into the current annual 2009 cycle [submittal deadline is April 25, 2009.] This could be done by the BCC during its tentative April 7 or 8 review of the Phase 2 Report.*
  - B. *The BCC could authorize, due to the enormity of the RLSAO GMP amendments and the special public interest shown in these possible amendments, a second special GMP amendment cycle and then the RLSAO GMP amendment application could be filed any time after April 25, 2009.*
2. Timing of Comprehensive Plan Amendment Process [external timing determination per **attached** from Section 163.3184, Florida Statutes. Following the local transmittal hearings [CCPC and BCC], then the timing and procedures would follow per the **attached** "Comprehensive Plan Amendment Process" provided for in Section 163.3184, Florida Statutes.
3. Timing of Transmittal Hearings and Adoption Hearings. *Comprehensive Planning Department's current estimate of 2009 cycle GMP amendments is to have transmittal hearings in summer or fall, 2010. No dates have been set as the 2007/2008 cycle hearings have not been set and it is unknown how many applications will be submitted for the 2009 cycle. Transmittal hearings and adoption hearings are held in the time set forth in the **attachment**. At this time it is estimated that RLSAO amendments could become effective some time during the last half of 2011. **This timing is felt to be aggressive and is dependent upon compliance with all local policies, resolutions, ordinances and State Statutes.***



# Comprehensive Plan Amendment Process

Section 163.3184, Florida Statutes



**TO: Collier County RLSA Review Committee**  
**CC: Tom Greenwood**  
**FROM: Al Reynolds**  
**DATE: October 22, 2008**  
**SUBJECT: Proposed Schedule**

At the Collier County RLSA Review Committee on October 14, there was a discussion about the schedule for completion of the Committee's work and the process that will follow, leading to transmittal and adoption of the Growth Management Plan (GMP) Amendment necessary to implement the Committee's recommended policy changes. I proposed an alternative approach to the published schedule that would forward the RLSA Review Committee's Report and Recommendations directly to the BCC for their review and action to initiate a special GMP Amendment cycle to formally review, transmit and adopt the changes. The advantages to this proposal are several. First, there will be a significant savings of staff time and cost, as duplicative advisory board meetings will be eliminated. In addition, as the County Staff intends to rely upon WilsonMiller to help complete the data and analysis to support a GMP Amendment, on behalf of our clients we need assurance that the County intends to initiate the amendment process. This approach will also give clearer direction and context regarding the role of the Advisory Boards in their review of the proposed changes.

Based on the latest staff analysis, the Committee will wrap up the Phase 2 Report no later than November 25, 2008. The following would be a recommended schedule thereafter:

January 13, 2009: Presentation of the Committee Report to the Board of County Commissioners and action by the BCC to initiate a special Growth Management Plan Amendment Cycle for the RLSA Plan Amendment.

February 4, 2009: EAC review of the RLSA Plan Amendment

March 5, 2009: CCPC review of the RLSA Plan Amendment

April 7, 2009: BCC review of the RLSA Plan Amendment and action to transmit the Amendment to DCA.

The timing of the process after transmittal will depend on the response from the DCA regarding the completeness of the GMP Amendment and any Objections Recommendations or Comments. Assuming a typical ORC Report and response from the County, I would anticipate adoption hearings in the fall of 2009.

Sunday, October 26, 2008

Dear Chairman Hamel and Committee Members:

For the past 4 ½ years, I have been a member of the Collier County Environmental Advisory Council (CCEAC); the contents of this letter express my individual opinion only. At the October 14<sup>th</sup> meeting of the Rural Lands Stewardship (RLSA) Review Committee, the idea was put forth by some members that initial Phase 2 recommendations be brought directly to the Board of County Commissioners (BCC) without benefit of review by the CCEAC and the Collier County Planning Commission (CCPC). This change is to be further discussed at the RLSA Review Committee on October 28<sup>th</sup>. I am strongly opposed to this idea for the following reasons:

1. *What's the rush?* Given the real estate market in Collier County, with massive inventory, there is no pressing economic reason to sidestep the review process already in place. We are talking about the next twenty years in eastern Collier County, and we need to be deliberate and thoughtful with adequate public input every step of the way. And, the east of 951 infrastructure study was at an entirely different scale than the RLSA – it is not comparable.
2. *This would circumvent the established process already in place.* The RLSA Review Committee came to the CCEAC and the CCPC with the results of their Phase 1 Technical Review. We were told, at that time, that you would return with Phase 2 recommendations; that is in the existing Project Management Plan.
3. *The CCEAC and CCPC were established for this very purpose.* We would like the opportunity to carefully review initial Phase 2 recommendations because our proven expertise would make the final work product of the Review Committee a better document for presentation to the BCC.

The RLSA Review Committee members articulated a rationale that Phase 2 recommendations would need to be translated into Growth Management Plan amendments, and would come to CCEAC and CCPC review in that form after receiving “guidance” from the BCC. That may be true, but from my 4 ½ years on the CCEAC it is much better to review a plan in its comprehensive, whole, organic form rather than as a series of disconnected paragraphs, couched in the legal terminology of growth management plan amendments.

I hope the RLSA Review Committee will follow its original Project Management Plan. That's what the public expects, and that's what we all deserve.

Sincerely yours,

Nicholas G. Penniman IV

**GreenwoodThomas**

*POLICIES 1.6.17*

**From:** ashton\_h  
**Sent:** Wednesday, October 15, 2008 3:52 PM  
**To:** 'John M. Passidomo'; GreenwoodThomas  
**Subject:** FW: SSA Reverter Policy Proposal  
**Attachments:** 20081014084135437.pdf

John and Tom,

For Tuesday, we will need to clarify under Section 2: What is an unrelated entity? Different officers and directors? Please clarify what is intended.

Also, I'd prefer to have some language in the first full paragraph after Section 3 to provide that: After 5 years of the establishment of the SSA, or any one year extension of the conditional period of the conditional stewardship easement, the conditional stewardship easement shall become permanent unless the owner records a notice of termination.

Please also make sure that the RLSA committee understands that I continue to recommend that the GMP language I previously provided, but if they desire to place the details in the GMP amendment, that I am recommending the above changes.

Thanks

**Heidi Ashton-Cicko**  
Heidi Ashton-Cicko  
Assistant County Attorney  
Phone (239) 252-2939  
Fax (239) 252-6300

---

**From:** John M. Passidomo [mailto:[jmpassidomo@napleslaw.com](mailto:jmpassidomo@napleslaw.com)]  
**Sent:** Tuesday, October 14, 2008 8:58 AM  
**To:** ashton\_h  
**Subject:** SSA Reverter Policy Proposal

The attached draft picks up the one year extension option the Committee discussed last Thursday and clarifies the meaning of "irrevocably" sold in accordance with your request.

John M. Passidomo  
Florida Bar Board Certified Real Estate Lawyer  
For the Firm  
Cheffy Passidomo Wilson & Johnson, LLP  
821 Fifth Avenue South, Suite 201  
Naples, Florida 34102  
Telephone: 239-261-9300  
Direct dial: 239-436-1529  
Fax: 239-261-0884  
[jmpassidomo@napleslaw.com](mailto:jmpassidomo@napleslaw.com)

## DRAFT – FOR DISCUSSION PURPOSES

Source: Heidi Ashton  
10-7-08 to  
Committee

### (VII) Policy 1.6

Stewardship Credits (Credits) are created from any lands within RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. Land becomes designated as a SSA upon petition by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits ~~or other compensation~~ is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Agreement shall be allowed on such property, unless the SSA and Stewardship Agreement are terminated. The SSA may be terminated by the owner for a period of up to five years after approval of the SSA if the Stewardship Credits have been assigned to an approved Sending Receiving Area (SRA), and the SRA has not received final development orders or Federal, State and local permits necessary to commence construction excluding plat approval, site development plan approval and building permit approval. The SSA shall not be terminated if owner has sold the Stewardship Credits or if owner has received compensation in exchange for the credits.

### (VII) Policy 1.7

The range of Stewardship Credit Values is hereby established using the specific methodology set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but not be limited to the following: (1) All Credit transfers shall be recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County, Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust, which may be modified or terminated if the SSA and Stewardship Agreement are terminated; and (3) for each SSA, the Stewardship Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

RECEIVED  
10-16-08

## SSA REVERTER POLICY PROPOSAL

### Proposed revision to last sentence of Policy 1.6:

Once land is designated as a SSA, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property unless the SSA is terminated as provided elsewhere herein.

---

### Proposed new provision:

Notwithstanding any provision herein to the contrary, upon initial approval of a Stewardship Sending Area ("SSA"), the Stewardship Easement shall be established for a term of five years ("Conditional Period") and shall be deemed a Conditional Stewardship Easement. The Conditional Period may be extended for one additional year at the option of the owner by providing written notice to the County prior to the expiration of the initial five year period. All conditions and restrictions of the Stewardship Easement related to maintaining the existing property conditions, including all management obligations of the owner of the SSA lands, shall be in full force throughout the Conditional Period. If at any time during the Conditional Period any of the following events occur, then the Conditional Stewardship Easement shall become a Permanent Stewardship Easement which shall be final, perpetual and non-revocable in accordance with the terms set forth therein:

1. Stewardship Credits from the SSA have been assigned to entitle an approved Stewardship Receiving Area ("SRA"), and the SRA has received all necessary governmental final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction, including subdivision plat and site development plan approval, but not building permits. If Stewardship Credits from the SSA have been assigned to more than one SRA, then the receipt of all necessary governmental final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction of any SRA shall automatically cause the Conditional Stewardship Easement to become a Permanent Stewardship Easement;
2. The owner of the SSA lands has sold or transferred any Stewardship Credits to another person or entity, including a Stewardship Credit Trust as described in Policy 1.20, the closing has occurred, and the owner has received the consideration due from such sale or transfer, but expressly excluding:
  - (a) a sale or transfer of the Stewardship Credits ancillary to the sale or transfer of the underlying fee title to the land, or
  - (b) instances where a landowner establishes an SSA for a specific SRA, whether the SRA is owned or developed by a separate or related entity, and the Stewardship Credits are transferred as required by the Growth Management Plan or Land Development Code for SRA approval; or
3. The owner of the SSA lands has received in exchange for the creation of the Stewardship Easement Agreement other compensation from local, state, federal or private revenues (collectively, the "Events").

The LDC shall specify how, assuming a Notice of Termination (as hereafter described) has not already been recorded, the Conditional Stewardship Easement shall automatically convert to a Permanent Stewardship Easement upon the earliest to occur of (a) any of the foregoing Events during the Conditional Period, or (b) 180 days after the last day of the Conditional Period, as and to the extent extended hereunder. In the event that none of the foregoing Events has occurred during the Conditional Period, then the owner of the SSA lands may within 180 days after the last day of the Conditional Period terminate the Conditional Stewardship Easement by recording a Notice of Termination. In addition, if a challenge and/or appeal of a necessary development order, permit or other discretionary approval is filed, the owner of the SSA lands may elect to extend the Conditional Period until the challenge or appeal is finally resolved. If the challenge or appeal is not resolved such that the construction may commence under terms acceptable to the owner of the SSA lands, the owner of the SSA lands may within 180 days of the final disposition of the challenge or appeal record a Notice of

Termination. Upon the recording of such Notice of Termination, the Stewardship Easement Agreement and corresponding Stewardship Sending Area Credit Agreement shall expire and terminate, the Stewardship Credits generated by the SSA shall cease to exist, the rights and obligations set forth in the Stewardship Easement shall no longer constitute an encumbrance on the property, and the SSA Memorandum shall be revised accordingly. The owner of the SSA lands shall provide a copy of the Notice of Termination to the County.

In the event that the Stewardship Credits from an SSA have been used to obtain one or more SRA approvals, but none of the foregoing events has occurred during the Conditional Period, then the Notice of Termination shall also provide for termination of any SRAs that have been assigned credits from the SSA, unless the SRA owner has obtained sufficient Stewardship Credits from another source and such Stewardship Credits have been applied to the SRA. In the event that a Notice of Termination does terminate an SRA, the owner of the SRA lands shall join in the Notice of Termination.

In the event that a Conditional Stewardship Easement is terminated, all benefits, rights, privileges, restrictions and obligations associated with the SSA shall be null and void, and the land shall revert to its underlying zoning classification, free and clear of any encumbrance from the Conditional Stewardship Easement and SSA Credit Agreement. If requested by the owner of the SSA lands, Collier County and the other grantees under the Stewardship Easement Agreement shall provide a written release and termination of easement and credit agreements for recording in the public records within 15 days of request from the owner of the SSA lands. Collier County shall update the overlay map to reflect the termination of any SSA or SRA.

This policy shall be implemented in the LDC within 12 months after adoption hereof.

**Proposed Amendment to the Rural Lands Stewardship Overlay to promote and safeguard cultural heritage or archaeological resources**

Policy 4.22

To further the principles of rural sustainability, where appropriate and allowed by the State of Florida Division of Historic Resources, historic or archaeological resources in the RLSA shall be promoted and conserved in SRAs and along transportation corridors. These resources will assist in maintaining the rural character of the RLSA and integrate them into efforts to promote and interpret the unique culture and history of Collier County.

Policy 5.7

For those lands that are not voluntarily included in the RLSA program, where appropriate and allowed by the State of Florida Division of Historic Resources, historic or archaeological resources in developed areas and along transportation corridors shall be promoted and conserved. These resources will assist in maintaining the rural character of the RLSA and integrate them into efforts to promote and interpret the unique culture and history of Collier County.



MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; October 14, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell [arrived at 11:00am]  
David Farmer  
Gary Eidson  
Bill McDaniel  
Dave Wolfley  
Tom Jones  
Tammie Nemecek [left meeting at 11:00am]

ALSO PRESENT: CDES staff members Thomas Greenwood of the Comprehensive Planning Department and Laura Roys of the Engineering and Environmental Services Department as well as approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:05AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 8 of 12 members were present, with Floyd Crews, Jim Howard, and Fred N. Thomas, Jr. having excused absences and Brad Cornell was expected to arrive later due to a conflict with the BCC meeting.

**III. Approval of Agenda**

*Mr. McDaniel moved to approve the agenda as presented and seconded by Mr. David Farmer.*  
*Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the October 7, 2008 Meeting**

*McDaniel moved and seconded by Mr. Farmer to approve the minutes as distributed.*

*Mr. Hamel* asked *Mr. Greenwood* to brief the Committee on the Committee logistics with respect to moving forward with the Phase 2 Report and to the now scheduled November 12 EAC presentation, December 1 CCPC presentation and the January 29, 2009 BCC presentation. *Mr. Greenwood* referred to the attached schedule as discussed on October 7<sup>th</sup> and stated the following:

- The Committee charge, by Resolution No. 2007-305A with respect to the Phase 2 Report, is to “Review the RLSA Overlay and make recommendations to increase the effectiveness of the Overlay”.

- The timing in the completion of the RLSA Overlay by the Committee and the **lack of data and analysis** to completely support the proposed changes [staff made this statement in response to Committee proposed changes to Policies 2.1 and 2.2] has made impractical the planned Phase 2 Report presentation to the EAC during its November meeting, to the CCPC on December 1, and to the BCC on January 29, 2009.
- Following the existing Project Management Plan would likely place the presentations to the EAC in either January or February, the CCPC in March, and the BCC in April.

**Mr. Farmer** asked what data and analysis is required. **Mr. Greenwood** stated that the statutes would require an analysis of the impacts, including upon public facilities and services, that would occur through the proposed RLSAO amendments. **Bill McDaniel** stated that it would be prudent to allow enough time to include the work being considered by Naples Cultural Landscape and to set aside enough time so that the Committee is not rushed and a good product is produced as the Committee work will be scrutinized heavily, both locally and on the state level. **Tom Jones** wondered why the Committee's Phase 2 Report could not go directly to the Board of County Commissioners, receive some direction from the BCC regarding possible RLSAO amendments and then go through the EAC, CCPC and BCC with transmittal and adoption hearings [as opposed to going to each of the bodies three times]. **Al Reynolds** stated that the Committee has done well to date and would like to see a comprehensive set of recommendations come from the Committee. He stated that he would be willing to provide an expedited schedule to the Committee for it to consider. **Gary Eidson** stated that he would be most disappointed if there would be a lack of interest in putting the Committee recommendations into the GMP and LDC. **Mr. Farmer** asked why the Phase 2 Report could not go directly to the BCC in a manner similar to the East of CR 951 Infrastructure Horizon Study presentation to the BCC on September 29. **Tom Jones** stated that he would like to see two schedules [one following the Project Management Plan and one providing a more expedited schedule to cause the Committee recommendations to go to the BCC as early as possible].

**Mr. McDaniel** moved and **Mr. Eidson** seconded to ask staff to prepare a revised schedule based upon the current Project Management Plan and the expected delay in getting the Phase 2 Report for review. **Ms. Nemecek** asked that the schedule include the tentative dates of RLSAO amendment hearings, etc. **Upon vote**, the motion carried unanimously. The Committee also accepted **Mr. Reynolds'** offer to develop a schedule for the expediting of the Phase 2 Report.

## V. Presentations.

**A. Dr. Paul Van Buskirk; Briefing on East of Collier County CR 951 Infrastructure and Services Horizon Study.** **Dr. Van Buskirk** provided an approximate 1 hour power point presentation of the Study's findings similar to that provided to the BCC on September 29<sup>th</sup>. **Mr. Wolfley** stated that he felt that the numbers may be accurate, particularly if they are updated annually, but that the locations of many of the public facilities and private developments cannot be predetermined well in advance. **Mr. McDaniel** asked if Dr. Van Buskirk could share with the Committee the map prepared showing possible SRA locations. **Dr. Van Buskirk** stated that the map could be made available to the Committee. **Mr. Jones** cautioned that a person viewing this map should know what they are dealing with in such maps as they should not be construed as future land uses and that the model will have to be regularly updated to stay useful. **Bill McDaniel** stated that the Growth Model can be updated and that the model is on the internet and those staff personnel able to update it have been given permissions to do such. **Cormac Giblin** stated that the model is excellent and questioned which set of population projections will be used by Collier County for the RLSA...the 2005 projections of 392,000 or the new projections of about 210,000 developed through the East of 951 Study and the Committee. **Mike Bosi** stated that the County will need to accept one of the two alternative projections and that the use of the 2035 BEBR projections is problematic in that their projections are pretty much global for the County and they do not break down projections to a smaller geography such as the RLSA. **Laurie McDonald** asked how the

model accounts for demographics, natural resource limitations such as potable water, etc. *Dr. Van Buskirk* stated that the model is land based and if it is found that the East of 951 area will have water available only for 300,000 residents, as opposed to the build-out population of 400,000+, then the model would be reset with a limit of 300,000 and this would be true for any other required facility or service. With respect to conservation lands, if lands are removed from possible private development to conservation, then the model would be adjusted for that as well on an annual basis. No Committee action was taken and the Committee thanked Dr. Van Buskirk.

## VI. Old Business

### **Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship, including Issues, Concerns, and Questions [concentration on Groups 4 and 5 Policies] as well as data and analysis with respect to proposed revisions to the RLSA Overlay**

The following is a summary of discussions and Committee actions taken on Policies during its October 14, 2008 meeting.

**A & B. Policy 1.6 and 1.7 and Policies 4.4, 4.5, 4.7.1, and 4.14.** *Mr. Greenwood* stated that these policies are not ready of review by the Committee today and that Transportation has stated that they would present them on October 21 and Heidi Ashton is in contact with John Passidomo regarding Policies 1.6 and 1.7 and hoped to have a report on October 21 as well. *Mr. Eidson* moved and *Mr. McDaniel* seconded to table action on these policies to the October 21 meeting. *Upon vote*, the motion carried unanimously.

**C. Group 5 - Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program.**

#### **Policy 5.4**

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate. A map of these potential crossing locations will be developed within 12 months of the effective date of the Growth Management Plan Amendment and used in evaluating community, cultural and historical, and transportation planning for the RLSA , including all SRAs described in Group 4 Policies.

#### **Public Input:**

1. Stronger language for wildlife underpasses and a map of locations [FWF]

**ECPO Comments:** The RLSA program provides a tremendous framework for facilitating the establishment of wildlife underpasses, by protecting large expanses of habitat with SSA lands. The actual need assessments, locating, design, and construction of wildlife underpasses occurs through the efforts of state and/or federal wildlife and transportation agencies, either as part of public works projects or as part of the regulatory process for development projects. As one example, FWC researchers continually evaluate the need for panther crossings, and have maps of existing and proposed panther underpasses.

2. Panther deaths on 846 are mentioned, but not those on Rte 29 or 41 east, which are many. [Judith Hushon]

**ECPO Comments:** Panther deaths on Route 41 East are miles south of the RLSA, as are incidents on SR 29 south of the Sunniland mines. The panther-vehicle collisions on CR 846 east of Immokalee were considered when designating the FSA and HSA stewardship overlays in that

area. SSA 3 and SSA 4 were later designated along that segment of CR 846 specifically to provide opportunities for future panther crossings.

**Brad Cornell** stated that he would like the Committee to consider adding additional language to Policy 5.4 which was acted upon during the October 7 meeting. He asked the Committee to add the following language at the end of the last sentence of Policy 5.4: “, including all SRAs described in Group 4 Policies.”

**Public Discussion on October 14:** None

**Committee action taken on October 14:** **Mr. Cornell** moved and **Mr. Eidson** seconded to add the words at the end of the last sentence of Policy 5.4: “, including all SRAs described in Group 4 Policies.” **Upon vote**, the motion carried unanimously so that Policy 5.4 now reads as shown above.

**Brad Cornell** presented the following proposals to the Committee on October 14 to amend the following Group 5 Policies [**attached to these minutes**]

### **Policy 5.5**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered. No local permits shall be issued until necessary state and federal permits have been obtained.
2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
  - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.
    - i. The following references shall be used, as appropriate, to prepare the required management plans:
      1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
      2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.

3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
  4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
  5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
  - iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
- b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
  - c. Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - e. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
  - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

- g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Gold courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy. The Multi-Species Recovery Plan (1999) shall constitute minimum wildlife protection standards for the RLSAO.
  - h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property ~~containing~~ utilizing listed species. It is recognized that these agency recommendations, on a case by case basis, may ~~change~~ strengthen the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan. However, no relaxation of these wildlife protection policies will be considered.

**Public discussion on October 14, 2008:** *Tom Jones* stated that he has a problem with inclusion of the additional language in Policy 5.5, paragraph 1. *Brad Cornell* stated that he is OK with deleting that language. *Brad Cornell* stated that all the studies need to be updated. *Bill McDaniel* stated that the Committee should consider reference language to the most current studies and not cite each plan. *Brad Cornell* stated that he does not object to a universal species clause rather than list specific studies. *Tom Jones* suggested that draft language be prepared for Policy 5.5f. *Bill McDaniel* suggested drafting language and sending it out to the Committee. *Tom Jones* stated that he is trying to forego a list of 68 species. *Elizabeth Fleming* stated that the language is a forward looking policy on people interaction. It would require provision of information about wildlife to people. *Gary Eidson* stated that this discussion would be a lot easier if there were specific motion language to vote on and not just ideas.

**Public Input:**

**Staff Comments:**

**Committee Action on October 14, 2008:** *Brad Cornell* moved and *Gary Eidson* seconded to have staff develop language for Policy 5.5.2. f. Upon vote, the motion carried unanimously.

**Committee Action of October 14, 2008:** *Brad Cornell* moved and *Bill McDaniel* seconded to amend the language in Policy 5.5, paragraph 3 as shown. *Bill McDaniel* stated that he is not in favor of first change in paragraph 3 in that it is too discretionary and that he is OK with the rest of paragraph 3 proposed amendments. *Laura Roys* stated that the word “native” could be inserted after the words “or listed species” in the fourth line. *Mr. Farmer* stated that he is opposed to

Laura's suggesting citing previous problems with such provisions. *Upon vote*, the motion failed by a vote of 7-1 with Brad Cornell voting affirmatively.

***Committee Action of October 14, 2008:*** Mr. McDaniel moved and Gary Eidson seconded to amend Policy 5.5, paragraph 3 to include the changes proposed in the last two sentences. *Upon vote*, the motion carried, 7-1 with David Wolfley voting in opposition.

**Lauri McDonald** stated that she felt the use of the word "utilizing" rather than "containing" in the first sentence of Policy 5.5, paragraph 3 would be more appropriate.

**Tom Jones** moved and **Bill McDaniel** seconded to amend the word "containing" to "utilizing". *Upon vote*, the motion carried unanimously.

**D. Staff initial review of Naples Cultural Landscape presentation of October 7, 2008.** Mr. Greenwood stated that review memo was provided to the Committee [attached as part of the Minutes]. Noah Standridge stated that he represents Naples Cultural Landscape and asked that the Committee not consider any further the 15 comments and questions under the 15 different policies previously covered by the Committee. He stated that he would like to provide one or two new freestanding policies for Committee consideration. After discussion, the Committee invited Mr. Standridge back to its October 28<sup>th</sup> meeting to present the proposed language.

**VII. New Business** [none]

**VIII. Public Comments.**

**IX. Next Meeting.**

Mr. Hamel stated that the next meeting will be held on October 21, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12:00A.M and that Neno Spagna would chair the meeting in his absence.

**X. Adjournment**

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Eidson with the motion approved unanimously with adjournment at 12:02PM.

Rural Lands Stewardship Area Review Committee

  
Ron Hamel, Chairman

These minutes approved by the Committee on Oct. 28, 2008, as presented X or as amended \_\_\_\_\_

## PHASE II REPORT PREPARATION SCHEDULE AND REPORT FORMAT

### REVIEW COMMITTEE DIRECTION

August 5, 2008 [updated through October 7, 2008]

#### SCHEDULE

##### **A. REMAINING REVIEW COMMITTEE MEETINGS**

- September 2...RLSA Overlay Review [CDES]
- September 16...RLSA Overlay Review [CDES]
- September 23...RLSA Overlay Review [CDES]
- September 30..... RLSA Overlay Review [CDES]
- October 7...RLSA Group 5 Policies [CDES]
- October 14...RLSA remaining Group 4 transportation-related Policies, Policy 1.6, and Data and Analysis [CDES]
- October 21....Draft Report Review?? [CDES]
- October 28...Final Review and wrap up for Phase 2 Report [CDES]

##### **B. PUBLIC VETTING MEETINGS**

- November 12....Environmental Advisory Council
- December 1.....Planning Commission
- January 29, 2009...Board of County Commissioners
- February 27, 2009....Department of Community Affairs

#### PHASE 2 REPORT FORMAT AND CONTENTS

The following is format approved by the Review Committee on August 5, 2008:

- **COVER**
- **TRANSMITTAL LETTER with 2 maps:** 1] "Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map; 2] "RLSA Status Map" which shows all approved Stewardship Sending Areas and the one approved Stewardship Receiving Area, The Town of Ave Maria.
- **TABLE OF CONTENTS**
- **EXECUTIVE SUMMARY**
- **COMMITTEE- RECOMMENDED AMENDMENTS TO THE RURAL LANDS STEWARDSHIP AREA OVERLAY**
  - a. Short Version Annotated
  - b. Long Version Annotated
- **DATA AND ANALYSIS**
- **APPENDICES**





**TO:** RLSA REVIEW COMMITTEE  
**FROM:** THOMAS GREENWOOD, AICP, STAFF LIAISON  
**DATE:** OCTOBER 9, 2008  
**SUBJECT:** STAFF INITIAL REVIEW OF NAPLES CULTURAL LANDSCAPE [NCL] PRESENTATION TO RLSA REVIEW COMMITTEE ON OCTOBER 7, 2008

- I. **REPORT IN BRIEF.** The purpose of this report is to provide the initial staff response to the Committee's October 7 request for staff review of the materials presented by James Hammond of Naples Cultural Landscape [NCL] to the Committee during the Committee's October 7 meeting.
- II. **BACKGROUND.** Mr. Hammond made an initial brief appearance before the Committee at the end of the September 30<sup>th</sup> meeting and he was invited back to make a more detailed presentation during its October 7 meeting. Mr. Hammond made an approximate 45-minute presentation to the Committee on October 7 and distributed the **attached memo** to the Committee addressed to Joseph Schmitt, CDES Division Administrator. Subsequent to October 7 staff asked for and received a "word" version of NCL's presentation dated October 7, 2008 addressed to Joseph Schmitt, CDES Division Administrator.
- III. **BODY OF REPORT.** After a review of the information in the packet provided to the Committee, Staff has the following comments and observations in order to receive further Committee direction:
  - A. **Cultural Resource Management Handbook of FDOT's Environmental Management Office dated November, 2004 and related 2008 Florida Statutes.** *Staff considers this for information purposes only and not requiring Committee action at this time.*
  - B. **Letter dated September 9, 2008 from the Florida Department of State, Division of Historical Resources.** *Staff considers this for information purposes only and not requiring Committee action at this time.*
  - C. **2008 Florida Statutes related to Florida Greenways and Trails Act [FS 260.012].** *Staff considers this for information purposes only and not requiring Committee action at this time.*
  - D. **October 7, 2008 letter to Joseph Schmitt, CDES Division Administrator.** *Staff's initial review of this letter includes the following:*
    1. **First Statement on page 1.** *The Collier County RLSA does NOT come under the Florida Statutes and, as such, will not come under the proposed 9J-5-026 [which is only in the rulemaking process at this time according to Robert Pennock of the DCA by telephone on October 8, 2008]*

2. **Second Statement on page 1.** *The Collier County RLSA does NOT come under the Florida Statutes and, as such, will not come under the proposed 9J-5-026 [which is only in the rulemaking process at this time according to Robert Pennock of the DCA by telephone on October 8, 2008]*
3. **Interpretation on pages 1 and 2.** *The information on page 2 is support information leading to the balance of this letter and no Committee action is required at this time.*
4. **Goals and Objectives on pages 3 and 4.**  
#1...US Highway 41 is outside of the RLSA  
#2... US Highway 41 is outside of the RLSA  
#3, #4, #5, #6 & #7...All of these goals and objectives will require close coordination with landowners and funding sources to achieve.
5. **Statement on page 4.** *It should be stressed, in response to the opening paragraph, that all Review Committee meetings are well advertised and attended by those having an interest in the RLSA Program 5-Year Review process, significant products and documents relative to Committee actions are on the web site, and the Naples Daily News has published between November 1, 2007 and September 2, 2008 no less than 19 articles about the RLSA and the Committee's meetings. No person from Naples Cultural Landscape has stepped forward prior to September 30, 2008 and asked to be on the email participation list [50+] nor contacted current staff assigned to the Committee. As stated earlier, the Collier County RLSA does NOT come under the Florida Statutes and, as such, will not come under the proposed 9J-5-026 [which is only in the rulemaking process at this time according to Robert Pennock of the DCA by telephone on October 8, 2008]*
6. **Comments, questions, suggestions on specific policies listed on pages 5, 6, and 7.** *IF the Committee decides to go back at this time to address each of the 15 NCL Policy-specific comments, questions, and suggestions in the same open public manner as those already acted upon by the Committee beginning on April 1, the completion of the Phase 2 Report would be delayed by a yet to be determined amount of time.*

IV. **RECOMMENDATION** The Committee has at least two options with respect to the NCL materials received on October 7: (1) proceed to review the fifteen [15] separate Policies listed in the October 7 NCL presentation and provide open public responses in the same open public manner as those already acted upon by the Committee, or (2) receive and include the NCL materials as an Appendix in the Phase 2 Report in a fashion similar to that of other received documents. IF the Committee selects Option 2, the NCL will have the opportunity to provide public input during the Environmental Advisory Council, Planning Commission and Board of County Commissioners public vetting of the Phase 2 Report as well as during hearings related to future RLSA Overlay Growth Management Plan Amendments.

**Attached: Naples Cultural Landscape October 7, 2008 Requests of the RLSA Review Committee**

**Naples Cultural Landscape**  
2400 Tamiami Trail N ~ Suite 300  
Naples, Florida 34103  
239.594.2978 O 239.261.6664 F  
[www.naplesbackyardhsitory.org](http://www.naplesbackyardhsitory.org)

**To: C.D.E.S. Division**  
**Joseph Schmit, Division Administrator -**

**From: Naples Cultural Landscape: A Fund at the Community Foundation of Collier County**  
**Lavern Norris Gaynor, Founder; Lois A Bolin, Ph.D., Strategic Advisor**

**Date: October 7, 2008**

**Re: Requests to the R.L.S.A. Review Committee**

Statement: Under the direction of the Dept. of Community Affairs a program was started and implemented under Florida Statute 9J-5.026 entitled the Rural Lands Stewardship Area (R.L.S.A.). On the first page of that programs texts Item # 1 states- the: Purposes of the R.L.S.A. Program and Item # 2 states the Purpose of the R.L.S.A. Rule. Under the Standard Option of those purposes # 8 Section B states as Item # 1 : Identify and explain the existing locally specific rural character of the R.L.S.A. and surrounding area by analyzing its characteristics, including Land use, Development Patterns, and Economic, Social, Cultural, Historic, Scenic, Landscape, Recreational and Environmental Elements. The data and analysis shall include under: Section # 2 Item-1: All forms of rural resource values including Agriculture; Environmental, Eco Systems, Wildlife Habitat, and Water Resources; Recreational, Tourism, Scenic; Cultural, and other general amenity Values.

Statement: Under the Special Option for R.L.S.A. of 50,000 or more Contiguous Acres – Section 7 Item B, Goals and Objective, and Policies - # E, states; A visionary Process to provide public participation in the design of any new town or Rural Village. Under the same section –B, Goals and Objectives, B- Item 10 states; The recording of a Stewardship easement or Restrictive covenant running with the land in Perpetuity on all designated Conservation and Agricultural areas in favor of the County, the Dept. of Environmental Protection, and the Dept. of Agriculture and Consumer Services.

Interpretation: It is with the above statements that the Naples Cultural Landscape, a Fund of the Community Foundation of Collier County, a 501 (C)(3) non for profit organization along with the support of various other non for profit organizations mostly representing the general charters of Historical Societies which encompass the policies of Documenting, Recording, Archiving, and Interpreting to the general public all areas pertaining to the past Historical and Cultural themes represented in the past History and Heritage of Collier County that we do hereby request these additions and /or revisions be reviewed and entered where possible into the R.L.S.A.O. policies presently being amended and drafted by the various committees.

The Historical and Cultural aspects of Collier County's past during the establishment of the first Rural Lands Stewardship Area committee's meetings, plans, and discussions that took place in early 1999 through 2002 unfortunately were not addressed in any way. This was due to the fact that an accurate Historical and Cultural Resource Assessment had not been completed and in essence, had not even been started until 2003. It has taken over 5 years to complete the study and it was realized that any plans that were being discussed in the new R.S.L.A.O. reviews should include the information that was found in the study, but more important during that time a plan had been conceived that could incorporate the objectives and Goals that the present R.L.S.A.O. committee's and interested parties, most notably landowners, developers, planners, economic advisors, tourism concerns, transportation concerns, and more importantly as these meetings that have been going on for many years the concerns about the Florida Panthers and wide variety of other wildlife that would in the end somehow incorporate the rich Historical and Cultural past of Collier County. On the surface this would seem an Utopian ideal until you realize the fact that according to the Department of State, Division of Historical Resources states that in 2007 tourists brought into Florida over 4.7 Billion dollars, 763 million of that went directly to South Florida with 49 (percent) directly attributable to people who sought out in their specific destinations areas that had Historical sites and places. This is a 60% increase over the last 4 years and those figures are expected to double in the next 5 years and exponentially thereafter. Taken with the fact that one organization and (there are over a half a dozen more) The Florida Communities Trust allocated 73 million dollars last year to projects that secured Stewardship Credits, purchased land for Preserves, Parks, Wildlife Habitat, Green Space, as well as Cultural and Historical Preservation. As secretary of the Dept. of Community Affairs Tom Pelham said "Over the past 17 years, these awards will help communities achieve their vision of Stronger, Greener and Healthier landscapes". As it is spoken of in the Historical and Cultural study over 80% of Collier Counties land has transitioned from the hands of the Landowners and Collier County Government into private State and Federal entities in the last 34 years. This leaves the remaining 20% available for practical use by the County and landowners in the near future. This displays the simple fact that in the final phases of build-out the County, Landowners, Planners, Committee Members, and other organizations are to paraphrase the saying ' Trying to describe an Elephant just by its head '. Understanding that since the inception of the Everglades National Park was established in 1947 and other 4 State and Federal preserves established since have implemented only policies that mainly address Biological concerns. The Human element has taken a back seat as can be seen in the fact that that with over 1 million acres under the different park management systems in the last 61 years, not one site located on these lands has been registered on the National Register of Historic Places where the public can have access to today and enjoy. In the final phases of this visioning process it becomes apparent that if the goals and objectives to "connect the dots" do not find their fulcrum point the visions so earnestly sought will be like clouds without water. If the only Goal is to build houses and communities without incorporating the past History and Cultures that S.W. Florida has always had an association with the uniqueness that can so easily be applied simply leaves way to "offering nothing more than any other community. It goes without saying that hundreds of thousand of hours labor are going into the planning stages and untold millions of dollars have been and are being utilized to apply strategies that in the end will tie into and apply to the final 'Horizon Picture' it would be constructive to pause and remember that old and well applied adage "That a million monkey's typing on a million typewriters for a million years will never be able to write a Shakesperian play" To simply rely on the phrase - If you build it they will come also should have the caveat added - They will if there is something to come to. To speak only of Natural Resources and their future conservation as only a biological consideration in this County and not recognize that the Historical and Cultural Heritage of the past residents is one of the most important ingredients in that term referred to as Natural Resources.

Therefore the Goals and Objectives proposed by the Naples Cultural Landscape organization in conjunction with other interested parties and organizations collectively speaking on the Historical and Cultural Heritage policies that make up the largest part of these organizations goals state and seek to initiate:

1. Stop the de-designation process that removed the Historic and Cultural attributes of U.S. 41 (Tamiami Trail) and is currently in the process of removing;
  - A. The 1988 designation of the trail by the State as a- Florida Scenic Highway
  - B. The 2000 designation of the trail by the Federal Government as a- National Scenic Byway
2. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of U.S. 41 (Tamiami Trail) stretching from the City of Naples to the Dade County border that will represent Collier County's past History and Cultural Heritage. This will direct tourism and interest from the east coast and west coast sections that will culminate on Highway # 29.
3. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of Highway # 29 from the south on U.S. 41 north to Immokalee City that will represent the Collier County's past History and Cultural Heritage as it relates to the past;
  - A. Historic lumber towns, Settlements, Farming towns, Oil producing towns [Sunniland], First Collier County Citrus producing groves, The first Collier County Citrus Canning plant, the first Railroad in Collier County both passenger and commercial [Deep Lake]-Since Deep Lake is one of only 5 sinkhole lakes in Florida and has freshwater on its first layer and saltwater on its lower layer with a resident population of Alligators and Crocodiles living together it would be expected to draw over 1 million visitors a year.
  - B. Seeking cooperation to open Deep Lake to the general public as it was for the first 106 years of its operation [not currently open to the general public] and having a boardwalk installed.
  - C. Seeking cooperation to turn the now presently closed Old Copeland Prison into a Pioneer Museum [This will involve seeking the N.P.S. to return the # 1 Lee Tidewater Cypress Company steam train that is presently in the Steamtown Collection in Scranton Pennsylvania] This will have a positive flow on all visitors and tourists and seek to draw them to the new Development taking place in the R.L.S.A. area and Immokalee City area.
4. Seek cooperation from landowners to Register Fort Simon Drum-[a known and monumented site by David Graham Copeland in 1941]. This site is presently 6 miles east of Immokalee City one half mile south of Immokalee Road and would be just on the east side of the new proposed bypass road that will connect to the road north of Immokalee City. The Fort Simon Drum site is an early Army Seminole War fortification and is the only known site of a military installation in South West Florida South of the Caloosahatchee River and it is expected that it would draw over 2 million visitors and tourists a year.
5. Seek cooperation with landowners and developers to have Historical Markers or Kiosks interpreting Collier County's past Historical and Cultural Heritage displayed placed at designated parks and open green spaces in the future planned developments. One example of the benefits of such a cooperative agreement is the fact that in 2002 prior to development at the Ave Maria first phase site an expensive Archaeological Survey was required by the State to try to locate a past Historic site which the owners thought at that time to be the location of Fort Doane an early Army Seminole War, fortification site. The investigation was done and the required paperwork was completed allowing the continuation of development. This resulted in a coordinated effort on the part of several research centers to try to accurately identify the previously mentioned site.

This in turn led to the eventual recording of 9 more sites in the area on 09/09/2008- State File Survey #15576 thereby requiring an additional nine more Archaeological investigative studies being required before development could proceed at any of those locations in and around the Phase 2 area and the proposed Big Cypress Development, with at least 3 of those new sites in the northern part of the R.L.S.A. This process has been described as a cycle that continually [feeds on itself] Furthermore it was discovered that the correct name of the supposed Fort Doane site had already been previously recorded as the site of Camp Keais and an Archaeological survey might have been avoided. The original form has now been updated on the Florida Master Site Files to indicate this name change. This is a clear case of how cooperation between parties would have been beneficial in concrete financial ways. As it is expected that at least 20-30 possible new locations involving Historical Resources in the northern area of the R.L.S.A. and the high probability that 5 or more of those sites have to do with Native American Sacred Sites [Federal] it financially behooves all landowners, developers, and researchers to try to cooperate on any obstacles that would impede any part of the new and growing vision. One of the proposed solutions would be to bypass the past processes that are costly and paper riddled on each end and just agreeing to incorporate a basic preset number of interpretive markers or Kiosks in any of the proposed Towns, Villages, or Hamlets in any the public greenways or parks. This would serve to display the past History and Culture of the county. This in effect is a visionary way in which cooperation can enhance the value and desirability of any proposed community and fits well with the rural character these new homes seek to display. As the Collier County Museum already has the equipment to make these markers there would be minimal costs associated with such a plan.

6. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the eastern corridor of the R.L.S.A. to the western corridor of the proposed R.L.S.A.
7. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the southern corridor of the R.L.S.A. to the northern corridor of the proposed R.L.S.A.

#### **STATEMENT:**

Although it is understood that that many of the Environmental, Wildlife, and other numerous agencies including those that have to do with representing the Natural Resources and Endangered Species legislation have been working on policies that directly and indirectly have relation to the present R.L.S.A. Processes, Goals, and Objectives, that were started in 1999 and have now been continuing until the present time in 2008, on behalf of the people and organizations that were not included [up to speed] in regards to the Historical and Cultural ideals that the original provisions that were envisioned when the Purpose of the Rules found in D.C.A.s. guidelines came to public attention and speaking on behalf of those interests now found in the capacity of being a representative of those voices would ask that a small amount of extra time be given to the following statements which most display our unified concerns.

- A. That it be recognized that an accurate and up to date Historical and Cultural Resource study has never been conducted in Collier County since its inception in 1923 until it was presented to committee members on September 30, 2008.
  - B. That a total of 9 new Historical sites comprising a 166 year total span of a timeline of Collier County's past has been for the first time accepted by the State of Florida 32 days ago.
- This should be accepted as a good faith effort considering these items were presented to this committee being specifically mentioned- Purposes of rules of the D.C.A. Objectives and Goals-

# 1- Standard Options and # 2 Special Options relating to Historical and Cultural values.

Therefore having established the items found on these pages 2, 3, and 4 the following comments are added for the review now taking place on October 7, 9 am. Room 609, on Policy 5, however please find other comments on policies that may also apply to the present meeting but nevertheless need to be entered into the appropriate sections for public comment for those specific policies when the committee has the time.

#### **Policy 5.4**

No right of way to be relinquished by the County for Panther crossings on anywhere on highway # 29 if crossings block way of known Historical sites. As there are a preponderance of past known sites starting at U.S. 41 and heading north to just south of Immokalee City totaling 10- they are protected under the F.D.O.T. Cultural Resource book- 2008 Fla. Statutes Title 18-Public Lands and Property -Chapter 267 Historical Resources 267.021- (3) "Historic Property" or "Historic Resource" means any Prehistoric or Historic District, site, building, object or other real or personal property of Historical, Architectural value and Folklife resources. These properties or resources may include but are not limited to, Monuments, Memorials, Indian Habitations, Ceremonial Sites, Abandoned Settlements, Sunken Ships, Engineering Works, Treasure Trove, Artifacts, or other objects with Historical or Archaeological Value, or any part thereof relating to the History, Government and Culture of the State.

267.021-(4) Preservation or Historic Preservation means Identification, Evaluation, Re-documentation, Analysis, Recovery, Interpretation.

? Has F.L.D.O.T. complied with Public Law 89-665, as amended regulations (36 CFR Part 800-revised 1/11/01 Executive Order 11593 Chapter 267 (F.S. Revised 2001), N.E.P.A. 91-190, D.O.T.A. ACT 1966 Public Law 89-670

1. For all Phases of work on Highway # 29
2. For all Phases of work on Oil Well Road
3. For all Phases of work on # 846
4. For all Phases of work on Camp Keais Road
5. For preliminary plans on # 29 Bypass Road
6. For all Phases of work on # 858

#### **Policy 1.2**

Clarify how R.L.S.A.O. interacts with the Florida Greenway and Trails Act – 2008 Fla. Statutes title 18 Chapter 260 -260.012 Item 1 and 2, 3B, and 6-A,D,E,F [Naples Cultural Landscape]

#### **Policy 1.6**

No emphasis is put on the Historical Transportation Routes from the south to the north or the west to the east in the present SSAs. [Naples Cultural Landscape]

#### **Policy 1.7**

Historical Interpretation markers, Kiosks, and Cultural Heritage should be allowed to be built south of Oil Well Road and should have road access planned for them. [Naples Cultural Landscape]

Review easement language and policies to prevent F.W.C. from holding all easements. All easements should go to the County for the Cultural and Heritage Trail. [Naples Cultural Landscape]

Stewardship easements should be held by private entities –Florida Community Trust provided 630 million dollars between 2007 and 2008 and have encouraged and fostered public and private partnerships. [Naples Cultural Landscape]

S.S.A. Credit agreements should include the Department of Community Affairs and Florida Forever programs as the signatories. [Naples Cultural Landscape]

**Policy 1.11**

Do not remove all the layers in the matrix until a Historic and Cultural study has been done to see how the past pioneers used the Natural Resources of the land. If a critical layer is removed in respect to a Historic or Cultural site all future uses and activities in that layer are eliminated forever [Naples Cultural Landscape]

**Policy 1.12**

Presently only credits for S.R.A. can be transferred for lands that meet the defined Suitability Standard in the R.L.S.A. for S.R.A.s but language needs to be established to encompass criteria for Historic and past Cultural sites. [Naples Cultural Landscape]

**Policy 1.13**

Do the procedures for the transfer of credits include language for Historical or Cultural Resources since Stewardship credits do not require any G.M.P. amendments. [Naples Cultural Landscape]

**Policy 1.18**

Have any studies been implemented to see where the highest ground available can be used for the Historical or Cultural Heritage Trail and will it have a high enough ground elevation so that it will not be prone to flooding? [Naples Cultural Landscape]

**Policy 1.20**

Is there a provision or a percentage allocated for any educational programs that interpret to the public any part of a Historical or Culturally related theme in the Trust. Are there any incentives to owners to sell Credits that will go for any programs that have to do with the county's past history? [Naples Cultural Landscape]

**Policy 4.7.1**

If towns are described as having "Individual Identity and Character" to what extent will the interpretation in the community parks allow for Historic or Cultural values and is there a certain percentage in space or funds allocated in the plans or designs and what will the towns display or incorporate to educate the public about the county's Cultural past. [Naples Cultural Landscape]

**Policy 4.7.2**

If villages have "Character" scaled to each particular village to what extent does this parallel extend to in the parks and Green Spaces on a Historical level and what association does this have with the past Cultural Heritage of the past small towns of Collier County [Naples Cultural Landscape]

**Policy 4.7.3**

To what extent will the communities in the Hamlets contribute to the Historical and Cultural values that were a past part of the county's History and how will this be reflected in their Public Green Spaces [Naples Cultural Landscape]



**Policy 4.9**

Public access should be allowed on all right of ways, Stewardship easements or Conservation easements in any area of land that is rated in an A.N.R.I. index of 1.2 or higher. By restricting any Greenways or Buffer Zones, the Historical aspect and in particular the Cultural and scenic resources of the land will not allow for full enjoyment of any future proposed Historical and Cultural Heritage trail and will limit Eco Tourism to unsatisfying scenic endeavors. Since there is only 2 % of lands that will qualify for a 1.2 or higher rating, the absolute best lands must be used on the Trail and an exception in the policy should be made as it will be the county's only chance to interpret to the public the best in the scenic beauty the county has to offer now and in the future. [Naples Cultural Landscape]

**Policy 4.11**

Where existing Agriculture activity joins a S.R.A. the design of the S.R.A. should not have more than two geographical sides connecting either in tandem or on opposite sides that will impede any recreation/open space for a better possibility of having a more pleasing environment.

[Naples Cultural Landscape]

**Policy 4.20**

For clarification all language spoken of as "Public Benefit" should include whether this should mean to also be interpreted as public access. [Naples Cultural Landscape]

How do you quantify a percentage of "Public Benefit" relating to Towns, Villages, and Hamlets, and is there a certain portion of "Public Benefit" that displays in any relevant way a reflection of any part of Collier County's past Culture or Heritage. [Naples Cultural Landscape]

Brad Cornell  
proposed  
2 amendments  
10-14-08 mtg.

### Policy 5.1

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs and lands described in Policy 3.12 surrounding the Camp Keais Strand and Okaloacoochee Slough on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program. Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs and lands described in Policy 3.12. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

### Policy 5.4

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate. A map of these crossing locations will be developed by January, 2010 and used in evaluating community and transportation planning for the RLSA.

### Policy 5.5

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered. No local permits shall be issued until necessary state and federal permits have been obtained.
2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
  - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.
  - i. The following references shall be used, as appropriate, to prepare the required management plans:
    1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
    2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.

3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
  4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
  5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
  - iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
- b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
  - c. Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - e. For the red-cockaded woodpecker (~~ip~~(*Picoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
  - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

- g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the USFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy. The Multi-Species Recovery Plan (1999) shall constitute minimum wildlife protection standards for the RLSAO.
  - h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species, or listed species habitat capable of supporting wildlife, and can be anticipated to be occupied by listed species. It is recognized that these agency recommendations, on a case by case basis, may ~~change~~strengthen the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan. However, no relaxation of these wildlife protection policies will be considered.

**Policy 5.6**

Any development on lands not participating in the RLSA Program will not be included in any possible Habitat Conservation Plan, Conservation Agreement or other federal equivalent under the Endangered Species Act in the RLSA, and are required to pursue appropriate permitting and mitigation through the Florida Fish and Wildlife Conservation Commission and US Fish and Wildlife Service. No county development authorization shall be issued until a USFWS ESA Section 7 or 10 authorization is issued or deemed unnecessary for the proposed development.

Formatted: Font: 14 pt, Bold

Formatted: Indent: Left: 0", First line: 0"

Formatted: Left, Indent: Left: 0", First line: 0"

[\*\* For Policy 5.76 (wetlands protections), I would like to revise the numerous references to WRAP (delete) and use UMAM as the functional evaluation standard. I also suggest adding a policy disallowing exotics removal counting at all as wetland impact mitigation (5.6.3.f. - add a new "iv".) Finally, I would like to add incentives to restore wetlands and habitat through non-RLSA tools, like Farm Bill easements, grants, tax benefit programs, etc.]

## **Policy 5.76**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

1. There are two (2) major wetlands systems within the RLSA, Camp Keais, Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA's. Policy 5.1 prohibits certain uses within the FSA's, thus preserving and protecting the wetlands functions within those wetland systems.
2. The other significant wetlands within the RLSA are WRA's as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
  - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
    - i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used to determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
    - ii. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site. Wetland flowway functions through the project shall be maintained.
    - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydroperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.
  - b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water

Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.

- c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
- d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
- e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed. Wetland buffers shall conform to the following standards:
  - i. The buffer shall be measured landward from the approved jurisdictional line.
  - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
  - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
  - iv. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
    - (1) Passive recreational areas, boardwalks and recreational shelters;
    - (2) Pervious nature trails;
    - (3) Water management structures;
    - (4) Mitigation areas;
    - (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
  - v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.

Mitigation Requirements:

  - i. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA's and HSA's.
  - ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.
  - iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plant Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.

iv. Under no circumstances will exotics removal or maintenance be considered acceptable mitigation for the loss of wetlands or listed species habitat.

iv. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.

g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

4. All landowners shall be encouraged to consider participating in any programs that provide incentives, funding or other assistance in facilitating wetland and habitat restoration on private lands, including but not limited to federal farm bill agricultural conservation programs, private or public grants, tax incentives, easements, and fee or less than fee sale to conservation programs.

### **Policy 5.8**

Any development on lands not participating in the RLS program shall be required to assure compatibility with surrounding land uses. Outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security. Other compatibility elements to be addressed include, but are not limited to appropriate buffers, smoke easements, and agricultural neighbor agreements.

Formatted: Font: 14 pt, Bold

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; October 7, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna [left at 11am]  
Brad Cornell  
David Farmer  
Gary Eidson  
Bill McDaniel  
Tom Jones  
Tammie Nemecek  
Fred N. Thomas, Jr.

ALSO PRESENT: CDES staff members Heidi Ashton, Thomas Greenwood, and Laura Roys as well as approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:03AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 9 of 12 members were present, with Floyd Crews, Jim Howard, and Dave Wolfley reported to be out of town.

**III. Approval of Agenda**

*Mr. Farmer moved to approve the agenda as presented and seconded by Mr. Eidson.*

*Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the September 30, 2008 Meeting**

*McDaniel moved and seconded by Mr. Farmer to approve the minutes as distributed.*

*Mr. Hamel asked Mr. Greenwood to brief the Committee on several items as follows:*

- **Policy 1.6 and 1.7 language.** *Mr. Greenwood* distributed a document prepared by Assistant County Attorney Heidi Ashton and distributed internally on October 6 [attached]. He stated that the Committee may wish to review and, upon request of Attorney John Passidomo, may wish to table until he has an opportunity to review further. *Mr. Farmer* stated that he felt that the 5 year limit was severe and perhaps there could be one year extensions. *Heidi Ashton* clarified that the SSA owner could terminate the conditional SSA sooner than 5 years but that the LDC should have some definite language in it. After further discussion the Committee



took no action and encouraged *Ms. Ashton* to meet with John *Passidomo* and develop language to be brought back to the Committee as soon as October 14<sup>th</sup>.

- **Policies 4.4, 4.5, 4.7.1 and 4.14.** *Mr. Greenwood* reported that he was advised that there will be more discussions between Nick Casalanguida and ECPO this week and they will, hopefully, have language for Committee review on October 14<sup>th</sup>.
- *Mr. Greenwood* reviewed with the Committee the current SRA characteristics table [Attachment C] and the revised Attachment C. *Tammie Nemecek* pointed out that the minimum for a Town has been increased from 1000 acres to 1500 acres. *Mr. Greenwood* stated that he would make that change. *Mr. Farmer* stated that he does not favor an upper limit of density of 4 dwelling units per gross acre. *Brad Cornell* stated that this issue is worth talking about but that it would be wise to have an upper limit on density so that everyone knows how many dwelling units to plan for and that it provides some certainty. *Mr. Eidson* stated that his underlying concern with not having a density limit is impact on infrastructure and how the BCC would accept such an impact.
- *Mr. Greenwood* reviewed an updated schedule of the Committee through today which shows the Committee completing Group 5 Policies today. [attached]. *Mr. McDaniel* stated that Dr. Van Buskirk is committed to provide a presentation on October 14<sup>th</sup> and *Mr. Greenwood* stated that he would place on the October 14<sup>th</sup> Agenda if his availability is confirmed. *Mr. Farmer* stated that he would not be able to attend the October 28 meeting due to a conflict with a conference and *Mr. Hamel* stated that he also would not be able to attend the October 21 meeting due to a conflict. Other members indicated availability for the October 21 and October 28 meetings and the consensus was to plan to keep those meetings scheduled.

#### V. Presentations. [attached "Requests to the RLSA Review Committee"]

##### A. **James Hammond, Director of Historical Resources of Naples Backyard History..."Naples Cultural Landscape"**

*Mr. James Hammond* stated and covered the following:

1. The study was not done in time for the original RLSA Overlay development as this project has taken 9 years.
2. Reviewed the following maps: #1 Nine Sites from archaeological survey; #2 IVES Map done by Jefferson Davis; #3 Collier County Monument Map; #4 1973 Historical Jubilee Map of Collier County; #5 Map of Proposed Collier County Cultural Trail.
3. Reviewed his request to use stewardship credits to help develop a heritage trail.

*Mr. Jones* advised Mr. Hammond that one of their maps is incorrect and that there is no planned Ave Maria Phase 2 south of Oil Well Road. *Mr. Jones* asked Mr. Hammond if he had talked with any of owners of property over which the heritage trail is proposed. *Mr. Hammond* responded that he had not.

*Mr. McDaniel* moved and *Mr. Eidson* seconded to ask staff to review Mr. Hammond's proposals and report back to the Committee on October 14<sup>th</sup>. *Upon vote*, the motion carried unanimously.

#### VI. Old Business

##### A. **Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship, including Issues, Concerns, and Questions [concentration on Groups 4 and 5 Policies] as well as data and analysis with respect to proposed revisions to the RLSA Overlay**

The following is a summary of discussions and Committee actions taken on Policies during its October 7, 2008 meeting.

**Group 5 - Policies that protect water quality and quantity and the maintaining of the natural water regime and protect listed animal and plant species and their habitats on land that is not voluntarily included in the Rural Lands Stewardship Area program.**

**Public Input:** none received

**Staff Comments:** none

**Committee Action:** The Committee took no action on the above statement.

## **Policy 5.1**

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs and designated Flowway buffers on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program -, Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated, ~~in FSAs~~. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall ~~only~~ not be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

**Public Input:**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs. **[Conservancy]**

**ECPO Comments:** FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. The mix of land use activities within FSAs and HSAs are necessary to enable the delineation of the large interconnected systems.

The Group 5 policies collectively provide a set of minimum land development standards that apply only when a land owner does not participate in the RLS program. In the case of Policy 5.1, the FSA provision addresses a narrow issue of water quality within regional flow ways, where the more intensive land uses could impact offsite areas. Of the 31,100 acres of FSA, only 800 acres are active agriculture. Within the HSAs it has been confirmed by many biological experts, including Darrel Land who spoke with the RLS Committee, that species are very adept at utilizing and traversing agriculture lands.

**Note:** Brad Cornell 10-7-08 Proposal for this Policy is attached to these minutes along with ECPO responses to the original Group 5 public comments received from others.

**Public discussion on October 7, 2008**

**Mr. McDaniel** moved and **Mr. Cornell** seconded to accept Mr. Cornell's rewording of Policy 5.1 as provided to the Committee by Mr. Cornell this morning. **Mr. Jones** stated that he is opposed to the language proposed as Policy 5.1 is not broken and does not need fixing. **Mr. Cornell** stated that this is a way to ensure that development does not occur on the edge of the OK Slough and the Camp Keais Strand. **Mr. Jones** stated that the County may be subjecting itself to a taking of a property owner's rights and subject to litigation. **Mr. Cornell** stated that the owner would receive compensation if he chose to participate in the RLSAO. **Anita Jenkins** reiterated that would entail a property owner losing rights to use that land and that setbacks in the LDC may be the way to handle this. **John Passidomo** stated that if a landowner loses rights to use his land through a government action a Bert Harris violation would likely occur and the County could be subject to a lawsuit. **Mr. Cornell** asked about the loss of the use of land in the FSA that has already occurred. **Mr. Passidomo** stated that ECPO agreed to that previously. **Mr. Cornell** asked about the other property owners other than ECPO. **Mr. Passidomo** stated that those property owners could have exercised their right, but chose not to. **Mr. Thomas** stated that he felt the LDC could assist. **Nicole Ryan** stated the Conservancy supports Mr. Cornell's suggestions and that it should not wait to be addressed in the LDC. **Christian Spilker** stated that he thought the proper terminology is "restoration zone".

**Staff Comments:**

**Committee Action taken on October 7, 2008:** **Mr. Thomas** moved and **Mr. McDaniel** seconded that Policy 5.1 be amended by changing the period to a comma after the word "program" in the third line. **Upon vote**, the motion carried, 9-0. **Mr. Eidson** moved and **Mr. McDaniel** seconded to add the words, "and designated Floway buffers" [staff found that the wording should be, "designated Restoration Zones"] after "FSAs" in the second line and to change "only" to "not" in the second sentence. **Upon vote**, the motion carried, 9-0.

**Policy 5.2**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are within the ACSC, all ACSC regulatory standards shall apply, including those that strictly limit non-agricultural clearing.

**Public Input:** none received

**Staff Comments:** none

**Committee Action taken on October 7, 2008:** **Mr. Thomas** moved and **Mr. Eidson** seconded to leave Policy 5.2 unchanged. **Upon vote**, the motion carried unanimously.

**Policy 5.3**

To protect water quality and quantity and maintenance of the natural water regime and to protect listed animal and plant species and their habitats in areas mapped as FSAs, HSAs, and WRAs on the Overlay Map that are not within the ACSC, if a property owner proposes to utilize such land for a non-agricultural purpose under the Baseline Standards referenced in Policy 1.5 and does not elect to use the Overlay, the following regulations are applicable, shall be incorporated into the LDC, and shall supercede any comparable existing County regulations that would otherwise apply. These regulations shall only apply to non-agricultural use of land prior to its inclusion in the Overlay system:

1. Site clearing and alteration shall be limited to 20% of the property and nonpermeable surfaces shall not exceed 50% of any such area.
2. Except for roads and lakes, any nonpermeable surface greater than one acre shall provide for release of surface water run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the surrounding area.
3. Revegetation and landscaping of cleared areas shall be accomplished with predominantly native species and planting of undesirable exotic species shall be prohibited.
4. An Environmental Impact Statement shall be prepared by the applicant and reviewed by Collier County in accordance with County regulations.
5. Roads shall be designed to allow the passage of surface water flows through the use of equalizer pipes, interceptor spreader systems or performance equivalent structures.

**Public Input:** none received

**Staff Comments:** none

**Committee Action taken on October 7, 2008:** *Mr. Thomas* moved and *Mr. McDaniel* seconded to leave Policy 5.3 unchanged. *Upon vote*, the motion carried unanimously.

#### **Policy 5.4**

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate. A map of these potential crossing locations will be developed within 12 months of the effective date of the Growth Management Plan Amendment and used in evaluating community, cultural and historical, and transportation planning for the RLSA.

**Public Input:**

1. Stronger language for wildlife underpasses and a map of locations [FWF]

**ECPO Comments:** The RLSA program provides a tremendous framework for facilitating the establishment of wildlife underpasses, by protecting large expanses of habitat with SSA lands. The actual need assessments, locating, design, and construction of wildlife underpasses occurs through the efforts of state and/or federal wildlife and transportation agencies, either as part of public works projects or as part of the regulatory process for development projects. As one example, FWC researchers continually evaluate the need for panther crossings, and have maps of existing and proposed panther underpasses.

2. Panther deaths on 846 are mentioned, but not those on Rte 29 or 41 east, which are many. [**Judith Hushon**]

**ECPO Comments:** Panther deaths on Route 41 East are miles south of the RLSA, as are incidents on SR 29 south of the Sunniland mines. The panther-vehicle collisions on CR 846 east of Immokalee were considered when designating the FSA and HSA stewardship overlays in that area. SSA 3 and SSA 4 were later designated along that segment of CR 846 specifically to provide opportunities for future panther crossings.

3. FWC has documented the location of all known panther-vehicle collisions in a GIS database. This information, in conjunction with FWC's least cost path modeling of panther movements, has been and will be used to identify promising sites for additional panther crossings. The RLSA program facilitates the establishment of these wildlife underpasses by preserving existing land uses in the vicinity of the crossings.

**Note: Brad Cornell 10-7-08 Proposal for this Policy is attached to these minutes along with ECPO responses to the original Group 5 public comments received from others.**

**Public Discussion on October 7, 2008.** *Mr. Thomas* stated that he would have the word “cultural” added to the new sentence proposed by Mr. Cornell. *Mr. McDaniel* suggested eliminating the deadline of January, 2010 for the creation of the wildlife crossings map as that could be problematic. *Mr. Eidson* suggested making the date January, 2011. *Laura Roys* asked who is going to prepare the map and which study is it based upon. *Mr. Cornell* stated that the map to be used is that prepared for the Eastern Collier County Panther Study as the basis for crossing needs and for future used for site development plans, stewardship receiving areas, the MPO, etc. He stated that the map is essentially done. *Elizabeth Fleming* stated that the word “identified” would be better because the study has already identified such crossings. *Nancy Payton* gave a brief history of the development of the Panther Study.

**Staff Comments:** none

**Committee Action taken on October 7, 2008:** *Mr. Cornell* moved and *Mr. Eidson* seconded to amend Policy 5.4 as outlined above. *Upon vote*, the motion carried unanimously.

### **Policy 5.5**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered.
2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
  - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.
    - i. The following references shall be used, as appropriate, to prepare the required management plans:
      1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
      2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.
      3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.

4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
  5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
  - iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
- b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
  - c. Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - e. For the red-cockaded woodpecker (*Ipicoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
  - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.
  - g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by

directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Gold courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.

- h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species.

It is recognized that these agency recommendations, on a case by case basis, may change the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan.

**Note:** Brad Cornell 10-7-08 Proposal for this Policy is attached to these minutes along with ECPO responses to the original Group 5 public comments received from others.

**Public Discussion on October 7, 2008**

*Mr. Jones* stated that the County already has language in paragraph 1 as is proposed by *Mr. Cornell*. He stated that in paragraph 2g he is not even familiar with this document or the standards. *Mr. Cornell* stated that the intent is clarify things. He further stated that the language in paragraph 3 comes from the Conservation and Coastal management Element of the GMP. *Elizabeth Fleming* stated that Brad is trying to find a standard for other listed species. Most other species are already covered. She also stated that the language in this Policy needs to be updated to cite more current information and studies. She stated that in paragraph 2g she would like to see something for Panthers. She stated that she supports Brad's recommendations. *Mr. Eidson* stated that the species plan deals with 68 listed species. *Mr. Jones* stated that he is ok with citing more updated studies, but we should not have to have a litany of 68 studies listed in the RLSAO. *Dane Scofield* stated that he is concerned about listed species and how a temporary use would have to comply with state and federal requirements. *Mr. Cornell* stated that this is something he may have to work out with the state or federal agency. [discussion ended here to lack of additional time].

**Public Input:** none received

**Staff Comments:** none

**Committee Action on October 7, 2008:** Motion by *Mr. Cornell* that his proposed amendments to Policy 5.5 be approved and seconded by *Mr. Eidson* to approve the proposed amendments advanced by Brad Cornell. [action on the motion and second was tabled until the October 14<sup>th</sup> meeting and no action was taken due to meeting the end of the meeting deadline].

**VII. New Business** [none]

**VIII. Public Comments.**

**IX. Next Meeting**

**Mr. Hamel** stated that the next meeting will be held on October 14, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 11:30 A.M.

**X. Adjournment**

**Mr. McDaniel** moved to adjourn the meeting, seconded by **Mr. Eidson** with the motion approved unanimously with adjournment at 12:02PM.

**Rural Lands Stewardship Area Review Committee**

  
\_\_\_\_\_  
**Ron Hamel, Chairman**

These minutes approved by the Committee on 10-14-08, as presented X or as amended \_\_\_\_\_



## DRAFT – FOR DISCUSSION PURPOSES

### (VII) Policy 1.6

Stewardship Credits (Credits) are created from any lands within RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. Land becomes designated as a SSA upon petition by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits ~~or other compensation~~ are granted to the owner, no increase in density or additional uses unspecified in the Stewardship Agreement shall be allowed on such property, unless the SSA and Stewardship Agreement are terminated. The SSA may be terminated by the owner for a period of up to five years after approval of the SSA if the Stewardship Credits have been assigned to an approved Sending Receiving Area (SRA), and the SRA has not received final development orders or Federal, State and local permits necessary to commence construction excluding plat approval, site development plan approval and building permit approval. The SSA shall not be terminated if owner has sold the Stewardship Credits or if owner has received compensation in exchange for the credits.

### (VII) Policy 1.7

The range of Stewardship Credit Values is hereby established using the specific methodology set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but not be limited to the following: (1) All Credit transfers shall be recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County, Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust, which may be modified or terminated if the SSA and Stewardship Agreement are terminated; and (3) for each SSA, the Stewardship Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

## PHASE II REPORT PREPARATION SCHEDULE AND REPORT FORMAT

### REVIEW COMMITTEE DIRECTION

August 5, 2008 [updated through October 7, 2008]

#### SCHEDULE

##### **A. REMAINING REVIEW COMMITTEE MEETINGS**

- September 2...RLSA Overlay Review [CDES]
- September 16...RLSA Overlay Review [CDES]
- September 23...RLSA Overlay Review [CDES]
- September 30..... RLSA Overlay Review [CDES]
- October 7...RLSA Group 5 Policies [CDES]
- October 14...RLSA remaining Group 4 transportation-related Policies, Policy 1.6, and Data and Analysis [CDES]
- October 21....Draft Report Review?? [CDES]
- October 28...Final Review and wrap up for Phase 2 Report [CDES]

##### **B. PUBLIC VETTING MEETINGS**

- November 12....Environmental Advisory Council
- December 1.....Planning Commission
- January 29, 2009...Board of County Commissioners
- February 27, 2009....Department of Community Affairs

#### PHASE 2 REPORT FORMAT AND CONTENTS

The following is format approved by the Review Committee on August 5, 2008:

- **COVER**
- **TRANSMITTAL LETTER with 2 maps:** 1] "Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map; 2] "RLSA Status Map" which shows all approved Stewardship Sending Areas and the one approved Stewardship Receiving Area, The Town of Ave Maria.
- **TABLE OF CONTENTS**
- **EXECUTIVE SUMMARY**
- **COMMITTEE- RECOMMENDED AMENDMENTS TO THE RURAL LANDS STEWARDSHIP AREA OVERLAY**
  - a. Short Version Annotated
  - b. Long Version Annotated
- **DATA AND ANALYSIS**
- **APPENDICES**

**Naples Cultural Landscape**  
2400 Tamiami Trail N ~ Suite 300  
Naples, Florida 34103  
239.594.2978 O 239.261.6664 F  
[www.naplesbackyardhsitory.org](http://www.naplesbackyardhsitory.org)

**To: C.D.E.S. Division**  
**Joseph Schmit, Division Administrator -**

**From: Naples Cultural Landscape: A Fund at the Community Foundation of Collier County**  
**Lavern Norris Gaynor, Founder; Lois A Bolin, Ph.D., Strategic Advisor**

**Date: October 7, 2008**

**Re: Requests to the R.L.S.A. Review Committee**

Statement: Under the direction of the Dept. of Community Affairs a program was started and implemented under Florida Statute 9J-5.026 entitled the Rural Lands Stewardship Area (R.L.S.A.). On the first page of that programs texts Item # 1 states- the: Purposes of the R.L.S.A. Program and Item # 2 states the Purpose of the R.L.S.A. Rule. Under the Standard Option of those purposes # 8 Section B states as Item # 1 : Identify and explain the existing locally specific rural character of the R.L.S.A. and surrounding area by analyzing its characteristics, including Land use, Development Patterns, and Economic, Social, Cultural, Historic, Scenic, Landscape, Recreational and Environmental Elements. The data and analysis shall include under: Section # 2 Item-1: All forms of rural resource values including Agriculture; Environmental, Eco Systems, Wildlife Habitat, and Water Resources; Recreational, Tourism, Scenic; Cultural, and other general amenity Values.

Statement: Under the Special Option for R.L.S.A. of 50,000 or more Contiguous Acres – Section 7 Item B, Goals and Objective, and Policies - # E, states; A visionary Process to provide public participation in the design of any new town or Rural Village. Under the same section –B, Goals and Objectives, B- Item 10 states; The recording of a Stewardship easement or Restrictive covenant running with the land in Perpetuity on all designated Conservation and Agricultural areas in favor of the County, the Dept. of Environmental Protection, and the Dept. of Agriculture and Consumer Services.

Interpretation; It is with the above statements that the Naples Cultural Landscape, a Fund of the Community Foundation of Collier County, a 501 (C)(3) non for profit organization along with the support of various other non for profit organizations mostly representing the general charters of Historical Societies which encompass the policies of Documenting, Recording, Archiving, and Interpreting to the general public all areas pertaining to the past Historical and Cultural themes represented in the past History and Heritage of Collier County that we do hereby request these additions and /or revisions be reviewed and entered where possible into the R.L.S.A.O. policies presently being amended and drafted by the various committees.

The Historical and Cultural aspects of Collier County's past during the establishment of the first Rural Lands Stewardship Area committee's meetings, plans, and discussions that took place in early 1999 through 2002 unfortunately were not addressed in any way. This was due to the fact that an accurate Historical and Cultural Resource Assessment had not been completed and in essence, had not even been started until 2003. It has taken over 5 years to complete the study and it was realized that any plans that were being discussed in the new R.S.L.A.O. reviews should include the information that was found in the study, but more important during that time a plan had been conceived that could incorporate the objectives and Goals that the present R.L.S.A.O. committee's and interested parties, most notably landowners, developers, planners, economic advisors, tourism concerns, transportation concerns, and more importantly as these meetings that have been going on for many years the concerns about the Florida panthers and wide variety of other wildlife that would in the end somehow incorporate the rich historical and Cultural past of Collier County. On the surface this would seem an Utopian ideal until you realize the fact that according to the Department of State, Division of Historical Resources states that in 2007 tourists brought into Florida over 4.7 Billion dollars, 763 million of that went directly to South Florida with 49 (percent) directly attributable to people who sought out in their specific destinations areas that had Historical sites and places. This is a 60% increase over the last 4 years and those figures are expected to double in the next 5 years and exponentially thereafter. Taken with the fact that one organization and (there are over a half a dozen more) The Florida Communities Trust allocated 73 million dollars last year to projects that secured Stewardship Credits, purchased land for Preserves, Parks, Wildlife Habitat, Green Space, as well as Cultural and Historical Preservation. As secretary of the Dept. of Community Affairs Tom Pelham said "Over the past 17 years, these awards will help communities achieve their vision of Stronger, Greener and Healthier landscapes". As it is spoken of in the Historical and Cultural study over 80% of Collier County's land has transitioned from the hands of the Landowners and Collier County Government into private State and Federal entities in the last 34 years. This leaves the remaining 20% available for practical use by the County and landowners in the near future. This displays the simple fact that in the final phases of build-out the County, Landowners, Planners, Committee Members, and other organizations are to paraphrase the saying 'Trying to describe an Elephant just by its head'. Understanding that since the inception of the Everglades National Park was established in 1947 and other 4 State and Federal preserves established since have implemented only policies that mainly address Biological concerns. The Human element has taken a back seat as can be seen in the fact that that with over 1 million acres under the different park management systems in the last 61 years, not one site located on these lands has been registered on the National Register of Historic Places where the public can have access to today and enjoy. In the final phases of this visioning process it becomes apparent that if the goals and objectives to "connect the dots" do not find their fulcrum point and the visions so earnestly sought will be like clouds without water. If the only Goal is to build houses and communities without incorporating the past History and Cultures that S.W. Florida has always had an association with the uniqueness that can so easily be applied simply leaves way to "offering nothing more than any other community. To distinguish the South West coast from the east coast would be one of the greatest assets in a financial way. It goes without saying that hundreds of thousand of hours labor are going into the planning stages and untold millions of dollars have been and are being utilized to apply strategies that in the end will tie into and apply to the final 'Horizon Picture' it would be constructive to pause and remember that old and well applied adage "That a million monkey's typing on a million typewriters for a million years will never be able to write a Shakesperian play" To simply rely on the phrase - If you build it they will come should also seek to have a caveat added - They will if there is something to come to. To speak only of Natural Resources and their future conservation as the only biological consideration in this County and fail to not recognize that the Historical and Cultural Heritage of the past residents and the type of individual lifestyle is one of the most important ingredients in that term referred to as Natural Resources.

Therefore the Goals and Objectives proposed by the Naples Cultural Landscape organization in conjunction with other interested parties and organizations collectively speaking on the Historical and Cultural Heritage policies that make up the largest part of these organizations goals state and seek to initiate:

1. Stop the de-designation process that removed the Historic and Cultural attributes of U.S. 41 (Tamiami Trail) and is currently in the process of removing;
  - A. The 1988 designation of the trail by the State as a- Florida Scenic Highway
  - B. The 2000 designation of the trail by the Federal Government as a- National Scenic Byway
2. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of U.S. 41 (Tamiami Trail) stretching from the City of Naples to the Dade County border that will represent Collier County's past History and Cultural Heritage. This will direct tourism and interest from the east coast and west coast sections that will culminate on Highway # 29.
3. Installation of Historical Markers and Interpretive Centers and/or Kiosks along the entire distance of Highway # 29 from the south on U.S. 41 north to Immokalee City that will represent the Collier County's past History and Cultural Heritage as it relates to the past;
  - A. Historic lumber towns, Settlements, Farming towns, Oil producing towns [Sunniland], First Collier County Citrus producing groves, The first Collier County Citrus Canning plant, the first Railroad in Collier County both passenger and commercial [Deep Lake]-Since Deep Lake is one of only 5 sinkhole lakes in Florida and has freshwater on its first layer and saltwater on its lower layer with a resident population of Alligators and Crocodiles living together it would be expected to draw over 1 million visitors a year.
  - B. Seeking cooperation to open Deep Lake to the general public as it was for the first 106 years of its operation [not currently open to the general public] and having a boardwalk installed.
  - C. Seeking cooperation to turn the now presently closed Old Copeland Prison into a Pioneer Museum [This will involve seeking the N.P.S. to return the # 1 Ice Tidewater Cypress Company steam train that is presently in the Steamtown Collection in Scranton Pennsylvania] This will have a positive flow on all visitors and tourists and seek to draw them to the new Development taking place in the R.I.S.A. area and Immokalee City area.
4. Seek cooperation from landowners to Register Fort Simon Drum- [a known and monumented site by David Graham Copeland in 1941]. This site is presently 6 miles east of Immokalee City one half mile south of Immokalee Road and would be just on the east side of the new proposed bypass road that will connect to the road north of Immokalee City. The Fort Simon Drum site is an early Army Seminole War fortification and is the only known site of a military installation in South West Florida South of the Caloosahatchee River and it is expected that it would draw over 2 million visitors and tourists a year.
5. Seek cooperation with landowners and developers to have Historical Markers or Kiosks interpreting Collier County's past Historical and Cultural Heritage displayed placed at designated parks and open green spaces in the future planned developments. One example of the benefits of such a cooperative agreement is the fact that in 2002 prior to development at the Ave Maria first phase site an expensive Archaeological Survey was required by the State to try to locate a past Historic site which the owners thought at that time to be the location of Fort Doane an early Army Seminole War fortification site. The investigation was done and the required paperwork was completed allowing the continuation of development. This resulted in a coordinated effort on the part of several research centers to try to accurately identify the previously mentioned site.

This in turn led to the eventual recording of 9 more sites in the area on 09/09/2008- State File Survey #15576 thereby requiring an additional nine more Archaeological investigative studies being required before development could proceed at any of those locations in and around the Phase 2 area and the proposed Big Cypress Development, with at least 3 of those new sites in the northern part of the R.L.S.A. This process has been described as a cycle that continually [feeds on itself] Furthermore it was discovered that the correct name of the supposed Fort Doane site had already been previously recorded as the site of Camp Keais and an Archacological survey might have been avoided. The original form has now been updated on the Florida Master Site Files to indicate this name change. This is a clear case of how cooperation between parties would have been beneficial in concrete financial ways. As it is expected that at least 20-30 possible new locations involving Historical Resources in the northern area of the R.L.S.A. and the high probability that 5 or more of those sites have to do with Native American Sacred Sites [Federal] it financially behooves all landowners, developers, and researchers to try to cooperate on any obstacles that would impede any part of the new and growing vision. One of the proposed solutions would be to bypass the past processes that are costly and paper riddled on each end and just agreeing to incorporate a basic preset number of interpretive markers or kiosks in any of the proposed Towns, Villages, or Hamlets in any the public greenways or parks. This would serve to display the past History and Culture of the county. This in effect is a visionary way in which cooperation can enhance the value and desirability of any proposed community and fits well with the rural character these new homes seek to display. As the Collier County Museum already has the equipment to make these markers there would be minimal costs associated with such a plan.

6. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the eastern corridor of the R.L.S.A. to the western corridor of the proposed R.L.S.A.
7. Seek to establish at a minimum one continuous Historical and Cultural Heritage Trail unimpeded and without any Conservation easement restrictions that stretches from the southern corridor of the R.L.S.A. to the northern corridor of the proposed R.L.S.A.

#### **STATEMENT:**

Although it is understood that that many of the Environmental, Wildlife, and other numerous agencies including those that have to do with representing the Natural Resources and Endangered Species legislation have been working on policies that directly and indirectly have relation to the present R.L.S.A. Processes, Goals, and Objectives, that were started in 1999 and have now been continuing until the present time in 2008, on behalf of the people and organizations that were not included [up to speed] in regards to the Historical and Cultural ideals that the original provisions that were envisioned when the Purpose of the Rules found in D.C.A.s. guidelines came to public attention and speaking on behalf of those interests now found in the capacity of being a representative of those voices would ask that a small amount of extra time be given to the following statements which most display our unified concerns.

- A. That it be recognized that an accurate and up to date Historical and Cultural Resource study has never been conducted in Collier County since its inception in 1923 until it was presented to committee members on September 30, 2008.
- B. That a total of 9 new Historical sites comprising a 166 year total span of a timeline of Collier County's past has been for the first time accepted by the State of Florida 32 days ago.

- This should be accepted as a good faith effort considering these items were presented to this committee being specifically mentioned- Purposes of rules of the D.C.A. Objectives and Goals- # 1-Standard Options and # 2 Special Options relating to Historical and Cultural values.

Therefore having established the items found on these pages 2, 3, and 4 the following comments are added for the review now taking place on October 7, 9 am. Room 609, on Policy 5, however please find other comments on policies that may also apply to the present meeting but nevertheless need to be entered into the appropriate sections for public comment for those specific policies when the committee has the time.

**Policy 5.4**

No right of way to be relinquished by the County for Panther crossings on anywhere on highway # 29 if crossings block way of known Historical sites. As there are a preponderance of past known sites starting at U.S. 41 and heading north to just south of Immokalee City totaling 10- they are protected under the F.D.O.T. Cultural Resource book- 2008 Fla. Statutes Title 18-Public Lands and Property -Chapter 267 Historical Resources 267.021- (3) "Historic Property" or "Historic Resource" means any Prehistoric or Historic District, site, building, object or other real or personal property of Historical, Architectural value and Folklife resources. These properties or resources may include but are not limited to, monuments, Memorials, Indian Habitations, Ceremonial Sites, Abandoned Settlements, Sunken Ships, Engineering Works, Treasure Trove, Artifacts, or other objects with Historical or Archaeological Value, or any part thereof relating to the History, Government and Culture of the State.

267.021-(4) Preservation or Historic Preservation means Identification, Evaluation, Re-documentation, Analysis, Recovery, Interpretation.

? Has F.L.D.O.T. complied with Public Law 89-665, as amended regulations (36 CFR Part 800-revised 1/11/01 Executive Order 11593 Chapter 267 (F.S. Revised 2001), N.E.P.A. 91-190, D.O.T.A. ACT 1966 Public Law 89-670

1. For all Phases of work on Highway # 29
2. For all Phases of work on Oil Well Road
3. For all Phases of work on # 846
4. For all Phases of work on Camp Keais Road
5. For preliminary plans on # 29 Bypass Road
6. For all Phases of work on # 858

**Policy 1.2**

Clarify how R.L.S.A.O. interacts with the Florida Greenway and Trails Act – 2008 Fla. Statutes title 18 Chapter 260 -260.012 Item 1 and 2, 3B, and 6-A,D,E,F [Naples Cultural Landscape]

**Policy 1.6**

No emphasis is put on the Historical Transportation Routes from the south to the north or the west to the east in the present SSAs. [Naples Cultural Landscape]

**Policy 1.7**

Historical Interpretation markers, Kiosks, and Cultural Heritage should be allowed to be built south of Oil Well Road and should have road access planned for them. [Naples Cultural Landscape]

Review easement language and policies to prevent F.W.C. from holding all easements. All easements should go to the County for the Cultural and Heritage Trail. [Naples Cultural Landscape]

Stewardship easements should be held by private entities –Florida Community Trust provided 630 million dollars between 2007 and 2008 and have encouraged and fostered public and private partnerships. [Naples Cultural Landscape]

S.S.A. Credit agreements should include the Department of Community Affairs and Florida Forever programs as the signatories. [Naples Cultural Landscape]

**Policy 1.11**

Do not remove all the layers in the matrix until a Historic and Cultural study has been done to see how the past pioneers used the Natural Resources of the land. If a critical layer is removed in respect to a Historic or Cultural site all future uses and activities in that layer are eliminated forever [Naples Cultural Landscape]

**Policy 1.12**

Presently only credits for S.R.A. can be transferred for lands that meet the defined Suitability Standard in the R.L.S.A. for S.R.A.s but language needs to be established to encompass criteria for Historic and past Cultural sites. [Naples Cultural Landscape]

**Policy 1.13**

Do the procedures for the transfer of credits include language for Historical or Cultural Resources since Stewardship credits do not require any G.M.P. amendments. [Naples Cultural Landscape]

**Policy 1.18**

Have any studies been implemented to see where the highest ground available can be used for the Historical or Cultural Heritage Trail and will it have a high enough ground elevation so that it will not be prone to flooding? [Naples Cultural Landscape]

**Policy 1.20**

Is there a provision or a percentage allocated for any educational programs that interpret to the public any part of a Historical or Culturally related theme in the Trust. Are there any incentives to owners to sell Credits that will go for any programs that have to do with the county's past history? [Naples Cultural Landscape]

**Policy 4.7.1**

If towns are described as having "Individual Identity and Character" to what extent will the interpretation in the community parks allow for Historic or Cultural values and is there a certain percentage in space or funds allocated in the plans or designs and what will the towns display or incorporate to educate the public about the county's Cultural past. [Naples Cultural Landscape]

**Policy 4.7.2**

If villages have "Character" scaled to each particular village to what extent does this parallel extend to in the parks and Green Spaces on a Historical level and what association does this have with the past Cultural Heritage of the past small towns of Collier County [Naples Cultural Landscape]

**Policy 4.7.3**



To what extent will the communities in the Hamlets contribute to the Historical and Cultural values that were a past part of the county's history and how will this be reflected in their public Green Spaces. [Naples Cultural Landscape]

**Policy 4.9**

Public access should be allowed on all right of ways, Stewardship easements or Conservation easements in any area of land that is rated in A.N.R.I. index of 1.2 or higher. By restricting any Greenways or Buffer Zones the Historical and in particular the Cultural and scenic resources of the land will not allow for full enjoyment of any future proposed Historical and Cultural Heritage trail and will limit Eco Tourism to unsatisfying scenic endeavors. Since there is only 2 % of lands that will qualify for a 1.2 or higher rating the absolute best lands must be used on the trail and an exception in the language must be made as it will be the County's only chance to interpret to the public in the true scenic beauty of the land. [Naples Cultural Landscape]

**Policy 4.11**

Where existing Agricultural activity joins a S.R.A. the design of the S.R.A. should not have more than two geographical sides connecting either in tandem or opposite that will impede any recreation/open space for a better possibility of having a more pleasing environment. [Naples Cultural Landscape]

**Policy 4.20**

For clarification all language spoken of as "Public Benefit" should include whether this means -Public access. [Naples Cultural Landscape]

How do you quantify a percentage of Public Benefit relating to Towns, Villages, and Hamlets and is there a certain portion of "Public Benefit" that has in any tangible way a reflection of any part of Collier County's past Culture or Heritage. [Naples Cultural Landscape]

October 6, 2008

Mr. Thomas Greenwood  
Principal Planner  
Comprehensive Planning Department  
2800 North Horseshoe Drive  
Naples, FL 34105

Re: Collier County RLSA Phase II Policy Group 5

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 5.

### **Group 5 Policies**

#### **Policy 5.1**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially

remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs. Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

**ECPO Comments:** FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. The mix of land use activities within FSAs and HSAs are necessary to enable the delineation of the large interconnected systems.

The Group 5 policies collectively provide a set of minimum land development standards that apply only when a land owner does not participate in the RLS program. In the case of Policy 5.1, the FSA provision addresses a narrow issue of water quality within regional flow ways, where the more intensive land uses could impact offsite areas. Of the 31,100 acres of FSA, only 800 acres are active agriculture. Within the HSAs it has been confirmed by many biological experts, including Darrel Land who spoke with the RLS Committee, that species are very adept at utilizing and traversing agriculture lands.

#### **Policy 5.4**

2. Stronger language for wildlife underpasses and a map of locations

**ECPO Comments:** The RLSA program provides a tremendous framework for facilitating the establishment of wildlife underpasses, by protecting large expanses of habitat with SSA lands. The actual need assessments, locating, design, and construction of wildlife underpasses occurs through the efforts of state and/or federal wildlife and transportation agencies, either as part of public works projects or as part of the regulatory process for development projects. As one example, FWC researchers continually evaluate the need for panther crossings, and have maps of existing and proposed panther underpasses.

3. Panther deaths on 846 are mentioned, but not those on Rte 29 or 41 east, which are many.

**ECPO Comments:** Panther deaths on Route 41 East are miles south of the RLSA, as are incidents on SR 29 south of the Sunniland mines. The panther-vehicle collisions on CR 846 east of Immokalee were considered when designating the FSA and HSA stewardship overlays in that area. SSA 3 and SSA 4 were later designated along that segment of CR 846 specifically to provide opportunities for future panther crossings.

FWC has documented the location of all known panther-vehicle collisions in a GIS database. This information, in conjunction with FWC's least cost path modeling of panther movements, has been and will be used to identify promising sites for additional panther crossings. The RLSA program facilitates the establishment of these wildlife underpasses by preserving existing land uses in the vicinity of the crossings.

#### **Policy 5.6**

4. The actual ability to develop in the RLSA under the standard zoning did not include an analysis of what amount of non-jurisdictional lands could actually be permitted. This

produced a false sense of urgency to protect environmentally sensitive land that in reality may never have been allowed to be improved. Even as 5 or 10 acre homesites, the ability to infringe upon wetlands is limited.

**ECPO Comments:** An analysis of the specific jurisdictional wetland permitting conditions of the entire 300 square mile RLS was not within the scope of the Rural Land Study, nor is such an analysis required for comprehensive planning. Further, as the RLSA is an optional overlay, it is an alternative to development under the existing zoning, not a replacement.

The standard zoning of the entire RLSA is Agriculture. Under this zoning, a wide range of land uses are permitted by right or conditional use that can have impacts to jurisdictional areas, including the full range of agricultural activities, farmworker housing, commercial excavations, and residential development. Under the standard zoning, land ownership can be subdivided and fragmented in ways that compromise wetland and habitat connectivity. Once this occurs, it is very expensive and difficult to reassemble land into manageable systems (Southern Golden Gate Estates). The RLSA creates incentives for more sustainable and environmentally sound patterns of protection and development on a landscape basis.

In addition, many environmentally sensitive lands within the RLSA are not jurisdictional wetlands, yet provide important habitat for Florida panther, Florida black bear, Big Cypress fox squirrel, and other listed species. Large areas of non-jurisdictional land are included in Habitat Stewardship Areas, particularly where these occur in proximity to native vegetated areas or flowways.

The "sense of urgency" for protecting environmentally sensitive lands pre-dates the RLSA, and in fact was a key catalyst that led to the establishment of the Final Order, the Rural Lands Study, and the resulting RLSA program. The Florida Forever program (and its predecessors) targeted the CREW lands (Camp Keais Strand) and the Okaloacoochee Slough long before the creation of the RLSA. Various state and federal analyses projected strong development pressures on wetlands within the RLSA before the RLSA program was created. The South Florida Ecosystem Restoration program predicates much of its land acquisition strategy on potential wetland losses and landscape-scale fragmentation.

We appreciate the opportunity to offer these comments and recommendations to you and look forward to discussing any questions you or the Committee may have concerning them.

Very truly yours,

John M. Passidomo  
For the Firm

### **Policy 5.1**

To protect water quality and quantity and maintenance of the natural water regime in areas mapped as FSAs and lands described in Policy 3.12 surrounding the Camp Keais Strand and Okaloacoochee Slough on the Overlay Map prior to the time that they are designated as SSAs under the Stewardship Credit Program. Residential Uses, General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs and lands described in Policy 3.12. Conditional use essential services and governmental essential services, except those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil or gas extraction in FSAs in order to minimize impacts to native habitats. Asphaltic and concrete batch making plants shall be prohibited in areas mapped as HSAs. The opportunity to voluntarily participate in the Stewardship Credit Program, as well as the right to sell conservation easements or a free or lesser interest in the land, shall constitute compensation for the loss of these rights.

### **Policy 5.4**

Collier County will coordinate with appropriate State and Federal agencies concerning the provision of wildlife crossings at locations determined to be appropriate. A map of these crossing locations will be developed by January, 2010 and used in evaluating community and transportation planning for the RLSA.

### **Policy 5.5**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, non-agricultural development, excluding individual single family residences, shall be directed away from the listed species and their habitats by complying with the following guidelines and standards:

1. A wildlife survey shall be required for all parcels when listed species are known to inhabit biological communities similar to those existing on site or where listed species are directly observed on the site. The survey shall be conducted in accordance with the requirements of the Florida Fish and Wildlife Conservation Commission (FFWCC) and U.S. Fish and Wildlife Service (USFWS) guidelines. The County shall notify the FFWCC and USFWS of the existence of any listed species that may be discovered. No local permits shall be issued until necessary state and federal permits have been obtained.
2. Wildlife habitat management plans for listed species shall be submitted for County approval. A plan shall be required for all projects where the wildlife survey indicated listed species are utilizing the site, or the site is capable of supporting wildlife and can be anticipated to be occupied by listed species. These plans shall describe how the project directs incompatible land uses away from listed species and their habitats.
  - a. Management plans shall incorporate proper techniques to protect listed species and their habitats from the negative impacts of proposed development. Open space and vegetation preservation requirements shall be used to establish buffer areas between wildlife habitat areas and areas dominated by human activities. Provisions such as fencing, walls, or other obstructions shall be provided to minimize development impacts to the wildlife and to facilitate and encourage wildlife to use wildlife corridors. Appropriate roadway crossings, underpasses and signage shall be used where roads must cross wildlife corridors.
    - i. The following references shall be used, as appropriate, to prepare the required management plans:
      1. South Florida Multi-Species Recovery Plan, USFWS, 1999.
      2. Habitat Management Guidelines for the Bald Eagle in the Southeast Region, USFWS, 1987.

3. Ecology and Habitat Protection Needs of Gopher Tortoise (*Gopherus polyphemus*) Populations found on Lands Slated for Large Scale Development in Florida, Technical Report No. 4, Florida Game and Fresh Water Fish Commission, 1987.
  4. Ecology and Development-Related Habitat Requirements of the Florida Scrub Jay (*Apelocoma coerulescens*), Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991.
  5. Ecology and Habitat Protection Needs of the Southeastern American Kestrel (*Falco Sparverius Paulus*) on Large-scale Development Sites in Florida, Nongame Technical Report No. 13, Florida Game and Fresh Water Fish Commission, 1993.
- ii. The County shall consider any other techniques recommended by the USFWS and FFWCC, subject to the provision of paragraph 3 of this policy.
  - iii. When listed species are directly observed on site or indicated by evidence, such as denning, foraging, or other indications, a minimum of 40% of native vegetation on site shall be retained, with the exception of clearing for agricultural purposes. The County shall also consider the recommendation of other agencies, subject to the provisions of paragraph 3 of this policy.
- b. For parcels containing gopher tortoises (*Gopherus polyphemus*), priority shall be given to protecting the largest most contiguous gopher tortoise habitat with the greatest number of active burrows, and for providing a connection to off site adjacent gopher tortoise preserves.
  - c. Habitat preservation for the Florida scrub jay (*Apelocoma coerulescens*) shall conform to the guidelines contained in Technical Report No. 8, Florida Game and Fresh Water Fish Commission, 1991. The required management plan shall also provide for a maintenance program and specify an appropriate fire or mechanical protocols to maintain the natural scrub community. The plan shall also outline a public awareness program to educate residents about the on-site preserve and the need to maintain the scrub vegetation. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - d. For the bald eagle (*Haliaeetus leucocephalus*), the required habitat management plans shall establish protective zones around the eagle nest restricting certain activities. The plans shall also address restricting certain types of activities during the nest season. These requirements shall be consistent with the UFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy.
  - e. For the red-cockaded woodpecker ~~sp~~ (*Picoides borealis*), the required habitat protection plan shall outline measures to avoid adverse impacts to active clusters and to minimize impacts to foraging habitat. Where adverse effects can not be avoided, measures shall be taken to minimize on-site disturbance and compensate or mitigate for impacts that remain. These requirements shall be consistent with the UFWS South Florida Multi-Species Recovery Plan, May 1999, subject to the provision of paragraph 3) of this policy.
  - f. In areas where the Florida black bear (*Ursus americanus floridanus*) may be present, the management plans shall require that garbage be placed in bear-proof containers, at one or more central locations. The management plan shall also identify methods to inform local residents of the concerns related to interaction between black bears and humans. Mitigation for impacting habitat suitable for black bear shall be considered in the management plan.

- g. For projects located in Priority I or Priority II Panther Habitat areas, the management plan shall discourage the destruction of undisturbed, native habitats that are preferred by the Florida panther (*Felis concolor coryi*) by directing intensive land uses to currently disturbed areas. Preferred habitats include pine flatwoods and hardwood hammocks. In turn, these areas shall be buffered from the most intense land uses of the project by using low intensity land uses (e.g., parks, passive recreational areas, golf courses). Golf courses within the Rural Lands Area shall be designed and managed using standards found within this Overlay. The management plans shall identify appropriate lighting controls for these permitted uses and shall also address the opportunity to utilize prescribed burning to maintain fire-adapted preserved vegetation communities and provide browse for white-tailed deer. These requirements shall be consistent with the USFWS South Florida Multi-Species Recover Plan, May 1999, subject to the provisions of paragraph (3) of this policy. The Multi-Species Recovery Plan (1999) shall constitute minimum wildlife protection standards for the RLSAO.
  - h. The Management Plans shall contain a monitoring program for developments greater than 10 acres.
3. The County shall, consistent with applicable policies of this Overlay, consider and utilize recommendations and letters of technical assistance from the Florida Fish and Wildlife Conservation Commission and recommendations from the US Fish and Wildlife Service in issuing development orders on property containing listed species, or listed species habitat capable of supporting wildlife, and can be anticipated to be occupied by listed species. It is recognized that these agency recommendations, on a case by case basis, may change/strengthen the requirements contained within these wildlife protection policies and any such change shall be deemed consistent with the Growth Management Plan. However, no relaxation of these wildlife protection policies will be considered.

**Policy 5.6**

Any development on lands not participating in the RLSA Program will not be included in any possible Habitat Conservation Plan, Conservation Agreement or other federal equivalent under the Endangered Species Act in the RLSA, and are required to pursue appropriate permitting and mitigation through the Florida Fish and Wildlife Conservation Commission and US Fish and Wildlife Service. No county development authorization shall be issued until a USFWS ESA Section 7 or 10 authorization is issued or deemed unnecessary for the proposed development.

Formatted: Font: 14 pt, Bold

Formatted: Indent: Left: 0", First line: 0"

Formatted: Left, Indent: Left: 0", First line: 0"

[\*\* For Policy 5.76 (wetlands protections), I would like to revise the numerous references to WRAP (delete) and use UMAM as the functional evaluation standard. I also suggest adding a policy disallowing exotics removal counting at all as wetland impact mitigation (5.6.3.f. - add a new "iv".) Finally, I would like to add incentives to restore wetlands and habitat through non-RLSA tools, like Farm Bill easements, grants, tax benefit programs, etc.]

### **Policy 5.76**

For those lands that are not voluntarily included in the Rural Lands Stewardship program, Collier County shall direct non-agricultural land uses away from high functioning wetlands by limiting direct impacts within wetlands. A direct impact is hereby defined as the dredging or filling of a wetland or adversely changing the hydroperiod of a wetland. This policy shall be implemented as follows:

1. There are two (2) major wetlands systems within the RLSA, Camp Keais, Strand and the Okaloacoochee Slough. These two systems have been mapped and are designated as FSA's. Policy 5.1 prohibits certain uses within the FSA's, thus preserving and protecting the wetlands functions within those wetland systems.
2. The other significant wetlands within the RLSA are WRA's as described in Policy 3.3. These areas are protected by existing SFWMD wetlands permits for each area.
3. FSAs, HSAs and WRAs, as provided in Policy 5.3, and the ACSC have stringent site clearing and alteration limitations, nonpermeable surface limitations, and requirements addressing surface water flows which protect wetland functions within the wetlands in those areas. Other wetlands within the RLSA are isolated or seasonal wetlands. These wetlands will be protected based upon the wetland functionality assessment described below, and the final permitting requirements of the South Florida Water Management District.
  - a. The County shall apply the vegetation retention, open space and site preservation requirements specified within this Overlay to preserve an appropriate amount of native vegetation on site. Wetlands shall be preserved as part of this vegetation requirement according to the following criteria:
    - i. The acreage requirements specified within this Overlay shall be met by preserving wetlands with the highest wetland functionality scores. Wetland functionality assessment scores shall be those described in paragraph b of this policy. The vegetative preservation requirements imposed by Policies 5.3 and 5.5 shall first be met through preservation of wetlands having a functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater. Within one year from the effective date of this Amendment, the County shall develop specific criteria in the LDC to be used to determine those instances in which wetlands with a WRAP functionality assessment score of 0.65 or a Uniform Wetland Mitigation Assessment Method score of 0.7, or greater must be preserved in excess of the preservation required by Policy 5.3.
    - ii. Wetlands utilized by listed species or serving as corridors for the movement of listed species shall be preserved on site. Wetland flowway functions through the project shall be maintained.
    - iii. Proposed development shall demonstrate that ground water table drawdowns or diversions will not adversely change the hydroperiod of preserved wetlands on or offsite. Detention and control elevations shall be set to protect surrounding wetlands and be consistent with surrounding land and project control elevations and water tables. In order to meet these requirements, projects shall be designed in accordance with Sections 4.2.2.4.6.11 and 6.12 of SFWMD's Basis of Review, January 2001. Upland vegetative communities may be utilized to meet the vegetative, open space and site preservation requirements of this Overlay when the wetland functional assessment score is less than 0.65.
  - b. In order to assess the values and functions of wetlands at the time of project review, applicants shall rate functionality of wetlands using the South Florida Water



Management District's Wetland Rapid Assessment Procedure (WRAP), as described in Technical Publication Reg-001, dated September 1997, and updated August 1999, or the Uniform Wetland Mitigation Assessment Method, identified as F.A.C. Chapter 62-345. The applicant shall submit to County staff agency-accepted WRAP scores, or Uniform Wetlands Mitigation Assessment scores. County staff shall review this functionality assessment as part of the County's EIS provisions and shall use the results to direct incompatible land uses away from the highest functioning wetlands according to the requirements found in paragraph 3 above.

- c. All direct impacts shall be mitigated for pursuant to the requirements of paragraph (f) of this policy.
- d. Single family residences shall follow the requirements contained within Policy 6.2.7 of the Conservation and Coastal Management Element.
- e. The County shall separate preserved wetlands from other land uses with appropriate buffering requirements. The County shall require a minimum 50-foot vegetated upland buffer abutting a natural water body, and for other wetlands a minimum 25-foot vegetated upland buffer abutting the wetland. A structural buffer may be used in conjunction with a vegetative buffer that would reduce the vegetative buffer width by 50%. A structural buffer shall be required abutting wetlands where direct impacts are allowed ed. Wetland buffers shall conform to the following standards:
  - i. The buffer shall be measured landward from the approved jurisdictional line.
  - ii. The buffer zone shall consist of preserved native vegetation. Where native vegetation does not exist, native vegetation compatible with the existing soils and expected hydrologic conditions shall be planted.
  - iii. The buffer shall be maintained free of Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council.
  - iv. The following land uses are considered to be compatible with wetland functions and are allowed within the buffer:
    - (1) Passive recreational areas, boardwalks and recreational shelters;
    - (2) Pervious nature trails;
    - (3) Water management structures;
    - (4) Mitigation areas;
    - (5) Any other conservation and related open space activity or use which is comparable in nature with the foregoing uses.
  - v. A structural buffer may consist of a stem-wall, berm, or vegetative hedge with suitable fencing.
- f. Mitigation shall be required for direct impacts to wetland in order to result in no net loss of wetland functions.

Mitigation Requirements:

  - i. "No net loss of wetland functions" shall mean that the wetland functional score of the proposed mitigation equals or exceeds the wetland functional score of the impacted wetlands. Priority shall be given to mitigation within FSA's and HSA's.
  - ii. Loss of storage or conveyance volume resulting from direct impacts to wetlands shall be compensated for by providing an equal amount of storage or conveyance capacity on site and within or abutting the impacted wetland.
  - iii. Protection shall be provided for preserved or created wetland or upland vegetative communities offered as mitigation by placing a conservation easement over the land in perpetuity, providing for initial exotic plant removal (Class I invasive exotic plants defined by the Florida Exotic Plan Council) and continuing exotic plant maintenance, or by appropriate ownership transfer to a state or federal agency along with sufficient funding for perpetual management activities.

iv. Under no circumstances will exotics removal or maintenance be considered acceptable mitigation for the loss of wetlands or listed species habitat.

iv. Prior to issuance of any final development order that authorizes site alteration, the applicant shall demonstrate compliance with paragraphs (f) i, ii, and iii of this policy. If agency permits have not provided mitigation consistent with this policy, Collier County will require mitigation exceeding that of the jurisdictional agencies.

- g. Wetland preservation, buffer areas, and mitigation areas shall be identified or platted as separate tracts. In the case of a Planned Unit Development (PUD), these areas shall also be depicted on the PUD Master Plan. These areas shall be maintained free from trash and debris and from Category I invasive exotic plants, as defined by the Florida Exotic Pest Plant Council. Land uses allowed in these areas shall be limited to those listed above (3.e.iv.) and shall not include any other activities that are detrimental to drainage, flood, control, water conservation, erosion control or fish and wildlife habitat conservation and preservation.

4. All landowners shall be encouraged to consider participating in any programs that provide incentives, funding or other assistance in facilitating wetland and habitat restoration on private lands, including but not limited to federal farm bill agricultural conservation programs, private or public grants, tax incentives, easements, and fee or less than fee sale to conservation programs.

#### **Policy 5.8**

Any development on lands not participating in the RLS program shall be required to assure compatibility with surrounding land uses. Outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security. Other compatibility elements to be addressed include, but are not limited to appropriate buffers, smoke easements, and agricultural neighbor agreements.

Formatted: Font: 14 pt, Bold

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

**Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; September 30, 2008**

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:**

CHAIRMAN, Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
David Farmer  
Gary Eidson  
Bill McDaniel  
Tom Jones  
Tammie Nemecek  
Fred N. Thomas, Jr. [left meeting at 9:30am]

ALSO PRESENT: CDES staff members Heidi Ashton, Joseph Schmitt, Thomas Greenwood, Michael DeRuntz, Mac Hatcher and approximately 20 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:03AM by *Chairman Ron Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 9 of 12 members were present.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda as presented and seconded by Mr. Farmer.  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the September 23, 2008 Meeting**

*Mr. Thomas moved and McDaniel seconded to approve the minutes as distributed. Mr. Hamel pointed to a name error on page 4 which was acknowledged and directed for correction by staff.  
Voice Vote –The Minutes were approved as corrected by unanimous vote.*

**V. Presentations. Chairman Hamel** asked Tom Greenwood to review several items related to Committee follow-up on items from previous meetings.

- A. Establishment by Committee of the “Maturity” or “Build-out” of the RLSA Overlay Area under the Existing RLSA Overlay.** *Mr. Greenwood* requested that the Committee establish what it considers the “maturity” or “build out” under the current Credit system. Mr. Greenwood stated that Wilson Miller presented its estimates of maximum Credits under the current Credit system as well as under the revised system and a recommendation for Credit recalibration during the September 23 meeting based upon its September 18, 2008 report reviewed with the Committee. Mr. Greenwood stated that staff presented its estimate of “maturity” or “build out”

under the current Credit system during the September 16 meeting. The estimates of Credits and SRA acres comparisons are as follows:

- Staff report...316,761 Credits and 41,040 SRA acres
- Wilson Miller report....315,000 Credits and 43,312 SRA acres

*Mr. Thomas* stated that both estimates appear reliable, but that he would favor the use of the Wilson Miller estimates because Wilson Miller will be providing data and analysis and additional information regarding the comparisons between the current and revised Credit system.

*Mr. Thomas* moved and *Mr. Eidson* seconded to accept the estimates provided by Wilson Miller dated September 18, 2008. *Upon vote*, the motion carried 9-0.

- B. Discussion of need to set aside dates for additional meetings.** *Mr. Greenwood* stated that the last scheduled meeting is October 7 and that it is likely that additional meetings will be required to finish the Phase II Report. *Mr. Eidson* moved and *Mr. McDaniel* seconded to add the following possible meetings to the Committee schedule all in CDES Rooms 608/609 October 14, October 21, and October 28. *Upon vote*, the motion carried 9-0.
- C. DCA Objections Recommendation and Comments Regarding RLSA Lack of Definition of "Open Lands".** *Mr. Greenwood* stated that this was brought to the Committee's attention on September 16. The Committee discussed recommendations by *Mr. Greenwood* and by *Mr. Al Reynolds* of Wilson Miller regarding proposed additional language in Policy 2.2 [in addition to language previously approved by the Committee on September 2. After discussion, *Mr. Eidson* moved and *Mr. Thomas* seconded to revise the Committee's action taken on September 2 to read as follows. *Upon vote*, the motion carried 9-0.

## **Policy 2.2**

Agriculture lands protected through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs) as described in Policy 1.6. The protection measures for SSAs are set forth in Policies 1.6, 1.7, 1.10, and 1.17. In addition to protecting agriculture activities in SSAs within FSA, HSA, and WRA, as further described in Policies 3.1, 3.2 and 3.3, additional incentives are desired to retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards as described in Policy 1.5. Open Lands are those lands not designated SSA, SRA, WRA, HSA, FSA, or public lands on the Rural Lands Stewardship Area Overlay Map. Open Lands are those lands described in Policy 4.2. Therefore, in lieu of using the Natural Resource Index on land designated Open, these lands shall be assigned two (2.0) Stewardship Credits per acre outside of the Area of Critical State Concern (ACSA), and two and sixth tenths (2.6) Credits per acre within the ACSC. All non-agriculture uses shall be removed and the remaining uses are limited to agriculture Land Use Levels 5, 6 and 7 on the Land Use Matrix. Each layer is discreet and shall be removed sequentially and cumulatively in the order presented in the Matrix. If a layer is removed, all uses and activities in that layer are eliminated and no longer available. Following approval of an Agricultural SSA, Collier County shall update the RLSA Zoning Overlay District Map to delineate the boundaries of the Agricultural SSA.

**D. Discussion of John Passidomo letter dated September 19, 2008, on behalf of the Eastern Collier Property Owners [ECPO] Requesting an amendment to Policy 1.6 to make Stewardship Easements created upon approval of a SSA conditional for a period of 5 years...**

*Mr. Greenwood* pointed out that the Committee was aware of this letter [attached hereto] at the September 23 meeting but that it was not discussed due to a lack of time. He stated that the Assistant County Attorney's initial review is that the GMP language be drafted broadly and that it should not include the details of the conditional SSA. An LDC amendment will formulate the details and the mechanics. *Mr. Thomas* stated that the detail of the language should be in the

LDC. *Mr. Jones* stated that he supports the concept and would like to refer this request of Mr. Passidomo to the County Attorney to work out the language. *Mr. Farmer* stated that he supports the concept and *Mr. Russ Priddy* stated that this is “huge” and very important, to both the large and the smaller property owners in the RLSA. *Mr. Jones* moved and *Fred Thomas* seconded to refer this item to the County Attorney to work out the language. *Upon vote*, the motion carried, 9-0.

## VI. Old Business

### **A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship, including Issues, Concerns, and Questions [concentration on Groups 4 and 5 Policies] as well as data and analysis with respect to proposed revisions to the RLSA Overlay**

The following is a summary of discussions and Committee actions taken on Policies 4.3 through 4.21 on September 30, 2008.

#### **Policy 4.3**

Land becomes designated as a SRA upon petition by a property owner to Collier County seeking such designation and the adoption of a resolution by the BCC granting the designation. The petition shall include a SRA master plan as described in Policy 4.5. The basis for approval shall be a finding of consistency with the policies of the Overlay, including required suitability criteria set forth herein, compliance with the LDC Stewardship District, and assurance that the applicant has acquired or will acquire sufficient Stewardship Credits to implement the SRA uses. ~~Within one year from the effective date of this amendment, Collier County shall adopt LDC amendments to establish the procedures and submittal requirements for designation as a SRA, to include provisions for consideration of impacts, including environmental and public infrastructure impacts, and provisions for public notice of and the opportunity for public participation in any consideration by the BCC of such a designation.~~

#### **Public discussion on September 30, 2008**

*Mr. McDaniel* stated that he is not comfortable with setting a maximum acreage cap for SRAs in Policy 4.2. *Mr. Eidson* and *Mr. Russ Priddy* stated that there has to be some certainty as to what is going to happen in the RLSA Overlay area.

**Public Input:** none

**Staff Comments:** The language proposed was submitted on behalf of ECPO for deletion and is no longer needed.

**Committee September 30, 2008 Action:** Motion by *Mr. Jones* and seconded by *Mr. Eidson* to amend Policy 4.3 as shown. *Upon vote*, the motion carried, 8-0.

#### **Policy 4.4**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type, lane needs and provide evidence that it is financially feasible. The county, in coordination with the land owners within the RLSA shall identify and locate the public services needed to accommodate the build out population within the RLSA that would not otherwise be included within the individual SRAs. These services shall include but are not limited to: government offices, jails, court houses, landfills, maintenance facilities or any other facilities that would otherwise require travel back to the urban area. Land shall be set aside within the RLSA to accommodate



these services so they can be constructed as they become needed based on development absorption. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

**Public discussion** *Mr. McDaniel spoke on the VanBuskirk study prepared for the East of CR 951 Horizon Study and that he indicated that Mr. VanBuskirk on September 29 agreed to provide a briefing of the study to this Committee in the next two weeks and that staff should coordinate the presentation through Mike Bosi, the study coordinator. Nick Casalanguida, via an email shared with the Committee, asked the Committee to table action on the Group 4 policies until a meeting with ECPO has been held and discussion of the language has occurred prior to a report back to the Committee.*

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *The Committee tabled action pending a report back from the Transportation Planning Department and ECPO representatives. Mr. Passidomo stated that a meeting was held this morning with Transportation and he stated that they may have some language to present as early as one to two weeks.*

## **Policy 4.5**

To address the specifics of each SRA, a master plan of each SRA will be prepared and submitted to Collier County as a part of the petition for designation as a SRA. The master plan will demonstrate that the SRA complies with all applicable policies of the Overlay and the LDC Stewardship District and is designed so that incompatible land uses are directed away from wetlands and critical habitat identified as FSAs and HSAs on the Overlay Map. Outdoor lighting shall be reasonably managed to protect the nighttime environment, conserve energy, and enhance safety and security. The master plan shall define its access points to the existing transportation network and any proposed public roadways. The access points and proposed roadways shall be generally consistent with the county's build out master plan. Any significant deviation from the master plan will require an update to the build out master plan.

**Public Discussion on September 30, 2008**

*Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks. Brad Cornell stated that he would like to have Nancy Payton's proposal on outdoor lighting considered today as it is separate from the Transportation language. Nancy Payton stated that the outdoor lighting language ["Dark Shy"] should go into the RLSA Overlay in general and more specifics would be worked out for LDC language. Nicole Ryan stated that she supports the language and the lighting standards should be developed for the connecting roads between the SRAs.*

**Public Input:**

1. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary. [Mark Strain]

**ECPO Comments:** Lighting is a design standard that is considered during the Receiving Area (SRA) application review.

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Cornell moved and Mr. Farmer seconded to accept Nancy Payton's language with the proviso that the word "reasonably" be placed in front of the word*

“managed” and that the wording in the last 3 sentences related to transportation be tabled. **Upon vote, the motion carried, 8-0.**

## **Policy 4.6**

SRA characteristics shall be based upon innovative planning and development strategies referenced in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(1). These planning strategies and techniques include urban villages, new towns, satellite communities, area-based allocations, clustering and open space provisions, and mixed-use development that allow the conversion of rural and agricultural lands to other uses while protecting environmentally sensitive areas, maintaining the economic viability of agricultural and other predominantly rural land uses, and providing for the cost-efficient delivery of public facilities and services.

### **Public discussion on September 30, 2008**

*Mr. Al Reynolds stated that the transit language will likely be placed in Policy 4.14 but that Policy language has yet to be worked out. He stated that the language does not have to be in two policies. Brad Cornell asked about trip capture rates in SRAs. Mr. Jones stated that Ave Maria is “over the top” [on trip capture rates]. Al Reynolds stated that the projected trip capture rate was 60% although it is now about 90%. He stated that the trip capture rate will likely get to the 60% range when the town develops further. Ms. Ryan stated that the internal capture rate of vehicles is very important and that provisions for a public transportation master plan among SRAs is very important.*

### **Public Input:**

### **Staff Comments:**

**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. McDaniel seconded to leave the Policy 4.6 language unchanged. Upon vote, the motion carried 8-0.*

## **Policy 4.7**

There are ~~four~~ three specific forms of SRA permitted within the Overlay. These are Towns, Villages, Hamlets, and Compact Rural Development (CRD). The Characteristics of Towns, Villages, Hamlets, and CRD are set forth in Attachment C and are generally described in Policies 4.7.1, 4.7.2, ~~and 4.7.3 and 4.7.4.~~ ~~Collier County shall establish more~~ Specific regulations, guidelines and standards within the LDC Stewardship District to guide the design and development of SRAs to include innovative planning and development strategies as set forth in Chapter 163.3177 (11), F.S. and ~~0J-5.006(5)(1).~~ The size and base density of each form shall be consistent with the standards set forth on Attachment C. The maximum base residential density as set forth in Attachment C may only be exceeded through the density blending process as set forth in density and intensity blending provision of the Immokalee Area Master Plan or through the affordable-workforce housing density bonus as referenced in the Density Rating System of the Future Land Use Element. The base residential density is calculated by dividing the total number of residential units in a SRA by the overall area therein. The base residential density does not restrict net residential density of parcels within a SRA. The location, size and density of each SRA will be determined on an individual basis during the SRA designation review and approval process.

### **Public Input:**

1. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or

self sufficiency, then their allowance under the RLSA should be reconsidered. [Conservancy]  
Note: Also related to the following policies 4.7.2, 4.7.3, 4.7.4, 4.16, 4.17, 4.18

2. No hamlets or "compact rural developments" compact rural development could be a "Coconut Point," - no cap on size of some types of CRDs. [FWF]

Note: Also related to policies 4.7.3, 4.7.4

**The following is an excerpt from a letter dated July 1, 2008 from the Conservancy of Southwest Florida addressed to the Committee and received by the Committee on July 1, 2008.**

\*\*\*\*\*

**The Conservancy believes that no changes in the maximum or minimum acreages of SRAs should be allowed prior to an assessment of all components of SRAs.**

“As the premise of the RLSA is to create self-sustaining communities, it is important to ensure that sufficient infrastructure and services are required for SRAs. Towns (1,000 to 4,000 acres) are meant to have a full range of housing types, urban level services and infrastructure, including a balance of land uses that reduce automobile trips – the essence of sustainability. Villages (100 to 1,000 acres) are primarily residential communities, with a mixed-use village center and services for the various internal neighborhoods. However, villages do not provide the same extent of infrastructure and services that are required of a town – in other words, they are not as self-sufficient as a town.

We believe that developments over 1,000 acres should continue to be classified as towns, with all of the associated infrastructure, goods and services and other amenity requirements, until such time as a thorough assessment of all forms of SRAs can be completed.

Any proposed change to the SRA acreages should be substantiated by data. We ask that you require such data prior to recommending any changes, and include as part of the assessment:

- Removal of hamlets as a form of SRA,
- The exploration of increasing the allowable size of towns to 5,000 acres, providing that modifications be justified based on sound planning, transportation considerations, infrastructure and sustainability.”

---

**The following is an excerpt of a July 1, 2008, letter from the Conservancy of Southwest Florida addressed to the Committee and received by the Committee on July 1, 2008.**

\*\*\*\*\*

**“Greater specificity is needed regarding the location of future SRAs, including those proposed as part of the 50% increase in the development footprint.**

The proposed numbers assigned to the base credits within the proposed new Agricultural Preservation category will be sufficient to entitle 15,000 acres of additional development. What is unclear is whether this amount of additional development is consistent with the desired build-out of the RLSA. Consideration of transportation, essential services, and other infrastructure must be factored into any assessment of increased entitlement for development

The Conservancy recommends that additional specificity be provided as to where future SRAs will be located. Such specificity would provide some of the assurance needed to determine how much additional development would be appropriate for the RLSA, keeping in mind the need to balance uses and ensure future sustainability.



**By increasing the development footprint of the RLSA, the proposal apparently includes an expectation that new roads and transportation infrastructure will be built in environmentally sensitive lands to serve the anticipated additional new development. As secondary impacts of the development proposed in this plan, they need to be assessed and accounted for.**

New roads should be aligned to avoid impacting environmentally sensitive areas, including areas determined to be important panther corridors or habitat areas. In order to assess the appropriate amount of avoidance and mitigation that will be required, and to determine whether this proposal will provide a net benefit in the protection of panthers and other listed species, these impacts from additional roads and road improvements need to be assessed and accounted for concurrently with this proposed plan.

The Conservancy believes that any proposed transportation plan should be based upon the principle that good land use planning must guide transportation planning. Road networks that are created simply to accommodate new development should not be part of the RLSA. Instead, development must be sited in the most compatible locations, taking into account existing roads, distance to goods, services, employment and other destinations. Such planning will not only be beneficial to protection of natural resources, but cost County taxpayers less money in the future.”

---

**The following is an excerpt from the letter date July 1, 2008, from the Conservancy of Southwest Florida to Paul Souza of the South Florida Ecological Services Office of the US Fish and Wildlife Service as provided to the Committee on July 1, 2008.**

\*\*\*\*\*

**“No Stewardship Receiving Areas should be allowed within the Area of Critical State Concern (ACSC), which is in the immediate vicinity of the Okaloacoochee Slough panther corridor and habitat area. Also, villages should not be enlarged in the RLSA program over their current 1,000 acre threshold.**

The proposal would apparently allow stewardship receiving areas within the ACSC, therefore, not entirely preserving it in its current land uses. This area has been identified for its importance for the host of exceptional natural resource values it offers, not the least of which its function as primary critical habit and essential movement corridors for the endangered Florida panther. The Conservancy believes based on the exceptional natural resource value of the ACSC, that stewardship receiving areas are not appropriate within it.

Additionally, the size of villages in the RLSA program area should not be increased to 1,500 acres (a 50% increase over the current allowable limit of 1,000 acres), but instead remain at or below the current 1,000 acre threshold. Developments over 1,000 acre should continue to be handled as towns, which have additional requirements for infrastructure and amenities. Villages do not provide the same extent of infrastructure and services that are required of a town – in other words, they are not as self-sufficient as a town so will result in additional transportation impacts, which in turn would have an adverse impact on panthers who are routinely being killed on Collier roads by cars. Therefore, the Conservancy believes that developments over 1,000 acres should continue to be classified as towns, with all of the associated infrastructure, goods and services and other amenity requirements, until such time as a thorough assessment of all forms of SRAs and proposed changes to the SRA acreages are substantiated by data. “

**ECPO Comments:** The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA’s:

- Hamlets are not a permitted form of SRA.
- Towns shall not be more than 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages.
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

**Public discussion on September 30, 2008**

*Mr. Cornell stated that hamlets are too small to be self sustaining and could be seen as controlled sprawl.*

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Eidson moved and Mr. Cornell seconded to amend the language of Policy 4.7 as shown. Upon vote, the motion carried, 8-0.*

**Policy 4.7.1**

Towns are the largest and most diverse form of SRA, with a full range of housing types and mix of uses. Towns have urban level services and infrastructure that support development that is compact, mixed use, human scale, and provides a balance of land uses to reduce automobile trips and increase livability. Towns shall be not less than ~~1,000~~ 1,500 acres or more than ~~4,000~~ 5,000 acres and are comprised of several villages and/or neighborhoods that have individual identity and character. Towns shall have a mixed-use town center that will serve as a focal point for community facilities and support services. Towns shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Towns shall include an internal public transit plan, a transfer station located within the town center near commercial uses and plan for and fund connectivity to other SRAs and other land uses which would benefit from public transportation. Towns shall have at least one community park with a minimum size of 200 square feet per dwelling unit in the Town.

Towns shall also have parks or public green spaces within neighborhoods. Towns shall include both community and neighborhood scaled retail and office uses, in a ratio as provided described in Policy 4.15.1. Towns may also include those compatible corporate office and light industrial uses as those permitted in the Business Park and Research and Technology Park Subdistricts of the FLUE. Towns shall be the preferred location for the full range of schools, and to the extent possible, schools and parks shall be located abutting each other to allow for the sharing of recreational facilities and as provided in Policies 4.15.2 and 4.15.3. Design criteria for Towns are shall be included in the LDC Stewardship District. Towns shall not be located within the ACSC.

**Public Input:** Towns shall not exceed 5,000 acres. [submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]

**Staff Comments:**

Policy 4.15 was deleted and replaced with new Policies 4.15.1, 4.15.2, and 4.15.3. The above amendments would harmonize Policy 4.7.1 with these three new policies.

**Committee September 30, 2008 Action:** *The Committee tabled action pending a report back from the Transportation Planning Department and ECPO. Mr. Passidomo stated that a meeting was held this*

morning with Transportation he stated that they may have some language to present as early as one to two weeks.

## **Policy 4.7.2**

Villages are primarily residential communities with a diversity of housing types and mix of uses appropriate to the scale and character of the particular village. Villages shall be not less than 100 acres or more than 1,000 acres inside the Area of Critical Concern and not more than 1,500 acres outside the Area of Critical Concern. Villages are comprised of residential neighborhoods and shall include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages shall be designed to encourage pedestrian and bicycle circulation by including an interconnected sidewalk and pathway system serving all residential neighborhoods. Villages shall have parks or public green spaces within neighborhoods. Villages shall include neighborhood scaled retail and office uses, in a ratio as provided in Policy 4.15. Villages are an appropriate location for a full range of schools. To the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities. Design criteria for Villages shall be included in the LDC Stewardship District.

**Public Input:** Outside the Area of Critical State Concern, Villages shall not exceed 1,500 acres. Inside the Area of Critical Concern, the current Collier County RLSA Overlay standards shall apply to Villages. [submitted as part of the July 1, 2008 submittal to the Committee entitled, "Florida Panther Protection Program" dated June 30, 2008]

### September 30, 2008 discussion

*Nicole Ryan stated that, rather than increase to size of a village, the density should be considered for an increase. Mr. Eidson asked what the problem would be in increasing the maximum size of a village. Christian Spilker stated that he supports the elimination of hamlets because it is difficult to develop hamlets from an economic standpoint because there is a substantial commercial requirement if over 1000 acres in size. He stated that villages with a larger footprint are easier to develop and it also now includes public benefit uses which were subtracted from the maximum area permissible. Mr. Jones restated what Mr. Spilker stated. Mr. Priddy stated that he concurs with the 1,500 maximum allowable acre amendment. Anita Jenkins state that she also agreed with this amendment, stating that open space requirements on a 1,000 acre SRA would limit development on 650 acres which is not enough land to justify proceeding economically with a village. Mr. McDaniel stated that he did not disagree with Ms. Ryan about raising densities, but stated that doing such may not be feasible.*

### **Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Eidson moved and Ms. Nemecek seconded to amend Policy 4.7.2 as shown. Upon vote, the motion carried, 8-0.*

## **Policy 4.7.3**

Hamlets are small rural residential areas with primarily single family housing and limited range of convenience oriented services. Hamlets shall be not less than 40 or more than 100 acres. Hamlets will serve as a more compact alternative to traditional five acre lot rural subdivisions currently allowed in the baseline standards. Hamlets shall have a public green space for neighborhoods. Hamlets include convenience retail uses, in a ratio as provided in Attachment C. Hamlets may be an appropriate location for pre K through elementary schools. Design criteria for Hamlets shall be included in the LDC Stewardship District. To maintain a proportion of Hamlets to Villages and Towns, not more than 5 Hamlets, in combination with CRDs of 100 acres or less, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional Hamlets, in combination with CRDs of 100 acres or less, may be approved for each subsequent Village or Town.

**Public Input:** Hamlets will be eliminated as a form of SRA [submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]

**ECPO Comments:** The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA’s:

- Hamlets are not a permitted form of SRA.
- Towns shall not be more than 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages.
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

**Staff Comments:**

**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. McDaniel seconded to delete Policy 4.7.3 as it relates to hamlets which are proposed for deletion. Upon vote, the motion carried 8-0.*

### **Policy 4.7.4 4.7.3**

Compact Rural Development (CRD) is a form of SRA that will provide flexibility with respect to the mix of uses and design standards, but shall otherwise comply with the standards of a Hamlet or Village. CRDs shall support and further Collier County’s valued attributes of agriculture, natural resources and economic diversity. CRDs shall demonstrate a unique set of uses and support services necessary to further these attributes within the RLSA. Primary CRD uses shall be those associated with and needed to support research, education, tourism or recreation. A CRD may include, but is not required to have permanent residential housing, and the services and facilities that support permanent residents. The number of residential units shall be equivalent with the demand generated by the primary CRD use, but shall not exceed the maximum of two units per gross acre. A CRD shall be a maximum size of 100 acres. An example of a CRD is an ecotourism village that would have a unique set of uses and support services different from a traditional residential village. It would contain transient lodging facilities and services appropriate to eco-tourists, but may not provide for the range of services that are necessary to support permanent residents. Except as described above, a CRD will conform to the characteristics of a Village or Hamlet as set forth on Attachment C based on the size of the CRD. As residential units are not a required use, those goods and services that support residents such as retail, office, civic, governmental and institutional uses shall also not be required. However, for any CRD that does include permanent residential housing, the proportionate support services listed above shall be provided in accordance with Attachment C. To maintain a proportion of CRDs of 100 acres or less to Villages and Towns, not more than 5 CRDs of 100 acres or less, in combination with Hamlets, may be approved as SRAs prior to the approval of a Village or Town, and thereafter not more than 5 additional CRDs of 100 acres or less, in combination with Hamlets, may be approved for each subsequent Village or Town. There shall be no more than 5 CRDs of more than 100 acres in size. The appropriateness of this limitation shall be reviewed in 5 years pursuant to Policy 1.22.

**Public Input:**

1. Compact Rural Developments (CRDs) seem to be too loosely designated and could provide a loophole for increased development in areas that are already built up. A CRD of 100 acres or less

seems to be a meaningless designation and it is my belief that this type of development could be dropped. [Judith Hushon]

2. Compact Rural Development (“CRD”) shall include, as a permitted use, eco tourism lodging, recreational hunting and fishing enterprises, and family homesteads for the Rural Landowners. [submitted as part of the July 1, 2008 submittal to the Committee entitled, “Florida Panther Protection Program” dated June 30, 2008]

**ECPO Comments:** The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA’s:

- Hamlets are not a permitted form of SRA.
- Towns shall not be more than 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages.
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

**Staff Comments:** The language amendments were provided by ECPO via Wilson Miller.

**Committee September 30, 2008 Action:** *Mr. Eidson moved and Mr. Cornell seconded to amend current Policy 4.7.4 as shown.*

## **Policy 4.8**

An SRA may be contiguous to a FSA or HSA, but shall not encroach into such areas, and shall buffer such areas as described in Policy 4.13. A SRA may be contiguous to and served by a WRA without requiring the WRA to be designated as a SRA in accordance with Policy 3.12 and 3.13.

### **Public Input:**

1. Buffers from wildlife habitat were established at distances that did not adequately address hydrologic impacts. The hydrological impacts of agricultural uses are far different than the uses of a town or village and these need to be better understood to assure no impacts to surrounding wetlands. Agricultural control elevations should be compared for compatibility with changes brought on by development. [Mark Strain]  
Note: Also relates to Policy 4.12 and 4.13

**ECPO Comments:** We are not aware of any data that supports the opinion that buffers are inadequate. Buffers were included within the RLSA program as a land use planning technique to provide a transition between receiving areas and natural areas, primarily for the benefit of water quality and wildlife. The state and federal wetland permitting procedures meticulously review existing wetland hydroperiod data, proposed surface water management designs, outfall control elevations, etc., with the expressed purpose of preventing hydrologic impacts to surrounding wetlands. The SFWMD Basis of Review for Environmental Resource Permits details these procedures. Permits are not issued until the applicant can demonstrate that the proposed activity does not hydrologically impact these wetlands, regardless of the buffer location or distance. As part of the Environmental Resource permitting process, control elevations are determined based on average wet season water table elevation as typically determined by hydro-biological indicators, soil types, ground water well monitoring data, and surrounding permitted control elevations.



2. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment. Note: Also relates to Policy 4.12 and 4.13 [**Conservancy**]

**ECPO Comments:** The most current peer-reviewed research on panther habitat utilization concluded, “[Our] results indicated that forests are the habitats selected by panthers and generally support the current United States Fish and Wildlife Service panther habitat ranking system.” (Land, Shindle et. al., 2008). This research employed GPS collars to characterize panther habitat selection during nocturnal and diurnal periods, and compared GPS data to standard diurnal VHF radiotelemetry data. As such, this research does represent “the best available Florida panther science” and does not support the Conservancy’s contention that the RLSA panther habitat methodology needs to be revised.

3. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies. Note: Also relates to Policy 4.12 and 4.13 [**Conservancy**]

**ECPO Comments:** ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

**Staff Comments:**

Buffer requirements for FSAs and HSAs for adjacent SRAs allow open space uses such as required yards and lakes immediately adjacent to them. There should be a minimum buffer with no area of impact. [**Engineering and Environmental Services Department**] Note: Also relates to Policy 4.12 and 4.13. **Committee September 30, 2008 Action:** *Mr. Jones moved and Mr. McDaniel seconded to leave Policy 4.8 unchanged. Upon vote, the motion carried, 8-0.*

## **Policy 4.9**

A SRA must contain sufficient suitable land to accommodate the planned development in an environmentally acceptable manner. The primary means of directing development away from wetlands and critical habitat is the prohibition of locating SRAs in FSAs, ~~and HSAs, and WRAs.~~ To further direct development away from wetlands and critical habitat, residential, commercial, manufacturing/light industrial, group housing, and transient housing, institutional, civic and community service uses within a SRA, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. In addition, conditional use essential services and governmental essential services, with the exception of those necessary to serve permitted uses and for public safety, shall not be sited on lands that receive a Natural Resource Index value of greater than 1.2. Infrastructure necessary to serve permitted uses may be exempt from this restriction, provided that designs seek to minimize the extent of impacts to any such areas. The Index value of greater than 1.2 represents those areas that have a high natural resource value as measured pursuant to Policy 1.8. Less than 2% of potential SRA land achieves an Index score of greater than 1.2.

### **Public Input:**

**Staff Comments:** Listed species that utilize uplands are not adequately protected by the NRI score. It is thought that this need is limited. However, the designation of the Ave Maria SRA did identify a caracara nest and habitat areas that did not score greater than 1.2. There were numerous listed species in farm ditches, fallow fields, and marshy areas within pastures. The only native habitat with protected species was some small remnant marshes within the pastures. The SSAs created to enable this SRA removed the development rights (except for agriculture and essential services) from approximately 13,352 acres of a mixture of pasture and row crop fields. Staff is uncertain whether the increase in NRI score would result in more on-site preservation of habitat. [CDES Environmental Services]

### **Public discussion on September 30, 2008**

*Mr. McDaniel stated that the environmental provisions being advanced could be put into the NRI and/or LDC. Mr. Cornell stated that the language seems focused so that one does not have to use credits and is persuaded that it is something that should be considered. Mac Hatcher stated that the NRI scores will not protect these nests as the bald eagle is no longer a listed species. Mr. McDaniel asked if there could not be an adjustment to the NRI. Mac Hatcher stated that adjustment to the NRI score would be very complicated and difficult to do. Mr. Jones stated that he is opposed to the language proposed because we might be looking at protecting nests in ditches and because the RLSA program is not set up to address all listed species and that he is not comfortable with the language proposed. He further stated that Policy 4.9 is not broken and because these concerns are addressed through the Federal and State permit processes. Mr. Eidson asked if there is enough protection...Mr. Jones says yes and the county says no. He stated that he feels the DCA looks at agricultural protection first and environmental protection second and, because of that, he would not favor adding the environmental language. Tim Durham stated that the environmental protections are already in place and that he could not see where the added language would add value or solve a problem. Mr. Jones stated that he would like to keep in the sentence which provided exemptions for infrastructure necessary to serve permitted uses. Nancy Payton asked why one would construct a road through a critical habitat area. Mr. Jones stated that the language referring to critical habitat area should be stricken as it has not been defined. Anita Jenkins stated that the "WRA" also needs to be removed.*

**Committee September 30, 2008 Action:** *Mr. Jones moved and Mr. McDaniel seconded to keep the language amendment in the second sentence and the additional sentence exempting infrastructure necessary to serve permitted uses from the restriction and that all the other language provided by Environmental Services not be included in the amended Policy 4.9. Upon vote, the motion carried 7-1 with Brad Cornell voting against the motion.*

### **Policy 4.10**

Within the RLSA Overlay, open space, which by definition shall include public and private conservation lands, underdeveloped areas of designated SSAs, agriculture, water retention and management areas and recreation uses, will continue to be the dominant land use. Therefore, open space adequate to serve the forecasted population and uses within the SRA is provided. To ensure that SRA residents have such areas proximate to their homes, open space shall also comprise a minimum of thirty-five percent of the gross acreage of an individual SRA Town, or Village, ~~or those CRDs exceeding 100 acres.~~ Lands within a SRA greater than one acre with Index values of greater than 1.2 shall be retained as open space: except for the allowance of uses described in Policy 4.9. As an incentive to encourage open space, such uses within a SRA, ~~located outside of the ACSC,~~ exceeding the required thirty-five percent shall not be required to consume Stewardship Credits.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Jones moved and Mr. Cornell seconded to provide an amendment to Policy 4.10 as outlined above which amendments were advance by ECPO. Upon vote, motion carried, 8-0.*

**Policy 4.11**

The perimeter of each SRA shall be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs shall be well defined and designed to be compatible with the character of adjoining property. Techniques such as, but not limited to setbacks, landscape buffers, and recreation/open space placement may be used for this purpose. Where existing agricultural activity adjoins a SRA, the design of the SRA must take this activity into account to allow for the continuation of the agricultural activity and to minimize any conflict between agriculture and SRA uses.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. Jones seconded to leave Policy 4.11 unchanged. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

**Policy 4.12**

Where a SRA adjoins a FSA, HSA, WRA or existing public or private conservation land delineated on the Overlay Map, best management and planning practices shall be applied to minimize adverse impacts to such lands. SRA design shall demonstrate that ground water table draw down or diversion will not adversely impact the adjacent FSA, HSA, WRA or conservation land. Detention and control elevations shall be established to protect such natural areas and be consistent with surrounding land and project control elevations and water tables.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. McDaniel moved and Mr. Jones seconded to leave Policy 4.12 unchanged. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

**Policy 4.13**

Open space within or contiguous to a SRA shall be used to provide a buffer between the SRA and any adjoining FSA, HSA, or existing public or private conservation land delineated on the Overlay Map. Open space contiguous to or within 300 feet of the boundary of a FSA, HSA, or existing public or private conservation land may include: natural preserves, lakes, golf courses provided no fairways or other turf areas are allowed within the first 200 feet, passive recreational areas and parks, required yard and set-back areas, and other natural or man-made open space. Along the west boundary of the FSAs and HSAs that comprise Camp Keais Strand, i.e., the area south of Immokalee Road, this open space buffer shall be 500 feet wide and shall preclude golf course fairways and other turf areas within the first 300 feet.

**Public Input:**

**Staff Comments:**



**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. McDaniel seconded to leave Policy 4.13 unchanged. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

## **Policy 4.14**

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. An SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide direct vehicular and pedestrian connections to said areas so as to reduce travel time, travel expenses, improve interconnectivity, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA. Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type and lane needs. SRAs shall provide mitigation credits in a bank, for species, wetlands or any other impacts which would require mitigation to expand the existing or proposed roadway network. These credits would be made available at no cost to the county if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the mitigation requirements. The construction and permitting of wildlife crossings and flow ways that are identified within the RLSA shall be the responsibility of the SRA that is adjacent to or near the identified locations. SRAs that are adjacent to existing roadways that must be expanded or proposed roadways shall provide right of way, water management and fill material at no cost to the county for mitigation of their transportation impacts and if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the roadway project.

### **Public Input:**

1. Vesting issues and concurrency were not adequately addressed and as a result separate developer contribution agreements are being created that provide excessive development rights beyond those contemplated in the original SRA. DCA's should not be allowed until an SRA is approved in order to better understand the impacts from the SRA. **[Mark Strain]**

**ECPO Comments:** Policy 4.14 of the RLSA Overlay subjects all SRAs to the County's adopted Concurrency Management System. Developer Contribution Agreements are used throughout Collier County as a mechanism to address concurrency issues through public-private partnerships to improve the transportation network. All such agreements are subject to Board of County Commissioner approval and must be found consistent with the Growth Management Plan and Land Development Code. In order to assure the impacts of an SRA (or any development) are addressed and mitigated, Developer Contribution Agreements are approved either prior to or concurrent with approval of the development. DRI's, such as Ave Maria, are thoroughly analyzed because of the Regional Planning Council staff and other reviewing entities analyses and the transportation and other impacts are well understood prior to approval of the SRA.

2. An analysis is needed to determine how the long range transportation plan is coordinated with the transportation needs plan and the transportation financially feasible plan for this area. Using the 5-year modeling of the GMP is inadequate for an area the size of the RLSA and we should be analyzing the SRA's on their impact to the 30-year build out study. **[Mark Strain]**

**ECPO Comments:** The coordination of long range transportation planning with future land use planning is a continuous process. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Given that the future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that, in the past, neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. To address this need, three separate efforts are underway today that will provide a better understanding of the future transportation needs of the RLSA. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. In addition to the two County studies, the Eastern Collier Property Owners (ECPO) have undertaken the task of developing a long-range conceptual plan for the RLSA that depicts one possible scenario of how environmental and agricultural lands, and lands suitable for development can fit within the program. While the areas with the highest environmental value were clearly defined in the current RLSA Program, lands that would be most suitable for long-term agriculture and likewise those lands most suitable for long-range development potential were not clearly understood. ECPO has identified one potential development concept plan that quantifies and locates the amount of development envisioned at a build-out horizon. While it is only one possible configuration, it does allow for a conceptual roadway needs analysis to be performed, and allows for a basis of establishing viable corridors that can be further explored through regular County and State transportation planning channels. ECPO is working closely with the County in an effort to bring all three of these studies into alignment. All of these tools should help in the long term evaluation of the transportation needs of the County. Now, five years after inception, we have a better understanding of how the RLSA will "grow up" and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system of the future.

**Staff Comments:**

1. Provide for direct connections between traffic-generating developments so as to reduce travel time, travel expenses, improve interconnectivity, and to keep the use of county arterial roads to a minimum when traveling between developments in the RLSA. **[Transportation Division]**

**Committee September 30, 2008 Action:** *The Committee tabled action pending a report back from the Transportation Planning Department and ECPO. Mr. Passidomo stated that a meeting was held this morning with Transportation he stated that they may have some language to present as early as one to two weeks.*

### **Policy 4.15.1**

SRAs are intended to be mixed use and shall be allowed the full range of uses permitted by the Urban Designation of the FLUE, as modified by Policies 4.7, 4.7.1, 4.7.2, and 4.7.3, 4.7.4 and Attachment C. An appropriate mix of retail, office, recreational, civic, governmental, and institutional uses will be available to serve the daily needs and community wide needs of residents of the RLSA. Depending on the size, scale, and character of a SRA, such uses may be provided either within the specific SRA, within other SRAs in the RLSA or within the Immokalee Urban Area. By example, each Village or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses, however, the combined population of several Villages and Hamlets may be required to

support community scaled retail or office uses in a nearby Town. Standards for the minimum amount of non-residential uses in each category are set forth in Attachment C, and shall be also included in the Stewardship LDC District.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. McDaniel seconded to amend Policy 4.15.1 as shown to harmonize with the elimination of hamlets as an SRA. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

**Policy 4.15.2**

The Board of County Commissioners (BCC) may, as a condition of approval and adoption of an SRA development, require that suitable areas for parks, schools, and other public facilities be set aside, improved, and/or dedicated for public use. When the BCC requires such a set aside for one or more public facilities, the set aside shall be subject to the same provisions of the LDC as are applicable to public facility dedications required as a condition for PUD rezoning.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Ms. Nemecek moved and Mr. McDaniel seconded to leave Policy 4.15.2 unchanged. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

**Policy 4.15.3**

Applicants for SRA designation shall coordinate with Collier County School Board staff to allow planning to occur to accommodate any impacts to the public schools as a result of the SRA. As a part of the SRA application, the following information shall be provided:

1. Number of residential units by type;
2. An estimate of the number of school-aged children for each type of school impacted (elementary, middle, high school); and
3. The potential for locating a public educational facility or facilities within the SRA, and the size of any sites that may be dedicated, or otherwise made available for a public educational facility.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. McDaniel moved and Ms. Nemecek seconded to leave Policy 4.15.3 unchanged. Upon vote, the motion carried, 7-0. Mr. Farmer temporarily stepped outside the room.*

**Policy 4.16.**

A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the form of SRA development, accepted civil engineering practices, and LDC requirements.

The capacity of infrastructure necessary to serve the SRA at build-out must be demonstrated during the SRA designation process. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. Transportation infrastructure is discussed in Policy 4.14. Centralized or decentralized community water and wastewater utilities are required in Towns and Villages, and those CRDs exceeding one hundred (100) acres in size, and may be required in CRDs that are one hundred (100) acres or less in size, depending upon the permitted uses approved within the CRD. Centralized or decentralized community water and wastewater utilities shall be constructed, owned, operated and maintained by a private utility service, the developer, a Community Development District, the Immokalee Water Sewer Service District, Collier County, or other governmental entity. Innovative alternative water and wastewater treatment systems such as decentralized community treatment systems shall not be prohibited by this policy provided that they meet all applicable regulatory criteria. Individual potable water supply wells and septic systems, limited to a maximum of 100 acres of any Town, Village or CRD of 100 acres are permitted on an interim basis until services from a centralized/decentralized community system are available. Individual potable water supply wells and septic systems are permitted in Hamlets and may be permitted in CRDs of 100 acres or less in size.

#### **Public Input:**

1. Impacts on certain elements of regional infrastructure were not given adequate analysis. Hurricane evacuation and shelters space, health care facilities and affordable housing as example, were not adequately addressed and minimum standards should be considered as guidelines for SRA approval. [Mark Strain]

**ECPO Comments:** Infrastructure is defined by Collier County as drainage (water management), roads, potable water and sanitary sewer facilities pursuant to the Code of Laws and Ordinance of Collier County, Section 106-32. RLSA Policy 4.16 requires that infrastructure be analyzed with each Stewardship Receiving Area application, and also includes irrigation water and solid waste. It states:

*“A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the type of development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste.”*

While hurricane shelter space, health care facilities and affordable housing are each important types of facilities, they are not defined as infrastructure and not subject to concurrency management. However, every Town or Village in excess of 2000 units will be required to undergo DRI review, where regional issues such as hurricane evacuation, health care, and affordable housing are addressed in accordance with State Law.

With respect to hurricane evacuation, the RLSA is the least vulnerable part of Collier County as demonstrated by the fact that no part of the RLS falls within a Landfalling Storm Category 1-4 map zone. Accordingly, it is the area least likely to require evacuation. In implementation, Ave Maria provided hurricane shelter for coastal residents within the university buildings, and in cooperation with Emergency Services, provided storage space for emergency supplies that can be used throughout the county.

Planning for health care can only be properly addressed once specific SRAs are proposed. Hospitals must go through a separate state needs analysis before any new hospital can be built. These items are addressed by SRA and DRI review procedures.

The need for affordable housing was contemplated during the formation of the RLSA. The GMP policies, Stewardship Receiving Area Characteristics chart, and associated LDC standards state that the densities associated with a town, village, hamlet or CRD can be increased beyond the base density through the affordable housing density bonus. Section 2.06.01.C of the LDC specifically addresses the affordable housing density bonus within the RLS. Specific affordable housing conditions for a particular project are determined during the review and approval process for an SRA (similar to the PUD and/or DRI review/approval process). Affordable housing was provided at Ave Maria in a ratio well in excess of any other large scale community in Collier County. All infrastructure is carefully analyzed and considered throughout the public hearing process.

2. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. [Mark Strain]
3. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts. [Conservancy]

**ECPO Comments:** Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly.

4. As it is universally recognized that the wide-scale use of septic systems as a long term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval. [Conservancy]

**ECPO Comments:** RLS Policy 4.16 indicates that interim septic systems are permitted within towns, villages and CRD's greater than 100 acres, and individual septic systems are permitted within hamlets and CRD's less than 100 acres. The conversion of septic systems to centralized or decentralized community wastewater utilities is managed through the permitting process and additional provisions in the GMP are not necessary.

5. New roads and road improvements including potential 1-75 interchange must be included [FWF]

**ECPO Comments:** Proper planning for new roads and road improvements including a potential 1-75 interchange is the product of coordination between long-range transportation planning and future land use planning. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. The Eastern Collier Property Owners have prepared a Concept Plan that demonstrates one (of many) possible land use scenarios. Additionally, ECPO has prepared a preliminary transportation network analysis that supports that Concept Plan, and will be working closely with the County planners to achieve a consistent and comprehensive analysis of the future potential of the RLSA. Together these tools should help in the long term evaluation of the transportation needs of the County. Today, there is a better understanding of how the RLSA is likely to mature over time and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system improvements of the future.

6. Each new development should have to identify traffic contributions, water usage and other resource requirements at the time they are being planned. You may want to consider the changes in these variables from agriculture to increased density. [**Judith Hushon**]

**ECPO Comments:** See response to number 1 above.

**Staff Comments:**

1. Interconnectivity between traffic generating developments in SRAs is consistent with **Policy 7.3** of the Future Land Use Element of the Growth Management Plan which states: "All new existing developments shall be encouraged to connect their streets and their interconnection points with adjoining neighborhoods or other developments regardless of land use type. [**Transportation**]"

**Committee September 30, 2008 Action:** *Mr. Jones moved and Mr. McDaniel seconded to amend Policy 4.16 as shown by leaving in the ECPO proposed addition and strikethroughs to harmonize the language with language related to hamlets and CRDs previously approved and not to include any of the staff-recommended language pending further report from Transportation. Upon vote, the motion carried, 8-0.*

**Policy 4.17**

The BCC will review and approve SRA designation applications in accordance with the provisions of Policy 1.1.2 of the Capital Improvement Element of the GMP for Category A public facilities. Final local development orders will be approved within a SRA designated by the BCC in accordance with the Concurrency Management System of the GMP and EDC in effect at the time of final local development order approval.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Jones moved and Ms. Nemecek seconded to leave Policy 4.17 unchanged. Upon vote, the motion carried, 8-0.*



## **Policy 4.18**

The SRA will be planned and designed to be fiscally neutral or positive to Collier County at the horizon year based on a cost/benefit fiscal impact analysis model acceptable to or as may be adopted by the County. The BCC may grant exceptions to this policy to accommodate affordable-workforce housing, as it deems appropriate. Techniques that may promote fiscal neutrality such as Community Development Districts, and other special districts, shall be encouraged. At a minimum, the analysis shall consider the following public facilities and services: transportation, potable water, wastewater, irrigation water, stormwater management, solid waste, parks, law enforcement, and schools. Development phasing, developer contributions and mitigation, and other public/private partnerships shall address any potential adverse impacts to adopted levels of service standards.

### **Public Input:**

1. Fiscal impact analysis model (FIAM) minimum standards should be no less than minimum county wide standards as a conservative approach until historic data is acquired. This will provide the maximum protection to the taxpayers. The analysis needs to be re-visited and the development provided corrections made every year and include accurate absorption rates, traffic capture rates and sales demographics, all of which have significant effects on the outcome of the FIAM. [Mark Strain]

**ECPO Comments:** FIAM was adopted by the Board of County Commissioners on October 24, 2007, as the official model for review of DRI's, and projects within the RLSA. Since the County has adopted FIAM, it is advisable for the County to keep the calibrated items up to date with the most current data available and meeting County-wide standards, such as current budgets, persons per household, millage rates, etc. Similarly, when an applicant prepares a FIAM for a specific project, the FIAM will be populated with the initial data projected for the project and subsequently with the most current data available at the five year interval or phasing dates to reflect adjusted development plans including sales prices, absorption rates, etc.

Policy 4.18 of the Rural Lands Stewardship Area Overlay District ("RLSAO") and Section 4.08.07.L of the Collier County LDC both require an SRA applicant to submit a FIAM as a part of the application for SRA approval, and each 5 years after approval. An annual fiscal analysis and review would not be appropriate as it would not account for the dynamics of the land development process, the cyclical nature of the economy, nor would it account for the period of time necessary for a community to reach a point in its growth where a stabilized balance of population, facilities and services are reached. The LDC specifically requires that the project demonstrate fiscal neutrality every five years as noted below:

*" Monitoring Requirement. To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report ("Report") every five (5) years until the SRA is ninety (90) percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above."*

The five year or phase measurement was determined to be an appropriate timeframe by all parties participating in the creation of the RLSA program due to the above mentioned reasons and the fact that there are significant fiscal variations from year to year. This timeframe allowed for the project to stabilize and to account for economic cycles.

In cases where a project does not meet its estimated absorption schedule, then it may not generate the projected revenues, however, there will also be a corresponding reduction in the cost of public services. Therefore, any measurement must be in terms of net fiscal impact, not just revenue shortfall.

2. Water storage areas that SFWMD allowed for Ag are allowed to be used for development storm water as well, yet these areas were not required to be included in development acreages nor analysis provided to determine effects of this additional use. This occurs for many uses within the developmental areas, thus making it appear as though development is using less acreage when in fact the impacts from development may cause changes to the water quality and quantity in land that is not part of the SRA. [Mark Strain]

**ECPO Comments:** ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

### **Public discussion on September 30, 2008**

*Mr. Greenwood stated that the staff proposed language is intended to following the annual fiscal budgeting which the county does, both for operating and capital expenditures and revenues and proposes a fiscal neutrality check every year rather than every five years. This would be consistent with the AUIR and the Capital Improvements Element done each year and the CIE must show committed revenues for projects during the first 3 years of the CIE, stating that showing impact fees as a major source of committed revenues may be misleading as impact fees are very difficult to predict lately due to the decline in construction in recent years. Mr. Farmer stated that 5 years may be too long, but that one year may be too short. Russ Weyer stated that Fishkind and Associates developed the FIAM used by the County and that the 5 years review was chosen because it allows the SRA to get established and stabilize. He stated that 50% for transportation purposes were paid up front for the Town of Ave Maria. He referred to the Developer Contribution Agreement as providing for other sources of private contribution. Mr. Eidson stated that he feels the language in this policy should be reflective of the language in the LDC. He wondered who makes up the financial gap and what happens if revenues are not available. Mr. Greenwood stated that some projects may be delayed or scaled back to fall within available revenues. Mr. Weyer stated that the revenues fall into two categories...operating and capital. He stated that when a project is not developing as fast as planned the operating costs of the county are not as high as they would be if development were occurring faster. Mr. Jones stated that he has an issue with a FIAM on an annual basis. He stated that the first few years is not a good measure for fiscal neutrality. He stated that he prefers the existing Policy 4.18 language. Mr. Al Reynolds stated that he feels the existing language is appropriate.*

### **Staff Comments:**

This Policy language should be modified to reflect the language which is already included in LDC Section, 4.08.07 K.L.2 and LDC Section 4.08.07 K.L.3 as copied below from the LDC. [Comprehensive Planning Department]

- **LDC Section, 4.08.07 K. L. 2.** – “Monitoring requirement, To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report (“Report”) every five (5) years until the SRA is ninety percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above.”
- **LDC Section, 4.08.07 K. L. 3.** – “Imposition of Special Assessments. If the Report identifies a negative fiscal impact of the project to a unit of local government referenced above, the landowner will accede to a special assessment on his property to offset such a shortfall or in the



alternative make a lump sum payment to the unit of local government equal to the present value of the estimated shortfall for a period covering the previous phase (or five year interval). The BCC may grant a waiver to accommodate affordable housing.”

**Committee September 30, 2008 Action:** *Mr. Jones moved and Mr. McDaniel seconded to eliminate the proposal to require a FIAM annually. Upon vote, the motion carried, 8-0. Mr. McDaniel moved and Mr. Jones seconded to leave the remaining language in Policy 4.18 unchanged. Upon Vote, the motion carried, 7-1 with Mr. Eidson voting against.*

## **Policy 4.19**

Eight Credits shall be required for each acre of land included<sup>3</sup> in a SRA, where such Credits were created from a Stewardship Sending Area deemed vested under the eight Credit ratio. Ten Credits per acres shall be required for each acre of land included in a SRA, where such Credits were created from any other Stewardship Sending Area, except for Open space in excess of the required thirty-five percent as described in Policy 4.10 or for land that is designated for a public benefit use described in Policy 4.19 4.20 do not require use of Credits. In order to promote compact, mixed use development and provide the necessary support facilities and services to residents of rural areas, the SRA designation entitles a full range of uses, accessory uses and associated uses that provide a mix of services to and are supportive to the residential population of a SRA, as provided for in Policies 4.7, 4.15 4.15.1 and Attachment C. Such uses shall be identified, located and quantified in the SRA master plan.

### **Public Input:**

1. The conversion ratio used to create Stewardship Credits should have been reviewed and applied in a model as the maximum scenario for development. The averages that were used understated the growth potential. Future adjustments should be based on a maximum impact analysis to assure a conservative approach for taxpayers. [Mark Strain]

**ECPO Comments:** See the memo to Tom Greenwood from WilsonMiller dated September 18, 2008 [Appendix H].

**Staff Comments:** In the third line of Policy 4.19 the reference to Policy 4.19 needs to be corrected to reference Policy 4.20. Policy 4.15 was deleted and Policy 4.15.1 is now the correct reference.

**Committee September 30, 2008 Action:** *Mr. Thomas moved and Mr. McDaniel seconded to amend Policy 4.19 as shown which is consistent with previous actions taken by the Committee. Upon vote, the motion carried, 9-0.*

## **Policy 4.20**

The acreage of a public benefit use shall not count toward the maximum acreage limits described in Policy 4.7 but shall not count toward the consumption of Stewardship Credits. For the purpose of this policy, public benefit uses include: public schools (preK-12) and public or private post secondary institutions, including ancillary uses; community parks exceeding the minimum acreage requirements of Attachment C, municipal golf courses; regional parks; and governmental facilities excluding essential services as defined in the LDC. The location of public schools shall be coordinated with the Collier County School Board, based on the interlocal agreement 163.3177 F.S. and in a manner consistent with 235.193 F.S. Schools and related ancillary uses shall be encouraged to locate in or proximate to Towns, and Villages, and Hamlets subject to applicable zoning and permitting requirements.

**Public Input:**

1. In order to ensure that the maximum size of a town is limited to 4,000 acres, the Conservancy believes that all town uses, including schools and universities, should be incorporated into the maximum 4,000 acre footprint. [Conservancy]
2. Why is acreage for “Public Benefit” not included within the overall acreage calculation for any SRA [CCPC]

**ECPO Comments:** ECPO recommends a revision to Policy 4.20 to include the acreage of a public benefit use towards the maximum acreage limits of a SRA.

**Public discussion** Al Reynolds stated that the word “not” in the first sentence should be struck through.

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. McDaniel moved and Mr. Eidson seconded to approve the amendment to Policy 4.20 as shown. Upon vote, the motion carried, 8-0.*

**Policy 4.21**

Lands within the ACSC that meet all SRA criteria shall also be restricted such that credits used to entitle a SRA in the ACSC must be generated exclusively from SSAs within the ACSC. Further, the only form of SRA allowed in the ACSC east of the Okaloacoochee Slough shall be ~~Hamlets and~~ CRDs of 100 acres or less and the only form of SRA allowed in the ACSC west of the Okaloacoochee Slough shall be CRDs and Villages and ~~CRDs~~ of not more than 300 acres and ~~Hamlets~~. Provided, however, that ~~CRDs, or two Villages or CRDs~~ of not more than 500 acres each, exclusive of any lakes created prior to ~~the effective date of this amendment~~ June 30, 2002 as a result of mining operations, shall be allowed in areas that have a frontage on State Road 29 and that, ~~as of the effective date of these amendments,~~ had been predominantly cleared as a result of Ag Group I or Earth Mining or Processing Uses. This policy is intended to assure that the RLSA Overlay is not used to increase the development potential within the ACSC but instead is used to promote a more compact form of development as an alternative to the Baseline Standards already allowed within the ACSC. No policy of the RLSA Overlay shall take precedence over the Big Cypress ACSC regulations and all regulations therein shall apply.

**Public Input:**

**Staff Comments:**

**Committee September 30, 2008 Action:** *Mr. Spagna moved and Mr. Jones seconded to approve the amendment to Policy 4.21 as shown. Upon vote, the motion carried, 8-0.*

**VII. New Business** [none]

**VIII. Public Comments.** *James Hammond*, Director of Historical Resources of Naples Backyard History, stated that he would like to present and discuss the study “Naples Cultural Landscape” and how it may relate to what the Committee is currently studying. The Committee invited Mr. Hammond to make a presentation during its October 7 meeting when it will have more time to review the report with him. *Ms. Payton* asked that Attachment C be revised.

**IX. Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on October 7, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, FL. from 9:00 A.M. – 12 Noon and will be to hear a presentation from Mr. Hammond, review Group 4 Policies where action was tabled and Policy 1.6 language [if ready], and complete the review of Group 5 Policies.

**X. Adjournment**

*Mr. McDaniel* moved to adjourn the meeting, seconded by *Mr. Eidson* with the motion approved unanimously with adjournment at 12:05PM.

Rural Lands Stewardship Area Review Committee

  
\_\_\_\_\_  
Ron Hamel, Chairman

These minutes approved by the Committee on 10-7-08, as presented X or as amended \_\_\_\_\_

# CHEFFY PASSIDOMO WILSON & JOHNSON

ATTORNEYS AT LAW, LLP

821 FIFTH AVENUE SOUTH, SUITE 201

NAPLES, FLORIDA 34102

TELEPHONE: (239) 261-9300

FAX: (239) 261-9782

EMAIL: CPWJ@napleslaw.com

**EDWARD K. CHEFFY**

BOARD CERTIFIED CIVIL TRIAL ATTORNEY  
BOARD CERTIFIED BUSINESS LITIGATION ATTORNEY

**JOHN M. PASSIDOMO**

BOARD CERTIFIED REAL ESTATE ATTORNEY

**GEORGE A. WILSON**

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

**F. EDWARD JOHNSON**

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

**JOHN D. KEHOE**

BOARD CERTIFIED CIVIL TRIAL ATTORNEY

**LOUIS D. D'AGOSTINO**

BOARD CERTIFIED APPELLATE PRACTICE ATTORNEY

**JEFF M. NOVATT**

**DAVID A. ZULIAN**

**KEVIN A. DENTI**

**JEFFREY S. HOFFMAN**

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

**LOUIS W. CHEFFY**

BOARD CERTIFIED REAL ESTATE ATTORNEY

**LISA H. BARNETT**

BOARD CERTIFIED REAL ESTATE ATTORNEY

**CLAY C. BROOKER**

**ANDREW H. REISS**

**WILLIAM J. DEMPSEY**

BOARD CERTIFIED REAL ESTATE ATTORNEY

**MICHAEL W. PETTIT**

**CHRISTOPHER J. THORNTON**

**MICHAEL S. GROSS**

**JOHN C. CLOUGH**

**JASON O. LOWE**

**M. FRANCESCA PASSERI**

OF COUNSEL:

**GEORGE L. VARNADOE**

DIRECT DIAL: (239) 436-1529

DIRECT FAX: (239) 261-0884

September 22, 2008

Mr. Thomas Greenwood  
Principal Planner  
Comprehensive Planning Department  
2800 North Horseshoe Drive  
Naples, FL 34105

Re: Collier County RLSA Phase II Policy Group 4

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 4. In subsequent correspondence we will address Policy Group 5.

## Group 4 Policies

### **Policy 4.2**

1. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for

impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's.

**ECPO Comments:** Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly. The fact that a farm operation may not pump its maximum rate in any given year, depending on climate cycles, does not limit their legal right to do so when the demand dictates.

Regarding seasonal agricultural consumption, there is a large acreage of perennial crops (e.g. citrus) in the area whose temporal irrigation demand matches that of lawn and landscape. Seasonal row crops are generally grown in the dry season and use substantial quantities of water when impacts to the aquifer are most critical. Typical landscape demand associated with future development should ameliorate rather than further impact the groundwater resource.

2. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A maximum number of towns, villages, hamlets and CRDs within the RLSA should also be explored.

**ECPO Comments:** RLS Policy 4.16 requires that an SRA have adequate infrastructure available to serve the proposed development. Infrastructure includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. SRA applications are required to include several components including a natural resource index assessment, an impact assessment report (relative to infrastructure), and an economic assessment report. These components are thoroughly considered during the review process, and it is the responsibility of the applicant to justify the size, location, and land use components of a particular SRA. One town has been approved since adoption of the RLS program and it does not appear that the existing regulations have caused a proliferation of development in the area. The timing and location of future SRAs will be guided by existing market conditions and the ability of an applicant to prove that the necessary infrastructure can be provided and that the project is fiscally neutral or positive.

3. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained.

**ECPO Comments:** The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging

development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

4. There should be more guidance on where towns and villages can be located. As it is written now, it is possible to locate towns near each other with only a small buffer between which encourages sprawl. Without planning, all the density will be located on the western portion of the RLSA. Ideally the towns should be spread out, with large agricultural areas between them. Maybe a maximum number of towns needs to be agreed upon (3?) and the general areas where these can be located indicated on a map. At a minimum, there needs to be more guidance provided as to where towns can be located and their buffering requirements. This will facilitate all types of future infrastructure planning by the County.

**ECPO Comments:** The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

5. Provide maps of build out scenarios. Further, just as natural resources are mapped, so should the areas most suitable for development.

**ECPO Comments:** Areas suitable for development are currently mapped as "Open" on the RLSA Overlay Map. The RLSA policies and implementing Land Development Code provide locational and suitability criteria as well as design standards to guide development.

#### **Policy 4.5**

6. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary.

**ECPO Comments:** Lighting is a design standard that is considered during the Receiving Area (SRA) application review.

**Policy 4.7, 4.7.3, and 4.7.4**

7. A feasibility study needs to be conducted to determine if the smaller development nodes, such as 40-100 acre hamlets, can realistically achieve self-sufficiency to the extent that they are compatible with the overall goals of the program. If these small development nodes do not contain adequate levels of self containment or self sufficiency, then their allowance under the RLSA should be reconsidered.
8. No hamlets or "compact rural developments" compact rural development could be a "Coconut Point," - no cap on size of some types of CRDs).
9. Compact Rural Developments (CRDs) seem to be too loosely designated and could provide a loophole for increased development in areas that are already built up. A CRD of 100 acres or less seems to be a meaningless designation and it is my belief that this type of development could be dropped.

**ECPO Comments:** The Eastern Collier Property Owners propose the following relative to forms and characteristics of SRA's:

- Hamlets are not a permitted form of SRA.
- Towns shall not be more than 5,000 acres.
- Outside the Area of Critical State Concern, Villages shall not be more than 1,500 acres. Within the Area of Critical State Concern, the existing Collier RLSA Overlay Program shall apply to Villages.
- Towns shall not be located within the Area of Critical State Concern.
- Compact Rural Development (CRD) primary uses shall be associated with research, education, tourism or recreation and shall not be more than 100 acres.

**Policy 4.8**

10. Buffers from wildlife habitat were established at distances that did not adequately address hydrologic impacts. The hydrological impacts of agricultural uses are far different than the uses of a town or village and these need to be better understood to assure no impacts to surrounding wetlands. Agricultural control elevations should be compared for compatibility with changes brought on by development.

**ECPO Comments:** We are not aware of any data that supports the opinion that buffers are inadequate. Buffers were included within the RLSA program as a land use planning technique to provide a transition between receiving areas and natural areas, primarily for the benefit of water quality and wildlife. The state and federal wetland permitting procedures meticulously review existing wetland hydroperiod data, proposed surface water management designs, outfall control elevations, etc., with the expressed purpose of preventing hydrologic impacts to surrounding wetlands. The SFWMD Basis of Review for Environmental Resource Permits details these procedures. Permits are not issued until the applicant can demonstrate that the proposed activity does not hydrologically impact these wetlands, regardless of the buffer location or distance. As part of the Environmental Resource permitting process, control elevations are determined based on average wet season water table elevation as typically determined by hydro-biological indicators, soil types, ground water well monitoring data, and surrounding permitted control elevations.

11. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.

**ECPO Comments:** The most current peer-reviewed research on panther habitat utilization concluded, "[Our] results indicated that forests are the habitats selected by panthers and generally support the current United States Fish and Wildlife Service panther habitat ranking system." (Land, Shindle et. al., 2008). This research employed GPS collars to characterize panther habitat selection during nocturnal and diurnal periods, and compared GPS data to standard diurnal VHF radiotelemetry data. As such, this research does represent "the best available Florida panther science" and does not support the Conservancy's contention that the RLSA panther habitat methodology needs to be revised.

12. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.

**ECPO Comments:** ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

#### **Policy 4.14**

13. Vesting issues and concurrency were not adequately addressed and as a result separate developer contribution agreements are being created that provide excessive development rights beyond those contemplated in the original SRA. DCA's should not be allowed until an SRA is approved in order to better understand the impacts from the SRA.

**ECPO Comments:** Policy 4.14 of the RLSA Overlay subjects all SRAs to the County's adopted Concurrency Management System. Developer Contribution Agreements are used throughout Collier County as a mechanism to address concurrency issues through public-private partnerships to improve the transportation network. All such agreements are subject to Board of County Commissioner approval and must be found consistent with the Growth Management Plan and Land Development Code. In order to assure the impacts of an SRA (or any development) are addressed and mitigated, Developer Contribution Agreements are approved either prior to or concurrent with approval of the development. DRI's, such as Ave Maria, are thoroughly analyzed because of the Regional Planning Council staff and other reviewing entities analyses and the transportation and other impacts are well understood prior to approval of the SRA.

14. An analysis is needed to determine how is the long range transportation plan is coordinated with the transportation needs plan and the transportation financially feasible plan for this area. Using the 5-year modeling of the GMP is inadequate for an area the size of the RLSA and we should be analyzing the SRA's on their impact to the 30-year build out study.



**ECPO Comments:** The coordination of long range transportation planning with future land use planning is a continuous process. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Given that the future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that, in the past, neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. To address this need, three separate efforts are underway today that will provide a better understanding of the future transportation needs of the RLSA. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. In addition to the two County studies, the Eastern Collier Property Owners (ECPO) have undertaken the task of developing a long-range conceptual plan for the RLSA that depicts one possible scenario of how environmental and agricultural lands, and lands suitable for development can fit within the program. While the areas with the highest environmental value were clearly defined in the current RLSA Program, lands that would be most suitable for long-term agriculture and likewise those lands most suitable for long-range development potential were not clearly understood. ECPO has identified one potential development concept plan that quantifies and locates the amount of development envisioned at a build-out horizon. While it is only one possible configuration, it does allow for a conceptual roadway needs analysis to be performed, and allows for a basis of establishing viable corridors that can be further explored through regular County and State transportation planning channels. ECPO is working closely with the County in an effort to bring all three of these studies into alignment. All of these tools should help in the long term evaluation of the transportation needs of the County. Now, five years after inception, we have a better understanding of how the RLSA will "grow up" and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system of the future.

#### **Policy 4.16**

15. Impacts on certain elements of regional infrastructure were not given adequate analysis. Hurricane evacuation and shelters space, health care facilities and affordable housing as example, were not adequately addressed and minimum standards should be considered as guidelines for SRA approval.

**ECPO Comments:** Infrastructure is defined by Collier County as drainage (water management), roads, potable water and sanitary sewer facilities pursuant to the Code of Laws and Ordinance of Collier County, Section 106-32. RLSA Policy 4.16 requires that infrastructure be analyzed with each Stewardship Receiving Area application, and also includes irrigation water and solid waste. It states:

*"A SRA shall have adequate infrastructure available to serve the proposed development, or such infrastructure must be provided concurrently with the demand. The level of infrastructure provided will depend on the type of development, accepted civil engineering practices, and LDC requirements. The capacity of infrastructure serving the SRA must be demonstrated during the SRA designation process in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. Infrastructure to be analyzed includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste."*

While hurricane shelter space, health care facilities and affordable housing are each important types of facilities, they are not defined as infrastructure and not subject to concurrency management. However, every Town or Village in excess of 2000 units will be required to undergo DRI review, where regional issues such as hurricane evacuation, health care, and affordable housing are addressed in accordance with State Law.

With respect to hurricane evacuation, the RLSA is the least vulnerable part of Collier County as demonstrated by the fact that no part of the RLS falls within a Landfalling Storm Category 1-4 map zone. Accordingly, it is the area least likely to require evacuation. In implementation, Ave Maria provided hurricane shelter for coastal residents within the university buildings, and in cooperation with Emergency Services, provided storage space for emergency supplies that can be used throughout the county.

Planning for health care can only be properly addressed once specific SRAs are proposed. Hospitals must go through a separate state needs analysis before any new hospital can be built. These items are addressed by SRA and DRI review procedures.

The need for affordable housing was contemplated during the formation of the RLSA. The GMP policies, Stewardship Receiving Area Characteristics chart, and associated LDC standards state that the densities associated with a town, village, hamlet or CRD can be increased beyond the base density through the affordable housing density bonus. Section 2.06.01.C of the LDC specifically addresses the affordable housing density bonus within the RLS. Specific affordable housing conditions for a particular project are determined during the review and approval process for an SRA (similar to the PUD and/or DRI review/approval process). Affordable housing was provided at Ave Maria in a ratio well in excess of any other large scale community in Collier County. All infrastructure is carefully analyzed and considered throughout the public hearing process.

16. Collier County should require, as part of the evaluation for new towns, villages and hamlets, a comparison of water consumption proposed for the new development versus actual agricultural pumpage (not just a comparison of new consumption to permitted volumes) when reviewing consumptive use impacts.

**ECPO Comments:** Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly.

17. As it is universally recognized that the wide-scale use of septic systems as a long-term solution to wastewater treatment in Florida is problematic, all SRAs should be required to have a plan for conversion to a private or public sewer system. While development may initially be on septic systems, the plan, with timelines, for conversion to sewer should be in place at the time of development approval.

**ECPO Comments:** RLS Policy 4.16 indicates that interim septic systems are permitted within towns, villages and CRD's greater than 100 acres, and individual septic systems are

permitted within hamlets and CRD's less than 100 acres. The conversion of septic systems to centralized or decentralized community wastewater utilities is managed through the permitting process and additional provisions in the GMP are not necessary.

18. New roads and road improvements including potential 1-75 interchange must be included

**ECPO Comments:** Proper planning for new roads and road improvements including a potential 1-75 interchange is the product of coordination between long-range transportation planning and future land use planning. Historically, the County's long-range transportation planning horizon timeframe has been 20 years. Future population projections of a full-build condition of the urban areas and RLSA may not occur for 50 or more years, and absent a planning horizon or transportation model capable of analyzing that timeframe, it is clear that neither the urban areas nor the RLSA have been fully addressed with respect to transportation planning. The County is beginning to develop a County-wide Interactive Growth Model and an updated Long-Range Transportation Model. The Eastern Collier Property Owners have prepared a Concept Plan that demonstrates one (of many) possible land use scenarios. Additionally, ECPO has prepared a preliminary transportation network analysis that supports that Concept Plan, and will be working closely with the County planners to achieve a consistent and comprehensive analysis of the future potential of the RLSA. Together these tools should help in the long term evaluation of the transportation needs of the County. Today, there is a better understanding of how the RLSA is likely to mature over time and with the new tools currently being developed, planners can more appropriately identify and evaluate the transportation system improvements of the future.

19. Each new development should have to identify traffic contributions, water usage and other resource requirements at the time they are being planned. You may want to consider the changes in these variables from agriculture to increased density.

**ECPO Comments:** See response to number 15 above.

**Policy 4.18**

20. Fiscal impact analysis model (FIAM) minimum standards should be no less than minimum county wide standards as a conservative approach until historic data is acquired. This will provide the maximum protection to the taxpayers. The analysis needs to be re-visited and the development provided corrections made every year and include accurate absorption rates, traffic capture rates and sales demographics, all of which have significant effects on the outcome of the FIAM.

**ECPO Comments:** FIAM was adopted by the Board of County Commissioners on October 24, 2007, as the official model for review of DRI's, and projects within the RLSA. Since the County has adopted FIAM, it is advisable for the County to keep the calibrated items up to date with the most current data available and meeting County-wide standards, such as current budgets, persons per household, millage rates, etc. Similarly, when an applicant prepares a FIAM for a specific project, the FIAM will be populated with the initial data projected for the project and subsequently with the most current data available at the five year interval or phasing dates to reflect adjusted development plans including sales prices, absorption rates, etc.

Policy 4.18 of the Rural Lands Stewardship Area Overlay District ("RLSAO") and Section 4.08.07.L of the Collier County LDC both require an SRA applicant to submit a FIAM as a part of the application for SRA approval, and each 5 years after approval. An annual fiscal analysis and review would not be appropriate as it would not account for the dynamics of the land development process, the cyclical nature of the economy, nor would it account for the period of time necessary for a community to reach a point in its growth where a stabilized balance of population, facilities and services are reached. The LDC specifically requires that the project demonstrate fiscal neutrality every five years as noted below:

*" Monitoring Requirement. To assure fiscal neutrality, the developer of the SRA shall submit to Collier County a fiscal impact analysis report ("Report") every five (5) years until the SRA is ninety (90) percent built out. The Report will provide a fiscal impact analysis of the project in accord with the methodology outlined above."*

The five year or phase measurement was determined to be an appropriate timeframe by all parties participating in the creation of the RLSA program due to the above mentioned reasons and the fact that there are significant fiscal variations from year to year. This timeframe allowed for the project to stabilize and to account for economic cycles.

In cases where a project does not meet its estimated absorption schedule, then it may not generate the projected revenues, however, there will also be a corresponding reduction in the cost of public services. Therefore, any measurement must be in terms of net fiscal impact, not just revenue shortfall.

21. Water storage areas that SFWMD allowed for Ag were allowed to be used for development storm water as well, yet these areas were not required to be included in development acreages nor analysis provided to determine effects of this additional use. This occurs for many uses within the developmental areas, thus making it appear as though development is using less acreage when in fact the impacts from development may cause changes to the water quality and quantity in land that is not part of the SRA.

**ECPO Comments:** ECPO supports the RLSA Review Committee amendment made on September 16, 2008 to Policy 3.13.

#### **Policy 4.19**

22. The conversion ratio used to create Stewardship Credits should have been reviewed and applied in a model as the maximum scenario for development. The averages that were used understated the growth potential. Future adjustments should be based on a maximum impact analysis to assure a conservative approach for taxpayers.

**ECPO Comments:** See the memo to Tom Greenwood from WilsonMiller dated September 18, 2008.

Mr. Thomas Greenwood  
September 22, 2008  
Page 10

**Policy 4.20**

23. In order to ensure that the maximum size of a town is limited to 4,000 acres, the Conservancy believes that all town uses, including schools and universities, should be incorporated into the maximum 4,000 acre footprint.
24. Why is acreage for "Public Benefit" not included within the overall acreage calculation for any SRA?

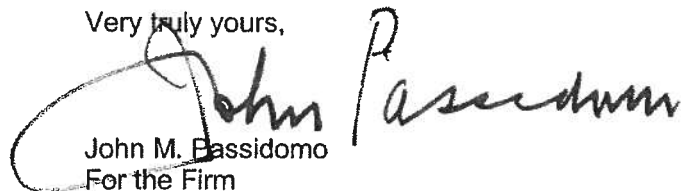
**ECPO Comments:** ECPO recommends a revision to Policy 4.20 to include the acreage of a public benefit use towards the maximum acreage limits of a SRA.

25. Tie transportation planning to conservation goals

**ECPO Comments:** Agreed.

We appreciate the opportunity to present this proposal to you and look forward to discussing any questions you or the Committee may have concerning it.

Very truly yours,



John M. Passidomo  
For the Firm

# CHEFFY PASSIDOMO WILSON & JOHNSON

ATTORNEYS AT LAW, LLP

821 FIFTH AVENUE SOUTH, SUITE 201

NAPLES, FLORIDA 34102

TELEPHONE: (239) 261-9300

FAX: (239) 261-9782

EMAIL: CPWJ@napleslaw.com

EDWARD K. CHEFFY

BOARD CERTIFIED CIVIL TRIAL ATTORNEY

BOARD CERTIFIED BUSINESS LITIGATION ATTORNEY

JOHN M. PASSIDOMO

BOARD CERTIFIED REAL ESTATE ATTORNEY

GEORGE A. WILSON

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

F. EDWARD JOHNSON

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

JOHN D. KEHOE

BOARD CERTIFIED CIVIL TRIAL ATTORNEY

LOUIS D. D'AGOSTINO

BOARD CERTIFIED APPELLATE PRACTICE ATTORNEY

JEFF M. NOVATT

DAVID A. ZULIAN

KEVIN A. DENTI

JEFFREY S. HOFFMAN

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

LOUIS W. CHEFFY

BOARD CERTIFIED REAL ESTATE ATTORNEY

LISA H. BARNETT

BOARD CERTIFIED REAL ESTATE ATTORNEY

CLAY C. BROOKER

ANDREW H. REISS

WILLIAM J. DEMPSEY

BOARD CERTIFIED REAL ESTATE ATTORNEY

MICHAEL W. PETTIT

CHRISTOPHER J. THORNTON

MICHAEL S. GROSS

JOHN C. CLOUGH

JASON O. LOWE

M. FRANCESCA PASSERI

OF COUNSEL:

GEORGE L. VARNADOE

DIRECT DIAL: (239) 436-1529

DIRECT FAX: (239) 261-0884

September 19, 2008

Mr. Thomas Greenwood  
Principal Planner  
Comprehensive Planning Department  
2800 North Horseshoe Drive  
Naples, FL 34105

Re: Collier County RLSA Phase II

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA").

In that capacity, we have observed that a lack of certainty that stewardship credits can be utilized to entitle a SRA and that the SRA can thereafter receive all necessary permits required to commence construction can undermine the incentive for property owners to create and sell stewardship credits which, in turn, can weaken the system for protecting natural resources and agriculture in the RLSA.

We therefore respectfully propose the attached policy to make stewardship easements created upon approval of a SSA conditional for a period of 5 years or until one of the following events occurs at which time the easement becomes permanent:

- credits from the SSA are utilized to entitle a SRA and the SRA receives all necessary permits to commence construction;
- the SSA owner irrevocably sells the credits to another person; or

Mr. Thomas Greenwood  
September 19, 2008  
Page 2

- the SSA owner receives other compensation in exchange for creation of the SSA easement.

If none of the foregoing events occur during the 5 year conditional period, the owner of the SSA lands may thereafter revoke the easement.

Upon revocation of the easement,

- the SSA lands revert to base zoning,
- the credits generated by the SSA cease to exist,
- the rights and obligations created by the easement become null and void, and
- if credits from a SSA are used to obtain one or more SRA approvals, the SRA approvals also terminate.

During the 5 year conditional period, the owner of the SSA lands shall abide by all conditions and restrictions contained in the stewardship easement regarding maintaining property conditions and performing management obligations.

We appreciate the opportunity to present this proposal to you and look forward to discussing any questions you or the Committee may have concerning it.

Very truly yours,



John M. Passidomo  
For the Firm

## SSA REVERTER POLICY PROPOSAL

### Proposed revision to last sentence of Policy 1.6:

Once land is designated as a SSA, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property unless the SSA is terminated as provided elsewhere herein.

---

### Proposed new provision:

Notwithstanding any provision herein to the contrary, upon initial approval of a Stewardship Sending Area ("SSA"), the Stewardship Easement shall be established for a term of five years ("Conditional Period") and shall be deemed a Conditional Stewardship Easement. All conditions and restrictions of the Stewardship Easement related to maintaining the existing property conditions, including all management obligations of the owner of the SSA lands, shall be in full force throughout the Conditional Period. If at any time during the Conditional Period any of the following events occur, then the Conditional Stewardship Easement shall become a Permanent Stewardship Easement which shall be final, perpetual and non-revocable in accordance with the terms set forth therein:

1. Stewardship Credits from the SSA have been assigned to entitle an approved Stewardship Receiving Area ("SRA"), and the SRA has received all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction. If Stewardship Credits from the SSA have been assigned to more than one SRA, then the receipt of all necessary final and non-appealable development orders, permits, or other discretionary approvals necessary to commence construction of any SRA shall automatically cause the Conditional Stewardship Easement to become a Permanent Stewardship Easement;
2. The owner of the SSA lands has irrevocably sold or transferred any Stewardship Credits to another person or entity, including a Stewardship Credit Trust as described in Policy 1.20, and received the consideration due from such sale or transfer, but not including a sale or transfer of the Stewardship Credits ancillary to the sale or transfer of the underlying fee title to the land; or
3. The owner of the SSA lands has received other compensation as described in Policy 1.18 in exchange for the creation of the Stewardship Easement Agreement.

In the event that none of the foregoing events has occurred during the Conditional Period, then the owner of the SSA lands may within 180 days after the last day of the Conditional Period record a Notice of Termination. In addition, if a challenge and/or appeal of a necessary development order, permit or other discretionary approval is filed, the owner of the SSA lands may elect to extend the Conditional Period until the challenge or appeal is finally resolved. If the challenge or appeal is not resolved such that the construction may commence under terms acceptable to the owner of the SSA lands, the owner of the SSA lands may within 180 days of the final disposition of the challenge or appeal record a Notice of Termination. Upon the recording of such Notice of Termination, the Stewardship Easement Agreement and corresponding Stewardship Sending Area Credit Agreement shall expire and terminate, the Stewardship Credits generated by the SSA shall cease to exist, the rights and obligations set forth in the Stewardship Easement shall no longer constitute an encumbrance on the property, and the SSA Memorandum shall be revised accordingly. The owner of the SSA lands shall provide a copy of the Notice of Termination to the County.

In the event that the Stewardship Credits from an SSA have been used to obtain one or more SRA approvals, but none of the foregoing events has occurred during the Conditional Period, then the Notice of Termination shall also provide for termination of any SRAs that have been assigned credits from the SSA, unless the SRA owner has obtained sufficient Stewardship Credits from another source and such Stewardship Credits have been applied to the SRA. In the event that a Notice of Termination does terminate an SRA, the owner of the SRA lands shall join in the Notice of Termination.



In the event that a Conditional Stewardship Easement is terminated, all benefits, rights, privileges, restrictions and obligations associated with the SSA shall be null and void, and the land shall revert to its underlying zoning classification, free and clear of any encumbrance from the Conditional Stewardship Easement and SSA Credit Agreement. If requested by the owner of the SSA lands, Collier County and the other grantees under the Stewardship Easement Agreement shall provide a written release and termination of easement and credit agreements for recording in the public records within 15 days of request from the owner of the SSA lands. Collier County shall update the overlay map to reflect the termination of any SSA or SRA.

This policy shall be implemented in the LDC within 12 months after adoption hereof.

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

**Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; September 23, 2008**

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:**

VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
David Farmer  
Gary Eidson  
Bill McDaniel  
Zack Floyd Crews  
Tom Jones  
Fred N. Thomas, Jr.

ALSO PRESENT: Nick Casalanguida, Director of the Transportation Planning Department, Thomas Greenwood, Principal Planner and Michael DeRuntz, Principal Planner, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; and approximately 25 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:05 AM by *Vice-Chairman Neno Spagna* who chaired the meeting in the absence of Chairman Ron Hamel.

**II. Roll Call**

Roll call was taken, and a quorum was established as 8 of 12 members were present.

**III. Approval of Agenda**

*Mr. McDaniel moved to approve the agenda as presented and seconded by Mr. Thomas .  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the September 16, 2008 Meeting**

*Mr. Thomas moved and McDaniel seconded to approve the minutes as distributed. Mr. Eidson stated that the language on page 3 at the beginning of the first paragraph needs to be added onto to read that Transportation is wanting the Committee to understand the planning and fiscal needs of the County. Mr. Thomas and Mr. McDaniel agreed to this clarifying language. Voice Vote - Unanimously approved.*

**V. Presentations None.**

**VI. VI. Old Business**

As a preface to today's discussion, *Mr. Greenwood* stated the following:

- Primary focus today will be upon review of the **Group 4 Policies** [distributed version includes all proposals advanced to date, including those from Eastern Collier Property Owners [ECPO] dated September 18 and those referred from the Transportation Planning Department received by staff on September 18<sup>th</sup>.
- Review of Wilson Miller September 18, 2008 **Stewardship Credit Estimates under Existing and Revised RLSA Program**

Also referred to were ECPO comments dated September 19 on Group 4 policies from John Passidomo and September 19 proposal from John Passidomo on behalf of ECPO to revise Policy 1.6.

**A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation] and Stewardship Credit Estimates under Existing and Revised RLSA Program.** *Mr. Greenwood* stated that whatever action the Committee takes will appear in the DRAFT Phase 2 Report and will be subject to a second overall review by the Committee prior to its issuance of its final recommended report.

**1. Review of Wilson Miller September 18, 2008 Stewardship Credit Estimates under Existing and Revised RLSA Program.** The Committee elected to review the attached September 18, 2008 memo from Wilson Miller with the discussion and review led by *Al Reynolds* of Wilson Miller with summarized as follows:

- a. Assumptions include that 100% of the property owners will voluntarily participate in the program over time, but will likely be less; numbers in the September 18 memo are rounded; did not include any assumption of any of the Open land participating in the existing program because it would likely be very minimal because of the low credits available on such lands;
- b. The existing RLSA Program could generate credits sufficient to entitle approximately 43,312 Stewardship Receiving Area [SRA] acres;
- c. The proposed RLSA Program with revisions would generate 421,000 credits or 57,888 SRA acres but, with a modification of the credits needed to entitle 1 acre of SRA from 8 credits to 10 credits and reduce the SRA acreage to fall within the proposed cap of 45,000 acres;

*Bill McDaniel* stated that there needs to be an economic balance between the potential credits produced and the potential of using those credits so that the credit value is not diminished to the point where it is not economically feasible for the property owners to participate voluntarily in the RLSA program. *Mr. Reynolds* stated that there would be a new supply of credits under the proposed revised system and that there needs to be made corresponding adjustments to increase the number of credits for SRAs and that it is impossible to predict demand 50 years into the future and that the system will need to be looked at again in 5-7 years for possible adjustment. *Mr. Reynolds* stated that the 128,000 base credits calculated uses the existing RLSAO is very close to those projections prepared 7 years ago when the program was just being adopted. *Mr. Reynolds* covered the Restoration Credit and Early Entry Bonus Credit analyses, stating that the analysis is based upon 5 years of data of SSAs 1-13 and more reliable than data available when the existing RLSA program was first adopted. *Mr. Jones* pointed out that the Wilson Miller analysis of RLSA maturity under the existing RLSA program is very close to that developed by County staff [and Van Buskirk through the East of CR 951 Infrastructure Study] which are both independent of the Wilson Miller projections. *Mr. Reynolds* stated the proposed credit system is based upon additional possible credit generation from Agriculture Credits, Panther Corridor Credits, and Tiered Restoration. *Mr. Jones* stated that the proposed credit system is based upon preliminary actions taken by the Committee on Group 2 and 3 policies and that the program is voluntary and needs to be economically feasible or the property owners will not participate. *Mr.*

*Farmer* asked if there is the possibility for owners of existing SSAs to come back to the county for more credits. *Mr. Reynolds* stated that there would probably be fewer credits possible under the proposed system for SSAs already approved. *Mr. McDaniel* stated that he has a problem with the 45,000-acre cap. *Mr. Cornell* stated that credit system needs to be balanced. *Mr. Eidson* stated that the system needs to be balanced and government, including transportation, needs to have some predictability to future development in the RLSA. *Mr. Farmer* stated that he favors a cap of 45,000 acres of SRA and that it seems reasonable based upon the calculations he made. *Mr. Jones* spoke in favor of the 45,000 acre cap and that there cannot be too many credits or the system will not work. *Nicole Ryan* encouraged to Committee to start with the 45,000-acre cap and work backwards, rather than changing from 8 credits/acre to 10 credits/acre for enabling one acre of SRA. She also encouraged the Committee to see more emphasis on preservation. *Russ Priddy* stated using the system suggested by Ms. Ryan would not be an incentive for small property owners of which he estimated there are about 175 to 180 owners of land having 5 to 10 acres of land and that most of these tracts are carve outs of larger properties and have homes on them already. *Al Reynolds* completed his presentation by stating that the RLSA Program is a proactive voluntary approach to conserve environmentally sensitive lands and agricultural lands while allowing limited well-designed compact urban development to occur. He stated the 45,000 acre cap for the proposed system is intended to keep the SRA development in the future at a level close to what is now allowed under the existing system. He stated that the Horizon Year being looked at is 2015, based upon conversations with the Comprehensive Planning Department staff.

**B. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation]** The Committee discussed the following policy language with Nick Casalanguida, Director of the Transportation Planning Department:

#### **Policy 4.4**

Collier County will update the Overlay Map to delineate the boundaries of each approved SRA. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type, lane needs and provide evidence that it is financially feasible. The county, in coordination with the land owners within the RLSA shall identify and locate the public services needed to accommodate the build out population within the RLSA that would not otherwise be included within the individual SRAs. These services shall include but are not limited to: government offices, jails, court houses, landfills, maintenance facilities or any other facilities that would otherwise require travel back to the urban area. Land shall be set aside within the RLSA to accommodate these services so they can be constructed as they become needed based on development absorption. Such updates shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs.

*Mr. Casalanguida* stated that the County is short on cash and bonding capacity for transportation improvements as follows:

- \$50,000,000 commercial paper interest rate increased from 5% to 12%
- Gas tax is depleted
- Cannot defer costs

He stated that deferring language is not good planning. He stated that the County will have a updated network plan within 6 months which will refine the horizon year network. No action was taken by the Committee on Policy 4.4 deferring a rewrite of the language proposed to Nick Casalanguida and John Passidomo [see discussion under Policy 4.14].

### **Policy 4.14**

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. An SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide direct vehicular and pedestrian connections to said areas so as to reduce travel time, travel expenses, improve interconnectivity, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA. Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis. The county, in coordination with the land owners within the RLSA, shall develop a transportation network that has been shown to maintain the adopted Level of Service (LOS) through the build out of the RLSA east of CR-951. The build out network shall define the existing roadways that need to be improved and all proposed roadways. The plan shall also include the facility type and lane needs. SRAs shall provide mitigation credits in a bank, for species, wetlands or any other impacts which would require mitigation to expand the existing or proposed roadway network. These credits would be made available at no cost to the county if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the mitigation requirements. The construction and permitting of wildlife crossings and flow ways that are identified within the RLSA shall be the responsibility of the SRA that is adjacent to or near the identified locations. SRAs that are adjacent to existing roadways that must be expanded or proposed roadways shall provide right of way, water management and fill material at no cost to the county for mitigation of their transportation impacts and if it can be shown that there are insufficient funds via impact fees or other revenue streams to cover the cost of the roadway project.

**Mr. Thomas** stated that he believed the County should move forward with its existing road construction plans and he further add that the owners should be responsible for their proportionate share of the impact of an SRA upon the County infrastructure and that the County pay its share. **Mr. Casalanguida** stated that is OK as long as the County has the funds to pay for the balance of the infrastructure costs required to keep the infrastructure at a level of service consistent with the Growth Management Plan. He stated that the Panther Protection Plan will add additional costs to infrastructure. **Mr. Spagna** asked if a special assessment wouldn't be a partial solution. **Mr. Eidson** stated that this conversation needs to occur now rather than later. **Mr. McDaniel** stated that Policy 4.14 language proposed is putting the onus on property owners due to someone else's mismanagement of funds. **Mr. Thomas** referred to private property owners' contributions of fill, right of way and impact fees as examples of private contributions related to SRAs. **Mr. Casalanguida** stated that there needs to be checks and balances and that impact fees have dried up. **Mr. Jones**, referring to language proposed in Policies 4.4 and 4.14, asked how property owners could predict 50 years in advance where facilities will be needed and set them aside; that the 45,000 cap SRA footprint is definable; and that landowners cannot identify something that may not occur for 50-75 years. **Mr. Casalanguida** referred to big ticket items such as jails, government center, etc. which are not triggered in whole by one SRA, but by a combination of several SRAs over many years. **Mr. McDaniel** stated that there is much long-range planning going on and referred to the Interactive Growth Model developed by Van Buskirk and the East of CR 951 Infrastructure Study as excellent examples of long range looks at infrastructure needs for the entire area of the County east of CR 951, including the RLSA

as well as Immokalee. *Mr. Casalanguida* stated that he agrees with Mr. Jones, but there is a need to get the RLSA property owners together and agree upon a plan. *Mr. Jones* stated that he is not opposed to long-range planning, but that he cannot predict 50+ years out. *John Passidomo*, speaking on behalf of ECPO, stated that he would work with Mr. Casalanguida to formulate some revised language related to Group 4 policies based on established state guidelines and guiding principles and bring them back to the Committee when it next meets. *Elizabeth Fleming*, of Defenders of Wildlife, asked Transportation not to show the two roads being “punched through” conservation lands as shown on the map displayed by Transportation during the September 16<sup>th</sup> meeting and encouraged the County to move forward with requirements for corridor crossings.

**[at 11:30am Fred Thomas left the meeting leaving a quorum of 7 members]**

No action was taken by the Committee on Policy 4.14 deferring a rewrite of the language proposed to Nick Casalanguida and John Passidomo.

The committee took action on the following Policies as follows:

### **Policy 4.1**

Collier County will encourage and facilitate uses that enable economic prosperity and diversification of the economic base of the RLSA. Collier County will also encourage development that utilizes creative land use planning techniques and facilitates a compact form of development to accommodate population growth by the establishment of Stewardship Receiving Areas (SRAs). Incentives to encourage and support the diversification and vitality of the rural economy such as flexible development regulations, expedited permitting review, and targeted capital improvements shall be incorporated into the LDC Stewardship District.

**Public Comment:** none

**Staff Comments:**

**Committee Action taken on September 23, 2008:** *Mr. Eidson* moved and *Mr. McDaniel* seconded to leave Policy 4.1 unchanged. Upon vote, the motion carried, unanimously, 7-0.

### **Policy 4.2**

All privately owned lands within the RLSA which meet the criteria set forth herein are eligible for designation as a SRA, except land delineated as a FSA, HSA, WRA or land that has been designated as a Stewardship Sending Area. Land proposed for SRA designation shall meet the suitability criteria and other standards described in Group 4 Policies. Due to the long-term vision of the RLSA Overlay, extending to a horizon year of 2025, and in accordance with the guidelines established in Chapter 163.3177(11) F.S., the specific location, size and composition of each SRA cannot and need not be predetermined in the GMP. In the RLSA Overlay, lands that are eligible to be designated as SRAs generally have similar physical attributes as they consist predominately of agriculture lands which have been cleared or otherwise altered for this purpose. Lands shown on the Overlay Map as eligible for SRA designation include approximately ~~74,500~~ 72,000 acres outside of the ACSC and ~~18,300~~ 15,000 acres within the ACSC. Total SRA designation shall be a maximum of 45,000 acres. ~~Approximately 2% of these lands achieve an Index score greater than 1.2.~~ Because the Overlay requires SRAs to be compact, mixed-use and self sufficient in the provision of services, facilities and infrastructure, traditional locational standards normally applied to determine development suitability are

not relevant or applicable to SRAs. Therefore the process for designating a SRA follows the ~~principles of the Rural Lands Stewardship Act as further described~~ procedures set forth herein and the adopted RLSA Zoning Overlay District.

**Public Comment:**

**Public Input:**

1. Evaluation of water consumption must be compared to actual agricultural pumpage and not permitted volumes when reviewing consumptive use impacts. Agricultural uses do not use water 12 months a year so their actual use is not consistent with the impacts of residential irrigation. This change in withdrawals over different periods of time should be reviewed for impacts on the aquifers. Also, when SFWMD converts agricultural water use to landscaping there is a reduction applied that reduced maximum availability should be used when analyzing water resources for new SRA's. **[Mark Strain]**

**ECPO Comments:** Applicants are required to provide an analysis meeting SFWMD standards during water use permitting to provide assurances that the conversion from agriculture use to development uses will not cause adverse impacts to groundwater resources, surrounding wetlands, or surrounding property owners. In most cases, the conversion of land from agriculture to SRA uses reduces the consumption of groundwater by a significant percentage. Climate conditions vary from year to year, therefore actual pumpage rates and volumes can change significantly. The fact that a farm operation may not pump its maximum rate in any given year, depending on climate cycles, does not limit their legal right to do so when the demand dictates.

Regarding seasonal agricultural consumption, there is a large acreage of perennial crops (e.g. citrus) in the area whose temporal irrigation demand matches that of lawn and landscape. Seasonal row crops are generally grown in the dry season and use substantial quantities of water when impacts to the aquifer are most critical. Typical landscape demand associated with future development should ameliorate rather than further impact the groundwater resource.

2. The Conservancy strongly supports further delineation of potential areas appropriate for SRAs within the plan. While the mapping of the FSAs and HSAs are prohibited from being allowed designation as SRAs, there is a large area (almost 100,000 acres) that could potentially be used as SRAs. Further refinement of areas where development should be directed, based on infrastructure and environmental compatibility, should be reviewed. For example, additional provisions should be included that further directs development and other incompatible uses away from the Area of Critical State Concern (ACSC). A maximum number of towns, villages, hamlets and CROs within the RLSA should also be explored. **[Conservancy]**

**ECPO Comments:** RLS Policy 4.16 requires that an SRA have adequate infrastructure available to serve the proposed development. Infrastructure includes transportation, potable water, wastewater, irrigation water, stormwater management, and solid waste. SRA applications are required to include several components including a natural resource index assessment, an impact assessment report (relative to infrastructure), and an economic assessment report. These components are thoroughly considered during the review process, and it is the responsibility of the applicant to justify the size, location, and land use components of a particular SRA. One town has been approved since adoption

of the RLS program and it does not appear that the existing regulations have caused a proliferation of development in the area. The timing and location of future SRAs will be guided by existing market conditions and the ability of an applicant to prove that the necessary infrastructure can be provided and that the project is fiscally neutral or positive.

3. The Conservancy believes that there should be specific guidelines for distance separations between SRAs. If SRAs are allowed to be located back-to-back, without any true separation, mega-towns could result in areas where rural character should be maintained. **[Conservancy]**

**ECPO Comments:** The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

4. Establish distances between villages and towns; and distance from Immokalee. **[FWF]**

**ECPO Comments:** The goal of the RLS Group 4 Policies is to enable conversion of other uses in appropriate locations, while discouraging urban sprawl, and encouraging development that utilizes creative land use planning techniques. Specifically, Policy 4.11 requires the perimeter of each SRA be designed to provide a transition from higher density and intensity uses within the SRA to lower density and intensity uses on adjoining property. The edges of SRAs are to be well defined and designed to be compatible with the character of adjoining property. Also, Policy 4.14 requires an SRA to have direct access to a County collector or arterial road or indirect access via a road provided by the developer, and that no SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate. Since approval of the RLS program, one 5,000-acre town has been approved, while approximately 55,000 acres of SSAs are approved or pending.

5. There should be more guidance on where towns and villages can be located. As it is written now, it is possible to locate towns near each other with only a small buffer between which encourages sprall. Without planning, all the density will be located on the western portion of the RLSA. Ideally the towns should be spread out, with large agricultural areas between them. Maybe a maximum number of towns needs to be agreed upon and the general areas where these can be located indicated on a map. At a minimum, there needs to be more guidance provided as to where towns can be located and their buffering requirements. This will facilitate all types of future infrastructure planning by the County. **[Judith Hushon]**

**ECPO Comments:** Areas suitable for development are currently mapped as "Open" on the RLSA Overlay Map. The RLSA policies and implementing Land Development Code provide locational and suitability criteria as well as design standards to guide development.



6. Provide maps of build out scenarios. Further, just as natural resources are mapped, so should the areas most suitable for development. **[Defenders of Wildlife]**

**September 23, 2008 Discussion**

- **Brad Cornell** stated that he would like to have the 45,000 acre cap proposed in the RLSA be reduced by an acreage amount each time a property is developed under the base zoning of Agriculture in amount equivalent to such acreage.
- **Mr. Jones** stated that he likes the 45,000 cap and that we need to keep away from baseline zoning as such a mechanism will hurt the credit system.
- **Russ Priddy** stated that one must understand that there are about 240 smaller property owners in the RLSA and that about 175-180 of these property owners own 5 to 10 acre properties. He stated that most of these properties have homes on them and, if there is 0% participation in the RLSA program by such owners, then there will be maybe 8,000 acres at a density of 1 unit/5 acres which is equivalent to about 1,600 units which is negligible. He stated the proposal of Mr. Cornell is not warranted and could cause more harm than good to the RLSA Overlay.

**Staff Comments:** Staff pointed out that the proposed additions and deletions were presented by ECPO via a communication dated September 18, 2008.

**Committee Action:** *Motion Eidson* and seconded by *Mr. Farmer* to accept the proposed amendments as shown. *Upon vote*, the motion carried 6-1, with Mr. Cornell voting in opposition.

---

**VII. New Business** [none]

**VIII. Public Comments** [none]

**IX. Next Meeting**

*Mr. Spagna* stated that the next meeting but that it will be held on September 30, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12 Noon.

**X. Adjournment**

*Mr. McDaniel* moved to adjourn the meeting, seconded by *Mr. Eidson* with the motion approved unanimously with adjournment at 12:00PM.

Rural Lands Stewardship Area Review Committee

*Neno Spagna*  
Neno Spagna, Vice-Chairman

These minutes approved by the Committee on 9-30-08, as presented \_\_\_\_\_ or as amended

**TO: Tom Greenwood**  
**FROM: WilsonMiller**  
**DATE: September 18, 2008**  
**SUBJECT: Estimates of Stewardship Credits under the current and revised RLSA Program and recommendation for Credit calibration**

As requested, we have reviewed the RLSA Credit System to estimate and compare the potential credits that can be generated under the current RLSA Program and under the RLSA as it may be revised in accordance with the Collier County Rural Lands Stewardship Area Review Committee's (CCRLSARC) discussions.

**EXECUTIVE SUMMARY:**

- 316,000 Credits
- 41,040 Acres
- A. The currently adopted RLSA Program is estimated to produce a total of 315,000 Stewardship Credits assuming 100% property owner participation. These Credits would entitle a maximum of 43,312 SRA acres, including allowance for public benefit uses. Approximately 43,700 acres of Open designated land would remain with baseline rights, and some or all of this land could potentially be converted from Agriculture to development at 1 unit per 5 acres (or other permitted baseline uses).
  - B. Three proposed modifications to the RLSA Program have been conceptually approved by the CCRLSARC, including Agriculture Credits, Panther Corridor Credits, and Tiered Restoration. Should the three modifications described above be adopted without further changes, and again assuming 100% property owner participation, including all Open designated land outside of SRAs being placed into Agriculture SSAs, the program is estimated to produce 421,000 Credits and 57,888 SRA acres.
  - C. With certain recommended adjustments to the RLSA Credit system further detailed in this report under Section 3, including a change from 8 Credits per SRA acre to 10 Credits per SRA acre, the RLSA Program would produce a total of 404,000 Credits. All remaining Open designated land is assumed to be within Agriculture SSAs. This number of Credits would fall within an appropriate range to comply with the proposed cap of 45,000 SRA acres, as further detailed below.
  - D. Conclusion: The proposed modifications to the RLSA Program, coupled with recommended adjustments set forth herein, will meet the Goal and Objective of the RLSA and will reduce the potential total development footprint by nearly 50%.

## **METHODOLOGY AND RESULTS OF ANALYSIS**

The methodology and results for this analysis are described below and all Credit estimates have been rounded to the nearest 1,000. Please note that we have used a different methodology (described in detail below) than the County to arrive at an estimate of potential Credits and development acres at maturity under the current program, but the results are comparable (315,000 Credits compared to 316,761 Credits).

### **1. CURRENTLY ADOPTED RLSA PROGRAM**

#### **Base Credits**

Base Credits are the Credits generated by use of the Natural Resource Index and Land Use Layer System. They are created from FSAs, HSAs, WRAs and Open lands that are designated as SSAs by the property owners. To estimate the total potential Base Credits, we performed a model run of the NRI values and current mapping of AG1 and AG 2 land uses as recently adjusted during the Stage 1 process. We have assumed that all FSAs, HSAs and WRAs become SSAs with land use layers removed down to current AG1 or AG2 use. We have applied this model to all of the FSAs, HSAs and WRAs lands regardless of whether they are in approved SSAs or not. We then compared the modeled credits to actual SSA Base Credits generated from SSAs 1-13, and this analysis shows that actual Base Credits in these approved SSAs are approximately 15% greater than the model due to the inclusion of more site specific data, such as listed species surveys which have enabled a greater level of accuracy in calculating NRI values. However, we expect this variance will be less going forward based on the composition of future SSAs being more heavily weighted toward WRAs. Therefore we applied an adjustment factor of 10% to the model derived Base Credits (116,329). The rounded total estimate is **128,000 Base Credits**.

#### **Restoration Credits**

Restoration Credits are generated by application of Policy 3.11. Because these Credits are dependent on site specific conditions that require detailed evaluations and restoration planning and permitting by each property owner, as well as successful implementation, it was not possible to estimate these Credits at the inception of the RLSA Program. We now have 5 years of actual data from 13 SSAs that we can use to estimate the use of the restoration program. Notwithstanding, the same variables of site specific conditions, owner decisions, and permitting requirements will still apply to future restoration. For this estimate, the following approach has been used:

Total acres of FSA, HSA, and Restoration Zone within RLSA:	73,000
Acres of planned restoration, SSAs 1-13:	12,000
<u>Acres deemed not suitable for restoration, SSAs 1-13</u>	<u>21,000</u>
Maximum eligible acreage for future restoration:	40,000

For SSAs 1-13, approximately 29% of the total acreage is proposed for restoration. Assuming that the same percentage applies to the 40,000 acres that are eligible for future restoration, 11,600 additional acres would be restored ( $40,000 \times 0.29 = 11,600$ ). The projected additional restoration credits generated under the current system would be approximately 78,000 credits, as shown in the table below:

System	Potential Restoration (Acres)	Estimated Restoration (Potential acres x 29%)	Restoration Credits (credits/acre)	Estimated Credits
Camp Keais	15,000	4,350	8	34,800
OK Slough	25,000	7,250	6	43,500
<b>TOTAL</b>	<b>40,000</b>	<b>11,600</b>	<b>N/A</b>	<b>78,300</b>

The total estimate for restoration credits under the current system is:

Approved restoration credits (SSAs 1-9, 11):	28,000
Pending restoration credits (SSAs 10, 12, 13):	54,000
Estimated future restoration credits (rounded):	78,000
<b>Total restoration credit estimate for current system:</b>	<b>160,000</b>

#### **Early Entry Bonus Credits**

RLSA Policy 1.21 provides for a maximum of **27,000 Early Entry Bonus Credits**. These Credits are available until January 2009, at which time they are no longer available.

#### **Potential Credits and SRA acres under currently adopted RLSA Program**

Base Credits:	128,000
Restoration Credits:	160,000
Early Entry Bonus Credits:	27,000
<b>Total Credits:</b>	<b>315,000 Credits</b>

SRA Acres at 8 Credits per acre:	39,375 Acres
Public Benefit Acres estimated at 10%:	3,937 Acres
<b>Total SRA Acres:</b>	<b>43,312 Acres</b>

#### **Remaining Baseline development potential**

Open Land not included in SRAs or SSAs	
ACSC Open Land	15,000 Acres
Non ACSC Open Land	28,700 Acres
<b>Total remaining Open Land</b>	<b>43,700 Acres</b>

## **2. PROPOSED RLSA MODIFICATIONS**

Three proposed changes to the RLSA Program have been conceptually approved by the CCRLSARC that would change the Credit estimates described previously. Two are new credit categories that resulted from the Florida Panther Protection Program, and the third is a proposed modification to the Restoration Credit system.

### **Agriculture Credits**

These Credits result from a property owner agreeing to eliminate non-agricultural uses from Open designated land and are an alternative to development under baseline zoning rights. Our estimates are calculated based on the acreage of privately owned Open designated land in the ACSC not already included in approved SSAs (approximately 15,000 acres) at 2.6 Credits per acre yielding 39,000 Credits, and privately owned Open designated land outside of the ACSC (approximately 72,000 acres), less the amount of potential SRA acres proposed under the Florida Panther Protection Program (45,000) and less the acreage of a potential Panther Corridors on such Open Lands (approximately 1,300 acres) and miscellaneous land (700 acres). This results in an estimated 25,000 acres of Agriculture outside of the ACSC at 2.0, or 50,000 Credits. Therefore, the rounded total estimate is **89,000 total Agriculture Credits**.

### **Panther Corridor Credits**

Panther Corridor Credits result from a property owners agreeing to designate land and construct improvements to implement the north and south Panther Corridors referenced in the Florida Panther Protection Program. These corridors will require the use of both Open Lands and WRAs. We currently estimate approximately 1,300 acres of Open land and 1000 acres of WRA land in the north and south corridors would be required for a total of 2,300 acres at 10 Credits per acre, or **23,000 Panther Corridor Credits**. It is possible for these acreages to be more or less, and the viability of these corridors is currently under review by the Florida Panther Protection Program Scientific Technical Review Committee.

### **Tiered Restoration Credit Estimates**

The proposed tiered restoration system is a modification to the current program to better define the type and relative value of different restoration types. For this estimate, we assume that 11,600 acres within future SSAs are suitable for restoration activities as previously described, with 600 acres dedicated for panther habitat restoration, and the remaining 11,000 acres split equally between the four other restoration types (caracara, exotic removal / burning, flow way, and native habitat restoration). For this analysis, we also assume that approved and pending SSAs will be considered as vested under the current program, and that future SSAs will use the tiered system. The calculations are as follows:

Restoration Type	Acres	Credits per Acre	Restoration Credits
Panther Habitat	600	10	6,000
Caracara	2,750	4	11,000
Exotic Control/Burning	2,750	6	16,500
Flow Way	2,750	6	16,500
Native Habitat Rest.	2,750	8	22,000
<b>Total</b>	<b>11,600</b>	<b>N/A</b>	<b>72,000</b>

The total estimated restoration credits with implementation of the tiered system for future SSAs are shown below:

Approved restoration credits (SSAs 1-9, 11):	28,000
Pending restoration credits (SSAs 10, 12, 13):	54,000
<u>Estimated future restoration credits:</u>	<u>72,000</u>
<b>Tiered Restoration Credits:</b>	<b>154,000</b>

These restoration estimates are subject to variation based on site specific analysis for restoration suitability, decisions made by the property owner, approval by the County and permitting agencies and successful restoration implementation.

#### **Potential Credits and SRA acres under a revised RLSA Program**

Should the three modifications described above be adopted without further changes, there would be the following resulting Credits and SRA acres:

Base Credits:	128,000
Restoration Credits:	154,000
Early Entry Bonus Credits:	27,000
Agriculture Credits	89,000
<u>Panther Corridor Credits</u>	<u>23,000</u>
<b>Total Credits:</b>	<b>421,000 Credits</b>

SRA Acres at 8 Credits per acre:	52,625 Acres
<u>Public Benefit Acres at 10%:</u>	<u>5,263 Acres</u>
<b>Total SRA Acres:</b>	<b>57,888 Acres</b>

#### **Remaining Baseline development potential**

Open Land not included in SRAs or SSAs      0 Acres

### **3. ADJUSTMENTS TO ACHEIVE 45,000 ACRE SRA CAP**

The Florida Panther Protection Program has called for a cap of 45,000 SRA acres in the RLSA, and should this cap be reflected in the revised RLSA Program, certain adjustment will be necessary so that the RLSA Credit System will produce sufficient Credits to entitle a potential 45,000 acre SRA scenario, without leaving a substantial number of excess Credits. The following items are recommended:

1. The cap of 45,000 SRA acres will include public benefit acres.
2. The proposed Tiered Restoration System will be used for all future SSAs.
3. No extension of the Early Entry Bonus Program beyond January 2009. Approximately 7,000 EEBs not included in approved or pending SSAs will be eliminated.
4. A change in the SRA Credit Ratio from 8 Credits per SRA acre to 10 Credits per SRA acre for Credits generated from any future, non-vested SSAs.
5. SSA vesting will be applied as follows:
  - a. All approved SSAs (1 -9, 11) would be vested at the 8 Credit per SRA acre ratio and in accordance with the restoration programs set forth therein. This represents a total of 73,488 credits. Any SRA acres entitled with these Credits will be computed at the current 8 Credit per acre ratio. This includes Credits and SRA acres already approved for and applied to the Town of Ave Maria.
  - b. Proposed SSAs 14, 15, and 16 would be vested at the current 8 Credit per SRA acre ratio to the extent required to entitle the proposed Town of Big Cypress DRI/SRA. These SSAs will include restoration designation credits at the current rate of 4 per acre in the Camp Keais Strand. Total restoration credits per acre will not exceed the level provided under the new tiered system as approved. This represents an estimated total of 24,000 Credits and 3,000 SRA acres.
  - c. Proposed SSAs 10, 12, and 13 will continue to be processed and approved under current adopted standards (8 Credits per SRA acre and non-tiered restoration). Should all of the proposed modifications be approved, the owners of these SSAs will agree to subsequently amend these SSAs to adjust to the 10 Credit per SRA acre ratio and tiered restoration system following approval and adoption of these new standards. This would reduce the estimated restoration credits by 10,000. Should the proposed modifications not be adopted, these SSAs will not be amended.
6. All new SSAs will conform to the new adopted standards.

With these adjustments, the following table shows the resulting number of Credits and potential SRA acres:

**Estimated Credits (assuming full property owner participation):**

Base Credits from all NRI based SSAs	128,000
Early Entry Bonus Credits (upon phase out)	20,000
Restoration Credits	144,000
Agriculture Credits (40,000 acres)	89,000
Panther Corridors (assumes 2,300 acres)	23,000
<b>Total Estimated Credits</b>	<b>404,000</b>

**Projected SSA supply of Credits**

SSAs 1-9, 11 Vested Credits (approved)	73,488 credits
SSAs 14-16 Vested Credits (estimated)	24,000 credits
SSA Credits vested at 8 Credits per SRA acre	97,488 credits
Remaining SSAs at 10 Credits per SRA acre	306,512 credits

**Projected SRA acres assuming all Credits are used:**

SRA acres entitled at 8 Credits per acre	12,186 acres
SRA acres entitled at 10 Credits per acre	30,651 acres
<b>Subtotal of Credit entitled SRAs</b>	<b>42,837 acres</b>
Public benefit acres estimated at 10%	4,283 acres
<b>Total potential SRA acres</b>	<b>47,120 acres</b>

**Remaining Baseline development potential**

Open Land not included in SRAs or SSAs 0 acres

**Credit estimates and excess Credits**

The total supply of Credits entitles less than 45,000 acres of SRAs, but estimated public benefit acres must also be considered. Because the RLSA is a voluntary, market based system and these estimates assume 100% property owner participation in the RLSA Program, and each category of estimate has a range of assumptions built in to the estimated number, it is advisable to allow for some variance. The above estimates result in sufficient Credits that, together with public benefit acres, provides for an approximate 5% variance in total potential SRA acres. There are a number of factors that could offset this potential "excess" including but not limited to: less than 100% participation by all property owners in the RLSA, less than 10% public benefit acres, purchase of land and/or Credits by a publicly funded conservation program, less than 100% success rate in restoration implementation, and lack of market demand for all of the potential Credits.



#### **4. COMPARISON OF ALTERNATIVES**

The following three tables illustrate the land use summaries at full utilization using the current and revised and recalibrated programs. With the proposed revisions, the acreage of potential SRAs increases nominally from 43,300 acres (Tables 4.1 and 4.2) to 45,000 acres (Table 4.3). However the potential development footprint of Open Land converted to baseline development could be reduced dramatically, depending on the use of the new Agriculture Credit. Table 4.1 shows 100% of Open Lands converted to baseline uses under the current program and Table 4.3 shows 100% of Open Lands placed in Agriculture SSAs under the revised program.

We do not expect that all of the Open land outside of SRAs would be converted to baseline development under the current program. Market incentives that favor well planned, compact, mixed use communities with a wide range of housing options served by high quality infrastructure and services would satisfy most of the demand for new homes in the RLSA. In addition, Golden Gate Estates already offers a significant supply of 2.25 to 5 acre lots without such services for those that prefer this alternative.

Table 4.2 shows a more realistic scenario for comparison, where 10% of ACSC Open lands are converted (based on ACSC regulations limiting site alterations to 10% of any site) and 25% of non ACSC Open Lands are converted. Comparing Table 4.2 and Table 4.3 still demonstrates that the potential development footprint is reduced by approximately 7,000 acres using the revised RLSA system.

<b>Table 4.1: Current RLSA Land Use Summary at full utilization with 100% baseline conversion</b>		
	<b>Acres</b>	<b>% of Total</b>
NRI based SSAs	92,000	
<b>SSA Subtotal</b>	<b>92,000</b>	<b>47.0%</b>
Open Land conversion to baseline rights	43,700	
SRAs	43,300	
<b>Potential Development Footprint</b>	<b>87,000</b>	<b>44.4%</b>
Public Land and Miscellaneous	16,846	8.6%
<b>Total RLSA</b>	<b>195,846</b>	<b>100.0%</b>

<b>Table 4.2: Current RLSA Land Use Summary with partial baseline conversion</b>		
	<b>Acres</b>	<b>% of Total</b>
NRI based SSAs	92,000	
<b>SSA Subtotal</b>	<b>92,000</b>	<b>47.0%</b>
ACSC Open Land conversion at 10%	1,500	
Non ACSC Open Land conversion at 25%	7,175	
SRAs	43,300	
<b>Potential Development Footprint</b>	<b>51,975</b>	<b>26.5%</b>
Open Land remaining in Agriculture	35,025	17.9%
Public Land and Miscellaneous	16,846	8.6%
<b>Total RLSA</b>	<b>195,846</b>	<b>100.0%</b>

<b>Table 4.3: Revised and recalibrated RLSA Land Use Summary at full utilization</b>		
	<b>Acres</b>	<b>% of Total</b>
NRI based SSAs	92,000	47.0%
Agriculture SSAs	40,000	20.4%
Panther Corridors	2,300	1.1%
<b>SSA Subtotal</b>	<b>134,300</b>	<b>68.5%</b>
<b>Potential Development (SRAs)</b>	<b>45,000</b>	<b>23.0%</b>
Public Land and Miscellaneous	16,546	8.5%
<b>Total RLSA</b>	<b>195,846</b>	<b>100.0%</b>

Under the revised and recalibrated RLSA, in addition to agricultural uses retained on the majority of 92,000 acres of NRI based SSAs, 40,000 additional acres of agricultural land are protected as Agriculture SSAs. Two important Panther corridors are also incentivised.

It should also be noted that current RLSA Policy 4.10 requires a minimum of 35% of each SRA to be open space. As a result, a minimum of 15,750 acres of the total 45,000 acres of SRA will be open space, and a maximum of 29,250 acres will be developed land. This results in a net developed footprint equal to 15% of the total RLSA acreage.

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; September 16, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
David Farmer (left at 12:00pm)  
Gary Eidson  
Bill McDaniel (arrived at 10:30am)  
Zack Floyd Crews  
Tom Jones  
Fred Thomas

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner and Michael DeRuntz, Principal Planner, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; and approximately 20 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:07 AM by *Chairman Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 8 of 12 members were present initially with Bill McDaniel arriving at approximately 10:30am.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda as presented and seconded by Mr. Crews. .  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the August 5, 2008 Meeting**

*Mr. Spagna moved and Mr. Farmer seconded to approve the minutes as distributed. Voice Vote - Unanimously approved. Mr. Hamel pointed out that page 2 of the minutes states that there will be complete review by the Committee of the entire draft report, so that there will be a second chance to review the entire document*

**V. Presentations**

**A. Mr. Greenwood** referred to and made a part of the minutes the following as emailed and as provided in hard copy and discussed at today's meeting:

- Committee tasks by meeting dates for September 16, 23, 30 and October 7 and EAC meeting of November 12, CCPC on December 1, and BCC on January 29, 2009. **[attached to minutes]**
- Potential RLSA...Potential Maturity under the existing RLSA Credit System. **[attached to minutes]**

With respect to the Committee tasks, the attached was reviewed by the Committee and it was stated that the goal today is to finish the Group 3 Policies and hear from the Transportation Planning Department at 11am regarding transportation issues related to development and the RLSA, in particular.

*Mr. Greenwood* reviewed the September, 2008 version of the “Potential Maturity under the existing RLSA Credit System” stating the following:

- It is based upon the existing system and the experience in the RLSA Overlay during the first 5 years.
- It assumes that 100% of the owners of the environmentally sensitive lands will participate in the RLSAO.
- It assumes that the average household size would be 2.5 persons/household and the average gross density would be 2.5 units/acre which is similar to Ave Maria and the proposed Big Cypress DRI.
- Other assumptions are provided on the spreadsheet.
- The number of dwelling units calculated is very close in number to the calculations provided by Van Buskirk and Associates for the East of 951 Infrastructure Study.

He stated that he would like to have the Committee endorse this or a similar document for inclusion in the Phase 2 Report, but that no action was required today. There were a number of questions and answers generated by the Committee and the public and, at the end of the discussion, *Tom Jones* thanked and complimented staff for the preparation of this document.

**B. Presentation of Nick Casalanguida, Director, Transportation Planning Department [presented at 11am following action taken on Policy 3.11]**

*Norman Feder*, Director of the Transportation Division, stated that:

- the Committee meetings conflict with the Tuesday BCC meetings;
- Transportation in the 1990’s and before dealt mainly with providing transportation in the urban area but now needs to concentrate in the rural lands area as well;
- There is a need to share information between the public and private sectors if the planning for public infrastructure and services in the RLSA is to be in a comprehensive and meaningful way.
- Most of what he knows about the RLSA is what he has read in the newspaper.

*Nick Casalanguida*, Director of the Transportation Planning Department, stated the following:

- The East of 951 Study group is looking at rural design roads rather than urban standard roads.
- Van Buskirk, the consultant on the East of 951 Infrastructure Study, has developed dwelling unit and population projections by Transportation Analysis Zones for the RLSA and other major geographies east of CR 951.
- The county does not have the funds to build the roadway network.

- There must be some agreement on a transportation network and alternative transportation modes for the build-out in the RLSA.
- There must be funding methodology made available in the RLSA to allow for the fiscal neutrality of the public infrastructure upon the County. A memorandum of agreement needs to be developed between the county and the developer to identify where the roads will be located and how the roads will be funded.
- Need to address panther crossings and how to fund them.
- Need to address who is going to pay for what.
- Must be a unified roadway network meeting the water management plan standards.
- He stated that 2/3 of the projected county population at build out is expected to be east of CR 951.
- Need a check and balance for public improvements. An analysis needs to be done. The transportation department will have one done in about 6 months.
- He stated that impact fees cannot provide all the needed improvements, but this has to be looked at as a three legged stool where land owners, county and the state each participating.

**Mr. Eidson** stated that Transportation is asking the Committee to do something. **Bill McDaniel** stated that the interactive growth model developed by Van Buskirk will provide an on-going guide as to infrastructure needs as times and developments change in the East of CR 951 area. **Mr. McDaniel** asked what additional sources of funding would be available for future roadway construction other than the sources currently available. **Mr. Casalanguida** stated that an increase in the sales tax, transfer fees, a raise in the millage rates, and the proposed Panther fees are examples. **Mr. Jones** stated that there is some coordination going on between transportation planning and it needs to continue and that coordination may get to about 80% of what Nick is asking for by mid-October. He referred to the possible limit of a 45,000 acre SRA footprint in the RLSAO. He stated that a model can show where land uses could go, but that it is a long-term model and it will change over time. **Mr. Farmer** stated that he feels that the population and dwelling units are important in the RLSAO planning in that they can translate into lane miles and other governmental services. **Norman Feder** stated that the data and analysis do not have to be cast in stone, but the data and analysis need to address the big picture of what could happen in this geography [the RLSAO]. **Bill McDaniel** stated that he would like the Transportation Division's review of the RLSA Overlay, in particular Group 4 policies which relate to SRAs and with the transportation-related policies. *He would get Dr. VanBuskirk to address the Committee.* **Mr. Greenwood** stated that one of the functions of the RLSA Review Committee is to educate and promote the RLSAO and stated that there have been about 15-20 articles relating to the RLSA in the NDN since the November, 2007 inception of the Committee; that there have been at least three Transportation Department employees on the participant email list; and that the Group 4 policies in the on-going report include comments from Mike Greene and that any other Transportation Comments should be received this week for referral to the Committee on September 23<sup>rd</sup> when it goes through Group 4 SRA policies. **Mr. Jeff Perry** of Wilson Miller stated that his firm has been doing work with the Eastern Collier property owners over the years. At the time the original RLSA Overlay was adopted there was an absence of data and analysis. He will be meeting with Van Buskirk and the County to provide the necessary data and analysis to clearly indicate what infrastructure will be needed to support future developments in the RLSA.

## VI. Old Business

- A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation].** *Mr. Greenwood* stated that whatever action the Committee takes will appear in the DRAFT Phase 2 Report and will be subject to a second overall review by the Committee prior to its issuance of its final recommended report.

### Policy 3.8

Compensation to the property owner may occur through one or more of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

#### Public Input on September 16, 2008

Mr. Dane Scofield stated that he would like to broaden the language to allow other avenues to use credits. **Staff Comments:** Staff suggested adding the words, “such as, but not limited to Conservation Collier” to the end of Policy 3.8. After Committee discussion, a motion was made by *Mr. Eidson* with a second by *Mr. Thomas*. Upon vote, the motion failed by a vote of 7-1 with Mr. Spagna voting in favor of the motion to strike the proposed language.

**Committee Action on September 16, 2008:** Motion by *Mr. Eidson* with a second by *Mr. Thomas* to not change Policy 3.8. Upon vote, the motion carried, 8-0.

### Policy 3.9

1. Agriculture will continue to be a permitted use and its supporting activities will continue to be permitted as conditional uses within FSAs and HSAs, pursuant to the Agriculture Group classifications described in the Matrix. The Ag 1 group includes row crops, citrus, specialty farms, horticulture, plant nurseries, improved pastures for grazing and ranching, aquaculture [limited to Open Land designation only] and similar activities, including related agricultural support uses. In existing Ag 1 areas within FSAs and HSAs, all such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 1 will be allowed in FSAs and HSAs beyond existing or permitted limits within property subject to a credit transfer, except for incidental clearing as set forth in Paragraph 2 below.
2. In order to encourage viable Ag 1 activities, and to accommodate the ability to convert from one Ag 1 use to another, incidental clearing is allowed to join existing Ag 1 areas, square up existing farm fields, or provide access to or from other Ag 1 areas, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared, and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. Incidental clearing is defined as clearing that meets the above criteria and is limited to 1% of the area of the SSA. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

#### **Public Input:**

1. Review of the SSAs currently designated indicates that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation

purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval. [Conservancy]  
Note: Also related to policy 3.10

**ECPO Comments:** The Conservancy’s statement does not acknowledge that of the 24,124 acres within approved SSAs, 19,034 acres (79%) are designated as Ag-2 lands. Of the 19,034 acres under Ag-2 land uses, 16,334 acres exist under native vegetation, and an additional 1,781 acres are comprised of pastures. These Ag-2 land uses retain only grazing rights and other low-intensity agricultural uses that are entirely compatible with listed species conservation. Lands within approved SSAs “maintained for conservation purposes” are therefore more accurately quantified as the sum of Ag-2 and Conservation land uses (19,684 acres), or 82% of all approved SSA lands.

The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property, and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the BCC hearing.

2. Provide incentive for organic farming for ag remaining in FSAs and HSAs [FWF]
3. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum.

**ECPO Comments:** The RLSA agricultural areas have been farmed for decades, utilizing standard agricultural operations that are covered by existing state agricultural regulations. Additional restrictions could potentially render these agricultural operations unprofitable, counter to the goals of the RLSA. The prescription of BMPs could also create disincentives for land owners to include agricultural areas within SSAs, thereby fragmenting landscape mosaics that would otherwise be protected as large, interconnected blocks of land.

**Discussion during September 16<sup>th</sup> Meeting.**

**Mr. Jones** stated that he was not in favor of the Best Management Practices language because it will lead to more confusion as to who will verify it is being done, which BMP to use and for what use. **Laura Roys** stated staff suggested the BMP because SSAs should have higher standards and that the BMP language could be added to the Stewardship Credit Agreements. **Dane Scofield** stated that all his uses of land generate BMPs. Who will decide which BMP to use and how. He stated that he is opposed to the proposed BMP language. **Brad Cornell** stated that we should find a way to incentivize BMPs. **Mr. Farmer** stated that the incentives are already in place such that the property owner is not found in violation [SFWMD requires BMPs for developments of 10+ acres and DEP requires as well]. **Nicole Ryan** stated that her organization would support BMPs in that the property owners are receiving SSAs. **Mr. Eidson** stated that we do not need more laws as we are short of staff to enforce the ones we have. **Mr. Standridge** stated that the BMPs are not regulatory. **Mr. Farmer** disagreed stating that property owners must use BMPs for 10+ acre developments approved by SFWMD and DEP. **Russ Priddy** stated that he

takes special care of his lands over the years and is opposed to BMPs being placed in the RLSA Overlay and that such is a huge disincentive to participate in the RLSAO.

**Staff Comments:**

1. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum. **[Engineering and Environmental Services Department]**

**Committee Action on September 16, 2008:** Motion by *Mr. Thomas* to add Best Management Practice to Policy 3.9 and second by *Mr. Jones* and, upon vote, the motion failed 8-0. Motion by *Mr. Thomas* and second by *Mr. Jones* to not amend Policy 3.9 and, upon vote, the motion carried 8-0. *Brad Cornell* stated that he would like to see aquaculture addressed in the LDC.

*Mr. McDaniel*, having not been present when Policy 3.9 was discussed above, asked to consider having the language, “limited to Open Land designation only”, added after the word “aquaculture” in line fourth line of Policy 3.9. After discussion, *Mr. McDaniel* moved and *Mr. Thomas* seconded to insert the language in policy 3.9 in the first paragraph to allow aquaculture in Open Lands only in the RLSA. Upon vote, the motion carried 7-0 [Mr. Farmer left the meeting at 12:00pm and did not vote].

**Policy 3.10**

Ag 2 includes unimproved pastures for grazing and ranching, forestry and similar activities, including related agricultural support uses. In existing Ag 2 areas within FSAs and HSAs, such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 2 or conversion of Ag 2 to Ag 1 will be allowed in FSAs or HSAs beyond existing or permitted limits within property subject to a credit transfer.

**Public Input:**

1. The uses retained on lands, such as Ag 2, are not preservation lands yet they are proffered as such in subsequent development analysis. This then supports arguments to completely remove wetlands within the areas where development was to take place when in reality the ratios of natural set aside preservation lands were much smaller in comparison to the wetlands being destroyed if the Ag2 lands were excluded. While some A2 lands are in more natural states, the fact they are not truly conservation lands is misleading. **[Mark Strain]**

**ECPO Comments:** The majority of SSA lands designated as Ag-2 consist of native vegetation communities and unimproved pastures and rangelands that contain both wetland and upland land cover. Once an SSA easement is placed on such property, the residential, earth mining, recreation, and intensive agriculture land use rights are removed and no further intensification of these natural areas is allowed. As a result, there is little difference between “preservation or conservation lands”, and Stewardship Sending Area lands at the Ag 2 level, other than the fact that the land owner is obligated to continue to manage the land in accordance with the Stewardship Easement Agreement, rather than the public incurring this obligation and cost for public preservation land. One critical land use that is retained by the Ag-2 designation is the right to graze cattle, which is an important land management tool. In natural forest communities within the RLSA, grazing of cattle enhances forest function by suppressing exotic vegetation and controlling overgrowth in the understory. Ultimately, these Ag-2 lands do provide conservation benefits similar to those provided by public lands within and adjacent to the RLSA.

With respect to wetland impacts in SRAs, the RLSA is a planning tool that works in a complimentary fashion to wetland and wildlife regulatory programs, not as a replacement. Any proposed wetland impacts and mitigation requirements are assessed and approved by the regulatory agencies for each SRA



independently of RLSA process, using standard methodologies such as the Uniform Wetland Mitigation Assessment Method (UMAM). The RLSA program addresses the issue on a major system basis, which regulatory programs do not, and protects vast acreages of regional flow ways and larger high-quality wetland systems that greatly exceed the wetland mitigation ratios typically required by SFWMD and the US Army Corps of Engineers. This is one reason why the Collier County RLSA is held in high regard by the SFWMD, Florida Fish and Wildlife Conservation Commission, and the US Fish and Wildlife Service.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. Jones* seconded to not amend Policy 3.10. Upon vote, the motion carried 8-0.

**Policy 3.11**

1. In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. ~~Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs.~~ Should a property owner be willing to dedicate land for restoration activities within a FSA or HSA the Camp Keais Strand FSA or contiguous HSAs, ~~four~~ two additional Stewardship Credits shall be assigned for each acre of land so dedicated. ~~An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs.~~ The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with ~~four~~ additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. The additional Credits shall be rewarded for either caracara restoration at 2 Credits per acre, or for exotic control/burning at 4 Credits per acres, or for flow way restoration at 4 Credits per acre, or for native habitat restoration at 6 Credits per acre. Within the area proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration Credits shall be included in the Stewardship District of the LDC.

2. In certain locations, as generally illustrated in the RLSA Overlay Map, there may be opportunities to create, restore, and enhance a northern panther corridor connection and a southern panther corridor connection. Should a property owner be willing to dedicate land for the purpose of establishing and maintaining the northern or southern panther corridor, 2 additional Stewardship Credits shall be assigned for each acre of land so dedicated. Should an owner also effectively complete the corridor restoration, this shall be rewarded with 8 additional Credits per acre.

3. In order to address a significant loss in Southwest Florida of seasonal, shallow wetland wading bird foraging habitat, restoration of these unique habitats will be incentivized in the RLSAO. Dedication of any area inside an FSA, HSA, or WRA for such seasonal wetland restoration shall be rewarded with 2 additional Credits per acre. Should the landowner successfully complete the restoration, and additional 6 Credits per acre shall be awarded.

Only one type of restoration shall be rewarded with these Credits for each acre designated for restoration.

This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved. Also not precluded are various private and publicly funded restoration programs such as the federal Farm Bill conservation programs. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.

**Public Input:**

1. Many acres within SSA's are Ag lands that have been used in the past for a variety of activities that have the potential to cause soil and water contamination. These uses include cattle dipping, petroleum spillage from wells and even solid waste disposal areas from hunting or remote camps. Since the SSA's are given credit for their environmental value a requirement for a clean environmental audit prior to the SSA's credit issuance on all property within the SSA should be mandatory. **[Mark Strain]**

**ECPO Comments:** Cattle grazing (and its related uses), is a permitted use throughout the RLSA, and may be allowed to continue when property is voluntarily placed within an SSA by its owners depending upon the land use layers removed. Land within an SSA that has been cleared or altered for agricultural support activities will be scored accordingly. SSA lands normally remain in private ownership and the property owner retains the obligation for land management, including compliance with regulatory requirements associated with agricultural practices. Environmental Audits are typically required only in conjunction with a change in ownership. Requiring an environmental audit to be performed on thousands of acres of land would be an extraordinary expense and is therefore a disincentive for property owners to consider placing their property within an SSA.

Cattle dipping vats were constructed throughout the State of Florida as a result of local, state, and federal programs conducted from 1906 through 1961, for the prevention, suppression, control, or eradication of the disease commonly known as tick fever by eradicating the cattle fever tick. Most vats were constructed with public funds and operated under local, state, and Federal Government supervision and control, and participation in the eradication program was mandated by state law and not voluntary. Chapter 376.306(2), Florida Statutes states:

Any private owner of *property* in this state upon which cattle-dipping vats are located shall not be liable to the state under any state law, or to any other person seeking to enforce state law, for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation of any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick. This provision shall be broadly construed to the benefit of said private owner.

Any potential oil spills are closely scrutinized by the Florida Department of Natural Resources (DNR), and should there be an occurrence, immediate action is required. DNR maintains records of all petroleum spills and the action taken to address said spills. When wells are abandoned, oil companies and property owners are required to plug the wells and clean up the site under the direction of DNR.

Hunting camps are handled via written leases with the property owner. The stipulations of these legal leases include the requirement for any lessee to properly dispose of all solid waste and also include annual inspection by the property owner to insure the terms of the lease are being met. Private property owners

take great care in the protection of their land when allowing others to use their property for hunting or camping purposes.

2. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between agricultural uses and restoration areas. **[Conservancy]**

**ECPO Comments:** The process for restoration credits requires the removal of AG1 uses, so there is no potential for incompatibility between restoration and AG1 uses under the RLSA program. Cattle grazing is a proven land management tool. When properly managed, cattle grazing limits under brush from becoming an extensive fire hazard, keeps exotics from more rapid proliferation, and requires more continuous oversight of the land. Removing all agricultural uses from the land would be a disincentive to restoration because there is a cost associated with land management. There must be a mechanism available to ensure that restoration and conservation remain viable options in the market.

3. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented. **[Conservancy]**

**ECPO Comments:** In the RLSA, restoration is a two step process. First land is dedicated for restoration, and then the restoration is completed. The RLS program assigns credits for each step. By assigning credits for the first step, dedication, the program sets aside and protects lands for a future restoration activity. When viewed in a regional context this dedication process is useful to other entities, such as Conservation Collier, when prioritizing which lands to protect and restore. To eliminate the dedication step from the credit system would be a disincentive to property owners to dedicate any restoration land until the restoration is to be completed, thereby depriving those other entities of knowing what the true regional restoration plan is.

4. Incentives for restoring farm fields in receiving [Open] areas **[FWF]**

**ECPO Comments:** This comment is apparently referring to the potential for restoring farm fields within the “Open” overlay designation. The RLSA program was designed to achieve a balance between agricultural sustainability, environmental protection, and economic development. As noted in the previous response, ample opportunities for farm field restoration already exist within the FSA and HSA overlays. While restoration within the FSA and HSA overlays can occur within a landscape matrix of native vegetation communities, restoration within the Open overlay lacks a landscape-scale context, and should not be a priority.

5. Better handle on potential credits and restoration credits that can be generated - too many credits. **[FWF]**

**ECPO Comments:** Both Collier County staff and ECPO are preparing more accurate estimation of total potential stewardship credit generation, including restoration credits.

6. Why have credits been established to be awarded just for preparing a restoration plan that does not have to be implemented? [CCPC]

**ECPO Comments:** (See response to 3 above).

7. Restoration credits: credit should be generated only for actual restoration work, this could be a two step scale involving the start of restoration and meeting specified success criteria. [Defenders of Wildlife]

**ECPO Comments:** The purpose of providing restoration designation credits is two-fold. One, the restoration designation credits can provide a source of capital necessary to initiate the restoration work, including the costs of permitting, detailed restoration planning, etc. Secondly, there are situations where a land owner may be amenable to allowing a local (such as Conservation Collier), state or federal agency to perform restoration work on their land. The restoration designation credits provide an incentive for land owners to cooperate with agencies where they otherwise may have declined to participate, and the agencies can implement the restoration program.

**Staff Comments:**

1. Any level of restoration or maintenance receives the same amount of credits. The credit value should be tied to the functional lift and there should be levels of credit that could be earned. [Engineering and Environmental Services]
2. The management plan should include more than the 1 exotic plants listed by County Code (FLEPPC Category 1). Various other exotics have been observed. [Engineering and Environmental Services]
3. The LDC should define more specific requirements on what management plans entail. [Engineering and Environmental Services]
4. Restoration should be to a native habitat. [Engineering and Environmental Services]

**ECPO Comments:** ECPO agrees that a tiered system of restoration credits, tied to the restoration functional lift, the difficulty of restoration, and the cost of restoration would be beneficial. An approach will be provided to the RLSA Review Committee in the near future.

Management plans are currently incorporated into Stewardship Credit and Easement Agreements, so enforceability is already present in the system. We agree that it is appropriate to include the 12 Category 1 exotic plant species identified by FLEPPC in future management plans. The SSA restoration management plans submitted to date have included sufficient specificity to ensure the achievement of restoration goals, but we will work with the RLSA Review Committee and staff if a standardized checklist will provide clarity for all parties while preserving flexibility in restoration implementation.

We disagree that restoration should be limited to native habitats. Emphasis on pasture-dependent species highlights the need for inclusion of pastures as potential restoration habitat. Caracaras, for instance, prefer properly managed pastures over any other habitat, including native dry prairie. Restricting restoration to native habitats could potentially compromise recovery efforts for these species.

**Public Discussion on September 16, 2008**

**Mr. Greenwood** stated that there was a proposal submitted on September 2 to provide for amendments to Policy 3.11 prepared by Wilson Miller and intended to provide language to accommodate the Panther Protection Program. **Mr. Cornell** prepared and distributed at the beginning of today's meeting a revised Policy 3.11 [attached] which was aired by those present as follows:

- **Mr. Farmer** stated that he was concerned about unintended consequences.

- **Mr. Jones** stated that he thinks the breakdown is covered well and covered under the habitat language.
- **Mr. Farmer** stated that he will vote in favor of the amendment, but wants to know how we are going to spend all the extra credits.
- **Tim Durham** stated that Brad has the right idea.
- **Judy Hushon** stated that caracara restoration is easy to do and that there may be too many credits being proposed for this restoration.
- **Mr. Jones** stated that this language would go into the management plan for R-1 and R-2 credits.
- **Russ Priddy** stated that this language would go into the management plan for R-1 and R-2 credits.
- **Laurie McDonald** stated that she supports elimination of oil wells as permitted uses certain land use categories of the Land Use Matrix and that the words, “restore, and enhance” should follow “create” in the second line of paragraph 2 and that the words “and maintain” should be inserted directly after “establishing” in the fourth line of paragraph 2.
- **Laura Roys** stated that it should be made clear that the credits will not be cumulative.
- **Russ Priddy** stated that he has an oil well with a location that is in some of the best habitat for bear, etc. and that there is no science that shows that oil wells are degrade the habitat.
- **Nancy Payton** stated that there is a map which has been circulated which shows the panther corridors.
- **Noah Standridge** asked if there had been consideration given to bonding out panther credits for up front dollars.

**Committee Action on September 16, 2008:** **Mr. Jones** moved **and Mr. Eidson** seconded to amend Policy 3.11 as shown with Brad Cornell’s recommendations including the recommendations of Laurie McDonald and Laura Roys above. Upon vote, the motion carried 9-0.

**Motion to extend meeting end time to 12:30pm**

**Mr. Hamel** stated that he would like to finish Group 3 policies today, but would need Committee approval to continue the meeting beyond the advertised time. **Mr. Thomas** moved and **Gary Eidson** seconded to extend the end time for today’s meeting from 12 pm to 12:30pm to provide time for completion of the Group 3 Policies. Upon Vote, the motion carried, 9-0 with Mr. Farmer stating that he had to leave for another appointment.

**Policy 3.12**

Based on the data and analysis of the Study, FSAs, HSAs, WRAs, and existing public/private conservation land include the land appropriate and necessary to accomplish the Goal pertaining to natural resource protection. To further direct other uses away from and to provide additional incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand, all land within 500 feet of the delineated FSAs that comprise the Slough or Strand that is not otherwise included in a HSA or WRA shall receive the same natural index score (0.6) that a HSA receives if such property is designated as a SSA and retains only agricultural, recreational and/or conservation layers within the matrix.

**Public Input:**

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment [**Conservancy**]
2. More upland buffers for Camp Keais Strand & OK Slough [**FWF**]

**ECPO Comments:** The need for more upland buffers adjacent to existing FSA and HSA areas has not been demonstrated or supported by any data and analysis. Aside from that fact, Restoration Zone overlays were already designated in 2002 along key portions of both regional flow ways, and comprise over 2,000

acres of potential buffers. These 500-foot wide Restoration Zones create incentives for restoration of buffers, and can work in conjunction with SRA buffers as well.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Jones* moved and *Mr. McDaniel* seconded to not amend Policy 3.12. Upon vote, the motion carried, 7-0.

### **Policy 3.13**

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. However, if the WRA provides water treatment and retention exclusively for a SRA, the acreage of the WRA shall be included in the SRA. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

**Public Input:**

1. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies. **[Conservancy]**

**ECPO Comments:** The comment refers to Water Retention Areas or WRAs, which are one of three types of SSA classification. Two Policies are relevant to the comment:

*Policy 3.13*

*Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.*

*Policy 3.14*

*During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or*

*restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.*

The SFWMD will encourage or require that storm water continue to be directed into these reservoirs, even after converting adjoining land uses from farm to development. This is anticipated by RLS Policy 3.13 and 3.14. There will be many cases where on-going agricultural operations continue to use the WRA simultaneously with the developed land. In these cases, there is no purpose served by trying to distinguish how much of the WRA is serving the farm, and how much is serving the development, as the overall acreage of the WRA will not change.

Continuing to use these systems for water retention is efficient and beneficial to the environment, and results in land use patterns that are more compact and cost effective. Eliminating water flows would negatively impact hydrology and hydroperiod and would cause detrimental changes to the habitat values of these reservoirs. These reservoirs are typically large (over 100 acres), and often are located between the developable land and ultimate outfalls to flowway systems.

In instances where a WRA is permitted to function solely for SRA water quality treatment and detention, it may be appropriate to include this acreage in the SRA acreage calculation.

**Public Discussion on September 16, 2008**

*Mr. Jones* stated that he supports the proposed change as outlined above because the water treatment has to be done on-site and gives the developer the ability to use the remaining lands in the SRA. He stated that they were criticized with the Town of Ave Maria SRA because they were not counting the WRA as part of its SRA.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. Eidson* seconded to add the additional language to Policy 3.13. Upon vote, the motion carried, 7-0.

**Policy 3.14**

During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

**Public Input:**

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. McDaniel* seconded to not amend Policy 3.14. Upon vote, the motion carried, 7-0.

---

**VII. New Business** [none]

**VIII. Public Comments** [none]

**IX. Next Meeting**

*Mr. Hamel* stated that he will not be able to attend the next meeting but that it will be held on September 23, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12 Noon. Mr. Greenwood stated that there is a meeting scheduled for this room between 7:30am and 9:00am and that the RLSA Review Committee meeting start may be delayed slightly.<sup>1</sup>

**X. Adjournment**

*Mr. Thomas* moved to adjourn the meeting, seconded by *Mr. McDaniel* with the motion approved unanimously with adjournment at 12:25PM.

**Rural Lands Stewardship Area Review Committee**

---

**Neno Spagna, Vice-Chairman**

These minutes approved by the Committee on \_\_\_\_\_, as presented \_\_\_\_\_ or as amended \_\_\_\_\_





**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

**Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; September 2, 2008**

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:**

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
David Farmer  
Gary Eidson  
David Wolfley  
Bill McDaniel  
Jim Howard  
Tom Jones  
Tammie Nemecek

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner and Michael DeRuntz, Principal Planner, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; and approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:02 AM by *Chairman Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established as 10 of 12 members were present.

**III. Approval of Agenda**

*Mr. Wolfley moved to approve the agenda as presented and seconded by Mr. McDaniel.  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the August 5, 2008 Meeting**

*Mr. Hamel pointed out an error on page 1 under approval of the minutes [should read "minutes" rather than "agenda" while Mr. Cornell stated that the minutes on page 2 under panther discussion should show that the motion he made did not receive enough support to cause the motion to be approved. Mr. McDaniel moved and Mr. Cornell seconded to approve the minutes as amended.*

*Voice Vote - Unanimously approved.*

## V. Presentations

*Mr. Greenwood* referred to and made a part of the minutes the following as emailed and as provided in hard copy and discussed at today's meeting:

- Revised Committee schedule dated August 5<sup>th</sup> [including presentation by Nick Casalinguida of the Transportation Planning Department on September 16<sup>th</sup>] and possibly someone from VonBuskirk, the consultant which is assisting the county with the East of CR 951 Infrastructure Study.
- Phase II Report Preparation Schedule and Report Format
- Policy 3.2 related to proposed amendments to update certain acreage numbers
- Possible Policy 3.8, 3.11, and 3.13 language amendments
- Land Use Matrix from Section 4.08.06B.4.b of the Land Development Code [8 land use layers in the RLSA Overlay]
- Letter dated August 26<sup>th</sup> from Cheffy Passidomo Wilson & Johnson regarding Eastern Collier Property Owners comments on certain Group 3 policies.

He stated that these documents will be referred to during today's meeting and are available on the table in this room. There was no discussion from the Committee except that *David Wolfley* expressed reservations about moving forward with Group 2 and 3 Policies without appropriate data and analysis. An example is the Panther Protection Program for which there is no data and analysis.

## VI. Old Business

**A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation].** *Mr. Greenwood* stated that whatever action the Committee takes will appear in the DRAFT Phase 2 Report and will be subject to a second overall review by the Committee prior to its issuance of its final recommended report.

~~**Group 2 - Policies to protect agricultural lands from premature conversion to other uses and retain land for agricultural activities through the use of established incentives in order to continue the viability of agricultural production through the Collier County Rural Lands Stewardship Area Overlay.**~~

**Public Input:** No additional public input was presented to the Committee.

### September 2, 2008 Committee Preliminary Action:

*Mr. McDaniel* moved and *Tom Jones* seconded to approve the language amendment as provided above.

*Comments from the public:* None

*Upon vote,* the motion carried unanimously.

### **Policy 2.1**

~~Agriculture~~ landowners will be provided with ~~lands will be protected from premature conversion to other uses by creating~~ incentives that encourage the voluntary elimination of the property owner's right to convert agriculture land to non-agricultural uses in exchange for compensation as described in Policies 1.4 and 2.2 and by the establishment of SRAs. ~~as the form of compact rural development in the RLSA Overlay. Analysis has shown that SRAs will allow the projected population of the RLSA in the Horizon year of 2025 to be accommodated on approximately 10% of the acreage otherwise required if such~~

~~compact rural development were not allowed due to the flexibility afforded to such development. The combination of stewardship incentives and land efficient compact rural development will minimize two of the primary market factors that cause premature conversion of agriculture.~~

*Mr. Greenwood* stated that the language proposed to be eliminated by the Committee simply states that a typical compact urban development in the RLSA Overlay would have a density approximately 10 times that of the underlying zoning which is 1 dwelling unit per 5 acres of land and this was explained by *Al Reynolds* during the April 1 meeting.

*Nicole Ryan* stated that the 10% footprint for SRA should be recalculated. Do not eliminate this language, but simply update it. *Mr. McDaniel* stated the credits and the SRA footprint needs to be quantified during the Group 3 and 4 discussions and that he favors the removal of this language as it misleads the reader as to what the intent of the language means. *Brad Cornell* stated that we need to get our arms around the projections of credits and SRAs under the existing RLSA Overlay versus the proposed RLSA Overlay. *Mr. Farmer* stated that approximately 85,000 acres of open lands could all be developed either under the underlying AG zoning or the RLSA as SRAs. There was general discussion, in particular by *David Wolfley*, about the number of credits increasing too much where the credit value would be diluted, as discussed by *Tom Jones* and *Gary Eidson* and that a proper balance would have to be achieved. DCA also pointed this out in the ORC letter relative to the Half Circle Ranch GMP amendment proposal which has been withdrawn. *Mr. Farmer* pointed out that all 85,000 acres of Open land is available for development, either under the underlying zoning or through the RLSA Overlay. *Tammie Nemecek* referred to the cap of 45,000 credits proposed under the summary of July 1, 2008 of the Florida Panther Protection Program. *Gary Eidson* questioned how we incentivize the Open Land owners to reserve their lands in perpetuity for agricultural uses. *Mr. Jones* stated that Policy 2.2 is proposing to incentivize Open Areas and provide a disincentive to underlying zoning development at 1 dwelling unit per 5 acres. *Al Reynolds* stated that the language needs to be removed from Policy 2.1 and deal with the SRAs in Group 4 policies. The RLSA Overlay is voluntary, an option, and the language really just points out the difference is development density between the underlying zoning and the RLSA Overlay.

**September 2, 2008 Committee Preliminary Action:** The above draft amendments were approved by the Committee upon motion by *Mr. McDaniel* and second by *Ms. Nemecek* by vote of 9 to 1 with *David Wolfley* voting against.

## **Policy 2.2**

Agriculture lands protected through the use of Stewardship Credits shall be designated as Stewardship Sending Areas (SSAs) as described in Policy 1.6. The protection measures for SSAs are set forth in Policies 1.6, 1.7, 1.10, and 1.17. In addition to protecting agriculture activities in SSAs within FSA, HSA, and WRA, as further described in Policies 3.1, 3.2 and 3.3, additional incentives are desired to retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards as described in Policy 1.5. Therefore, in lieu of using the Natural Resource Index on land designated Open, these lands shall be assigned two (2.0) Stewardship Credits per acre outside of the Area of Critical State Concern (ACSA), and two and sixth tenths (2.6) Credits per acre within the ACSC. All non-agriculture uses shall be removed and the remaining uses are limited to agriculture Land Use Levels 5, 6 and 7 on the Land Use Matrix. Each layer is discreet and shall be removed sequentially and cumulatively in the order presented in the Matrix. If a layer is removed, all uses and activities in that layer are eliminated and no longer available. Following approval of an Agricultural SSA, Collier County shall update the RLSA Zoning Overlay District Map to delineate the boundaries of the Agricultural SSA.

### **Discussion:**

- *David Wolfley* suggested putting all credit reference in Group 3 policies.
- *Tom Jones* stated that the proposal is intended to create a new incentive for agricultural preservation and he felt the credit reference should be in Group 2 policies and this was discussed

initially by the Committee in April and is attempting to address the criticism of DCA about not doing enough to protect agricultural lands. He stated that the 2.0 credits per acre outside of the ACSA is an incentive to the property owners to retain agricultural lands, as the current average NRI in Open lands would generate approximately just 0.2 credits per acre. He stated that the 2.6 credits per acre is an added incentive to maintain agricultural lands in the ACSC and is close to the 2.65 average credits per acre generated by lands classified as HSA, WRA or FSA in SSA 1-9. He stated that the Group 2 and Group 3 credit generation will need to be balance with SRA entitlement potential to be addressed in Group 4 policies.

- **Mr. Wolfley** stated that all credits should be discussed and reviewed in one area and not in several Groups of policies.
- **Mr. Jones** stated that if there are too many credits, then we will have to pull back on the number of credits being generated and too many acres of SRA. He stated that a potential maximum 45,000 acres of development footprint under SRAs was proposed in the summary of the Panther Protection Program presented on July 1, 2008 to the Committee.
- **Nancy Payton** spoke in support of the language proposed under Policy 2.2 as it encourages keeping agriculture land in agriculture or similar uses.
- **Mr. Farmer** asked about the acreage classified as Open in the ACSC.
- **Mr. Jones** stated that the 15,000+ acres of Open land within the ACSC can become SSAs but there is also a limit of 10% of clearing limitation in the ACSC.
- **Mr. Farmer** questioned whether we will have too many credits. **Mr. Jones** confirmed that the proposal of 2.6 credits per acre in the ACSC is about a four-fold increase in credits in the ACSC.
- **Mr. Farmer** stated that he is concerned that Ag incentivization might trump restoration credits and disincentivize restoration. **Mr. Jones** stated that restoration is only possible in HSA and WRA.
- **Nicole Ryan** stated that the Committee should provide an incentive in the ACSC land for panther habitat protection; that the NRI values need to be updated; and passed out a color map showing [in yellow] areas where panthers habitat could be in conflict with Open lands where SRAs might be allowed.
- **Mr. McElwaine**, representing the Conservancy of Southwest Florida, encouraged the Committee to vote against the proposed amendments to Policy 2.2 and raised questions about DCA's caution of not using the existing RLSA Overlay authorization, adequate infrastructure, justification and whether there is a need based upon shortage of existing development.
- **Brad Cornell** stated that agricultural stewardship credits will need to be calculated and still wants an incentive for the preservation of agricultural lands. He suggested adding to the last sentence the words, "Agriculture" before SSA in the two locations in that sentence and that there be language placed that would disallow returning to the AG-1 land use layer after the land has been voluntarily taken down to AG-2.
- **Mr. McDaniel** stated that he could support the first part, but not the second part.
- **Dave Wolfley** stated he agrees with the added language but not with the numbers.

**September 2, 2008 Committee Preliminary Action:** **Brad Cornell** moved and seconded by **Bill McDaniel** that the word "agricultural" be inserted before "SSA" in the two locations found in the last sentence of Policy 2.2. Upon vote, the motion carried 9-1 with **David Wolfley** voting against.

After considerable discussion and a brief recess, **Brad Cornell** moved and seconded by **Tom Jones** that the following language be added just prior to the last sentence of Policy 2.2: "Each layer is discreet and shall be removed sequentially and cumulatively in the order presented in the Matrix. If a layer is removed, all uses and activities in that layer are eliminated and no longer available." **Public Comments** included **Laurie McDonald** who stated that she supported the amendment. **Christian Spilkor** stated that he does not to be held to a restriction where the agricultural practices would be limited and rotating in and

out of placing the land in a fallow or grazing status would be permanent. *Laura McDaniel* questioned how this is related to Policy 1.6. *Tom Jones* stated that it should be the same rules. *Dane Scofield* stated that if a landowner elected to take the land uses down to Ag-2 those restrictions would occur.

*Upon vote*, the motion carried 7-3 with *Bill McDaniel, Gary Eidson, and David Wolfley* voting against.

### **Policy 2.3**

~~Within one (1) year from the effective date of these amendments, Collier County will establish an Agriculture Advisory Council comprised of not less than five nor more than nine appointed representatives of the agriculture industry, to advise the BCC on matters relating to Agriculture. The Agriculture Advisory Council (AAC) will work to identify opportunities and prepare strategies to enhance and promote the continuance, expansion and diversification of agriculture in Collier County. The AAC will also identify barriers to the continuance, expansion and diversification of the agricultural industry and will prepare recommendations to eliminate or minimize such barriers in Collier County. The AAC will also assess whether exceptions from standards for business uses related to agriculture should be allowed under an administrative permit process and make recommendations to the BCC.~~

**Public Input: None**

**Staff Comments:**

#### **September 2, 2008 Committee Preliminary Action:**

The Committee discussed the fact that the Agriculture Advisory Council was never created; that there was no overt interest to date to establish the AAC; and that there are many agricultural interest groups and organizations already established which can initiate discussions and actions before local, state, and federal agencies and elected bodies relative to their agricultural interests. *Mr. McDaniel* moved and *Brad Cornell* seconded that Policy 2.3 be deleted from the RLSA Overlay. *Upon vote*, the motion carried 10-0.

### **Policy 2.4**

~~The BCC will consider the recommendations of the AAC and facilitate the implementation of strategies and recommendations identified by the ACC that are determined to be appropriate. The BCC may adopt amendments to the LDC that implement policies that support agriculture activities.~~

**Public Input: None**

**Staff Comments:**

**September 2, 2008 Committee Preliminary Action:** See discussion under Policy 2.3. *Mr. McDaniel* moved and *David Farmer* seconded that the Policy 2.4 language be stricken. *Upon vote*, the motion carried 10-0.

### **Policy 2.5 3**

Agriculture is an important aspect of Collier County's quality of life and economic well-being. Agricultural activities shall be protected from duplicative regulation as provided by the Florida Right-to-Farm Act.

**Public Input: None**

**Staff Comments:**

IF Policies 2.3 and 2.4 are recommended for deletion by the Committee, then current Policy 2.5 would become Policy 2.3.

**September 2, 2008 Committee Preliminary Action:** *Mr. McDaniel* moved and *David Farmer* seconded to renumber Policy 2.5 to 2.3. *Upon vote*, the motion carried 10-0.

## **Policy 2.6- 4**

Notwithstanding the special provisions of Policies 3.9 and 3.10, nothing herein or in the implementing LDRs, shall restrict lawful agricultural activities on lands within the RLSA that have not been placed into the Stewardship program.

### **Public Input: None**

**Staff Comments:** IF Policies 2.3 and 2.4 are recommended for deletion by the Committee, then current Policy 2.6 would become Policy 2.4.

**September 2, 2008 Committee Preliminary Action:** *Mr. McDaniel* moved and *David Farmer* seconded to renumber Policy 2.6 to 2.4. *Upon vote*, the motion carried 10-0.

**Group 3 – Policies to protect water quality and quantity and maintain the natural water regime, as well as listed animal and plant species and their habitats by directing incompatible uses away from wetlands and upland habitat through the establishment of Flow way Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas, where lands are voluntarily included in the Rural Lands Stewardship Area program.**

### **Public Input:**

**Staff comments:** *Mr. Greenwood* suggested that all of the documents received by the Committee at its July 1 meeting related to the Florida Panther Protection Program be placed in the appendices at the back of the report in their entirety. No action was taken on this suggestion by the Committee.

**September 2, 2008 Committee action:** The Committee discussed, at the suggestion of *Brad Cornell*, adding reference to restoration activities to the Group 3 statement above with the Committee consensus that this is covered later in the Group 3 policies and need not be placed here. *Mr. McDaniel* moved and *Brad Cornell* seconded to leave the existing language for Group 3 without change. *Upon vote*, the motion carried, 10-0.

## **Policy 3.1**

Protection of water quality and quantity, and the maintenance of the natural water regime shall occur through the establishment of Flowway Stewardship Areas (FSAs), as SSAs within the RLSA Overlay. FSAs are delineated on the Overlay Map and contain approximately 31,100 acres. FSAs are primarily privately owned wetlands that are located within the Camp Keais Strand and Okaloacoochee Slough. These lands form the primary wetland flowway systems in the RLSA. The Overlay provides an incentive to permanently protect FSAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated FSAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that FSA lands score within a range of 0.7 to 2.4; approximately 96% score greater than 1.2 while 4% score 1.2 or less. The average Index score of FSA land is 1.8.

### **Public Input: None**

### **Staff Comments:**

**September 2, 2008 Committee Action:** *Ms. Nemecek* moved and *Mr. McDaniel* seconded to leave the existing language for Policy 3.1 without change. *Upon vote*, the motion carried, 10-0.

## **Policy 3.2**

Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately 40,000 45,782 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics that make them suitable habitat for listed species and

areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HSA lands score within a range of 0.6 to 2.2. There are approximately ~~13,800~~ 15,156 acres of cleared agricultural fields located in HSAs. The average Index score of ~~HAS~~ HSA designated lands is 1.3, however, the average index score of the naturally vegetated areas within HSAs is 1.5.

**Public Input:** *Anita Jenkins* questioned where the revised numbers came from.

**Staff Comments:** *Laura Roys* stated that Mac Hatcher provided the numbers as described directly below.

1. The total HSA acreage should be changed from 40,000 acres to 45,782 acres. The 13,800 acreages for HSAs should be changed to 15,156 acres upon recalculation by the Environmental staff using the SFWMD Land cover data form 2004/2005 for improved pasture, un-improved pasture, row crops, field crops, and orchards to get a value for “cleared agriculture” of 15,156 acres, not including woodland pasture, tree nursery, or upland shrub and brush. **[Environmental staff]**

2. “HAS” [resulted from a “spell check”] error and needs to be changed to “HSA”. **[Comprehensive Planning staff]**

**September 2, 2008 Committee Action:** *Mr. McDaniel* moved and *David Wolfley* seconded to amend the text of Policy 3.2 as annotated above to more closely reflect the most current information in the RLSA Overlay. *Upon vote*, the motion carried, 10-0.

### **Policy 3.3**

Further protection for surface water quality and quantity shall be through the establishment of Water Retention Areas (WRAs), as SSAs within the RLSA Overlay. WRAs are delineated on the Overlay Map and contain approximately 18,200 acres. WRAs are privately owned lands that have been permitted by the South Florida Water Management District to function as agricultural water retention areas. In many instances, these WRAs consist of native wetland or upland vegetation; in other cases they are excavated water bodies or may contain exotic vegetation. The Overlay provides an incentive to permanently protect WRAs by the creation and transfer of Credits, elimination of incompatible uses, and establishment of protection measures described in Group 1 Policies. Not all lands within the delineated WRAs are comparable in terms of their natural resource value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that WRA lands score within a range of 0.6 to 2.4; approximately 74% score greater than 1.2 while 26% score 1.2 or less. The average Index score of WRA land is 1.5.

**Public Input:** None

**Staff Comments:**

**September 2, 2008 Committee Action:** *David Wolfley* moved and *Mr. McDaniel* seconded to not recommend any change to Policy 3.3. *Upon vote*, the motion carried, 10-0.

### **Policy 3.4**

Public and private conservation areas exist in the RLSA and serve to protect natural resources. Corkscrew Marsh and Okaloacoochee Slough State Forest include approximately 13,500 acres. Analysis shows that they score within an Index range of 0.0 to 2.2; with an average Index score of 1.5. Because these existing



public areas, and any private conservation areas, are already protected, they are not delineated as SSAs and are not eligible to generate Credits, but do serve an important role in meeting the Goal of the RLSA.

**Public Input: None**

**Staff Comments:**

**September 2, 2008 Committee Action:** *Mr. McDaniel* moved and *Jim Howard* seconded to not recommend any change to Policy 3.4. *Upon vote*, the motion carried, 10-0.

### **Policy 3.5**

Residential uses, General Conditional uses, Earth Mining and Processing Uses, and Recreational Uses (layers 1-4) as listed in the Matrix shall be eliminated in FSAs in exchange for compensation to the property owner as described in Policy 3.8. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in FSAs with a Natural Resource Stewardship Index value of 1.2 or less. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas extraction in FSAs in order to minimize impacts to native habitats. Other layers may also be eliminated at the election of the property owner in exchange for compensation. The elimination of the Earth Mining layer shall not preclude the excavation of lakes or other water bodies if such use is an integral part of a restoration or mitigation program within a FSA.

**Public Input: None**

**Staff Comments:**

**September 2, 2008 Committee Action:** *Mr. Jones* moved and *Bill McDaniel* seconded to not recommend any change to Policy 3.5. *Upon vote*, the motion carried, 10-0.

### **Policy 3.6**

Residential Land Uses listed in the Matrix shall be eliminated in Habitat Stewardship Sending Areas in exchange for compensation to the property owner as described in Policy 3.8. Other layers may also be eliminated at the election of the property owner in exchange for compensation.

**Public Input:** *Nicole Ryan* expressed a concern that mining and other intense land uses should be required to be removed from the FSA and HSA.

**Staff Comments:**

**September 2, 2008 Committee Action:** *Mr. Jones* moved and *Bill McDaniel* seconded to not recommend any change to Policy 3.6. *Upon vote*, the motion carried, 10-0.

### **Policy 3.7**

General Conditional Uses, Earth Mining and Processing Uses, and Recreational Uses shall be allowed only on HSA lands with a Natural Resource Stewardship Index value of 1.2 or less. Conditional use essential services and governmental essential services, other than those necessary to serve permitted uses or for public safety, shall only be allowed in HSAs with a Natural Resource Stewardship Index value of 1.2 or less. Asphaltic and concrete batch making plants are prohibited in all HSAs. Where practicable, directional-drilling techniques and/or previously cleared or disturbed areas shall be utilized for oil and gas Extraction in HSAs in order to minimize impacts to native habitats. In addition to the requirements imposed in the LDC for approval of a Conditional Use, such uses will only be approved upon submittal of an EIS Environmental Impact Statement (EIS) which demonstrates that clearing of native vegetation has been minimized, the use will not significantly and adversely impact listed species and their habitats and the use will not significantly and adversely impact aquifers. As an alternative to the foregoing, the applicant may demonstrate that such use is an integral part of an approved restoration or mitigation program. Golf Course design, construction, and operation in any HSA shall comply with the best

management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection. Compliance with the following standards shall be considered by Collier County as meeting the requirement for minimization of impact:

- Clearing of native vegetation shall not exceed 15% of the native vegetation on the parcel.
- Areas previously cleared shall be used preferentially to native vegetated areas.
- Buffering to Conservation Land shall comply with Policy 4.13.

**Discussion and Public Input:**

*Lauri McDonald* stated that mining should be kept out of the layers and dealt with separately as mines have a greater negative impact on habitat than most types of land uses. *Nancy Payton* agreed with *Ms. McDonald*. *Bill McDaniel* stated that he does mining for a living and that mines provide a site for new habitat once they are finished off and full of water. *Mr. Wolfley* stated that he felt that mines do not have the negative impact on habitat as many other uses which are permanently intensive land uses. *Brad Cornell* stated that it may be well to require HSAs to remove land use Layers 1-4. *Mr. Jones* stated that Layers 1-4 have been removed in the first 9 SSAs since the property owners felt it was the environmentally sensible act to take in HSAs. *Al Reynolds* stated that the RLSA Overlay is a voluntary program and that the earth mining is a permitted use in the underlying AG zoning and that it would be better to process an earth mining operation under the RLSA Overlay rather than under AG zoning.

**Staff Comments:**

This is a clarification for the reader who may not know what "EIS" stands for as "EIS" is used extensively throughout this portion of the RLSA Overlay.

**September 2, 2008 Committee Action:** *Mr. Jones* moved and *Bill McDaniel* seconded to not recommend any change to Policy 3.7 other than to make the clarification recommended by staff. *Upon vote*, the motion carried, 9-1, with Brad Cornell voting against.

**VII. New Business** [none]

**VIII. Public Comments** [none]

**IX. Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on September 16, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12 Noon.

**X. Adjournment**

*Mr. Farmer* moved to adjourn the meeting, seconded by *Mr. McDaniel* with the motion approved unanimously with adjournment at 12:01PM.

Rural Lands Stewardship Area Review Committee

  
\_\_\_\_\_  
Ron Hamel, Chairman

These minutes approved by the Committee on 9-16-08, as presented X or as amended \_\_\_\_\_

**Rural Lands Stewardship Area Review Committee**  
**-Members, Meetings, Schedule-**  
**Updated August 5, 2008**

**Members**

**Ron Hamel Chair**  
**Neno Spagna Vice-chair**  
Brad Cornell  
Zach Floyd Crews  
Gary Eidson  
David Farmer  
Jim Howard  
Tom Jones  
Bill McDaniel  
Tammie Nemecek  
Fred Thomas  
Dave Wolfley

**Phase 1 [Technical Review (GMP FLUE RLSA 1.22) ]**

**Meeting Dates**

- November 20, 2007
- December 4, 2007
- January 18, 2008 Workshop
- January 22, 2008
- February 5, 2008 Ave Maria University (AMU)
- March 6, 2008 to the Environmental Advisory Council
- May 1, 2008 to the Collier County Planning Commission
- May 27, 2008 to the Board of County Commissioners

**Phase 2 [Review of Rural Lands Stewardship Overlay (RLSAO)]**

**Meeting Dates**

- March 4, 2008, AMU
  - o Begin review of Group 2 policies (Agriculture)
  - o Fritz Roka, UF, IFAS presentation
  - o Gene Macvoy, IFAS presentation
- April 1, 2008, AMU
  - o Group 2 Policies
- May 6, 2008, AMU
  - o Eric Draper, Audubon (LS Habitat)
  - o Clarence Tears, SFWMD (hydrology)
- June 3, 2008 AMU
  - o Darrel Land, FWCC- Panther (invited)
  - o Defenders of Wildlife (invited)
  - o RLSAO...review of Group 1 Policies through Group 5 Policies
- June 17, 2008, CDES, Rooms 609/610
  - o RLSAO..... review of Group 1 Policies through Group 5 Policies

- Review of Half Circle Ranch Growth Management Plan RLSAO Amendment application [April 29 referral to Committee from Board of County Commissioners]
- July 1, 2008, AMU
  - RLSAO..... review of Group 1 Policies through Group 5 Policies
- July 15, 2008, CDES, Rooms 609/610
  - RLSAO.....review of Group 1 Policies through Group 5 Policies
- August 5, 2008, AMU
  - 8RLSAO..... review of Group 1 Policies through Group 5 Policies
- September 2, CDES, Rooms 609/610
  - RLSAO..... review of Group 1 Policies through Group 5 Policies
- September 16, CDES, Rooms 609/610
  - RLSAO..... review of Group 1 Policies through Group 5 Policies
- September 23, CDES, Rooms 609/610
  - RLSAO..... review of Group 1 Policies through Group 5 Policies
- September 30, CDES, Rooms 609/610
  - RLSAO..... review of Group 1 Policies through Group 5 Policies
- October 7, CDES, Rooms 609/610
  - Wrap up....

<b>Present Technical Review to:</b>	<b>Present RLSAO Recommendations to:</b>
<b>EAC, March 6, 2008</b> <b>CCPC, May 1, 2008</b> <b>BCC, May 27, 2008</b> <b>DCA, June 23, 2008</b>	<b>EAC      November 12, 2008</b> <b>CCPC     December 1, 2008</b> <b>BCC      January 29, 2009</b> <b>To DCA   February 27, 2009</b>

## PHASE II REPORT PREPARATION SCHEDULE AND REPORT FORMAT

### REVIEW COMMITTEE DIRECTION

August 5, 2008

#### SCHEDULE

##### **A. REMAINING REVIEW COMMITTEE MEETINGS**

- September 2...RLSA Overlay Review [CDES]
- September 16...RLSA Overlay Review [CDES]
- September 23...RLSA Overlay Review [CDES]
- September 30..... RLSA Overlay Review [CDES]
- October 7... RLSA Overlay Review Wrap Up and Phase 2 Report Recommendations for RLSA Overlay [CDES]

##### **B. PUBLIC VETTING MEETINGS**

- November 12....Environmental Advisory Council
- December 1.....Planning Commission
- January 29, 2009...Board of County Commissioners
- February 27, 2009....Department of Community Affairs

#### PHASE 2 REPORT FORMAT AND CONTENTS

The following is format approved by the Review Committee on August 5, 2008:

- **COVER**
- **TRANSMITTAL LETTER with 2 maps:** 1] "Collier County Rural & Agricultural Area Assessment Stewardship Overlay Map; 2] "RLSA Status Map" which shows all approved Stewardship Sending Areas and the one approved Stewardship Receiving Area, The Town of Ave Maria.
- **TABLE OF CONTENTS**
- **EXECUTIVE SUMMARY**
- **COMMITTEE- RECOMMENDED AMENDMENTS TO THE RURAL LANDS STEWARDSHIP AREA OVERLAY**
  - a. **Short Version Annotated**
  - b. **Long Version Annotated**
- **DATA AND ANALYSIS**
- **APPENDICES**

### **Policy 3.2**

Listed animal and plant species and their habitats shall be protected through the establishment of Habitat Stewardship Areas (HSAs), as SSAs within the RLSA Overlay. HSAs are delineated on the Overlay Map and contain approximately ~~40,000~~ 45,782 acres. HSAs are privately owned agricultural areas, which include both areas with natural characteristics that make them suitable habitat for listed species and areas without these characteristics. These latter areas are included because they are located contiguous to habitat to help form a continuum of landscape that can augment habitat values. The Overlay provides an incentive to permanently protect HSAs by the creation and transfer of Credits, resulting in the elimination of incompatible uses and the establishment of protection measures described in Group 1 Policies. Not all lands within the delineated HSAs are comparable in terms of their habitat value; therefore the index shall be used to differentiate higher value from lower value lands for the purpose of Overlay implementation. Analysis of the Index Map Series shows that HSA lands score within a range of 0.6 to 2.2. There are approximately ~~13,800~~ 15,156 acres of cleared agricultural fields located in HSAs. The average Index score of ~~HAS~~ HSA designated lands is 1.3, however, the average index score of the naturally vegetated areas within HSAs is 1.5.

#### **Public Input:**

#### **Staff Comments:**

1. The total HSA acreage should be changed from 40,000 acres to 45,782 acres. The 13,800 acreages for HSAs should be changed to 15,156 acres upon recalculation by the Environmental staff using the SFWMD Land cover data form 2004/2005 for improved pasture, un-improved pasture, row crops, field crops, and orchards to get a value for "cleared agriculture" of 15,156 acres, not including woodland pasture, tree nursery, or upland shrub and brush. **[Environmental staff]**

"HAS" [resulted from a "spell check"] error and needs to be changed to "HSA".  
**[Comprehensive Planning staff]**

STRIKE  
EIGHT  
THOMAS

**Policy 3.8**

Compensation to the property owner may occur through one or more of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program, such as but not limited to Conservation Collier.

Done  
Scottie  
won't  
to allow  
use of  
credits  
exists  
to

**Policy 3.11**

1. In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Should a property owner be willing to dedicate land for restoration activities within a FSA or HSA within the Camp Keais Strand FSA or contiguous HSAs, four two additional Stewardship Credits shall be assigned for each acre of land so dedicated. An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs. The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with four additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. The additional Credits shall be rewarded for caracara restoration at 2 credits per acre, for exotic control/burning at 4 credits per acre, for flow way restoration at 4 credits per acres and for native habitat restoration at 6 credits per acre. Within areas proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.

2. In certain locations, as generally illustrated on the RLSA Overlay Map, there may be an opportunity to create a northern panther corridor connection and a southern panther corridor connection. Should a property owner be willing to dedicate land for the purpose of establishing the northern or southern panther corridor, ten additional Stewardship Credits shall be assigned for each acre of land so dedicated. The specific process for assignment of additional panther corridor credits shall be included in the Stewardship District of the LDC.

This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved.

**Policy 3.13**

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. However, if the WRA provides water treatment and retention exclusively for a SRA, the acreage of the WRA shall be included in the SRA. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

4.08.06 B.4.b Land Use Matrix (P=Permitted; A=Accessory; CU= Conditional Use)

*modified policy 2.2 would remove layers 1-4 in open lands*

**(Layer 1) (Layer 2) (Layer 3) (Layer 4) (Layer 5) (Layer 6) (Layer 7) (Layer 8)**

Residential Land Uses	General Conditional Uses	Earth Mining and Processing Uses	Recreational Uses	Agriculture Group 1	Agriculture - Support Uses	Agriculture Group 2	Conservation, Restoration and Natural Resources
Single-family dwelling, incl. mobile home (P)	Family care facilities (P)	Excavation, extraction or earthmining and related processing and production (CU)	Golf courses and/or golf driving ranges (CU)	Crop raising; horticulture; fruit and nut production; groves; nurseries; improved pasture (P)	Farm labor housing (A)	Unimproved pasture and grazing, forestry (P)	Wildlife management, plant and wildlife conservancies, refuges and sanctuaries (P)
Mobile homes ((P) in MH Overlay; (A) as temporary use]	Collection and transfer sites for resource recovery (CU)	Asphaltic and concrete batch making plants (CU)	Sports Instructional schools and camps (CU)	Animal breeding (other than livestock), raising training, stabling or kenneling (P)	Retail sale of fresh, Unprocessed agricultural products; grown primarily on the property (A)	Ranching; livestock raising (P)	Water management, groundwater recharge (P)
Private boathouses and docks on lake, canal or waterway lots (A)	Veterinary clinic (CU)		Sporting and Recreational camps (CU)	Dairying, beekeeping; poultry and egg production; milk production (P)	Retail plant nurseries (CU)	Hunting cabins (CU)	Restoration, mitigation (P)

Recreational facilities integral to residential development, e.g., golf course, clubhouse, community center building and tennis facilities, parks, playgrounds and playfields (A)	Child care centers and adult day care centers			Aquaculture for native species (P) and non-native species (CU)	Packinghouse or similar agricultural processing of farm products produced on the property (A)	Cultural, educational, or recreational facilities and their related modes of transporting participants, viewers or patrons; tour operations, such as, but not limited to airboats, swamp buggies, horses and similar modes of transportation (CU)	Water supply, well fields (P); oil and gas exploration (P)
Guesthouses (A)	Zoo, aquarium, aviary, botanical garden, or other similar uses (CU)			The commercial production, raising or breeding or exotic animals (CU)	Sawmills (CU)	Excavation and related processing incidental to Ag(A)	Boardwalks, nature trails (P)
	Churches and other places of worship (CU)			Wholesale reptile breeding and raising non-venomous (P) and venomous(CU)			Natural resources not otherwise listed (P)
	Communications towers (P)(CU)						Essential services (P and CU)
	Social and Fraternal organizations (CU)						Oil and gas field development and production (CU)
	Private landing strips for general aviation (CU)						
	Cemeteries (CU)						
	Schools (CU)						
	Group care Facilities, ALF (CU)						



# CHEFFY PASSIDOMO WILSON & JOHNSON

ATTORNEYS AT LAW, LLP

821 FIFTH AVENUE SOUTH, SUITE 201

NAPLES, FLORIDA 34102

TELEPHONE: (239) 261-9300

FAX: (239) 261-9782

EMAIL: CPWJ@napleslaw.com

EDWARD K. CHEFFY

BOARD CERTIFIED CIVIL TRIAL ATTORNEY

BOARD CERTIFIED BUSINESS LITIGATION ATTORNEY

JOHN M. PASSIDOMO

BOARD CERTIFIED REAL ESTATE ATTORNEY

GEORGE A. WILSON

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

F. EDWARD JOHNSON

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

JOHN D. KEHOE

BOARD CERTIFIED CIVIL TRIAL ATTORNEY

LOUIS D. D'AGOSTINO

BOARD CERTIFIED APPELLATE PRACTICE ATTORNEY

JEFF M. NOVATT

DAVID A. ZULIAN

KEVIN A. DENTI

JEFFREY S. HOFFMAN

BOARD CERTIFIED WILLS, TRUSTS & ESTATES ATTORNEY

LOUIS W. CHEFFY

BOARD CERTIFIED REAL ESTATE ATTORNEY

LISA H. BARNETT

BOARD CERTIFIED REAL ESTATE ATTORNEY

CLAY C. BROOKER

ANDREW H. REISS

WILLIAM J. DEMPSEY

BOARD CERTIFIED REAL ESTATE ATTORNEY

MICHAEL W. PETTIT

CHRISTOPHER J. THORNTON

MICHAEL S. GROSS

JOHN C. CLOUGH

JASON O. LOWE

M. FRANCESCA PASSERI

OF COUNSEL:

GEORGE L. VARNADOE

DIRECT DIAL: (239) 436-1529

DIRECT FAX: (239) 261-0884

August 26, 2008

Mr. Thomas Greenwood  
Principal Planner  
Comprehensive Planning Department  
2800 North Horseshoe Drive  
Naples, FL 34105

Re: Collier County RLSA Phase II

Dear Mr. Greenwood:

Our firm, together with WilsonMiller, Inc., represents Alico, Inc., Pacific Tomato Growers, Barron Collier Company, Consolidated Citrus, Priddy Farm, Half Circle L Ranch, Ranch One Coop., English Properties, and Collier Enterprises, who collectively comprise the "Eastern Collier Property Owners" or ECPO in the ongoing review of the Collier County Rural Lands Stewardship Area ("RLSA"). In that capacity, we have been following the efforts of the Rural Land Stewardship Review Committee in its review of the Goal, Objectives and Policies of the RLSA. Our team is comprised of land use and environmental consultants, engineers, economists, ecologists, wildlife experts, transportation planners and other professionals, many of whom were instrumental in the formation of the RLSA program, and have considerable experience in the implementation of RLSA since its adoption.

The Eastern Collier Property Owners own approximately 160,000 of the 195,000 acres in the RLSA, and therefore have a vested interest in ensuring that any proposed changes resulting from the ongoing review of the program by the Committee retain its incentive based, voluntary orientation to achieve the goal and objectives of the RLSA. Pursuant to the established procedures for the 5-year review of the RLSA program, we offer the following comments and recommendations for consideration by the Committee during the Phase 2 process currently underway.

In this letter we will offer our comments and recommendations related to Policy Group 3. In subsequent letters we will address Policy Groups 4 and 5.

### Group 3 Policies

#### **Policy 3.2**

##### **Public Input:**

1. Protection of listed species and wildlife habitat from intense land uses is one of the requirements in the Growth Management statutes. The HSAs were delineated to protect listed species and their habitat. During the first 5 years of the RLSA program there have been several instances of listed species in Open areas. The HSAs alone do not provide adequate protection to listed species. Additionally the 2002 definition of panther habitat is very limited compared to the habitat valuation matrix utilized by USFWS now.

**ECPO Comments:** The HSAs, FSAs, and WRAs collectively comprise over 89,000 acres and provide large, interconnected blocks of high-quality habitat for listed species and other wildlife. These overlay areas contain the vast majority of the native vegetation communities that occur within privately held RLSA lands, and also include over 13,000 acres of agricultural lands. The native vegetation that does occur within the Open overlay is highly fragmented, often impacted by surrounding land uses, and generally of much lower habitat quality than native vegetation communities with the FSAs, HSAs, and WRAs.

Staff does not provide any data and analysis to support the statement that HSAs (and presumably FSAs and WRAs) "do not provide adequate protection to listed species." Collier County and DCA did conclude that listed species protection was adequate when the plan was approved in 2002.

We dispute that the 2002 definition of panther habitat is "very limited" compared to the current USFWS habitat valuation matrix. In fact, the latest published panther research (Land, Shindle, et. al., 2008) and a current USFWS review of multiple published studies indicates that the 2002 definition of panther habitat closely approximates the current understanding of panther habitat utilization. In fact, the RLSA Habitat, Flow way, and Water Retention Stewardship Areas as designed in 2002 incorporated ninety-one percent of the panther telemetry. Currently, the panther telemetry within these same areas has increased to ninety-four percent. This concludes that the habitat is protected.

#### **Policy 3.6 and 3.7**

##### **Public Input:**

1. The Conservancy strongly supports regulation of land uses in the Habitat Stewardship Areas (HSA) and Flowway Stewardship Areas (FSA), regardless of whether the landowner participates in the RLSA program. This should include restrictions of some permitted and conditional uses and should include all lands, regardless of their participation in the RLSA. For example, on lands not voluntarily participating in the RLSA, Policy 5.1 removes use layers 1-4 within FSAs. However, Collier County should assess whether all agricultural activities are appropriate for FSAs, and potentially remove the more active agricultural uses as incompatible with protection of the quality, quantity and maintenance of the natural water regime in the FSAs. Within Policy 5.1, for HSAs, the only outright prohibition is for asphaltic and concrete batch making plants. The Conservancy believes this should be reassessed, with the opportunity to expand the prohibited uses within HSAs and FSAs.

Also, Policy 3.7 specifically should be reassessed as to the allowances within HSAs. The Conservancy believes that golf courses, and other impacting uses, are incompatible with all HSAs.

**ECPO Comments:** Land owner participation in the RLS program is voluntary and based on market conditions; it is not a regulatory technique, rather an incentive based program. Stripping additional uses off lands not participating in the RLS program would reduce the market value of that land and open the County to a Bert Harris claim action or violation of the Right to Farm Act. FSAs and HSAs were purposely defined broadly enough to allow a justified mix of habitat required for species and adequate land uses. Additional ag lands, although they did not meet the specific criteria for habitat, were included in HSAs in order to provide habitat connectivity.

### **Policy 3.9**

#### **Public Input:**

1. Review of the SSAs currently designated indicate that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval.

**ECPO Comments:** The Conservancy's statement does not acknowledge that of the 24,124 acres within approved SSAs, 19,034 acres (79%) are designated as Ag-2 lands. Of the 19,034 acres under Ag-2 land uses, 16,334 acres exist under native vegetation, and an additional 1,781 acres are comprised of pastures. These Ag-2 land uses retain only grazing rights and other low-intensity agricultural uses that are entirely compatible with listed species conservation. Lands within approved SSAs "maintained for conservation purposes" are therefore more accurately quantified as the sum of Ag-2 and Conservation land uses (19,684 acres), or 82% of all approved SSA lands.

The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property, and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the BCC hearing.

2. Provide incentive for organic farming for ag remaining in FSAs and HSAs
3. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum.

**ECPO Comments:** The RLSA agricultural areas have been farmed for decades, utilizing standard agricultural operations that are covered by existing state agricultural regulations. Additional restrictions could potentially render these agricultural operations unprofitable, counter to the goals of the RLSA. The prescription of BMPs could also create disincentives for land owners to include agricultural areas within SSAs, thereby fragmenting landscape mosaics that would otherwise be protected as large, interconnected blocks of land.

### **Policy 3.10**

#### **Public Input:**

1. The uses retained on lands, such as Ag 2, are not preservation lands yet they are proffered as such in subsequent development analysis. This then supports arguments to completely remove wetlands within the areas where development was to take place when in reality the ratios of natural set aside preservation lands were much smaller in comparison to the wetlands being destroyed if the Ag2 lands were excluded. While some A2 lands are in more natural states, the fact they are not truly conservation lands is misleading.

**ECPO Comments:** The majority of SSA lands designated as Ag-2 consist of native vegetation communities and unimproved pastures and rangelands that contain both wetland and upland land cover. Once an SSA easement is placed on such property, the residential, earth mining, recreation, and intensive agriculture land use rights are removed and no further intensification of these natural areas is allowed. As a result, there is little difference between "preservation or conservation lands", and Stewardship Sending Area lands at the Ag 2 level, other than the fact that the land owner is obligated to continue to manage the land in accordance with the Stewardship Easement Agreement, rather than the public incurring this obligation and cost for public preservation land. One critical land use that is retained by the Ag-2 designation is the right to graze cattle, which is an important land management tool. In natural forest communities within the RLSA, grazing of cattle enhances forest function by suppressing exotic vegetation and controlling overgrowth in the understory. Ultimately, these Ag-2 lands do provide conservation benefits similar to those provided by public lands within and adjacent to the RLSA.

With respect to wetland impacts in SRAs, the RLSA is a planning tool that works in a complimentary fashion to wetland and wildlife regulatory programs, not as a replacement. Any proposed wetland impacts and mitigation requirements are assessed and approved by the regulatory agencies for each SRA independently of RLSA process, using standard methodologies such as the Uniform Wetland Mitigation Assessment Method (UMAM). The RLSA program addresses the issue on a major system basis, which regulatory programs do not, and protects vast acreages of regional flow ways and larger high-quality wetland systems that greatly exceed the wetland mitigation ratios typically required by SFWMD and the US Army Corps of Engineers. This is one reason why the Collier County RLSA is held in high regard by the SFWMD, Florida Fish and Wildlife Conservation Commission, and the US Fish and Wildlife Service.

### **Policy 3.11**

#### **Public Input:**

1. Many acres within SSA's are Ag lands that have been used in the past for a variety of activities that have the potential to cause soil and water contamination. These uses

include cattle dipping, petroleum spillage from wells and even solid waste disposal from hunting or remote camps. Since the SSA's are given credit for their environmental value a requirement for a clean environmental audit prior to the SSA's credit issuance on all property within the SSA should be mandatory.

**ECPO Comments:** Cattle grazing (and its related uses), is a permitted use throughout the RLSA, and may be allowed to continue when property is voluntarily placed within an SSA by its owners depending upon the land use layers removed. Land within an SSA that has been cleared or altered for agricultural support activities will be scored accordingly. SSA lands normally remain in private ownership and the property owner retains the obligation for land management, including compliance with regulatory requirements associated with agricultural practices. Environmental Audits are typically required only in conjunction with a change in ownership. Requiring an environmental audit to be performed on thousands of acres of land would be an extraordinary expense and is therefore a disincentive for property owners to consider placing their property within an SSA.

Cattle dipping vats were constructed throughout the State of Florida as a result of local, state, and federal programs conducted from 1906 through 1961, for the prevention, suppression, control, or eradication of the disease commonly known as tick fever by eradicating the cattle fever tick. Most vats were constructed with public funds and operated under local, state, and Federal Government supervision and control, and participation in the eradication program was mandated by state law and not voluntary. Chapter 376.306(2), Florida Statutes states:

Any private owner of *property* in this state upon which cattle-dipping vats are located shall not be liable to the state under any state law, or to any other person seeking to enforce state law, for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation of any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick. This provision shall be broadly construed to the benefit of said private owner.

Any potential oil spills are closely scrutinized by the Florida Department of Natural Resources (DNR), and should there be an occurrence, immediate action is required. DNR maintains records of all petroleum spills and the action taken to address said spills. When wells are abandoned, oil companies and property owners are required to plug the wells and clean up the site under the direction of DNR.

Hunting camps are handled via written leases with the property owner. The stipulations of these legal leases include the requirement for any lessee to properly dispose of all solid waste and also include annual inspection by the property owner to insure the terms of the lease are being met. Private property owners take great care in the protection of their land when allowing others to use their property for hunting or camping purposes.

2. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between agricultural uses and restoration areas.

**ECPO Comments:** The process for restoration credits requires the removal of AG1 uses, so there is no potential for incompatibility between restoration and AG1 uses under the RLSA program. Cattle grazing is a proven land management tool. When properly managed, cattle grazing limits under brush from becoming an extensive fire hazard, keeps exotics from more rapid proliferation, and requires more continuous oversight of the land. Removing all agricultural uses from the land would be a disincentive to restoration because there is a cost associated with land management. There must be a mechanism available to ensure that restoration and conservation remain viable options in the market.

3. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented.

**ECPO Comments:** In the RLSA, restoration is a two step process. First land is dedicated for restoration, and then the restoration is completed. The RLS program assigns credits for each step. By assigning credits for the first step, dedication, the program sets aside and protects lands for a future restoration activity. When viewed in a regional context this dedication process is useful to other entities, such as Conservation Collier, when prioritizing which lands to protect and restore. To eliminate the dedication step from the credit system would be a disincentive to property owners to dedicate any restoration land until the restoration is to be completed, thereby depriving those other entities of knowing what the true regional restoration plan is.

4. Incentives for restoring farm fields in receiving areas.

**ECPO Comments:** This comment is apparently referring to the potential for restoring farm fields within the "Open" overlay designation. The RLSA program was designed to achieve a balance between agricultural sustainability, environmental protection, and economic development. As noted in the previous response, ample opportunities for farm field restoration already exist within the FSA and HSA overlays. While restoration within the FSA and HSA overlays can occur within a landscape matrix of native vegetation communities, restoration within the Open overlay lacks a landscape-scale context, and should not be a priority.

5. Better handle on potential credits and restoration credits that can be generated - too many credits?

**ECPO Comments:** Both Collier County staff and ECPO are preparing more accurate estimation of total potential stewardship credit generation, including restoration credits.

6. Why have credits been established to be awarded just for preparing a restoration plan that does not have to be implemented?

**ECPO Comments:** (See response to 3 above).

7. Restoration credits: credit should be generated only for actual restoration work, this could be a two step scale involving the start of restoration and meeting specified success criteria.

**ECPO Comments:** The purpose of providing restoration designation credits is two-fold. One, the restoration designation credits can provide a source of capital necessary to initiate the

restoration work, including the costs of permitting, detailed restoration planning, etc. Secondly, there are situations where a land owner may be amenable to allowing a local (such as Conservation Collier), state or federal agency to perform restoration work on their land. The restoration designation credits provide an incentive for land owners to cooperate with agencies where they otherwise may have declined to participate, and the agencies can implement the restoration program.

8. Any level of restoration or maintenance receives the same amount of credits. The credit value should be tied to the functional lift and there should be levels of credit that could be earned.

The management plan should include more than the 1 exotic plants listed by County Code (FLEPPC Category 1). Various other exotics have been observed.

The LDC should define more specific requirements on what management plans entail.

Restoration should be to a native habitat.

**ECPO Comments:** ECPO agrees that a tiered system of restoration credits, tied to the restoration functional lift, the difficulty of restoration, and the cost of restoration would be beneficial. An approach will be provided to the RLSA Review Committee in the near future.

Management plans are currently incorporated into Stewardship Credit and Easement Agreements, so enforceability is already present in the system. We agree that it is appropriate to include the 12 Category 1 exotic plant species identified by FLEPPC in future management plans. The SSA restoration management plans submitted to date have included sufficient specificity to ensure the achievement of restoration goals, but we will work with the RLSA Review Committee and staff if a standardized checklist will provide clarity for all parties while preserving flexibility in restoration implementation.

We disagree that restoration should be limited to native habitats. Emphasis on pasture-dependent species highlights the need for inclusion of pastures as potential restoration habitat. Caracaras, for instance, prefer properly managed pastures over any other habitat, including native dry prairie. Restricting restoration to native habitats could potentially compromise recovery efforts for these species.

### **Policy 3.12**

#### **Public Input:**

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment.
2. More upland buffers for Camp Keais Strand & OK Slough

**ECPO Comments:** The need for more upland buffers adjacent to existing FSA and HSA areas has not been demonstrated or supported by any data and analysis. Aside from that fact, Restoration Zone overlays were already designated in 2002 along key portions of both regional flow ways, and comprise over 2,000 acres of potential buffers. These 500-foot wide Restoration

Zones create incentives for restoration of buffers, and can work in conjunction with SRA buffers as well.

### **Policy 3.13**

#### **Public Input:**

1. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies.

**ECPO Comments:** The comment refers to Water Retention Areas or WRAs, which are one of three types of SSA classification. Two Policies are relevant to the comment:

#### *Policy 3.13*

*Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.*

#### *Policy 3.14*

*During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.*

The SFWMD will encourage or require that storm water continue to be directed into these reservoirs, even after converting adjoining land uses from farm to development. This is anticipated by RLS Policy 3.13 and 3.14. There will be many cases where on-going agricultural operations continue to use the WRA simultaneously with the developed land. In these cases, there is no purpose served by trying to distinguish how much of the WRA is serving the farm, and how much is serving the development, as the overall acreage of the WRA will not change.

Continuing to use these systems for water retention is efficient and beneficial to the environment, and results in land use patterns that are more compact and cost effective.



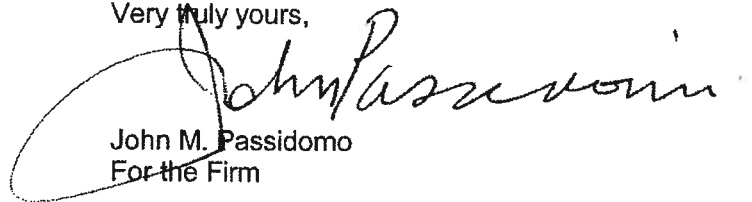
Mr. Thomas Greenwood  
August 26, 2008  
Page 9

Eliminating water flows would negatively impact hydrology and hydroperiod and would cause detrimental changes to the habitat values of these reservoirs. These reservoirs are typically large (over 100 acres), and often are located between the developable land and ultimate outfalls to flowway systems.

In instances where a WRA is permitted to function solely for SRA water quality treatment and detention, it may be appropriate to include this acreage in the SRA acreage calculation.

In closing, we appreciate the observations in an effort to make the RLS program as effective as possible, and while these comments are not intended to be exhaustive, we hope they will assist the Committee as they continue their work during stage two of the update. We look forward to the continued progress.

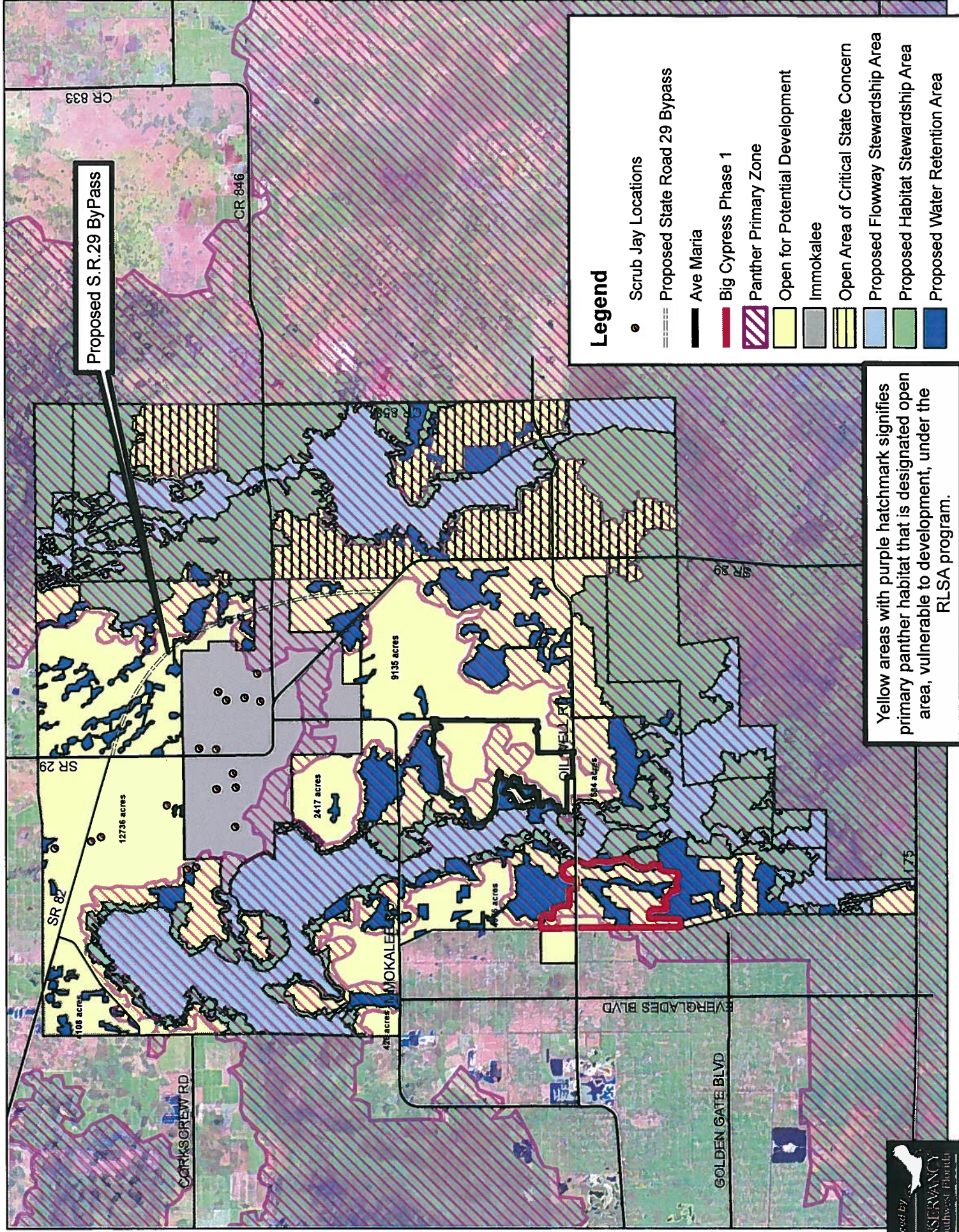
Very truly yours,

A handwritten signature in black ink, appearing to read "John M. Passidomo". The signature is written in a cursive style and is positioned above the printed name and title.

John M. Passidomo  
For the Firm



# Natural Resources within Collier County RLSA



Proposed S.R. 29 Bypass

Yellow areas with purple hatchmark signifies primary panther habitat that is designated open area, vulnerable to development, under the RLSA program.



MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

Ave Maria University, Town of Ave Maria, Florida, August 5, 2008

**LET IT BE REMEMBERED**, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Ave Maria University Academic Building 07 Conference Room 5, 50505 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

**CHAIRMAN: Ron Hamel**  
**VICE CHAIRMAN: Neno Spagna**  
**Brad Cornell**  
**Zach Floyd Crews**  
**David Farmer**  
**Gary Eidson**  
**David Wolfley**  
**Bill McDaniel**  
**Fred Thomas**  
**Tom Jones**  
**Tammie Nemecek**

**ALSO PRESENT:** Thomas Greenwood, AICP, Principal Planner, and Ekna Guevera, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; Heidi Ashton, Assistant County Attorney, Land Use Section, Chief, CDES; and approximately 15 members of the public.

**I. Call Meeting to Order**

The meeting was called to order at 9:05 AM by *Chairman Hamel*.

**II. Roll Call**

Roll call was taken, and a quorum was established.

**III. Approval of Agenda**

*Ron Hamel* stated that the presentation by the Transportation Division to the Committee has been postponed to September 2 at his request. *Mr. Cornell* moved to approve the agenda as presented, with the deletion of the presentation by the Transportation Division and seconded by *Mr. Farmer*.

*Voice Vote - Unanimously Approved*

**IV. Approval of Minutes of the July 15, 2008 Meeting**

*Mr. Cornell* moved to approve the minutes as presented, seconded by *Ms. Nemecek*.

*Voice Vote - Unanimously Approved*

## V. Presentations [none]

## VI. Old Business

*Mr. Greenwood* referred to the following documents which were emailed and are in hard copy for this meeting: 1) Staff paper dated August 5 regarding Committee direction regarding its remaining schedule and the format for the Phase 2 Report; 2) June 8 article in the Naples Daily News comparing the projected development of the Town of Ave Maria SRA with the actual development; 3) the DCA July 16, 2008 ORC report regarding the Half Circle Ranch GMPA ["open" to "HSA"]; 4) email of July 30 from Laura Roys regarding Policies 1.8 and 4.9; 5) August 5 memo from Staff regarding the Florida Panther Protection Program and how it could fit within the Phase 2 Report; 6) Stewardship Credit Worksheet; and 7) a staff working paper entitled, "RLSA at Maturity" [as opposed to "build out"] since the RLSA will not be built out due the large amounts of lands perpetually preserved through Stewardship Easements approved as part of Stewardship Sending Area Agreements.

Committee schedule The Review Committee unanimously approved the following revisions to its schedule by voice vote, upon motion by *Neno Spagna* and second by *David Wolfley*:

- **Cancelled** the August 26<sup>th</sup> meeting at CDES;
- **Added** the following meetings at CDES: September 16<sup>th</sup>, September 23<sup>rd</sup>, and September 30<sup>th</sup>. Remaining meetings are now September 2<sup>nd</sup>, September 16<sup>th</sup>, September 23<sup>rd</sup>, September 30<sup>th</sup> and October 7<sup>th</sup> wrap up meeting.

Format of the Phase 2 Report The Committee unanimously approved the format only of the Phase 2 Report such that the main section of the report [review of the Goal, Objective and Policies] would be annotated with the public input, staff input, and committee action information placed at the back of the report, but referenced by page number under the goal and each objective and policy. Motion by *Fred Thomas* and second by *Floyd Crews* that the document be formatted this way and upon vote, the motion was approved unanimously.

Florida Panther Protection Program Following discussion of the FPPP within the context of the Phase 2 Report, a motion was made by *Brad Cornell* and seconded by *Fred Thomas* that the FPPP be included, along with possible amendments to the RLSA Overlay, within the Phase 2 Report. After much discussion, no action was taken.

### A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation]

Policy 1.8 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, and upon motion by *Fred Thomas* and second by *Tom Jones* the Committee voted unanimously to leave Policy 1.8 unchanged.

### **Policy 1.8**

The natural resource value of land within the RLSA is measured by the Stewardship Natural Resource Index (Index) set forth on the Worksheet. The Index established the relative natural resource value by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the index value for the land. Both the characteristics used and the factors assigned thereto were established after review and analysis of detailed information about the natural resource attributes of land within the RLSA so that development could be directed away from important natural resources. The six characteristics measured are: Stewardship Overlay Designation, Sending Area Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

**Policy 1.9 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Floyd Crews* voted unanimously to leave Policy 1.9 unchanged.

### **Policy 1.9**

A Natural Resource Index **Map Series** (Index Map Series) indicates the Natural Resource Stewardship Index value for all land within the RLSA. Credits from any lands designated as SSAs, will be based upon the Natural Resource Index values in effect at the time of designation. Any change in the Characteristics of land due to alteration of the land prior to the establishment of a SSA that either increases or decreases any Index Factor will result in an adjustment of the factor values and a corresponding adjustment in the credit value. The Index and the Index Map Series are adopted as a part of the RLSA Overlay.

#### **Discussion:**

- *Nicole Ryan* stated that she is concerned that the map is outdated and needs to be updated;
- *Mr. Jones* stated that all SSAs submitted must present the most current information on each specific SSA area at time of submittal and that Darrell Land stated that the county RLSA mapping appears to be about 95% accurate.
- *Mr. Cornell* stated that the natural resource index map NRIs in SSA is a good balance between science, preservation policy and private property owner rights.

**Policy 1.10 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Brad Cornell* voted unanimously to leave Policy 1.10 unchanged.

### **Policy 1.10**

In SSAs, the greater the number of uses eliminated from the property, and the higher the natural resource value of the land, the higher the priority for protection, the greater the level of Credits that are generated from such lands, and therefore the greater the incentive to participate in the Stewardship Credit System and protect the natural resources of the land.

**Discussion:** No discussion.

**Policy 1.11 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Brad Cornell* and second by *Floyd Crews* to provide language in Policy 1.11 to require that SSAs, as a minimum remove all LDC land use layers above agriculture. Upon vote, the motion failed 2-9 with *Brad Cornell* and *Floyd Crews* voting in favor of the amendment. [Policy 1.11 remains unchanged.]

#### **Policy 1.11**

The Land Use Matrix, Attachment B, lists uses and activities allowed under the A, Rural Agricultural Zoning District within the Overlay. These uses are grouped together in one of eight separate layers in the Matrix. Each layer is discrete and shall be removed sequentially and cumulatively in the order presented in the Matrix, starting with the residential layer (layer one) and ending with the conservation layer (layer eight). If a layer is removed, all uses and activities in that layer are eliminated and are no longer available. Each layer is assigned a percentage of a base credit in the Worksheet. The assigned percentage for each layer to be removed is added together and then multiplied by the Index value on a per acre basis to arrive at a total Stewardship Credit Value of the land being designated as a SSA.

*Mr. Thomas* moved and *Mr. McDaniel* seconded to recommend that the aquaculture be addressed in the Land Development Code. Upon vote, the motion carried unanimously.

*Mr. Thomas* moved and *Mr. Farmer* seconded to send to the Technical Committee for study the idea of moving earth mining to the top of the list of uses to be removed in the land use layers. The motion carried 10-1 with *Mr. McDaniel* voting against the motion.

**Policy 1.12 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Bill McDaniel*, voted unanimously to leave Policy 1.12 unchanged.

#### **Policy 1.12**

Credits can be transferred only to lands within the RLSA that meet the defined suitability\_criteria and standards set forth in Group 4 Policies. Such lands shall be known as Stewardship Receiving Areas or SRAs.

**Policy 1.13 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Gary Eidson*, voted unanimously to leave Policy 1.13 unchanged.

#### **Policy 1.13**

The procedures for the establishment and transfer of Credits and SRA designation are set forth herein and will also be adopted as a part of a Stewardship District in the LDC (District). LDRs creating the District will be adopted within one (1) year from the effective date of this Plan amendment.

**Policy 1.14 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Bill McDaniel*, voted unanimously to leave Policy 1.14 unchanged, with the exception of the correction so noted with the strikethrough and underline.

**Policy 1.14**

Stewardship Credits will be exchanged for additional residential or non-residential entitlements in a SRA on a per acre basis, as described in Policy 4-18 4.19. Stewardship density and intensity will thereafter differ from the Baseline Standards. The assignment or use of Stewardship Credits shall not require a GMP Amendment.

**Policy 1.15 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Tammie Nemecek*, voted unanimously to leave Policy 1.15 unchanged.

**Policy 1.15**

Land becomes designated as an SRA upon the adoption of a resolution by the Collier County Board of County Commissioners (BCC) approving the petition by the property owner seeking such designation. Any change in the residential density or non-residential intensity of land use on a parcel of land located within a SRA shall be specified in the resolution reflecting the total number of transferable Credits assigned to the parcel of land. Density and intensity within the RLSA or within an SRA shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the Affordable-workforce Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.

**Policy 1.16 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.16 unchanged.

**Policy 1.16**

Stewardship Receiving Areas will accommodate uses that utilize creative land use planning techniques and Credits shall be used to facilitate the implementation of innovative and flexible development strategies described in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(l).

**Policy 1.17 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.17 unchanged.

**Policy 1.17**

Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies. Residential clustering shall only occur within the RLSA through the use of the Stewardship Credit System, and other forms of residential clustering shall not be permitted.

**Policy 1.18 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by David Farmer, voted unanimously to leave Policy 1.18 unchanged.

**Policy 1.18**

A blend of Local, State, Federal and private revenues, such as but not limited to Florida Forever, Federal and State conservation and stewardship programs, foundation grants, private conservation organizations, local option taxes,

general county revenues, and other monies can augment the Stewardship program through the acquisition of conservation easements, Credits, or land that is identified as the highest priority for natural resource protection, including, but is not limited to, areas identified on the Overlay Map as Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), Water Retention Areas (WRAs) and land within the Big Cypress Area of Critical State Concern (ACSC).

**Policy 1.19 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *David Farmer*, voted unanimously to leave Policy 1.19 unchanged.

**Policy 1.19**

All local land or easement acquisition programs that are intended to work within the RLSA Overlay shall be based upon a willing participant/seller approach. It is not the intent of Collier County to use eminent domain acquisition within this system.

**Policy 1.20 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by *Gary Eidson* and second by *Fred Thomas*, voted unanimously to leave Policy 1.20 unchanged.

**Policy 1.20**

The County may elect to acquire Credits through a publicly funded program, using sources identified in Policy 1.18. Should the County pursue this option, it shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within Stewardship Receiving Areas.

**Policy 1.21 August 5, 2008 Committee Action** After discussion among Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.21 unchanged, with the exception of the minor corrections and addition as annotated below.

**Policy 1.21**

The incentive based Stewardship Credit system relies on the projected demand for Credits ~~As~~ as the primary basis for permanent protection of agricultural lands, flowways, habitats and water retention areas. The County recognizes that there may be a lack of significant demand for Credits in the early years of implementation, and also recognizes that a public benefit would be realized by the early designation of SSAs. To address this issue and to promote the protection of natural resources, the implementation of the Overlay will include an early entry bonus to encourage the voluntary establishment of SSAs within the RLSA. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as a HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as HSA located inside the ACSC. The early entry bonus shall be available for five years from the effective date of the adoption of the Stewardship Credit System in the LDC. The early designation of SSAs, and resulting protection of flowways, habitats, and Water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits, and Credits generated under the early entry bonus may be used after the termination of the bonus period. The maximum number of Credits that can be generated under the bonus is 27,000 Credits, and such Credits shall not be transferred into or used within the ACSC.

**Policy 1.22 August 5, 2008 Committee Action** After discussion among the Committee, the public, and staff the Committee, upon motion by Fred Thomas and second by Bill McDaniel, voted unanimously to recommend amendment of Policy 1.22 as annotated below.



## Policy 1.22

The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, Innovative, incentive based, and have yet to be tested in actual implementation. A comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs ~~upon the five-year anniversary of the adoption of the Stewardship District in the LDC~~ as part of the Evaluation and Appraisal Report process. The purpose of the review shall be to assess the participation in and effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows:

1. The amount and location of land designated as FSAs, HSAs, WRAs and other SSAs.
2. The amount and location of land designated as SRAs.
3. The number of Stewardship Credits generated, assigned or held for future use.
4. A comparison of the amount, location and type of Agriculture that existed at the time of a Study and time of review.
5. The amount, location and type of land converted to non-agricultural use with and without participation in the Stewardship Credit System since its adoption.
6. The extent and use of funding provided by Collier County and other sources Local, State, Federal and private revenues described in Policy 1.18.
7. The amount, location and type of restoration through participation in the Stewardship Credit System since its adoption.
8. The potential for use of Credits in urban areas.

**VII. New Business.** *Bill McDaniel* asked staff to see whether Dr. Van Buskirk, a consultant helping with the East of CR 951 Study, would be able to address the Committee at a future meeting. [Mr. Bosi has been contacted relative to scheduling Dr. Van Buskirk for a future Committee meeting.]

*Tom Jones* asked to have the Transportation Division presentation moved back from September 2 meeting to the meeting where the Committee will be discussing Group 4 policies. *Mr. Greenwood* contacted Transportation on August 5<sup>th</sup> only to be advised that September 2<sup>nd</sup> is likely the only date available because of Transportation's commitments for BCC meetings and other pre-arranged meetings which conflict with the Committee's schedule.

*Brad Cornell* requested Committee authorization for the Technical Committee to meet on August 26<sup>th</sup> to address the land use hierarchy issue and the Policy 1.7 SRA issue.

**VIII. Public Comments** [none]

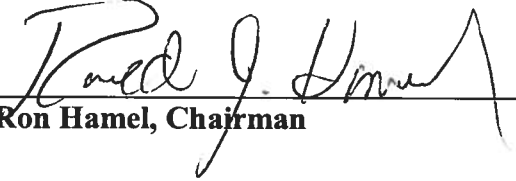
**IX. Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on September 2, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12 Noon.

**X. Adjournment**

**Mr. Farmer** moved to adjourn the meeting, seconded by **Mr. McDaniel** with the motion approved unanimously with adjournment at 12:01PM.

**Rural Lands Stewardship Area Review Committee**

  
\_\_\_\_\_  
**Ron Hamel, Chairman**

These minutes approved by the Committee on SEPT. 2, 2008 as presented \_\_\_\_\_  
or as amended X.

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

CDES, Naples, Florida, July 15, 2008

**LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, 2800 North Horseshoe Drive, Room 609 – 610, Naples, Florida, with the following members present:**

**CHAIRMAN: Ron Hamel**  
**VICE CHAIRMAN: Neno Spagna**  
**Brad Cornell**  
**David Farmer**  
**Gary Eidson**  
**David Wolfley**  
**Bill McDaniel**  
**Fred Thomas**  
**Tom Jones**  
**David Wolfley**

**ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department; Nick Casalinguida, Director, Transportation Planning Department; Michael Greene, Planning Manager, Transportation Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; Kirsten Wilkie, Environmental Specialist, Environmental Services; Jeff Wright, Assistant County Attorney, CDES; Approximately 15 members of the public**

**I. Call Meeting to Order**

The meeting was called to order at 9:05 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken, and a quorum was established.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda as presented, seconded by Mr. McDaniel.  
Voice Vote - Unanimously Approved*

**IV. Approval of Minutes: July 1, 2008**

*Mr. Thomas moved to approve the agenda as presented, seconded by Mr. McDaniel.  
Voice Vote - Unanimously Approved*

**V. Presentations [none]**

**VI. Old Business**

Committee term extension *Mr. Greenwood* reported the Board of County Commissioners, by Resolution on June 10, extended the initial one-year term of the Review Committee 6 months or until April 24, 2009. ***No action was taken.***

Committee schedule *Mr. Greenwood* reported that the Committee schedule will need to be modified slightly as follows due to recent information received following distribution of the July 15 meeting agenda packet:

- August 5 meeting: Removal of Steve Siebert of the Century Commission from the August 5 meeting agenda as he will not be able to address the Committee until at least October. The consensus of the Committee was to remove Mr. Siebert from the Committee's Schedule entirely.
- August 26 meeting [now August 5 meeting]: The Transportation Planning Department would like to make a presentation to the Committee in further detail regarding issues on Transportation. The consensus of the Committee was to add this presentation to the August 26 agenda.

***No further action was taken.***

Technical Committee *Mr. Greenwood* reported that the Transportation Planning Department [Nick Casalanguida with Michael Greene as an alternate] would like to serve on the Technical Committee. Brad Cornell asked if he might be able to serve on this Committee. After discussion, a motion was made by ***Tom Jones*** and seconded by ***Gary Eidson*** to include both Nick Casalanguida/Michael Greene on the Technical Committee and Brad Cornell and that all meetings of the Technical Committee be properly advertised per the direction of Jeff Wright [minimum of 72 hours notice through the public information office and no need for Naples Daily News advertisement]. Upon vote, the motion was carried unanimously by voice vote.

#### **A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay**

*Mr. Greenwood* reported that the "Phase 2 Working Paper" has been modified for Committee review and discussion as follows:

- July 1, 2008 data received. The approximate 24 pages of additional information received by the Committee for the first time on July 1 relative the proposed Florida Panther Protection Program, additional agricultural protection incentives, and comments from the Eastern Collier Property Owners (ECPO) were incorporated within the report as appropriate, under specific policies [no data or input was left out];
- Florida Panther Protection Program. Most of the substantive information relative to the proposed Florida Panther Protection Program was placed directly under the Group 3 objective [there may be a need to reference the proposed Panther Protection Program under one or more existing Group 3 policies or under a new policy] and the Committee may well want to move this information to a series of appendices at the end of the Phase 2 Report when the Committee comes to Group 3 discussions because:

1. The proposed Panther Protection Program will likely have a different and later time schedule for analysis, review and approval/disapproval than the Phase 2 Report; and
2. The Panther Protection Program will not be administered through Collier County.
  - o The Committee and those present were given or had available to them the revised 73-page document as three hole punched.

Since the Committee had already taken action on June 17 on Policies 1.1 through 1.5, but Eastern Collier Property Owners [ECPO] comments were received on July 1 relative to Policies 1.2 and 1.4, the Committee briefly reviewed the ECPO comments relative to Policies 1.2 and 1.4 and decided not to change the June 17 action of the Committee.

---

**Policy 1.6 Committee Action** After discussion among Committee members and after hearing from the public and from staff, the Committee approved the proposed minor text amendments as outlined below with no other changes upon motion by *Fred Thomas*, second by *Tom Jones*, and voice vote, 10-0.

**Policy 1.6**

Stewardship Credits (Credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. **Land becomes designated as a SSA upon petition** by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Sending Area Credit Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property.

---

**Policy 1.7 Committee Action** After discussion among Committee members and after hearing from the public and from staff [see discussions below], the Committee approved the annotated amendments as shown below and Tom Jones and/or ECPO will come back to the Committee at a later date with suggested language to amend Policy 1.7 which would provide for the possibility of a conditional easement which would be placed on the subject property until such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent following a motion by *Tom Jones* and second by *Fred Thomas*, 9-1 with Dave Wolfley voting in the minority. *Mr. Wolfley* stated that he would like to see the Department of Community Affairs [DCA] as a signatory to the Easement Agreements.

**Policy 1.7**

The range of Stewardship Credit Values is hereby established using the specific **methodology** set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but ~~no~~ **not** be limited to the following: (1) All Credit transfers shall be recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County and the Florida Fish and Wildlife Conservation Commission Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust; and (3) for each SSA, the Stewardship Sending Area Credit Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

**Discussion**

- **Nicole Ryan** stated that she would like to see the DCA as a signatory to the perpetual restrictive easement since the DCA is involved with land uses.
- **Tom Jones** stated that the Florida Fish and Wildlife Conservation Commission is a regulatory agency and the RLSA program is mostly about preservation of natural resources and agricultural lands and the DCA is involved in actions which are the basis for the RLSA program and not involved in regulatory aspects of the program.
- **Brad Cornell** stated that he would like to see item #5 under Policy 1.7 referred to the Technical Committee and his motion and second by Fred Thomas did not pass.
- **Nicole Ryan** stated that all issues listed in the Phase 2 Working Paper should be dealt and not ignored.
- **Bill McDaniel** stated that the Committee's "read ahead" receipt of the Phase 2 Working Paper should be an indication that the Committee members have read the documentation. Additionally, any further discussion during the Committee meetings will be summarized in the minutes and also recorded verbatim.
- **Brad Cornell** stated that all discussion should be considered, both verbal and written.
- **Tom Greenwood** stated that the summary minutes are intended to capture all the major points and discussions and all meetings are recorded.
- **Mr. McDaniel** stated that he did not want to see rebuttal statements within the Phase 2 Working Paper, but it is OK to have them in the Committee minutes.
- **Mr. Farmer** stated that he would like to see Mark Strain updated on an on-going basis as to the responses to his issues and comments to which other members stated that they did not agree with this and pointed out that the Phase 2 Working Paper is on the web site for review by all.

---

**Policy 1.8 Committee Action** After discussion among Committee, the public, and staff the Committee, upon motion by **Fred Thomas** and second by **Bill McDaniel** voted unanimously to leave Policy 1.8 unchanged, but to have the Engineering and Environmental Services Department Staff provide at the August 5 meeting a detailed analysis of their comments [#16 Environmental Services comments from page 74 of the Phase 2 Working Paper] and possible impacts on the RLSA Overlay with the

understanding that the Committee may change its recommendation regarding Policy 1.8 during the course of its review of the entire RLSA Overlay.

### **Policy 1.8**

The natural resource value of land within the RLSA is measured by the Stewardship Natural Resource Index (Index) set forth on the Worksheet. The Index established the relative natural resource value by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the index value for the land. Both the characteristics used and the factors assigned thereto were established after review and analysis of detailed information about the natural resource attributes of land within the RLSA so that development could be directed away from important natural resources. The six characteristics measured are: Stewardship Overlay Designation, Sensitive Area Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

### **Discussion**

- **Brad Cornell** stated that the RLSA program is doing what it is intended to do...protect the environmentally sensitive lands and agricultural lands by using an incentive based system rather than a regulatory system.
- **Mr. Farmer** stated that he somewhat agrees with Mr. Cornell's statement but has some reservations about providing incentives [credits] on lands, because of their nature, are not likely to be developed anyway.
- **Kirsten Wilkie** stated that she would like to have item #16 on page 74 [Environmental comments] placed under Policy 1.8. The Committee agreed and asked Environmental Services to provide some analysis of their suggestions during the August 5 regular meeting. **Laura Roys** stated that the staff suggestions would result in a change to the NRI scores.
- **Nicole Ryan** stated that the Conservancy would like to have the Natural Resource Index mapping updated.
- **Tom Jones** stated that Darrell Land of the Florida Fish and Wildlife Conservation Commission [spoke to the Committee on June 3] stated that the NRI used for Collier County is about 95% accurate and closely matches that in his use.
- **Judy Hushon** stated that the NRI needs to be updated.
- **Tom Jones** stated that each SSA and SRA application is accompanied by the most current FLUCCS maps and listed species and prepared by licensed professionals and are site specific.
- **Tim Durham** stated that the Committee needs to focus on the big picture. Darrell Land stated that Collier County mapping and NRI is 95% consistent with his information. The GPS study of collared Panthers indicates where the cats are traveling day and night and there is little difference between their travel habits from day and night.
- **David Farmer** questioned why an NRI of 1.2 was used rather than 1.1 or 1.3 and whether there were ever any maps developed which showed the differences in "Open" lands using these two alternatives.
- **Tim Durham** stated that there were many computer/GIS runs on these and other alternative NRI cut-off scenarios and the 1.2 seemed to be the most appropriate score to use.
- **Brad Cornell** made a motion and seconded by **Fred Thomas** to refer Policies 1.8 and 1.9 to the Technical Committee as well as the Environmental and

Transportation issues. After further discussion by the Committee, and a reminder by *Tom Jones* and *Neno Spagna* that these items have not come to the Committee and they felt uncomfortable about having the Technical Committee make recommendations before the Committee has thoroughly vetted it, the motion failed/withdrawn.

---

VII. **New Business** [none]

VIII. **Public Comments** [none]

IX. **Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on August 5, 2008, at Ave Maria University from 9:00 A.M. – 12 Noon.

X. **Adjournment**

*Mr. Farmer* moved to adjourn the meeting, seconded by *Mr. McDaniel* with the motion approved unanimously with adjournment at 12:01PM.

**Rural Lands Stewardship Area Review Committee**

---

**Ron Hamel, Chairman**

These minutes approved by the Committee on \_\_\_\_\_, as presented \_\_\_\_\_ or as amended \_\_\_\_\_.



**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

Ave Maria, Florida, July 1, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Ave Maria University Academic Building 07 Conference Room 5, 5050 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Floyd Crews  
Tammie Nemecek  
David Farmer  
Gary Eidson  
David Wolfley  
Bill McDaniel  
Fred Thomas, Jr.  
Tom Jones

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department  
Michael J. DeRuntz, Principal Planner, Comprehensive Planning Department  
Mac Hatcher, Senior Environmental Specialist, Engineering and Environment Services Department  
Laura Roys, Senior Environmental Specialist, Engineering and Environment Services Department  
Approximately 25 members of the public

- I. Call Meeting to Order**  
The meeting was called to order at 9:05 AM by Chairman Hamel.
- II. Roll Call**  
Roll call was taken, and a quorum was established. Nine members were present
- III. Approval of Agenda**  
*Mr. McDaniel moved to approve the agenda as presented, Second by Mr. Farmer.*  
*Voice Vote - Unanimously Approved 9-0.*

**IV. Approval of Minutes: June 17, 2008**

*Mr. Eidson* stated that the minutes did not properly reflect what he stated under Item 5B which was the question of whether development determines road planning or development or vice versa. *Mr. Greenwood* stated that he would review the recording and amend the minutes appropriately.

*Mrs. Roys* stated that in her comments on Item VI. Old Business, RLSAO Plan – Policy 1.2, the minutes should read: “that it was true that each development requires providing the most current environmental data available for the analysis.”

*Mr. Eidson* moved to approve the minutes of the June 17, 2008 committee meeting, as amended, Second by *Mr. Thomas*. **Voice Vote - Unanimously Approved 9-0.**

**V. Presentations**

**1. Proposed Florida Panther Mitigation Program and Effects Upon the Collier County Rural Land Stewardship Area Program.**

*Ms. Payton, Florida Wildlife Federation*, introduction the proposed Florida Panther Mitigation Program. She stated that this proposed program was developed through the collaboration of the following organizations and landowners: Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, Florida Wildlife Federation, Alico Land Development Corporation, Barron Collier Partnership, Collier Enterprises, Consolidated Citrus LP, English brothers, Half Circle L Ranch Partnership, Pacific Tomato Growers Ltd., and Sunniland Family Limited Partnership. She added that the goal was to try to develop an environmentally and economically balanced program, through an incentive-based land use program. The proposed program would secure a contiguous range of panther habitat connecting the Florida Panther National Wildlife Refuge and Big Cypress National Preserve through Camp Keais strand and the Okaloocoochee Slough with Corkscrew Marsh and adjacent lands in the region. She stated that the proposed Florida Panther Mitigation Program includes both suggested adjustments to the innovative Collier RLSA program and additional components

*Ms. Laurie Macdonald, Defenders of Wildlife* stated that, from her experience, she has seen a fragmentation problem on the Scientific Technical Review Committee that will be evaluating the data behind the proposed objectives of the plan. The Scientific Technical Review Committee will be comprised of 6 respected biologists and scientists with expertise pertaining to the Florida Panther. She stated that the Scientific Technical Review Committee’s purpose is to evaluate whether the proposed program will contribute to the overall protection, management and recovery of the Florida Panther. The Scientific Technical Review Committee is expected to complete its study within six months.

*Mr. Tom Jones, Barron Collier Partnership* stated that, if consensus can be reached at the end of the review process, the Eastern Lands Property Owners and Conservation Organizations will enter into a binding agreement and hopefully receive a recommendation of approval from the RLSA 5-Year Review Committee, Environmental Advisory Council, and the Collier County Planning Commission for the adoption of portions of the plan into the RLSA Overlay, the Growth Management Plan, and the Land Development Code by the Board of County Commissioners. He stated that components

of the plan consist of funding, additional mitigation, north and south panther corridors, agricultural preservation, and other RLSA Components. The Funding component proposes to include: \$75.00 per Panther Habitat Unit (PHU) required by the United States Fish and Wildlife Service. For a project on the scale of Ave Maria, which generated 45,000 PHUs, \$3,375,000.00 would have been generated. A Transfer Fee is also proposed for development within the RLSA. The amount of the fee is proposed at this time to be \$250.00. These proposed funding sources would be used for added mitigation actions (revegetation, habitat enhancement, panther crossings, etc.) An estimated \$150,000,000.00 could be generated by 2050, which would be administered by the Wildlife Foundation of Florida, an independent nonprofit tax exempt entity. The Additional Mitigation component included requirements of an additional 25% mitigation for development impact to primary panther habitat. The North and South Panther Corridors included restoration credits to create, enhance and restore a northern corridor, which would run east-west across State Roads 82 and 29 north of Immokalee and connecting Camp Keais Strand and Okalaocoochee Slough, and a southern corridor, which would run north-south from Oil Well Road (County Road. 858) to State Road 29 and connecting Florida Panther National Wildlife Protection Area to the Okalaocoochee Slough. The Agricultural Preservation component consisted of creating agriculture preservation credits within the Rural Land Stewardship Area, with the goal of assuring agricultural lands can be protected for future generations and reduce development pressures within the Big Cypress Area of Critical State Concern (ACSC).

Other Proposed RLSA Components:

- Hamlets will be eliminated as a form of SRA,
- Towns shall not exceed 5,000 acres,
- Outside the ACSC, Villages shall not exceed 1,500 acres. Within the ACSC, the current standards shall apply to Villages.
- Compact Rural Development (CRD) shall include as a permitted use eco-tourism lodging, recreational hunting and fishing enterprises, and family homesteads for the Rural Landowners,
- A concept is being discussed which would create a mechanism to ensure that when a landowner establishes an SSA, a "conditional easement" is placed on the subject property until such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent.

The estimated maximum SRA development foot print would be 45,000 acres [versus approximately 30,000 acres under the current credit system] of the total 195,000 acre area of the RLSA. Mr. Jones stated that the property owners have been working with the County Transportation Planning Department for the potential roadway improvements within the RLSA, and the following projects were discussed:

- The State Road 82/29 road around Immokalee
- An Immokalee Road extension east to SR 29
- An north and south extension of Little League Road from SR 82 to Immokalee Road (CR 858)

### **Comments from the Committee**

**Mr. Eidson** stated that the benefits of this proposed Florida Panther Protection Plan goes beyond just the panthers, but will be a benefit to the entire eco-system. He questioned if the plan would reflect what the human impact would be. **Mr. Jones** stated that that would be looked at and the data and analysis would be provided. At this time he stated that the maximum development impact would be approximately 45,000 acres with a residential density of 2-3 dwelling units per acre (90,000 – 135,000 dwelling units) with 2.38 persons per dwelling unit that equates to approximately 214,200 – 321,300 persons. He further stated that the proposed adjustments are believed to provide the needed steps to make the RLSA sustainable.

**Mr. Thomas** stated that people are concerned if there will be enough potable water to support any new growth in this area. He stated that the developments will have to be designed with a deep well system using reverse osmosis.

**Mr. Eidson** stated that the property owners with small acreage totals need to be addressed. He is very supportive of the concept of creating a program to preserve agricultural land.

**Ms. Nemecek** suggested that the transfer fees and other fees be fixed to a standard inflation rate index. **Mr. Jones** agreed.

**Mr. Farmer** questioned if the science would be completed within the time frame of the completion of the RLSA 5-Year Review. **Mr. Jones** stated that he would hope that it would, and that the RLSA 5-Year Review Committee would have time to make a recommendation for the BCC.

**Mr. Wolfley** stated that he was in agreement of eliminating the “Hamlet” development standards.

**Mr. Hamel** called for a 10 minute meeting recess at 10:40 AM.

**Mr. Hamel** “Called the Meeting to Order” at 10:50 AM.

**Mr. Farmer** stated that a lot of materials have been presented to the Committee, and that he would recommend that these materials include a summary and that a sufficient number of copies be available to the public.

**Mr. Hamel** stated that copies of the 1000 Friends of Florida letter and the letter from DCA to Mr. Reese are available on the table. **Mr. Greenwood** stated that Mrs. Jenkins had copies of the letter to him from Mr. Varnadoe.

### **Comments from the Floor**

**Mr. McElwaine, Conservancy of South West Florida**, reminded the Committee is tasked to review the existing plan’s policy. He stated that although he had not had time to review the various points in the handout that was presented today, he was concerned that there would be a greater development footprint impact than is being suggested. He stated that he hopes that the Committee fully assess the impact to all of Collier County by these proposals. He urged caution.

*Mr. Thomas* responded that there is a need to preserve people and suggested that the Committee consider allowing for the increase in density in SRAs.

*Mr. Jackalone, Sierra Club*, stated that the Sierra Club was not a part of the planning process of the proposed Florida Panther Protection Plan. The Sierra Club agrees with DCA that increasing the development area is not acceptable, and the impacts from transportation have not been addressed. He stated that the Collier RLSA Plan is of national importance. It is a model that is being looked at by other counties in Florida as well. He suggested that the National Academy of Science review the proposed Florida Panther Protection Plan.

*Mrs. Hushon, EAC Member*, stated that the Committee should require the Panther Study to include an expanded sample to include interviews with property owners and farm workers, and the uses of additional night sensory cameras to determine to the best of their ability where the balance of the other 2/3 of the Florida Panther population is located. She also suggested that the persons involved in developing the proposed FPPP work together with the Habitat Conservation Planning Committee. She also stated that she questioned increasing density in development in the RLSA.

*Mr. Hamel*, asked the Committee as to their wishes in regards to the proposed FPPP?

*Mr. Thomas made a motion that the staff incorporate the items raised by the materials presented in the proposed FPPP into the appropriate Policies within the RLSA working draft plan, Mrs. Nemecek seconded the motion. Voice Vote - Unanimously Approved 9-0. Mr. Hamel* directed staff to contact the County Attorney to get direction on how to cut off materials received from the public, so that the Committee can move forward with completing their task in the time frame that they have to work with.

**VI. Old Business**

None

**VII. New Business**

None

**VII. Public Comments**

None

**IX. Next Meeting**

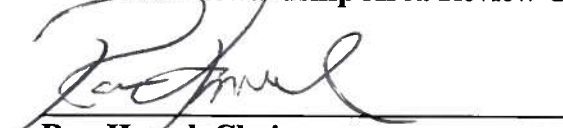
*Mr. Hamel* stated that the next meeting will be held on July 15, 2008, at CDES, Room 609/610 at 2800 North Horseshoe Drive, Naples, from 9:00 A.M. – 12 Noon.

**X. Adjournment**

*Mr. Farmer* moved to adjourn the meeting, Second by *Mr. Thomas*. Voice Vote - Unanimously Approved 9-0. Adjournment 12:00PM.

July 1, 2008

**Rural Lands Stewardship Area Review Committee**

  
\_\_\_\_\_  
**Ron Hamel, Chairman**

These minutes approved by the Committee on 7-15-08,  
as presented ✓ or as amended \_\_\_\_\_.



MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE

CDES, Naples, Florida, June 17, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the CDES Building, 2800 North Horseshoe Drive, Room 609 – 610, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Tammie Nemecek (10:15)  
David Farmer  
Gary Eidson  
David Wolfley  
Bill McDaniel  
Jim Howard

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department  
Michael J. DeRuntz, Principal Planner, Comprehensive Planning Department  
Michael Greene, Planning Manager, Transportation Planning Department  
Laura Roys, Senior Environmental Specialist, Engineering and Environment Services Department  
Approximately 15 members of the public

- I. Call Meeting to Order**  
The meeting was called to order at 9:05 AM by Chairman Hamel.
- II. Roll Call**  
Roll call was taken, and a quorum was established.
- III. Approval of Agenda**  
*Mr. Farmer moved to approve the agenda as presented, Second by Mr. McDaniel.*  
*Voice Vote - Unanimously Approved 7-0.*

**Mr. McDaniel** moved to recommend to the Board of County Commissioners (BCC) to not replace the vacant committee position created by Mr. Nance's resignation, Second by **Mr. Eidson**. *Voice Vote - Unanimously Approved 7-0.*

**IV. Approval of Minutes: June 3, 2008**

**Mr. McDaniel** moved to approve the minutes of the June 3, 2008 committee meeting, as presented, Second by **Mr. Howard**. *Voice Vote - Unanimously Approved 7-0.*

**V. Presentations**

**A. Robert L. Duane, AICP. Hole Montes on behalf of Half Circle L Ranch Partnership.**

**Mr. Greenwood** read the transcript of the Board of County Commissioners' (BCC) action taken during the April 29 transmittal hearing for the Growth Management Plan Amendment (GMPA) Petition CP-2006-10, regarding re-designation of 2,431.8 acres of land under the RLSAO from an "Open" to a "Habitat Stewardship Area" classification. He stated the BCC requested that the Rural Lands Stewardship Area Overlay Committee review, "as to how they see this fitting into the overall picture as a side note for us to consider at the time of adoption."

**Mr. Duane** stated that this GMPA is currently under review at the Department of Community Affairs (DCA). He stated the SSA-8 was approved previously, but due to high quality of environmental characteristics for this property, they were proposing the re-designation of 2,431.8 acres of land from an "Open" to a "Habitat Stewardship Area" (HSA) classification. The re-designation not only would generate a potential of 7,306 additional stewardship credits, but will preserve the 2,431.8 acres as HSA and restrict the use of that area to Natural Resource Index (NRI) Agricultural R-1, Agricultural R-2, and Conservation land uses.

**Mr. Wolfley** inquired as to the reason for the petition. **Mr. Duane** stated that the property owner is attempting to secure the most stewardship credits that his property could generate.

**Mr. Spagna** questioned that part of this property is located in Henry County, to the west, and what were the plans for the use of that property. **Mr. Duane** stated that Henry County does not currently have a Rural Lands Stewardship Area Plan as Collier County has, but the property will be continued to be used for agricultural purposes.

**Mr. McDaniel** inquired if property owners could come back for additional credits as is being proposed through this petition. **Mr. Greenwood** stated that they can.

**Mr. Schofield, Property Owner**, stated that this property is their family farm. They were not actively involved with the initial RLSAO plan in 2003. He is not sure what the future of farming will be for his family on this property, but was very interested in securing all of the stewardship credits available on this property.

**Mr. Farmer** questioned if this action was an example of premature conversion, as warned against within the goal of the RLSAO plan. **Mr. Schofield** stated that his family is not proposing any modification of the land use of this property at this time. If the amendment was approved, and if they prepared a restoration plan, they would be eligible for stewardship credits.

**Mr. Farmer** questioned why a density of 4 residential units per acre was used in the application in determining the potential total residential load, when greater residential densities should be associated with the compact development in the RLSAO. **Mr.**



*Greenwood* stated that base density for the underlying zoning is one dwelling unit per 5 acres. The RLSAO plan provides for a gross maximum density of four units per acre. Ave Maria's density was approved at 2.2 units per acres.

*Mr. Eidson* questioned how this petition impacts transportation in this area. *Mr. DeRuntz* stated that, based on Policy 4.14, each Stewardship Receiving Area (SRA) is required to be located on a collector or arterial road or the developer is responsible for constructing their access road. Each SRA will be analyzed and required to meet transportation concurrency.

*Mr. Howard* moved that the Committee recommend to the BCC that GMPA Petition CP-2006-10 (Half Circle L Ranch) is consistent with the goals and objectives of the RLSAO, and that Mr. Greenwood should prepare a memo for the BCC reflecting the committee's action, Second by *Mr. McDaniel*. **Voice Vote** – Unanimously Approved 7-0.

**B. Mike Greene – Collier County Transportation Development Trends in the RLSA**

*Mr. Greene* briefed the committee on Transportation Planning's efforts with evaluating the transportation needs in the RLSA. They have evaluated the proposed future needs and, to meet these needs the county, it is estimated to that the cost will exceed the 10 Year plan by \$2 billion dollars. Currently road construction and maintenance have limited funding, and it is imperative the developers work with the county with transportation impacts on existing roadways. He added that the county can react to density (such as a new town in the RLSA), but is harder to react to sprawl (such as in Golden Gate Estates). Interconnections between SRAs are very important, and will be considered during each SRA application review.

*Mr. McDaniel* questioned, citing the state mandated reductions in revenue and the downturn in the economy and development, where the funds are to come from for needed improvements in the County's Roadway System. *Mr. Greene* reiterated the importance of the public/private partnerships in addressing these needs.

*Mr. Eidson* asked Mr. Greene if roads should come before development or if the development determines the road needs. Mr. Greene stated that development generally determines the timing and character of the roads being developed because growth pays for growth since so much of the cost of funding roads comes from impact fees. Mr. Greene stated that there is a county-wide roads plan but the exact timing of construction is based upon needs and availability of funding as compared with other projects listed in the capital improvement element of the Growth Management Plan. There is a requirement for concurrency with respect to new developments and, in the RLSAO Policy 4.14 provides guidance for road construction.

*Mr. Eidson* asked if the Transportation Planning Department included rail transportation in their analysis. *Mr. Greene* stated that rail planning falls under State and Federal Transportation Planning Agencies. He added that the Metropolitan Planning Organization (MPO) incorporate these issues while taking a global perspective.

*Mr. Farmer* stated that it is imperative that the future SRAs share the costs of roadway improvements as well as incorporating roadway and multi-modal interconnections. He hoped that the Transportation Planning Department would be able to provide a map showing potential roadway networks for the RLSA. He also recommended that the Transportation Planning Department talk with the land owners in the RLSA to initiate those public and private partnerships.

*Mrs. Hushon, Environmental Advisory Council (EAC)* agreed that a map depicting future roadway would be extremely helpful in helping to meet the needs for the development of this area.

## **VI. Old Business**

### **A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay**

*Mr. Greenwood* asked the committee to review the “Technical Committee Operating Procedure” outline that he had prepared following the June 3 meeting discussion of the need for such a committee and any additions or corrections.

*Mr. Hamel* asked if Ms. Jenkins and Mr. Durham, with Wilson Miller, were representing the property owners on this committee. They indicated that they were.

*Mr. Farmer* stated that he would be interested in attending these Technical Committee meetings.

*Mr. McDaniel* moved to appoint Mr. Farmer to the Technical Committee as the RLSAO Committee representative, Second by *Mr. Howard*. **Voice Vote** – Unanimously Approved 8-0.

*Mr. Hamel* called for a ten minute recess.

The meeting was called to Back of Order at 10:50 AM.

### **RLSAO Plan – Goal [A copy of the preliminary RLSAO changes agreed to during the June 17 meeting are attached.]**

*Mr. Greenwood* reviewed the public comments.

*Mr. Wolfley* stated that there seems to be an imbalance of area and steps for protection between the agricultural and environmentally sensitive areas.

*Mr. McDaniel* moved to keep the wordage change from “premature” to “retain”, to better describe the intent of the Goal, Second by *Mr. Eidson*. **Voice Vote** – Unanimously Approved 8-0.

*Ms. Hushon* suggested that the term “utilize” should be replaced with “employs.”

*Mr. Eidson* moved to confirm the committee’s previous action, with the addition of the change from “utilize” to “employs,” by retaining the existing language as sufficiently addressing the public comments, Second by *Mr. Farmer*. **Voice Vote** – Unanimously Approved 8-0.

### **RLSAO Plan – Objective**

*Ms. Hushon* suggested some grammatical revisions to separate the description of the various Groups into individual sentences.

*Mr. McDaniel* moved to accept the recommended grammatical changes, Second by *Mr. Spagna*. **Voice Vote** – Unanimously Approved 8-0.

### **RLSAO Plan – Policy 1.1**

*Ms. Hushon* suggested some grammatical revisions to add the Letter “s” to the words “contribute,” “protect,” and “enhance” to keep the same tense as the work “uses”, and to hyphenate the phrase “community-based.”

*Mr. McDaniel* moved to accept the recommended grammatical changes, Second by *Mr. Eidson*. **Voice Vote** – Unanimously Approved 8-0.

### **RLSAO Plan – Policy 1.2**

*Mr. Greenwood* reviewed the public comments.

*Mr. McDaniel* stated that he understood that each development was responsible to meet the State and Federal environmental regulations.

*Mrs. Roys, Environmental Specialist, Collier County Environmental Services Department*, stated that it was true that each development is required to provide the most current environmental data available for the analysis.

*Ms. Payton, Florida Wildlife Federation*, questioned how the County “complementing” existing local, regional, state and federal regulatory programs?

*Ms. Nemecek* moved to retain the existing language for it sufficiently addresses the public comments, Second by *Mr. McDaniel*. **Voice Vote** – Unanimously Approved 8-0.

### **RLSAO Plan – Policy 1.3**

*Mr. Spagna* moved to retain the existing language, Second by *Ms. Nemecek*. **Voice Vote** – Unanimously Approved 8-0.

### **RLSAO Plan – Policy 1.4 & 1.5**

*Mr. Greenwood* reviewed the public comments.

*Ms. Payton* expressed her concern about the development of the areas between SRAs. She stated that development in these areas should be restricted similar to that provided for in the Rural Fringe Mixed Use Area.

*Mr. McDaniel* stated that he was not supportive of taking a property owner’s development rights away. The base agricultural zoning allows for 1 dwelling unit per five acres.

*Mr. Eidson* suggested that those areas could be used as “Victory Gardens” outside the SRAs. This could be something that could be facilitated with the establishment of agricultural incentives for open classified areas.

*Ms. Hushon* stated that she agreed with this concept and emphasized the importance of trying to keep these areas as buffers.

*Mr. Standridge* stated that there is lack of a vehicle by which small acreage property owners can participate in the RLSAO Plan. He suggested that the County could serve as a “clearing house” for the small acreage property owners.

*Mr. Eidson* stated that this is something which the Committee may want to take into consideration when they look into the “Agricultural Policies.”

*Mr. McDaniel* moved to approve Policies 1.4 and 1.5 with the staff corrections, and to reconsider the recommendations for the County serving as a “clearing house” for the small acreage property owners and establishment of agricultural incentives for open classified areas

when the Committee is reviewing Group 2 policies, Seconded by *Mr. Eidson*. *Voice Vote* – Unanimously Approved 8-0.

**VI. New Business**  
None

**VII. Public Comments**  
None

**IX. Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on July 1, 2008, at Ave Maria from 9:00 A.M. – 12 Noon.

**X. Adjournment**

*Mr. Farmer* moved to adjourn the meeting, Second by *Mr. McDaniel*. **Voice Vote - Unanimously Approved 8-0. Adjournment 12:01PM.**

**Rural Lands Stewardship Area Review Committee**

---

**Ron Hamel, Chairman**

These minutes approved by the Committee on \_\_\_\_\_,  
as presented \_\_\_\_\_ or as amended \_\_\_\_\_.

**Attachment: RLSAO Plan 6/17/08 preliminary RLSA Overlay revisions**

Attachment

**Rural Lands Stewardship Area Overlay**

**Goal**

Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County's goal is to ~~protect~~ retain land for agricultural activities, to prevent the premature conversion of agricultural land to non-agricultural uses, to direct incompatible uses away from wetlands and upland habitat, to protect and restore habitat connectivity, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes employs creative land use planning techniques and through the use of established incentives.

**Public Input:**

1. The Governor's order was aimed at creating a balance between Agriculture, development and environmentally sensitive land. What ended with up is a plan that can create an imbalance as the program is geared to produce more environmentally set aside land and development and greatly reduces agriculture. This will result in Agriculture being pushed further out and destroying more pristine systems under the auspices of the Right to Farm Act.[Mark Strain].

**Staff Comments:**

1. This is considered a major amendment. The elimination of the word "premature" from the goal may seem like an innocuous change. However, this proposed deletion of "premature" raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission and is the basis for the current RLSA Overlay which was initiated prior to the enactment of the State RLSA Program. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County's RLSA subject to compliance with statutory RLSA provisions.

**June 17, 2008 Committee Action:**

The above proposed draft amendments are based upon an email received from Review Committee member Tom Jones on March 28, 2008, distributed to Committee members on March 28, and preliminarily approved during the April 1, 2008 Committee meeting. The Committee position is that the word "premature" cannot be defined for use in the RLSA Overlay and should be stricken. Additionally, there was one grammatical correction to the Policy. The Committee revisited the staff's comments and that the proposed amendments would strengthen rather than weaken the RLSAO.

**Objective**

To meet the Goal described above, Collier County's objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural Lands Stewardship Area Overlay. Group 2 policies relate to agriculture. Group 3 policies relate to natural resource protection; ~~and~~ Group 4 policies relate to conversion

of land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

**Public Input:** Minor grammatical recommendations are shown.

**Staff Comments:** no comments

**June 17, 2008 Committee Action:** Proposed grammatical recommendations as shown were approved by the Committee.

## **Group 1 - General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay**

### **Policy 1.1**

To promote a dynamic balance of land uses in the Collier County Rural Lands Stewardship Area (RLSA) that collectively contributes to a viable agricultural industry, protects natural resources, and enhances economic prosperity and diversification, Collier County hereby establishes the Rural Lands Stewardship Area Overlay (Overlay). The Overlay was created through a collaborative community-based planning process involving county residents, area property owners, and representatives of community and governmental organizations under the direction of a citizen oversight committee.

**Public Input:** Minor grammatical recommendations are shown.

**Staff Comments:**

**June 17, 2008 Committee Action:** Proposed grammatical recommendations as shown were approved by the Committee.

### **Policy 1.2**

The Overlay protects natural resources and retains viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provides a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based in part on the principles of Florida's Rural Lands Stewardship Act, Chapter 163.3177(11) F.S. The Overlay includes innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.

#### **Public Input:**

1. The intent of Policy 1.2 is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations, such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.[Conservancy]. Laura Roys stated that the most recent available data is required and usually is less than one (1) year old and Environmental Services checks for this as well as all required federal and state permits.
2. Clarify how RLS interacts with state and federal permitting agencies [FWF]. The Committee was informed that all permits must be obtained regardless of whether or not a project is in the RLSAO.

**Staff Comments:** No comments.

**June 17, 2008 Committee Action:** To retain the existing language which sufficiently addresses the public comments.

### Policy 1.3

This Overlay to the Future Land Use Map is depicted on the Stewardship Overlay Map (Overlay Map) and applies to rural designated lands located within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line, and includes a total of approximately 195,846 acres, of which approximately 182,334 acres is privately owned. The Overlay Map is an adopted overlay to the Future Land Use Map (FLUM).

**Public Input:** No public discussion was held.

**Staff Comments:** No comments.

**June 17, 2008 Committee Action:** The Committee recommended no change to this policy.

### Policy 1.4

Except as provided in Group 5 Policies, there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA, as set forth in the Baseline Standards, as defined in Policy 1.5, unless and until a property owner elects to utilize the provisions of the Stewardship Credit System. It is the intent of the Overlay that a property owner will be compensated for the voluntary stewardship and protection of important agricultural and natural resources. Compensation to the property owner shall occur through one of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

**Public Input:**

1. What happens to baseline density - should disappear as in Rural Fringe TDR program [FWF]

Note: Also related to policy 1.5.

**Staff Comments:** No comments.

**June 17, 2008 Committee Action:** The Committee position is that property owners must have the ability to use their properties and that the baseline density should not disappear but that the Committee would study providing incentives for retaining agricultural uses.

### Policy 1.5

As referred to in these Overlay policies, Baseline Standards are the permitted uses, density, intensity and other land development regulations assigned to land in the RLSA by the GMP Growth Management Plan (GMP), Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to the adoption of Interim Amendments and Interim Development Provisions referenced in Final Order AC-99-002. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits, except as provided for in Group 5 Policies. No part of the Stewardship Credit System shall be imposed upon a property owner without that ~~owners~~ owner's consent.

**Public Input:** None.

**Staff Comments:** Minor correction and amendments for clarification purposes only.



June 17, 2008

**June 17, 2008 Committee Action:** The Committee approved with staff's correction and to study agricultural incentives when the Committee reviews Group 2 policies regarding agriculture.

**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

Ave Maria, Florida, June 3, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Ave Maria University Academic Building 07 Conference Room 5, 5050 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Zach Floyd Crews  
Tammie Nemecek  
David Farmer  
Tom Jones  
David Wolfley  
Bill McDaniel  
Timothy Nance  
Fred Thomas, Jr.  
Jim Howard

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department  
Michael J. DeRuntz, Principal Planner, Comprehensive Planning Department  
Laura Roys, Senior Environmental Specialist, Engineering and Environment Services Department  
Mac Hatcher, Senior Environmental Specialist, Engineering and Environment Services Department  
Approximately 20 members of the public

**I. Call Meeting to Order**

The meeting was called to order at 9:10 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken, and a quorum was established.

**III. Approval of Agenda**

*Mr. Hamel requested that due to the current audio-visual technical problems which are occurring, that some of the items on the agenda may be discussed out of order in the agenda.*

*Mr. Thomas moved to approve the agenda as presented, Second by Mr. Crews.*

*Voice Vote - Unanimously Approved 12-0.*

**IV. Approval of Minutes: May 6, 2008**

*Mr. Farmer moved to approve the minutes of the May 6, 2008 committee meeting, as presented, Second by Mr. Thomas. Voice Vote - Unanimously Approved 12-0.*

**VI. Old Business**

**A. Revised Schedule of the Review Committee and Discussion its Functions, Powers and Duties per Resolution No. 2007-173**

*Mr. Greenwood* reviewed the revised meeting schedule for the committee. He also reviewed the intent of Board of County Commission (BCC) Chairman Henning's letter which requested that all committees and commissions of County government review their roles, powers, and functions. *Mr. Farmer* moved to approve the revised committee meeting schedule as presented, Second by *Mr. Wolfley*. *Voice Vote – Unanimously Approved 12-0.*

*Mr. Farmer* commented that within the enabling ordinance for this committee, he believed that committee members were entitled financial reimbursement for travel expenses. *Mr. Greenwood* stated that he would look into this issue and try to report to the Committee prior to the June 17<sup>th</sup> meeting.

*Ms. Payton*, Florida Wildlife Federation, commented that one of the directives of the committee's enabling ordinance is to pursue public participation. She stated that she observes that most of the committee, staff, and public participants reside in the coastal area of the County, and that it would be much more efficient to hold some of the committee meetings in the coastal area.

*Mr. Farmer* moved to pursue travel expense reimbursement, *Mr. Wolfley*. *Voice Vote – Unanimously Approved 12-0.*

*Mr. Jones* stated that he reviewed the committee's function and was concerned if the committee had done something to spur the letter from BCC Chairman Henning. *Mr. Greenwood* stated that all of the advisory committees received this letter. The letter was not directed at this committee, but an informational reminder to each of the advisory committees as to their mission.

**B. Phase 1-Technical Review**

*Chairman Hamel* stated that the BCC review the Phase 1-Technical Review and approved the report. *Mr. Greenwood* stated that the Phase 1-Technical Review was

forwarded to the Department of Community Affairs (DCA) for their review through Joseph Schmitt's cover letter.

**C. Phase 2...Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay, including Issues, Concerns, and Questions**

*Mr. Greenwood* stated that, per the direction of the Committee at its May 6 meeting, the following met on May 15 to decide under which policy the particular comment and/or concerns should be associated with. Comments and/or concerns were received from the following groups and individuals: Mark Strain (Collier County Planning Commission), Nancy Payton (Florida Wildlife Federation), Tim Nance (RLSAO Review Committee), Judy Hushon (EAC), Laura Roys (Environmental Services), Nichol Ryan (Conservancy of S.W. Florida), Laurie Macdonald (Defenders of Wildlife).

*Mr. Greenwood* requested that the Review Committee discuss permitting the following to act as a Technical Sub-committee: Nancy Payton, Anita Jenkins (WilsonMiller), Tim Durham (WilsonMiller), Judy Hushon, Laura Roys, Nichol Ryan, Michael DeRuntz (Comprehensive Planning) and Thomas Greenwood (Comprehensive Planning).

*Mr. Cornell* thanked those individuals for their efforts with organizing these comments and concerns with the RLSAO plan policies. He stated it is very helpful. He suggested that the committee proceed with Phase 2 by reviewing each group in order, and have these individuals serve as a technical committee to continue to assist the RLSAO Review Committee with the language for any amendments and/or recommendations which the RLSAO Review Committee may propose. He further added that this technical committee should be lead by staff. *Mr. Greenwood* stated that staff would only act as a facilitator at these meetings and to memorialize the recommendations of the RLSAO Review Committee only where the Committee has made preliminary recommendations to amend the RLSA Overlay.

*Ms. Payton* thanked the committee for their comments. She also thought that it would be a good idea to keep this technical committee functioning, to assist the RLSAO Review Committee, and she stated that she would be glad to serve on this technical committee.

*Mr. Purdy* stated that the committee needs to stay on track.

*Mr. Jones* expressed his concern that the RLSAO Review Committee recommendations may not be adhered to, because the technical committee could change the intent through their revisions.

*Mr. Hamel* stated that it is the staff's responsibility to prepare any amendment or recommendation directed by the RLSAO Review Committee, and that the technical committee would assist the staff. Any amendment and/or revision would be coming back to the RLSAO Review Committee for its approval.

**VII. New Business**

**A. Request of Board of County Commissioners Input Regarding Review of the Half Circle Ranch Growth Management Plan RLSAO Amendment Application**

*Mr. Greenwood* informed the Committee that Commissioner Coletta requested the RLSAO Review Committee to take a look at the Half Circle Ranch GMPA during the BCC action already taken to transmit this RLSAO amendment to the Department of Community Affairs. Input from the Committee, if any, would be available to the BCC prior to its adoption public hearing on this amendment.

*Mr. Jones* questioned whether review of this GMPA by the Committee would put the Committee in violation of the Committee's enabling ordinance. *Mr. Greenwood* stated that this request from the BCC is on the agenda for the committee's June 17, 2008 meeting for discussion.

**V. Presentations**

**A. Darrel Land, State of Florida Panther Team Leader, Florida Fish and Wildlife Conservation Commission (FFWCC)** (The Power Point presentation is on the County's Comprehensive Planning web site.)

*Mr. Land* stated that the goal of the FFWCC is to protect the breeding core of the Florida Panther. He reported that the FFWCC estimated that there is an 80-100 stable population of Florida Panthers that are basically south of the Caloosahatchee River. Ideally, a stable panther population goal of 240 panthers has been established to maintain a healthy gene pool for the Florida Panther. The existing Florida Panther habitat south of the Caloosahatchee River is insufficient to support that goal total population, due to the panther's territorial demands, and is at a saturation point. The FFWCC is hoping counties north of the Caloosahatchee River will follow Collier County's example in establishing RLSAOs in their areas. He emphasized that the area of the RLSAO in Collier County is a significant link between the primary habitat area of Big Cypress National Preserves and the habitat area in Lee County. He is very supportive of how Collier County established the RLSAO with the Flowway Stewardship Areas (FSA) and Habitat Stewardship Areas (HSA). From their records, the areas identified in the County's FSA and HSA are also the primary areas for panther habitat. In the FFWCC studies, the FFWCC has recommended that wildlife crossings are a very valuable component in the protection of these panthers. The establishment of wildlife crossings on roadways that intersect with habitat corridors are imperative. FFWCC recommends that wildlife crossings along Oil Well Road (CR-858) and Immokalee Road (CR-846) at the Camp Keais Strand and the Okaloacoochee Slough be provided. They would also recommend wildlife crossings along SR 29 north of Oil Well Road (CR-858), as well as providing a habitat corridor north of Immokalee to connect the Camp Keais Strand and the Okaloacoochee Slough and the Okaloacoochee Slough.

*Mr. Jones* asked if *Mr. Land* believed the County's RLSAO plan was too complicated.

*Mr. Land* responded that there are many variable to be taken into consideration, and that the County did a very good job developing a plan to bring the many variables together to make a plan that works for everyone including the Florida Panther.

**B. Dr. Timm Kroeger, Defenders of Wildlife Washington, DC Office: Economic Values of Conservation and Agricultural Lands** (The Power Point presentation is on the County's Comprehensive Planning web site.)

Dr. Kroeger stated that there are economic benefits for protecting the natural environment and agricultural area. He stated that he is studying those benefits for five areas within the continental United States. One of those areas being studied is right here in Southwest Florida (Collier, Lee, and Hendry Counties). These five study areas were selected based upon the high priority Strategic Habitat Conservation Areas (SHCAs). SHCA consist of the following variables: uplands and wetland areas that are important habitat and are currently not protected, contain several of the highest-priority significant landscapes

including linkages and conservation corridors and high and highest-priority rare species habitat conservation lands. In addition, vegetation in the area is predominantly characterized as very high threat status in Florida's Comprehensive Wildlife Conservation Strategy (CWCS), and mostly prime recharge lands and unprotected recharge lands in natural condition. The study identified that there are direct, indirect, and passive uses that have economic benefits for protecting the natural environment and agricultural area. While the study is not completed, millions of dollars can be attributed to the economic benefits attributed to protecting the natural environment and agricultural area.

**VII. Public Comments**

None

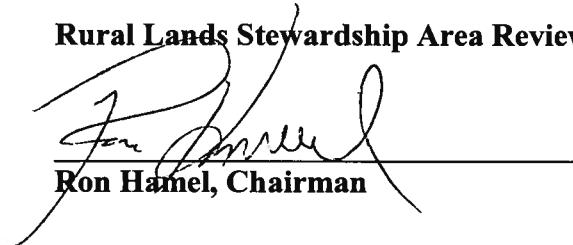
**XI. Next Meeting**

*Mr. Hamel* stated that the next meeting will be held on June 17, 2008, at CDES in Rooms 609/610 from 9:00 A.M. – 12 Noon.

**X. Adjournment**

*Mr. Thomas* moved to adjourn the meeting, second by *Mr. Jones*.  
*Voice Vote - Unanimously Approved 12-0. Adjournment 12:03PM.*

**Rural Lands Stewardship Area Review Committee**



\_\_\_\_\_  
**Ron Hamel, Chairman**

These minutes approved by the Committee on 6-17-08,  
as presented X or as amended \_\_\_\_\_.

MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW  
COMMITTEE

Ave Maria, Florida, April 1, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands  
Stewardship

Area Review Committee in and for the County of Collier, having conducted

Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at  
the

Ave Maria University Academic Building 07 Conference Room 5, 5050 Ave

Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
Brad Cornell  
Zach Floyd Crews  
Gary Eidson  
David Farmer  
Tom Jones  
David Woodley  
Bill McDaniel  
Timothy Nance  
Fred Thomas, Jr.  
Tammie Nemecek

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner,  
Comprehensive Planning  
Michael J. DeRuntz, Principal Planner, Comprehensive  
Planning,

Approximately 18 members of the public and staff

**I. Call Meeting to Order**

The meeting was called to order at 9:05 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken, and a quorum was established.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda as amended, Second by Mr. McDaniel. Voice Vote - Unanimously Approved 11-0.*

**IV. Approval of Minutes: March 5, 2008**

*Mr. McDaniel* stated that his name was misspelled in the minutes.

*Mr. McDaniel moved to approve the minutes of the March 5, 2008 committee meeting with the correction, Second by Mr. Thomas. Voice Vote - Unanimously Approved 11-0.*

*Mr. Hamel* presented Mr. Noel Standridge with a “Certificate of Appreciation” for his work with the Collier County Rural Lands Stewardship Area Review Committee. Mr. Standridge accepted this certificate and expressed his appreciation to the committee and looks forward to working with them in the future.

**V. Old Business**

*Mr. Thomas Greenwood* discussed Marjorie Student, Assistant County Attorney, and Randy Cohen, Comprehensive Planning Departments, interpretation of the DCA’s Report to the Legislature on the State’s Rural Land Stewardship Programs, and proposed legislation relating to the Rural Land Stewardship Program.

*Mr. Jones* stated that Collier County’s Rural Land Stewardship Program was developed and approved by the State independent of the State’s Rural Land Stewardship Program. They are independent of each other, and should not be affected by any changes in legislation.

**A. Phase 1 - Technical Review Report**

*Chairman Hamel* reviewed the dates of the upcoming, Collier County Planning Commission (CCPC), Board of County Commissioners (BCC) public hearings at which the Phase 1 - Technical Review Report will be reviewed and the process by which additions, corrections and comments will be addressed with this report. He stated that that all additions, corrections and comments will be forwarded to the committee for their review.

**B. RLSA Review Committee – Review Phase 2**

*Mr. Hamel* requested that the committee discussed how they would like to proceed with their review process. A lengthy discussion followed.

*Mr. Thomas moved to keep the process similar to Phase 1, second by Mr. McDaniel. Voice Vote - Unanimously Approved 11-0.*



## **VI. New Business**

### **A. Dr. Stuart Van Auken and Dr. Howard Finch of FGCU presentation of a June 6, 2007 report entitled, “AG Business in SW Florida: Present and Future”.**

Dr. Van Auken and Finch provided an overview of their report. They stated that they interviewed 25 person of high agriculture stature about the present and future condition of agricultural business in southwest Florida. They review the strengths, weaknesses, opportunities and threats to agricultural business in southwest Florida. In summary the study reflected a very strong and positive future for agricultural business in southwest Florida.

**Gary Eidson** stated that the agricultural area in Collier county needs to be protected, as well as, becoming an integrated part of our community. He stated that as Mr. Jones has proposed, possibly this could be accomplished by establishing credits to retain agricultural productive lands.

**Brad Cornell** stated that as coastal development is possibly impacted by projected rising waters, attributed to “Global Warming,” there will be greater pressures to develop the existing interior agricultural areas.

**Tim Nance** added that it is very important to retain the county’s agricultural productive lands due to factors related to the globalization of the economy.

**Chairman Hamel** called for a 10 minute break.

**Adjourned 10:30 am.**

**Resumed 10:40 am.**

### **B. Group 2 – Review of RLSA Overlay Policies**

**Mr. Jones** suggested that this plan should include a process to incentivize keeping lands for agricultural activities. He suggested that 2.0 credits be identified for land outside the Area of Critical State Concern (ACSC) and 2.6 credits for lands within the ACSC. He stated that he derive the level for these credits by paralleling what level of credits were achieved for environmentally sensitive lands. He further stated that Items 2.3 and 2.4 should be removed from the plan since the committee identified in those items was never developed, and there does not seem to be a need for it.

**Mr. Cornell** stated that he also believes that agricultural lands need to be protected. He suggested that the goal for Group 2 include language for protecting agriculture. He stated that Policy 2.2 should be modified to reflect that there should not be an intensification of agricultural activity, and that aquaculture be prohibited. He also suggested that all SSA’s be required to remove all land uses above agriculture.

**Mr. McDaniel** recommended that all suggestions relating to Group 2 be directed to Mr. Greenwood and he would forward to the committee for their review and consideration.

***Mr. Thomas moved to modify the Goal of the Rural Lands Stewardship Area Overlay Policy with the following language: “Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County’s goal is to retain land for agricultural activities using establish incentives, to direct incompatible uses away from wetlands and upland habitat, to protect and restore habitat connectivity, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes creative land use planning techniques”, second by Mr. Eidson. Voice Vote - Unanimously Approved 11-0.***

***Mr. Eidson moved that the words, “and through the use of established incentives” end the Goal for the RLSAO District.; second by Mr. Thomas. Voice Vote - Unanimously Approved 11-0.***

***Mr. Standridge*** expressed his concern that by modifying the program the county may be jeopardizing the “Final Order” language that this plan was approve upon.  
Group 2 Policy

***Mrs. Nemecek moved to modify the Group 2 Policy by removing the existing language “protect agricultural activities for prevent the premature conversion of other uses and” and not to add the proposed language: “to retain land for agricultural activities and to retain agricultural lands, and continue the viability of agricultural production through the Collier County Rural Lands Stewardship Area Overlay incentives” second by Mr. Jones. Voice Vote - Unanimously Approved 11-0.***

***Mr. Thomas moved to approve Policy 2.1 as amended, second by Mr. McDaniel. Voice Vote - Unanimously Approved 11-0.***

***Mr. Greenwood*** stated that it was the intent that some percentage of the area of the RLSA be provided to cap the amount of non-agricultural development.

***Mr. Farmer*** stated that the committee may want to keep this language to emphasis “compactness.”

***Mr. Nance*** stated that DCA might have a concern with not identifying a limit of non-agricultural development.

***Ms. Ryan***, Conservancy of Southwest Florida, stated that ten percent and compact development need to be retained In Policy 2.1.

***Ms. Payton***, Florida Wildlife Federation, stated that the Federation supports agricultural preservation. The Federation opposes aqua-culture and mining, and

the intensification of agriculture in the FSA, HAS, ACSC. She was also supportive of moving the meetings to the CDES facility.

*Ms. Ryan* stated that for Policy 2.2, the committee should make sure what the added credits would create, and what impacts would be associated with those added credits.

*Mr. Cornell* recommended that any language changes be sent to staff, so they could distribute the recommended changes to the committee for their review.

*Mr. McDaniel* stated that the committee would need to have data and analysis to consider creating credits for the preservation of agricultural lands.

*Mr. McDaniel moved to extend the meeting thirty minutes, second by Mr. Farmer. Voice Vote 10 – yes, 1 – no (Mr. Thomas). Approved*

~~*Mr. Jones*~~ *Chairman Hamel* asked Al Reynolds, planner for Wilson Miller, who worked on the original RLSAO Plan, to clarify the reference to 10% in Policy 1.2. Mr. Reynolds responded that the 10% came from an analysis that compared the amount of land required to accommodate projected population growth during a 25-year period using the baseline zoning of one unit per five acres and the alternate of compact communities at an average density of 2 units per acre. This comparison showed that the equivalent population could be accommodated in compact communities with a development footprint of 1/10<sup>th</sup> the size of the baseline zoning.

*Mr. Nance* questioned as to what type of farming activities or farmlands that would qualify for credits.

*Mr. Jones moved to approve Policy 2.2 as amended, Second by Mr. Eidson. Show of hand: 8-yes 3-no. Approved*

*Mr. Cornell* suggested that that the agricultural land use credits be developed by two groups: Agricultural Type and Agricultural Intensity. He added that the credits should be linked to a stipulation where the intensification of agricultural uses would not be allowed, as well as, the aquaculture would be prohibited.

*Mr. Eidson moved to table further discussion for Policy 2.2, second by Mr. Farmer. Voice Vote - Unanimously Approved 11-0.*

**VII. Public Comments - None**

**VIII. Committee Comments - None**

**IX. Staff Comments - None**

**X. Adjournment**

*Mrs. Nemecek moved to adjourn the meeting, second by Mr. Eidson.  
Voice Vote - Unanimously Approved 11-0. Adjournment 12:25 pm.*

**Committee**

**Rural Lands Stewardship Area Review**

 5/6/08  
**Ron Hamel, Chairman**

These minutes approved by the Board/Committee on 5-6-08  
as presented \_\_\_\_\_ or as amended 2.

February 5, 2008

**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

Naples, Florida, February 5, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Ave Maria University Academic Building 07 Conference Room 5, 5050 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Zach Floyd Crews  
David Farmer  
Gary Edison  
Tom Jones  
David Woodley  
Bill McDaniel  
Timothy Nance  
Fred Thomas  
Tammie Nemecek  
Jim Howard

ALSO PRESENT: Noah Standridge, Senior Planner, Comprehensive Planning  
Michael J. DeRuntz, Principal Planner, Comprehensive Planning,  
Thomas Greenwood, Principal Planner, Comprehensive Planning,

Approximately 20 members of the public and staff

**I. Call Meeting to Order**

The meeting was called to order at 9:14 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken, and a quorum was established. Chairman Hamel noted that the entire committee was in attendance.

**III. Approval of Agenda**

*Mr. Farmer moved to approve the agenda as presented, Second by Mr. Thomas.  
Voice Vote - Unanimously Approved 13-0.*

**IV. Approval of Minutes: January 22, 2008**

There was a discussion as to the validity of the minutes if the persons that “second” motions were not noted in the minutes. Mr. Standridge checked with the County Attorney’s Office and reported that having only the motion maker noted was acceptable. Some of the committee stated that they had not received a copy of the January 22, 2008 minutes. Chairman Hamel circulated a copy of his minutes to those members that had not received their copy. Action for approval of the minutes was temporally tabled.

**V. Old Business**

**A. Technical Review**

**Item 1. Mr. Standridge reviewed the changes.**

- *Mr. Edison* stated that the website for the study should be identified in the footnote.
- *Nicole Ryan, Conservancy of South West Florida*, suggested that in addition to the website, the data sources for the study be listed.
- *Mr. Thomas* moved to approve Item 1 with the changes and to add the website for the study in to the footnote, second by Mr. Edison.

**Voice Vote - Unanimously Approved 13-0.**

**Item 2. Mr. Standridge reviewed the changes.**

- *Timothy Nance* suggested that the definitions for R1 and R2 reflect the language stated in the text.
- *Mr. Thomas* moved to approve Item 2 with the suggested edited changes, second by Mr. Farmer.

**Voice Vote - Unanimously Approved 13-0.**

**Item 4. Mr. Standridge reviewed the changes.**

- *Mr. Hamel* stated that “Ave Maria: 2002 Land Use Breakdown, Exhibit Table 4-C” be spelled out and displayed in the study.
- *Nancy Patton, Florida Fish and Wildlife Federation*, suggested that Table 4-A should reflect additional land uses that would bring the total RLSA acreage into balance.

- *Mr. Thomas* moved to approve Item 4 with the suggested changes to Table 4-A and Map 4-C, second by Mr. Crews.  
**Voice Vote- Unanimously approved 13-0.**

**Item 5. Mr. Standridge reviewed the changes.**

- *Mr. Thomas* moved to approve Item 5 with the suggested changes, second by Mr. McDaniel.  
**Voice Vote - Unanimously Approved 13-0.**

**Item 6. Mr. Standridge reviewed the changes.**

- *Mr. Cornell* suggested that the reference to other agencies that have acquired properties within the RLSA.
- *Mr. Cornell* moved to approve Item 6 with the suggested additions, second by Mr. McDaniel.  
**Voice Vote - Unanimously Approved 13-0.**

**Item 7. Mr. Standridge reviewed the changes.**

- *Mr. Thomas* moved to approve Item 7 with the suggested changes, second by Mr. Edison  
**Voice Vote - Unanimously Approved 13-0.**

**Item 2A. Mr. Standridge reviewed the changes.**

- *Mrs. Nemecek* moved to approve Item 2A with the suggested changes, second by Mr. Nance.  
**Voice Vote - Unanimously Approved 13-0.**

*Mr. Thomas moved to approve Phase I Technical Review Evaluation as amended, with the additional changes, and the minutes of the January 22, 2008 meeting, second by Mr. Crews.*

**Voice Vote - Unanimously Approved 13-0**

*Mr. Jones moved to forward the corrected draft of the Phase I Technical Review Evaluation to the Board of County Commissioners (BCC) with a cover letter signed by the chairman, second by Mr. Thomas.*

**Voice Vote - Unanimously Approved 13-0.**

*Mr. Cornell* suggested that staff try to coordinate speakers such as Daryl Land and Fritz Rocka, who have various expertises that could speak to the committee.

*Mr. Hamel* requested that Mr. Standridge provide copies of the corrected Phase I Technical Review Evaluation Report to the committee members for their review prior to sending the copies to the BCC.

*Mr. Thomas* moved that the committee respond to staff with their corrections before February 10, 2008.

*Mr. Standridge* requested that the committee review the goals of the RLSA program in relationship to the completed Phase I Technical Review Evaluation Report, discussion followed

*Mr. Edison* moved to proceed to New Business, second by Mr. Jones.

**Voice Vote - Unanimously Approved 13-0**

## VI. New Business

### A. Policy Review Schedule

- *Mr. Standridge* reviewed upcoming meeting schedule.
  - *Mrs. Nemecek* requested that the review should include the policies of the GMP relating to the RLSA program.
  - *Mr. Jones* stated that Mr. McIvov would be a good speaker about leaf vegetable farming for the March 4, 2008 meeting.
  - *Mr. Edison* moved to meet on March 4, 2008 to set the agenda for the Phase II Policy Review Report with the recommendations, second by Mr. Thomas
- Voice Vote - Unanimously Approved 13-0**
- A round table discussion occurred whereby each committee member expressed their perspective of objectives, successes and concerns of the RLSA program.
  - *Mr. Hamel* added that the two professors from Gulf Coast University, who just completed a study on “Agricultural Activities in Southwest Florida” should also be added as future speakers for the committee.

## VII. Committee Comments

- *Mr. Hamel* stated that Mr. Standridge may not be assisting the committee in the near future. He stated that he believed that Noah had done a very good job.
- *Mr. Thomas* concurred with Mr. Hamel’s statements. He added that he hoped that continuity in a committee is very important in an activity such as this, and he hoped that Noah would be allowed to stay until the completion to this 5-Year Review.
- *Mr. Spagna* suggested that Mr. Hamel and he speak to Noah’s director about this situation.
- *Mr. Thomas* moved for Mr. Hamel and Mr. Spagna make an appointment to speak to Noah’s director about Noah’s importations to the present and future success of the RLSA 5-Year Review.
- *Mr. Cornell* suggested including Group 1,6, and 8 Policies in the agenda as well.
- *Mr. Jones* suggested that the committee send a list of speakers, which they believe would be advantageous to the committee completion of Phase II Policy Review, to Noah as soon as possible so this compiled list could be presented at the next meeting.

## VIII. Staff Comments

- *Mr. Standridge* stated that the next meeting will occur on March 4, 2008 in the Academic Hall at Ave Maria. He stated that lunch is available for purchase in the cafeteria at the Student Union Building, and after lunch there will be a guided tour of Ave Maria.

## IX. Public Comments



- ❖ **Nancy Patton** suggested that a speaker on “Climate Change” would be very important. She also suggested that Dr.’s Dan Smith, Reed Noss and Marty Main, who published the “Eastern Collier Wildlife Crossing Study” should also be invited to speak to the committee.
- ❖ **Nicole Ryan** stated that the Conservancy of South West Florida is requesting that the committee review their comments and DCA’s comments which were prepared about this plan in 2002, and the Conservancy’s concerns with the program over the past couple of years. She provided copies of those comments to each of the committee members and is attached.
- ❖ **Dan Scolfield** stated that this program has been voluntary for the property owners in the RLSA overlay area, and the RLSA program has experienced a lot of acceptance and successes. He recommended that if the committee would like to see this program continue to succeed, the committee needs to keep the property owners in mind. He also suggested that the word “term” needs to be defined.

**X. Lunch (at university cafeteria) Adjournment**

- **Mr. Hamel** stated that the meeting will be “Suspended” for a lunch break.  
**Meeting suspended at 11:54 AM.**

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:54AM for lunch.**

**XI. Tour of Town of Ave Maria**

**XII. Adjournment.** Adjournment of the RLSA Review Committee meeting occurred following lunch and a tour of the Town of Ave Maria.

**Rural Lands Stewardship Area Review Committee**

---

**Ron Hamel, Chairman**

These minutes approved by the Board/Committee on \_\_\_\_\_,  
as presented \_\_\_\_\_ or as amended \_\_\_\_\_.

January 22, 2008

**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

Naples, Florida, January 22, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Collier County Community Development & Environmental Services Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
Zach Floyd Crews(absent)  
David Farmer  
Gary Eidson  
Tom Jones  
David Wolfley  
Bill McDaniel  
Timothy Nance  
Fred Thomas  
Tammie Nemecek  
Jim Howard

ALSO PRESENT: Noah Standridge, Senior Planner, Comprehensive Planning  
Jeff Wright, Assistant County Attorney  
Michael J. DeRuntz, Principal Planner, Comprehensive Planning,  
Approximately 20 members of the public and staff

**I. Call Meeting to Order**

The meeting was called to order at 9:08 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken and a quorum was established.

**III. Approval of Agenda**

*Mr. Eidson moved to approve the agenda as presented.*

*Voice Vote - Unanimously Approved 12-0.*

**IV. Approval of Minutes: December 4, 2007**

*Mr. Wolfley moved to approve the minutes of the December 4, 2007 meeting.*

*Voice Vote - Unanimously Approved 12-0*

**V. Old Business**

- *Chairman Hamel expressed his appreciation to all those who helped in putting together the January 18, 2008 Public Information Workshop and making it so successful.*
- *Gary Eidson stated that he hopes that the significance of the values in the GIS polygons area is dynamic and can emphasize in this 5-Year Review Report.*
- *Fred Thomas expressed his interest for the report to not only consider water and endangered species flow but also consider human activity flow.*

**VI. New Business**

**A. Robert's Rules Presentation – Sue Chapin**

*This item was not discussed per the action taken by the committee at the January 18, 2008 Public Information Workshop.*

**B. Phase I Technical Review Evaluation**

**i. Policy 1.22, Item 1-8**

**Mr. Tom Jones** moved to focus specifically on Policy 1.22, Item 1-8.

**Voice Vote - Unanimously Approved 12-0.**

**Question #1 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- *Mr. Cornell* stated that the commission should be focusing on the question “is the plan accomplishing the goals that were identified for the RLSA of Collier County.
- *Mr. Eidson* moved to proceed through each table and map.  
**Voice Vote - Unanimously Approved 12-0.**
- *Mr. Spagna* questioned the number of total credits that have used to date. Mr. Standridge stated that 11,000 have been used.

***Questions from the Floor***

- ❖ *Niccole Ryan* suggested that the sources for the base natural resource data be referenced.
- ❖ *Nancy Payton* stated that natural resource data is reviewed with each SSA and SRA application submittal, but she suggested that a pre-RLSA map be included within the study.
- ❖ *Russell Priddy* Sated that the property owners in the area designated as RLSA have taken a “Leap of Faith” to participate in this program and are banking that the credits that could and have been generated on their property will be there in the future. He also stated the current GMP/LDC regulations relating to the “Review Process” for the RLSA only call for an initial 5-Year Review process, and that the committee may consider recommending a future “Reoccurring 5-Year Review Process.”
- *Mr. Thomas* moved to approve the technical materials for Question #1 with the addition of noted recommendations from the public to the Question 1’s reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #2 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- *Mr. McDaniel* suggested that the uses and the acreage that have removed through the SSA approval process be provided within the review materials.

***Questions from the Floor***

- ❖ *Judy Hushon* stated that the environmental enhancements within the SSA and the SRA should be detailed within the review materials.
- *Mr. Thomas* moved to approve the technical materials for Question #2 with the addition of noted recommendations from the Committee and the public to the Question 2’s reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #3 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

***Questions from the Floor***

- ❖ *Judy Hushon* suggested that the descriptions of R-1, R-2, Agricultural Types, and Early Entry Credits be added to the Definition Section.
- *Mr. Thomas* moved to approve the technical materials for Question #3 with the addition of noted recommendations from the public to the Question 3’s reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #4 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- *Mr. McDaniel* suggested to breakout the loss of agricultural acreage for both the designated SSAs and SRAs.
- *Mr. Thomas* moved to approve the technical materials for Question #4 with the addition of noted recommendation from the committee to the Question 4's reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #5 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

*Questions from the Floor*

- ❖ *Michael DeRuntz* recommended that the verbiage should be changed to state “Ave Maria SRA was approved for and may be developed to.”
- ❖ *Nancy Patton* suggested that the acreage should be included.
- ❖ *Russell Priddy* stated that the development of a quarry in the RLSA not only changes the land uses that could possibly occur on that site, but restricts the potential number of credits which could be generated from that property.
- ❖ *Nancy Patton* stated that those properties converted from agricultural activities to conservation need to be identified and included in the review materials.
- *Mr. McDaniel* moved to approve the technical materials for Question #5 with the addition of noted recommendation from the public to the Question 5's reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #6 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- *Mr. Cornell* stated that the Natural Resource and Conservation Service (NRCS) and Conservation Collier should be referenced in the review materials.
- *Mr. Thomas* moved to approve the technical materials for Question #6 with the addition of noted recommendation from the committee to the Question 6's reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #7 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- *Mr. Cornell* suggested that a map of the designated “Restoration Areas” be added to the review materials.
- *Mr. Farmer* moved to approve the technical materials for Question #7 with the addition of noted recommendation from the committee to the Question 7's reference materials.  
**Voice Vote - Unanimously Approved 12-0.**

**Question #8 – Chairman Hamel read the question and Mr. Standridge reviewed the data.**

- **Mr. Thomas** moved to approve the technical materials for Question #8.  
**Voice Vote - Unanimously Approved 12-0.**

**VII. Public Comments**

- ❖ **Laura McDonald Defenders of Wildlife** suggested that the Natural Resource and Conservation Service, Conservation Collier, and other Environmental Agencies and Organization would be an excellent source to assist the committee with their Phase II Review and Analysis.

**VIII. Committee Comments**

- **Mr. Thomas** stated that the study needs to focus on the need for the interconnection for potential Human Habitat Conservation Areas (HHCA).
- **Mr. Cornell** stated that he believed that the Committee needs to have Technical Advisory input from the Phase II Review.
- **Mr. Thomas** inquired into the comment that he heard, that this was Noah's last meeting.
- **Mr. Hamel** stated that he also would like to know more about this situation. **Mr. Standridge** stated that he would need to speak with his Director.

**IX. Staff Comments**

- **Mr. Standridge** stated that the next meeting will occur on February 5, 2008 in the Academic Hall at Ave Maria. He will be emailing directions to the commission. At this meeting, the committee will be reviewing the revisions to the Phase I Review and making a recommendation for approval.
- **Mr. McDaniel** suggested that at the next meeting, and after the Phase I Review, he would suggest that the committee begin the Phase II Review.

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 12:20 P.M.**

**Rural Lands Stewardship Area Review Committee**

---

**Ron Hamel, Chairman**

These minutes approved by the Board/Committee on \_\_\_\_\_,  
as presented \_\_\_\_\_ or as amended \_\_\_\_\_.

December 4, 2007

**MINUTES OF THE MEETING OF THE COLLIER COUNTY  
RURAL LANDS STEWARDSHIP AREA REVIEW COMMITTEE**

Naples, Florida, December 4, 2007

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Collier County Community & Environmental Development Services Conference Room #609/610, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell(absent)  
Zach Floyd Crews  
David Farmer  
Gary Eidson  
Tom Jones  
David Wolfley  
Bill McDaniel  
Timothy Nance  
Fred Thomas  
Tammie Nemecek  
Jim Howard

ALSO PRESENT: Noah Standridge, Senior Planner, Comprehensive Planning  
Jeff Wright, Assistant County Attorney

**I. Call Meeting to Order**

The meeting was called to order at 9:04 AM by Chairman Hamel.

**II. Roll Call**

Roll call was taken and a quorum was established.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda subject to the following change:*

Item VI.B – postponed

*Second by Mr. McDaniel. Carried unanimously 12-0.*

**IV. Approval of Minutes: November 20, 2007**

*Mr. Eidson moved to approve the minutes of the November 20, 2007 meeting subject to the following change:*

Page 2, item 2, paragraph 4, Mr. Spagna is “not retired”.

*Second by Mr. Nance. Carried unanimously 12-0.*

**V. Old Business**

**A. January Meeting Date**

*Mr. Thomas moved to approve the next scheduled meeting date as January 22, 2008. Second by Mr. Crews. Carried unanimously 12-0.*

**B. Meeting Location**

*Mr. Spagna moved to approve Collier County Community Development Services Conference Room #609/610, 2800 N. Horseshoe Drive as the location for the next meeting. Second by Mr. McDaniel. Carried unanimously 12-0.*

**VI. New Business**

**A. BCC Rural Lands Presentation**

**Al Reynolds**, CEO of Wilson Miller appeared before the Committee to provide an overview of the Rural Lands Stewardship program. His overview consisted of 2 phases:

- 1) The presentation of a video regarding the “Immokalee Area Study Stage 1” that was shown to the Board of County Commissioners’ in September of 2001.
- 2) A power point presentation on the details of the program that was originally shown to the Board of County Commissioners in June of 2002 when the program was originated.

Both these presentations are available from the County and Mr. Reynolds will provide copies to the Committee.

Following the presentation detailed questions were posed on exactly how the program works, how much a credit is worth, specific acreages used in calculations, restoration requirements and credits, how land use layers are removed, etc.



**Chairman Hamel** noted that the purpose of the Committee was to determine if the Goals of the Rural Lands Stewardship Area are being met, not to change the details of the programs implementation. These goals were adopted in the Growth Management Plan.

**Mr. Thomas** suggested that the Committee study Ava Maria in detail as it is the only project that has been approved through this program to date. Big Cypress is the only other proposal that is processing through the program, but is not yet approved.

It was noted that some of the Committee members have an in depth knowledge of the program, while others is limited.

**Noah Standridge**, Senior Planner suggested any Committee members that need a detailed overview of the program meet with him one on one.

**Jeff Wright**, Assistant County Attorney stated that this is an acceptable practice under the requirements of the Sunshine Law.

### **Public Speakers**

**Nicole Ryan** of the Nature Conservancy of Southwest Florida addressed the Committee regarding the Technical Review and noted the following:

- Town of Big Cypress has not yet been approved and should be removed from the report
- More research should be conducted on the Agriculture data on page 4
- An appendix should be included with updated data on MERIT maps of Panther habitats, Fish and Wildlife least cost pathways report, potential generation of Stewardship Sending Area Credits, etc.
- She has data that will be provided to Noah Standridge
- The Technical Review be completed as soon as possible

**Chris Straton** representing the League of Women Voters addressed the Committee and noted the following:

- The length of the meetings should be more than 2 hours to conduct the necessary business
- Opposition to a Committee member meeting one on one with Noah Strandridge, the public needs an understanding of the background and knowledge of the Committee members; said understanding should be gained through the public forum.

**Mr. Thomas** stated that the Committee should investigate an overall land use plan for the Stewardship area with considerations given to locations of future infrastructure.

**Mr. Standridge** noted it was determined in the first Committee meeting; the Committee should address the Technical Review in Phase 1 and Policy Review in Phase II. Phase II would be the place to address this concern.

He further noted that in response to meeting times, ample time will be allotted for the Committee to address all the issues, there was a time constraint of 9-11 AM today for the meeting.

**Mr. McDaniel** welcomed the public participation and noted the Committee will spend the necessary time to complete a proper review of the program.

*Mr. Jones left the meeting at 10:45 AM*

**Elizabeth Fleming**, Florida Defenders of Wildlife addressed the Committee and noted the following:

- Several Counties are poised to adopt a similar program as Collier County's
- There is updated data available to the Committee (regarding wildlife, etc.)
- Build in a monitoring aspect of this program to judge its future success

**Chairman Hamel** noted the time constraint advertised and if it had to be adhered to. **Jeff Wright**, Assistant County Attorney noted that the Committee is limited to the time advertised, with a vote they could extend the time but this could face future scrutiny regarding notification for public participation.

*Mr. Thomas moved to extend the meeting for an additional 20 minutes. Second by Mr. Eidson. Carried unanimously 11-0.*

## **B. Collier Rural Land Program vs. State Statute**

Postponed

## **C. Technical Review**

### **1. Success Criteria**

**Ms. Nemecek** recommended that 2 weeks prior to the next meeting a detailed outline be provided on the subjects to cover in the Technical Review.

**Mr. Eidson** noted that some of the data in the Technical Review appeared to be outdated and wanted to ensure that all data provided in the Technical Review is accurate and up-to-date and requested any parties such as Ms. Ryan forward any data of interest to the Committee.

**Mr. Standridge** noted that some of the updated information does not exist at this point and any updated data will be provided to the Committee as it becomes available. He wanted to ensure the Committee focus on the specific items in the Technical Review. He will provide an outline of the Technical Review for the next meeting.

## **VII. Public Comments**

None

## **VIII. Committee Comments**

None

**IX. Staff Comments**

None

**There being no further business for the good of the County, the meeting was adjourned by order of the chair at 11:20 A.M.**

**Rural Lands Stewardship Area Review Committee**

---

**Ron Hamel, Chairman**

These minutes approved by the Board/Committee on \_\_\_\_\_,  
as presented \_\_\_\_\_ or as amended \_\_\_\_\_.

**MINUTES OF THE MEETING OF THE COLLIER  
COUNTY RURAL LANDS STEWARDSHIP AREA  
REVIEW COMMITTEE**

Naples, Florida, November 20, 2007

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Committee in and for the County of Collier, having conducted business herein, met on this date at 9:00 A.M. in REGULAR SESSION in Conference Room #610 in the Collier County Community Development and Environmental Services Center, 2800 N. Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
Vice-Chairman: Neno Spagna  
Brad Cornell  
Zach Floyd Crews  
David Farmer  
Gary Eidson  
Jim Howard  
Tammie Nemecek  
Tom Jones  
David Wolfley  
Bill McDaniel (Excused)  
Timothy Nance (Excused)  
Fred Thomas (Excused)

ALSO PRESENT: Noah Standridge, Senior Planner, Comprehensive Planning  
Laura Roys, Senior Environmental Specialist  
Jeff Wright, Assistant County Attorney

**1. Call to Order**

The meeting was called to order at 9:07 AM by Noah Standridge, Senior Planner, Comprehensive Planning.

**2. Staff and Committee Introductions**

*Noah Standridge announced that he would be the Staff Liaison for the Committee and stated future meetings will be held on the first Tuesday of each month at 9:00 AM, and the last meeting is scheduled for October 7, 2008.*

He explained the Committee had been established by the Board of County Commissioners in October, 2007. He reviewed the Attendance Policy: if a member misses two meetings on an unexcused basis, the Committee may nominate other individuals to serve on the Committee, subject to confirmation and appointment by the Board of County Commissioners.

He introduced the Staff members: Laura Roys, Senior Environmental Specialist, and Assistant County Attorney Jeff Wright.

The Committee Members introduced themselves:

- David Wolfley – former member of the Collier County Planning Commission
- Ron Hamel – with Gulf Citrus Growers Association and a former member of the initial Rural Lands Study Commission
- Zach Crews – resident of Immokalee and a Fire Commissioner for District #5
- Jim Howard – with Wachovia Bank and a former member of the initial Rural Lands Study Commission
- Tom Jones – Barron Collier Company
- David Farmer – Engineer and Planner, and resident of Golden Gate Estates
- Gary Eidson – N. Naples resident – member of Citizens Transportation Coalition
- Neno Spagna – retired, was Collier County’s first Planning Director
- Brad Cornell – Collier County Audubon Society and Audubon of Florida

**3. BCC Resolution 2007-173 creating the RLSA Review Committee**

Packets containing information concerning the Board of County Commissioner’s Resolution and applications of the Members were distributed to the Committee. The Committee will elect its Chair and Vic-Chair during the meeting.

**4. Overview of Committee Scope and Purpose**

The Committee is mandated to:

- Review the data concerning the effectiveness of the RSLA Overlay in meeting the goal, objective, and policies of the Future Land Use Element (“FLUE”) of the Growth Management Plan (“GMP”)
- Make recommendations to the BCC to increase the effectiveness of the Overlay;
- Assist in determining the most effective dates and venues to hold public presentations;
- Aid and assist in promoting public interest in the Review process.

The Rural Land Stewardship Area (“RLSA”) is 300 square miles, approximately

200,000 acres, located in northeastern Collier County.

The goal is:

- To address the long-term needs of the residents and property owners within in the Immokalee Area Study boundary of the Rural Land Stewardship Area;
- To protect agricultural activities, preventing the premature conversion of agricultural land to non-agricultural uses;
- To discourage urban sprawl;
- To direct incompatible uses away from wetlands and upland habitats;
- To enable the conversion of rural land to other uses in appropriate locations;
- To encourage development that utilizes creative land use management techniques.

**Noah Standridge** gave a presentation which explained the various land designations.

Presentations were made by Nancy Peyton of the Florida Wildlife Federation and by Al Reynolds of Wilson Miller, Inc., which provided a history of the RSLA and Collier County's efforts to protect wetlands, wildlife and its natural resources. Items discussed included the data gathering process concerning identification of the rural lands, wildlife corridors and panther crossings in addition to the Growth Management Plan and long-term "smart" community development.

*(9:50AM – Tammie Nemecek arrived)*

**5. Sunshine Law Presentation - Assistant County Attorney Jeff Wright**

He stated the Sunshine Law applies whenever there is a meeting of two or more members of the Committee because the Committee is an advisory board of Collier County government.

- A "meeting" may take place via phone or internet/email communication, as well as in person.
- Whenever a meeting takes place, it must first be "noticed" (or publicized), (b) it must be open to the public, and (c) minutes must be taken.
- The County Attorney's Office cautions all members to *not discuss* the business of their Committee or Board outside of the formal meeting environment.
- Penalties: for a non-criminal infraction, the member may either be a fined up to \$500.00 or removed from elected office

**Assistant County Attorney Wright** advised the members he is available if they perceive of a potential conflict of interest concerning any item before the Committee. He stated he would explain the appropriate procedure to abstain for that Member. He also suggested the Committee members should keep their notes and materials for one year and to give them to Staff at the end of the Committee's term.

**6. Elections**

Nominations were made by various Committee Members and a vote was taken. Ron Hamel was elected as Chairman and Neno Spagna was elected as Vice Chairman by majority vote.

**Mr. Hamel** accepted the nomination and expressed his desire to work with the Members. **Mr. Spagna** also accepted and thanked the Members.

**7. New Business**

**Chairman Hamel** asked the Members for their input.

**Gary Eidson** asked if a map could be produced that defined the property of the six landowners who comprised 84% of the land within the RLSA.

**Mr. Wolfley** suggested the map could present public versus private ownership without identifying specific owners.

**Chairman Hamel** stated this information was already available and the Committee should focus on the global picture..

**8. Committee Comments**

The date for the January meeting was discussed.

Noah Standridge will poll the Committee members for their availability via email and suggest a mutually convenient date in order to achieve a quorum.

**Chairman Hamel** suggested that Al Reynolds present the 30-minute program that had previously been made to the Board of County Commissioners at the next meeting. He stated the program would give a good overview for the new Members and assist them with the review of the technical report.

**Mr. Farmer** asked for specific guidance as to which items in the information packet provided should be reviewed in preparation for the next meeting.

**Noah Standridge** suggested reading the following topics:

- the BCC Resolution;
- the Sunshine Law requirements;
- the Technical Review (under a separate tab);
- the original Rural Lands Study, located under “Support Documentation.”

He also mentioned the Growth Management Plan and the Land Development Code policies were also contained in the packet.

It will be the determination of the Committee as to whether or not the participation to date has been successful.

**9. Public Comments**

**Speakers:**

**Russell Priddy**, one of the six large landowners, suggested holding meetings at various locations rather than just at the County’s offices.

**Zach Floyd Crews** supported this suggestion.

**Noah Standridge** stated he was in the process of evaluating other possible locations such as the University Extension Office, as well as potential space at Ava Maria. He stated options would be presented to the Committee for its consideration.

**Judy Hushon** – Vice Chair of the Collier County Environmental Advisory Committee – offered her Committee’s services as part of the Review process.

**Laurie MacDonald** – Florida Director for Defenders of Wildlife – stated she hoped the new data would also be made available to the public.

**Noah Standridge** stated everything except the Technical Review was already on the website.

**Nancy Payton** – Florida Wildlife Federation – stated the Technical Review, even though it was a “working document,” should also be available on the website.

**10. Next Meeting**

**Chairman Hamel** announced that the next meeting will be held at the County’s office at 2800 N. Horseshoe Road on Tuesday, December 4<sup>th</sup> at 9:00 AM.

**Tammie Nemecek** moved to adjourn. **Second by Dave Wolfley . Carried unanimously, 8-0.**

**There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:15 AM.**

**RURAL LAND STEWARDESHIP AREA  
REVIEW COMMITTEE**

---

**Ron Hamel, Chairman**

**These Minutes were approved by the Board/Committee on \_\_\_\_\_, as presented \_\_\_\_\_, or as amended \_\_\_\_\_.**