ORC RESPONSE

Response to DCA's Objections, Recommendations, and Comments Report for Collier County Comprehensive Plan Amendment 02-R2

(Eastern [Rural] Lands Rural and Agricultural Assessment Area)

This report provides a detailed response to each Objection and Recommendation provided by the DCA in their ORC Report dated September 16, 2002. Each Objection and Recommendation is indicated below *in italics*, and responses are provided immediately following each item.

1. FORM OF DEVELOPMENT IN STEWARDSHIP RECEIVING AREAS

> *The County shall "prevent the premature conversion of agricultural lands to other uses" and "assess the growth potential of the Area by assessing the potential conversion of rural lands to other uses, in appropriate locations, while discouraging urban sprawl."*

DCA Objection: The proposed amendment does not include specific guidelines and criteria to ensure that development in the Stewardship Receiving Areas will discourage urban sprawl and prevent the premature conversion of agricultural land. Because development under the Stewardship program will proceed without future land use map amendments – the time at which questions regarding urban sprawl, infrastructure availability, and the premature conversion of agricultural land are usually answered – including these policies within the Collier County Comprehensive Plan is necessary to achieve compliance with State law. Examples of the lack of specificity are set forth below.

DCA Recommendation: Revise the relevant policies to provide adequate guidelines, standards and criteria within the comprehensive plan that will clearly define the form of the Towns, Villages and Hamlets to ensure a cohesive, balanced development that will produce a viable community. The guidelines should clearly define residential density, the minimum acreage of each type of community, the intensity of the non-residential uses, the percentage or other measure of the mix of uses allowed, as well as other relevant guidelines in a predictable and meaningful manner that will ensure a compact development and demonstrate the County's ability to control urban sprawl. The proportion of mix and intensity standards may be established in the form of a range based on data and analysis in order to allow flexibility. The clustering of allowable uses in rural Collier County, which is not allowable under the existing comprehensive plan, should be mandated as a component of the development forms. Alternatively, revise the policies to require a comprehensive plan amendment whenever a new town, village or hamlet is proposed, and at that time provide the relevant information to support the amendment.

1. *Policy 4.5 states that a master plan will be created for each Stewardship Receiving Area (SRA) and will be designed "to discourage urban sprawl as it is defined in Florida planning law." However, neither Policy 4.5 nor any other provision in the Stewardship program contains any specifics as to the manner in which urban sprawl will be discouraged. The mention of "Florida planning law" does not incorporate by reference some set of policies that could be relied upon to address the potential of urban sprawl.*

Response:

The reference to "Florida planning law" has been removed. A more specific reference to 9J-5.0006(5)(l) FAC has been included in a revised Policy 4.6. The Policy now provides language relative to planning strategies and techniques that have been incorporated into the RLSA. The FAC citation specifically states: "the Department encourages innovative and flexible planning

and development strategies and creative land use planning techniques in local plans". The compact and self-sufficient techniques used in the RLSA Overlay meet this definition. Under the RLSA Overlay, towns, villages, hamlets and compact rural developments are the alternative to single use low-density rural subdivisions that, prior to the adoption of this RLSA Overlay, were the only form allowed. These strategies and techniques are "recognized as methods of discouraging urban sprawl", as provided in the rule.

Analysis:

9J-5.006(5)(g) FAC describes the primary indicators of sprawl. When taken in its entirety, the GMP and the specific provisions of the Overly clearly discourage the proliferation of urban sprawl. The primary features of the RLSA Overlay that discourage the proliferation of urban sprawl are summarized below.

- The Overlay creates an innovative, incentive based system to encourage the establishment of compact, mixed-use rural development as an alternative to low-intensity, low-density, single-use development. Policy 1.2 states: "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 population to be accommodated under the Overlay is the same population projected by Collier County for the RLSA prior to the amendment. The premise of the RLSA study has been consistent since its outset with respect to its reliance on previously projected population data. The form of compact rural development established as a result of the Overlay reduces the potential for sprawl by allowing that population to be accommodated on a development footprint that is approximately 90% less than required without the Overlay.

- The Overlay deals with the unique attributes of Collier County's Rural Area as recognized by the Final Order. The RLSA is discrete from established urban areas of Collier County. The population and development accommodated by the Overlay is based on the projected population of the RLSA, and does not include or accommodate projected urban population. The Overlay protects the rural character of the RLSA by restricting the amount and location of "urbanization" to rural towns, rural villages, limited hamlets and limited CRDs that occupy a small fraction of the total RLSA acreage through the use of the Overlay's Credit program. The undeveloped lands that will be protected from development and "leaped over" are less suitable for development than potential stewardship receiving areas (SRAs) due to natural resource characteristics or are in viable agricultural production. These areas have been identified, are delineated on the Overlay Map, and become stewardship sending areas, or SSAs.

- The protection of important natural resources, such as wetlands, listed species habitats, environmentally sensitive areas, and natural groundwater aquifer recharge areas within the RLSA is accomplished by the establishment of FSAs, HSAs, WRAs and by the continued protections afforded to existing public and private conservation areas and the ACSC.

There are approximately 121,300 acres of such land, representing 62% of the RLSA, protected under the RLSA Overlay. Potentially incompatible uses are prohibited in each classification according to its specific character, as described in Policies 3.5, 3.6, 3.7, and 3.14 and additional uses can be eliminated through use of the Credit system.

- The Overlay creates an incentive based model for discouraging premature and poorly planned conversion of rural land to other uses through many of its Policies. Policies 1.2, 1.6, 2.1, 2.2, 2.3, 2.4, 2.5, 2.6, 3.9, and 3.10 specifically address the protection of agriculture. The RLSA contains no unique or prime farmlands or soils, but does serve as the home of Collier County's significant agricultural industry.

- For those not participating in the incentive based system, the amendments create a more traditional regulatory scheme as reflected in Policy Group 5.

- Existing public facilities in Collier County's urban areas are substantially maximized, and are generally not oriented to serving the RLSA. The RLSA currently has limited existing public facilities and services, as one would expect in a rural agricultural area. Therefore these facilities must be provided to an acceptable level of service within SRAs as the demands are generated in accordance with Policies 4.2, 4.7, 4.14, 4.15, 4.16, and 4.17. These policies work in conjunction with Collier County's Adequate Public Facilities Ordinance to assure the availability and adequacy of necessary facilities and services to future residents of the RLSA.

- The data and analysis provided in the Study demonstrates that the compact rural development form of SRAs significantly reduces the cost of infrastructure. The Committee

Report contains the results of a comparative impact analysis comparing the demands of existing land use policies and those created by the RLSA Overlay. Across the board, the Overlay demonstrates substantial advantages over the Baseline Standards on this point. As an example, using the most conservative assumptions, the vehicular miles traveled in the RLSA will be reduced by approximately 5% as a result of the mixed-use provisions of the Overlay. Policy 4.17 requires a specific analysis of each SRA to demonstrate this prior to approval.

- Policy 4.17 requires that each SRA will be planned and designed to be fiscally neutral or positive to the Collier County tax base. Techniques that support fiscal self-sufficiency such as Community Development Districts are encouraged and development phasing and funding mechanisms shall address any adverse impacts to adopted minimum levels of service pursuant to the County Concurrency Management System. Policies 4.14 and 4.15 require a showing of capacity for several kinds of infrastructure before an SRA is approved.

- Policies 4.11, 4.12 and 4.13 establish requirements for transitions, edges and appropriate buffers between SRAs and rural areas. Pursuant to these policies, 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 must 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.

- The Overlay protects and retains functional open space by the establishment of SSAs (Policies 1.6 – 1.10), the retention of agriculture (Policy 2.1), and the requirement to include open space within SRAs (Policy 4.10). At full implementation, approximately 90% of the entire RLSA will be open space. Virtually all of the 31,100 acres of FSAs and 18,300 acres of WRAs will remain as open space. Site alteration in the approximate 63,700 acres located in the ACSC is limited to 10% of the site area, and impervious surfaces are limited to only 50% of that area. Clearing in the HSA for the limited non-agricultural uses allowed is limited to 15% of the native vegetation per Policy 3.7. For those not participating in the Overlay program, clearing within HSAS, FSAs and WRAs is limited to 20% of the site (Policy 5.3) and use is restricted (Policy 5.2).

- Group 5 Policies, which protect wetlands and listed species and their habitats on land that is developed under the Baseline Standards and not voluntarily included in the Rural Lands Stewardship Area Overlay program, have been significantly expanded to provide detailed standards and regulations. These policies provide assurance that the goal and objective of the RLSA will be accomplished even if the provisions of the incentive based stewardship program are not used by all property owners in the RLSA.

2. *Policy 4.6 allows Towns, Villages and Hamlets, as well as commercial uses in the SRAs. This Policy does not establish the guidelines and criteria for these development forms, and does not address urban sprawl. The Policy instead refers to Attachment C, a table which does not include certain essential standards (e.g., the composition of land uses), is merely illustrative, and is not to be adopted as part of the comprehensive plan.*

Response:

Policies 4.6, 4.7, 4.15, and Attachment C, Stewardship Receiving Area Characteristics, have been revised to establish specific guidelines and criteria for land uses in SRAs. Attachment C (labeled as **Exhibit "A"** to this document) will be adopted as part of the GMP, and is binding. There are now four specific forms of SRA permitted within the Overlay: Towns, Villages, Hamlets, and Compact Rural Development (CRD). SRAs now have specific size ranges, densities, floor area ratios, utility requirements, recreation and open space requirements, and transportation requirements.

Analysis:

As requested by DCA, SRAs are now required to include an appropriate mix of retail, office, civic, governmental, and institutional uses to serve the daily needs and community wide needs of residents, based on minimum standards appropriate to each form. The composition of land uses is described in Attachment C, Stewardship Receiving Area Characteristics, and further described in response to Objection 6 below.

3. *Policy 4.6 also leaves development patterns open to unspecified alternatives. While listing Towns, Villages, and Hamlets as allowable, the Policy 4.6 provides that development "is not limited to" these forms, and that "these policies shall not preclude the use of other forms not specified herein." Policy*

4.18 is similarly open-ended in its listing of allowable land uses. Additionally, Policy 4.15 notes that some of the uses needed within the Stewardship Receiving Area may be located some distance away in the Town of Immokalee.

Response:

Policy 4.6 has been revised, and unspecified alternatives have been eliminated. Compact Rural Development is now the specific fourth form of SRA, and standards and criteria have been added. Policy 4.15 has been revised to better explain uses that may not be needed in every SRA. Additionally, a ratio for Hamlets/CRDs (under 100 acres) has been established in Policy 4.7.4 and CRDs over 100 acres are now limited to 5.

Compact Residential Development

Analysis:

Each Village or Town shall provide for neighborhood retail/office uses to serve its population as well as appropriate civic and institutional uses and each hamlet must contain convenience retail services, however the combined population of several Villages and Hamlets may be required to support community scaled retail or office uses in a nearby Town. The reference to the Immokalee Urban Area merely recognizes that Immokalee is home to many uses that will serve the residents of the RLSA, and that such uses are not necessarily replicated within SRAs. Examples include the Immokalee Airport, the Immokalee Industrial Park, Immokalee High School, and numerous other retail office, civic, governmental and institutional facilities. It is important to recognize that self sufficient SRAs do not exist in total isolation from their surroundings, and the RLSA Overlay is a tool to provide opportunities that can help Immokalee further expand and diversify its economic base.

4. *Policy 4.7 establishes a cap of 4 dwelling units per acre which may limit the construction of multifamily*

and high density housing. Such housing could discourage urban sprawl, and enhance the supply of affordable housing in Collier County.

Response:

Policy 4.7 and Attachment C, Stewardship Receiving Area Characteristics, have been revised to make it clear that the 4 units per acre limit on base density is a gross acre calculation. Policy 4.7 has been revised to allow for an increase in the base density through the density blending process or the Collier County affordable housing density bonus referenced in the FLUE Density Rating System.

Analysis:

Net residential densities within SRAs are not restricted, which is consistent with general policies of the GMP. Multifamily housing is a permitted use in each type of SRA and the typical range of net density for multifamily housing is accommodated by this policy. A base density of 4 upa translates into a net residential density range of 6-12 upa on multifamily parcels. Allowing for higher base and net densities and use of the affordable housing bonus are techniques that help to discourage the proliferation of urban sprawl.

5. *The twenty acre minimum size requirement for a Stewardship Receiving Area, when coupled with an allowable minimum density of one unit per two acres, will not discourage urban sprawl or ensure a functional mixed-use center, especially since no limitation has been placed on the number of these Receiving Areas.*

Response:

Both Policy 4.7 and Attachment C, Stewardship Receiving Area Characteristics, have been revised to double the minimum size of a hamlet to 40 acres. A minimum required convenience retail use (10 s.f. per unit) and a public green space (1% of the gross acreage) are now included in hamlets. Plus, where CRDs have a residential component, requirements for minimum mixed use have been added.

Analysis:

Hamlets provide a more compact, efficient and sustainable alternative to conventional 5-acre lot rural subdivisions in those instances where a larger village is not warranted. At the lowest allowed density, a hamlet will occupy only two-fifths of the land that would be necessary for an equivalent number of homes under conventional rural subdivision, at the upper end of the range a hamlet occupies one tenth of the land. In both cases, the level of support services and quality of infrastructure is enhanced. The total number of acres of SRAs is controlled by the number of credits that can be generated under the Overlay and the amount of land eligible for SRA designation. The 100-acre maximum size of a hamlet ensures that the scale of this form is appropriate to its lower-density character. This is a more rational approach than selecting an arbitrary number of SRAs allowed for each category, and accomplishes the same anti-sprawl objective. Finally, a ratio of Hamlets/CRDs less than 100 acres has been added at Policy 4.7.4 and CRDs over 100 acres have been limited to 5.

6. *The Stewardship Receiving Areas appear to be mixed use categories, yet the amendment does not establish a percentage mix of uses or other objective measure.*

Response:

Attachment C, Stewardship Receiving Area Characteristics, has been revised pursuant to the DCA recommendation to provide an objective measure, in the form of a minimum required floor area or site area per dwelling unit for community and neighborhood retail/office, convenience retail, civic, governmental, and institutional uses, and community parks. SRAs are now required to include an appropriate mix of retail, office, civic, governmental, and institutional uses to serve the daily needs and community wide needs of residents, based on minimum standards appropriate to each form. The composition of land uses is described in Attachment C and Policy 4.7.

Analysis:

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 which support compact, mixed use, and human scale development. Towns are comprised of several villages and/or neighborhoods that have individual identity and character. Towns have a mixed-use town center that will serve as the focal point for community facilities and support services. Towns have at least one community park and also have parks or public green spaces within neighborhoods. Towns include both community and neighborhood scaled retail and office uses, and may also include compatible corporate office and light industrial uses. Towns are the preferred location for schools, and to the extent possible, schools and parks shall be located adjacent to each other to allow for the sharing of recreational facilities.

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 are comprised of residential neighborhoods and include a mixed-use village center to serve as the focal point for the community's support services and facilities. Villages have parks or public green spaces within neighborhoods and neighborhood scaled retail and office uses.

Hamlets are small rural residential areas with primarily single-family housing and limited range of convenience-oriented services. Hamlets are a more compact alternative to traditional five-acre lot rural subdivisions currently allowed in the Baseline Standards. Hamlets will have both a public green space and convenience retail uses to serve its residents. Hamlets have been limited pursuant to a ratio.

A Compact Rural Development (CRD) will provide a degree of flexibility with respect to the mix of uses and design standards in a SRA but shall otherwise comply with the standards of a Hamlet or Village comparable in size to the CRD, as shown on Attachment C, Stewardship Receiving Area Characteristics. 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 broad range of services that support permanent residents. CRDs of less than 100 acres are also subject to the ratio and CRDs over 100 acres are very limited.

7. *The Stewardship Receiving Areas allow non-residential uses, but do not establish intensity standards for these uses.*

Response:

The following non-residential maximum intensity standards have been included in Attachment C, Stewardship Receiving Area Characteristics:

Retail	.5 FAR
Office:	.5 FAR
Civic, governmental, institutional uses:	.6 FAR
Transient lodging:	26/acre
Manufacturing/light industrial:	.45 FAR
Group Housing:	.45 FAR

Changes to Policies 4.7, 4.15 and Attachment C provide assurance that an appropriate mix of non-residential uses is provided for, at intensity levels compatible with the character of the SRAs.

2. ***LOCATION OF THE RECEIVING AREAS***

> *The County shall "[d]irect incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as to protect listed animal and plant species and their habitats."*

DCA Objections:

1. According to Policy 4.9, Stewardship Receiving Areas shall be sited only on lands that receive a Natural Resource Stewardship Index value of 1.2 or less. However, no justification have been provided regarding the choice of an index value of 1.2 or less as the cut off point for the location of SRAs.

2. Some of the areas designated as Stewardship Receiving Areas include the Big Cypress Area of Critical State Concern (ACSC). Considering the environmental sensitivity and statutory recognition of the ACSC, it is inappropriate to designate these areas for the location of Towns, Villages, or Hamlets. In addition, the area to the immediate northwest of Oil Well Road and State Road 29 contains a large number of water retention areas. According to panther telemetry, this area is a corridor for panther movement and other wildlife, and therefore should not be included as a Stewardship Receiving Area.

DCA Recommendation: Provide data and analysis justifying the choice and suitability of areas that score 1.2 or less on the Natural Resources Index Score for the location of Stewardship Receiving Areas, so as to enable the determination of the County's effort to direct incompatible land uses away from environmentally sensitive natural resources. Revise the policies and the relevant maps to remove the ACSC and the area in the vicinity of Oil Well Road and State Road 29 from the Stewardship Receiving Area.

Response to point 1:

Policy 4.9 has been revised in response to the objection to clarify the applicability of the Index, additional analysis is provided below.

Analysis:

The data and analysis supports use of the Index as a suitability factor for restricting more intensive uses in SRAs, and also supports the selected threshold for the specific application in

Policy 4.9. It is incorrect to assume that Policy 4.9 constitutes the primary means of directing development away from wetlands and upland habitat, as less than 2% of potential SRA land in the RLSA has environmental characteristics that result in an Index score of greater than 1.2 (and even that 2% cannot be developed pursuant to Policy 4.9).

The primary means of directing incompatible uses away from wetlands and upland habitat is the outright prohibition of locating any SRAs in FSAs, HSAs, and WRAs, per Policy 4.2 and the protections that these areas receive as Stewardship Sending Areas as described in the Group 3 policies. Additional protection is provided by the provisions of Policy 3.4 relative to existing public or private conservation lands, and existing ACSC regulations, which limit the amount of site alteration to 10%. The combined area of the FSAs, HSAs, WRAs, (89,459 acres); conservation land (13,512 acres); and ACSC land not otherwise classified (18,339 acres) total approximately 121,300 acres, or 62% of the RLSA. These areas include virtually all of the significant wetland flowways and interconnected listed species habitats in the RLSA. Analysis has shown that approximately 90% of <u>all</u> native upland and wetland land cover, whether part of a interconnected system or not, is included in one or more of these protected land use designations (refer to **Exhibit "B"**). Finally, Group 5 policies restrict what can be done in FSAs, HSAs and WRAs by those not participating in the Overlay program.

Of the approximate 74,500 acres of remaining land in the RLSA, nearly all is improved agriculture land. Within this land, Policy 4.9 prohibits residential, commercial, institutional, civic and community service uses on lands that receive a Natural Resource Index value of greater than 1.2. as a supplemental protection to Policy 4.2. That index value was selected after evaluation of the data and an analysis of both the natural resource lands (FSAs, HSAs, and WRAs) and the remaining SRA-candidate lands. The Index value of greater than 1.2

represents the resulting score of naturally vegetated, isolated and fragmented wetlands within potential receiving lands which were not part of a contiguous natural system warranting delineation as a FSA or HSA, but which have other environmental characteristics such as listed species value. Using a threshold index value for this purpose ensures that those lands with the highest natural resource value that are not part of a sending area designation would still receive protection under the Overlay. Such areas are also protected by SFWMD rules, and other state federal environmental regulations. These areas are shown on the Natural Resource Index Map series, which will be adopted as a part of the RLSA Overlay amendment.

Response to point 2:

Revisions have been made to Policy 4.7 and Attachment C, Stewardship Receiving Area Characteristics, so that towns are no longer allowed within the ACSC. A new Policy 4.20 has been added which includes location and size limitations for other forms of SRA within the ACSC. New Policy 4.20 reads as follows:

> "Policy 4.20
>
> 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 Villages and CRDs of not more than 300 acres and Hamlets. Provided, however, that two Villages or CRDs of not more than 500 acres each, exclusive of any lakes created prior to the effective date of this amendment 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."

Areas that are delineated as Water Retention Areas shall be protected as SSAs in accordance with Policy 3.3, 3.12, and 3.13. Policy 3.3 has been revised to further clarify the nature of WRAs, and prohibit their designation as SRAs.

Analysis:

There are no specific areas in the Big Cypress Area of Critical State Concern (ACSC) designated as SRAs as suggested in the objection. Within ACSC, only land that is not delineated as an SSA may be designated as an SRA and only if it meets all applicable criteria of the Overlay and all existing ACSC regulations. Approximately 18,300 acres of the ACSC land in the RLSA are potentially eligible for designation, while 45,400 acres are protected as SSAs.

When the boundaries of the ACSC in the RLSA were established, they followed survey section lines and the Right of Way of State Route 29, not lines demarking environmentally sensitive land. The ACSC boundary was not established with the same level of detailed data and analysis used in the RLSA Study. Many of the lands within the ACSC are not environmentally sensitive, having been previously converted to agricultural, mining, and other land uses decades ago.

Land cover in the ACSC within the RLSA (approx. 63,700 acres) is currently comprised of approximately 37,000 acres of naturally vegetated landcover and approximately 26,700 acres of agricultural row crops, citrus, pastures, and other land. The natural resource values of ACSC lands were evaluated using the same methods applied throughout the RLSA to determine the boundaries of FSAs, HSAs and WRAs. The data and analysis confirms these delineations as accurate. FSA, HSAs, and WRAs include approximately 45,400 acres or 71% of the total RLSA/ACSC, and cannot be designated as SRAs. The acreage of these SSAs exceeds the total acreage of native vegetation cover because large areas of agricultural fields are included in the HSA. Approximately 90% of the natural vegetation in the RLSA/ACSC is included in these SSAs.

The 18,300 acres of ACSC land not part of a SSA is eligible to be designated as a SRA. The average Index score of these lands is .8, and half of that value is due solely to their ACSC designation. If these lands were outside of the ACSC, the average Index score would be .4. This score confirms the limited environmental value of these lands.

In addition to the provisions of the Overlay, all land within the ACSC remains subject to the strict site alteration limits of ACSC regulations, which restrict land clearing and alteration to 10% of any parcel. The Big Cypress ACSC regulations are already adopted as part of Collier County's GMP and LDC. Some of the regulations that will apply to SRAs in the ACSC are summarized as follows:

"Site Alteration.

(1) Site alteration shall be limited to 10% of the total site size, and installation of nonpermeable surfaces shall not exceed 50% of any such area. However, a minimum of 2,500 square feet may be altered on any permitted site.

(2) Except for roads, any nonpermeable surface greater than 20,000 square feet shall provide for release of surface run off, collected or uncollected, in a manner approximating the natural surface water flow regime of the area.

(3) Soils exposed during site alteration shall be stabilized and retention ponds or performance equivalent structures or systems maintained in order to retain run off and siltation on the construction site. Restoration of vegetation to site alteration areas shall be substantially completed within 180 days following completion of a development. Revegetation shall be accomplished with pre-existing species or other suitable species except that undesirable exotic species shall not be replanted or propagated.

(4) No mangrove trees or salt marsh grasses shall be destroyed or otherwise altered.

(5) Fill areas and related dredge or borrow ponds shall be aligned substantially in the direction of local surface water flows and shall be separated from other fill areas and ponds by unaltered areas of vegetation of comparable size. Dredge or borrow ponds shall provide for the release of storm waters as sheet flow from their downstream end into unaltered areas of vegetation. Access roads to and between fill areas shall provide for the passage of water in a manner approximately the natural flow regime and designed to accommodate the 50 year storm. Fill areas and related ponds shall not substantially retain or divert the total flow in or to a slough or strand or significantly impeded tidal action in any portion of the estuarine zone.

(6) Man-made lakes, ponds, or other containment works shall be constructed with a maximum slope of 30 degrees to a depth of six feet of water.

(7) Finger canals shall not be constructed in the Critical Area.

Drainage.

(1) Existing drainage facilities shall not be modified so as to discharge water to any coastal waters, either directly or through existing drainage facilities. Existing drainage facilities shall not be expanded in capacity or length except in conformance with paragraph (2) below; however, modifications may be made to existing facilities that will raise the ground water table or limit salt water intrusion.

(2) New drainage facilities shall release water in a manner approximating the natural local surface flow regime, through a spreader pond or performance equivalent structure or system, either on site or to a natural retention, or natural filtration and flow area. New drainage facilities shall also maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structure or systems. Said facilities shall not retain, divert, or otherwise block or channel the naturally occurring flows in a strand, slough, or estuarine area.

Transportation.

(1) Transportation facilities which would retain, divert or otherwise block surface water flows shall provide for the re-establishment of sheet flow through the use of interceptor spreader systems or performance equivalent structures and shall provide for passage of stream, strand or slough waters through the use of bridges, culverts, piling construction or performance equivalent structures or systems. Channelization of such areas shall be the minimum length necessary to maintain reasonable flow and prevent weed blockage.

(2) Transportation facilities, constructed substantially parallel to the local surface flow, shall maintain a ground water level sufficient to protect wetland vegetation through the use of weirs or performance equivalent structures or systems and as feasible, the flows in such works shall be released to natural retention filtration and flow areas.

(3) Transportation facility construction sites shall provide for siltation and runoff control through the use of settling ponds, soil fixing or performance equivalent structures or systems.

Structure Installation.

(1) Placement of structures shall be accomplished in a manner that will not adversely affect surface water flow or tidal action.

(2) Minimum lowest floor elevation permitted for structures shall be at or above the 100 year flood level, as established by the Administrator of the Federal Flood Insurance Administration. The construction of any structure shall meet additional Federal Flood Insurance Land Management and Use Criteria (24 CFR 1910), as administered by the appropriate local agency.

Variances.

Variance procedures provided in local ordinances shall apply to the Area of Critical State Concern. However, in addition to the standards provided in such ordinances, no variance shall be granted for any development within the Critical Area unless such development is designed, consistent with Critical Area regulations, to have minimum adverse impact on the Area's water storage capacity, surface water and estuarine fisheries. The applicant shall have the affirmative burden of establishing that the development will not have an adverse impact on such resources.

Local Codes.

In case of a conflict between Big Cypress Critical Area regulations and other regulations which are a proper exercise of authority of a governmental jurisdiction, the more restrictive of the provisions shall govern."

Clearly the multiple layers of protection afforded by the Overlay and ACSC establish an extraordinarily high level of environmental protection, well beyond any required standard of 9J-5. It must be recognized, however that existing ACSC regulations still allow land to be converted to residential uses at one unit per five acres. Allowing SRAs in appropriate locations of the ACSC provides a more sustainable, less impactful, and more compact alternative to such uses. From a planning perspective, it is a reasonable policy to allow Credits generated from environmentally sensitive sending areas within the ACSC to be applied to lands with low

natural resource value that are within the ACSC but outside of the stewardship sending areas. Allowing a village, hamlet, or CRD to locate in the ACSC limited to the 10% site alteration requirement is a reasonable and prudent policy for reasons previously stated, provided that the entitlement credits for such area is generated within the RLSA/ACSC boundary. The additional restriction of Policy 4.20 means that 90% of any total site will remain in open space.

With respect to the concern about the area northwest of Oil Well Road and State Route 29, the areas that are delineated as Water Retention Areas shall be protected as SSAs in accordance with Policy 3.3, 3.12, and 3.13. Policy 3.3 has been revised to further clarify the nature of WRAs, and prohibit their designation as SRAs.

On the issue of panther telemetry, general or specific panther movements cannot be correctly interpreted from telemetry points alone and must be viewed sequentially or connected by lines to deduce movement patterns. In the case of this specific area, an analysis of sequential panther movements was performed. Nine panthers have entered this area over a ten-year period. Six did not move through the area but returned to their point of origin. Three panthers did move through the area from south to north and crossed State Route 29, however, all three remained within the local area and did not initiate any regional dispersal.

There are several compelling arguments for not enhancing and promoting this area as a preferred panther corridor over time. First, movement through the area requires panthers to cross two busy highways without the protection of highway wildlife crossings. Second, the main routes for panther movement currently occur south of Oil Well Road, between the Florida Panther National Wildlife Refuge and Big Cypress National Preserve. The USFWS, FWC, and FDOT have validated this regionally significant panther movement corridor by having already

committed planning efforts and allocated funds to the construction of two panther wildlife crossings across State Route 29, just south of the study area and within this main corridor area. These wildlife crossings will soon be a reality on the ground and are designed to limit panther-vehicle collisions and panther mortality. Third, a perpetual federal easement (USDA EQIP program) has been placed upon a 130-acre agricultural parcel on the west side of the Okaloacoochee Slough, just north of Oil Well Road and east of SR 29. The perpetual federal easement establishes a wetland restoration program for the parcel, which serves to widen the slough at its most narrow point, and facilitates north-south panther movements along the slough through restored natural communities. This restoration, coupled with the two additional crossings of SR 29 south of Oil Well Road, will establish a preferred corridor route both east-west and north-south.

The most significant opportunity for the protection of existing panther habitat and potential enhancement of areas to increase panther habitat exists where the largest contiguous areas of land are found with a minimum of roadways and human influences. Based on input from the Florida Wildlife Federation, the Conservancy, and other interested parties, the HSA areas south of Oil Well Road were significantly expanded to include large areas of agricultural and natural areas. This expansion of HSA areas will be more beneficial to panthers than designating HSA status on the relatively disjointed lands northwest of the Oil Well Road/SR 29 junction. By focusing protection south of Oil Well Road, the long-term habitat values will be better protected since this land is contiguous to land with a relatively uninterrupted connection to the Florida Panther National Wildlife Refuge. The protection of these lands, in conjunction with the scheduled construction of two regional panther wildlife crossings and the enhancement of the Okaloacoochee Slough connection, will provide a coordinated and regionally significant benefit to panther. Any future diminution of habitat values of the

disjointed habitat area northwest of Oil Well Road/SR 29 will be more than offset by increased HSA designations on lands elsewhere in the study area which were selected based on considerations of the overall and coordinated efforts to increase regional and overall panther benefits.

3. *LACK OF INFRASTRUCTURE PLANNING*

> *The County shall "provide for the cost-efficient delivery of public facilities and services." Final Order at 5.*

DCA Objection: The proposed amendment is not supported by an analysis of the public facilities that will be needed to support development within the Stewardship Receiving Areas, nor does it demonstrate that the facility capacity exist for the maximum level of development proposed. These facilities include potable water, central sewer, and roads.

The level of development discussed in the amendment and its supporting data and analysis lead to the conclusion, though not stated in the amendment, that central services will be utilized. However, the Collier County Comprehensive Plan prohibits the provision of central services outside of identified service areas, which are currently limited to the urban area and the rural fringe.

Additionally, recreational uses including golf courses are allowed in Towns, Villages and Hamlets, with no numerical limitation. According to the South Florida Water Management District (see comment attached), in the Southwest region, recreational water use outstrips the residential water supply needs. The potential water consumption by these uses has not been addressed.

DCA Recommendation: Revise the amendment to include an analysis of the infrastructure demand (i.e., impact on potable water, sewer, and roads) created by the amendment based on the maximum development allowed and the adopted level of service standards. The analysis should show the possible amount of water to be consumed by the golf courses and the overall impact of the amendment on the regional water supply, indicating if there is a surplus or deficit.

Response:

Infrastructure demands have been analyzed and adequate provisions have been incorporated into the RLSA Overlay to guide decisions over the 25-year planning horizon of the RLSA. Infrastructure is now addressed in Policies 4.16 and 4.17. 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. A detailed analysis is required prior to the designation of each SRA.

Analysis:

The data and analysis previously submitted did provide the results of a specific analysis for the sub-area performed during the Study. The sub area included approximately 10% of the RLSA acreage and approximately 10% of the projected population. The existing transportation system, water management system, and irrigation are the only existing systems currently in place. Among the findings of the sub area analysis of the stewardship scenario on

transportation were the following (keep in mind that this analysis was applied to a portion of the RLSA with one possible mix of SRAs):

Public Services

- The stewardship scenario provides approximately 200 acres for civic, cultural, parks, preserves, open spaces, and governmental facilities; the baseline scenario has no allocation, although civic-use land may be randomly developed throughout the area using the conditional use process.
- The stewardship scenario accommodates public and retail service sites within ¼ to ½ mile of village residents; the baseline reference range averages approximately 5 miles.

Utilities

- The stewardship scenario will serve 97% of the 2025 population with central potable water and wastewater treatment utilities; the baseline reference scenario has no provision for central utilities, which would be cost prohibitive, and would therefore require 1614 wells and septic tanks.

Water Resources

- The stewardship scenario will reduce the estimated impervious surfaces by approximately 5%. Impervious road surfaces in stewardship areas are substantially reduced, which is offset by additional impervious surfaces to accommodate civic, cultural and economic development uses.

- The stewardship scenario will reduce the demand for residential irrigation by approximately 68%.

  The stewardship scenario will allow for approximately 300,000 gallons per day of potential water re-use from the distribution of treated effluent.

Transportation

- The stewardship scenario reduces the average trip length for all trips generated by rural land uses by and average of 1-2 miles.
- The stewardship scenario reduces the number of trips required to use the arterial/collector roadway network to satisfy shopping and personal business needs by 25%.
- The stewardship scenario reduces the number of employment trips required to use the arterial/collector roadway network by 27%.
- The stewardship scenario reduces the number of new roadways intersecting the arterial collector network.
- The stewardship scenario reduces the number of new driveway connections intersecting the arterial collector network.
- The stewardship scenario reduces the needed miles of local roadway construction from approximately 75 miles to approximately 8 miles.
- Land area cleared for new local roadways is reduced tenfold from approximately 458 acres to 44 acres.
- The average annual maintenance costs of local roads is estimated by County staff to be $50,000 per mile; therefore the annual overall maintenance cost will be reduced by approximately $3.3 million.

Transportation Infrastructure Evaluation – Additional Analysis

To augment the transportation analysis performed and summarized in the committee report, an additional analysis has been prepared to respond to the DCA concerns. This analysis applies to the entire RLSA and is projected to a 25-year horizon.

The methodology is consistent with that used throughout the Immokalee Area Study. The projected 2025 population is based on the County's adopted long range transportation plan, was established and agreed upon at the outset of the RLSA study, and remained constant throughout all of the Scenarios developed during the course of the study. Residential trip generation characteristics remain constant for single-family development while new multi-family land uses in mixed-use SRA developments will have a lower trip rate per dwelling than their single-family counterpart. What changes with the Overlay are the trip length and external trip characteristics (actual impacts to the arterial/collector network) as the benefits to trip making and travel patterns are realized from compact mixed-use developments. As compact mixed-use rural developments emerge over time, in lieu of conventional 5-acre home sites, many of the trips generated (employment, shopping, personal business, etc.) by a residential unit (or cluster of units) are satisfied within the compact rural development without ever traveling the major roadway network.

Many residents of the future compact mixed-use development will find employment opportunities within their own communities, reducing the need to travel long distances to reach employment opportunities and further reducing the demand on public arterial/collector road infrastructure. Within compact mixed-use developments, many retail and personal business trips are satisfied on site, and at the same time employment trips are satisfied on site. The

compact, mixed-use characteristics of Stewardship Receiving Areas further enhance the trip making experience by creating jobs in close proximity to residential uses, allowing walking and bicycling as an effective mode of travel.

To empirically quantify the benefits of compact mixed-use development, the Collier County 2025 MPO Travel Demand Model was used to estimate its travel demand characteristics, the results of which could be compared to the Baseline Condition. Since the exact location and size of future compact mixed-use developments is unknown, the model's zone structure was left unchanged, however the land use contents of each zone was modified to reflect projected future development of mixed-use rural development patterns. Retail and office/service commercial parameters were estimated for each town, village, and hamlet such that the total equaled the dwelling unit and population control totals provided by Collier County in the model.

In developing the Stewardship Scenario model, the TAZ land use data in the Baseline Condition was replaced by the town, village and hamlet data. In those zones not receiving any form of compact mixed-use development, the land use values were set to zero. Additionally, several of the TAZs contained employment that could only be attributed to farming activities. In order to eliminate masking of the retail and business trips during the comparative analysis, the farm employment was zeroed out and removed from the data set in both the Baseline Condition and the Stewardship Scenario.

The travel model was run with the RLSA Overlay parameters and the results were compared to those of the Baseline Condition. As shown in the table below, compared to the 2025 Baseline Condition, the data set representing compact mixed-use development produced an

overall reduction in both vehicle miles of travel (VMT) and vehicle hours of travel (VHT) within the study area.

FSUTMS Travel Model	Study Area Links			
Assignment	*VMT*	*% chng*	*VHT*	*% chng*
Baseline Condition	**1,861,258**		**58,874**	
RLSA Overlay	**1,760,761**	**-5.4%**	**56,892**	**-4.5%**

The RLSA Data Set is one example of a blend of parameters, similar to that developed during the initial stages of the Scenario One development process and used in the Sub-Area analysis described in the previously submitted GMP Amendment Report. For this supplemental analysis, the parameters were extended over the entire Study Area. The RLSA Data Set represents a testing of the minimum allocations being included in the GOPs for compact mixed-use forms of development in Policy 4.7.

Analysis of model output (see **Exhibit "C"**) revealed that on individual road segments, decreases or increases in traffic varied due to the loading of traffic onto the segments from the TAZs with higher concentrations of development. It is important to note that in the test analysis, none of the individual increases in segment volumes would significantly alter the lane-call requirements from that shown in the County's adopted long-range transportation plan. Two short segments of Oil Well Road (CR-858) reflected increases that would be marginal in terms of needing a future improvement.

Since individual segment impacts will be based on the location of the compact mixed-use developments, the appropriate time to examine the segment impacts would be during the

designation of SRAs. Such an examination would be through the Traffic Impact Statement (TIS) process required by Collier County of all new developments as required in Policy 4.14. As part of a long-range system-level planning analysis, as is appropriate in this case, the most important result is that of the overall reduction in system network travel realized when mixed-use developments are introduced into the plan as opposed to conventional 5-acre tract developments.

Water Resources – Additional Data and Analysis

Water consumptive use is addressed in a technical memorandum titled: "The Immokalee Area Study Stage II Technical Memorandum Groundwater Issues" prepared by CDM-Missimer (**Exhibit "D"**). This analysis provides an evaluation of current water use and identifies areas where additional water supply may be feasible for both current and future uses. A general assessment of potential impacts to water demand resulting from converted land uses is part of the analysis. The analysis concluded that "there is sufficient freshwater supply in the water-table, Lower Tamiami, and Sandstone aquifers in most if not all of the ECPO study area to provide water resources for potential residential/ commercial development due to the net reduction in water demand when land use changes from agriculture to residential"

A specific analysis of irrigation water demand for future golf courses cannot be prepared without knowing the specific location and design of each course, and the specific characteristics of the site, available irrigation supply sources and other detailed parameters. All of this detailed information is required by the SFWMD during the consumptive use permitting process. Generally, irrigation water demand for golf courses will supplant irrigation water demand for agriculture. In any event, such water is retained within the RLSA hydrologic regime and is not exported. The data and analysis in the technical memorandum clearly supports the

conclusion that there is an abundant supply of groundwater available in the study area to serve agricultural demands and future demands, and that the conversion of land to uses allowed in the RLSA Overlay will likely result in a net decrease in consumptive use.

Potable Water LOS Standard

As provided for in proposed Policy 4.16 of the RLSA Overlay, and proposed policies in the Potable Water Sub-Element, some form of central potable water system (or "decentralized" system) is allowed in all SRA forms, and is required in Towns, Villages, and CRDs >100 acres, and may be required in CRDs ≤100 acres, depending upon the uses proposed. The County is allowed to serve all SRAs, but is not required to do so; the entire RLSA is far removed from existing County service areas and, at this time, the County does not anticipate providing service to the RLSA. The Overlay and Sub-Element also provide for (allow) service by the private sector - including Community Development Districts - or other governmental or non-governmental utility authorities (for example, the Immokalee Water and Sewer District).

Existing Policy 1.3.1 of the Potable Water Sub-Element establishes a LOS standard of 185 gpcd; this figure includes residential and non-residential demand. Based upon the 2025 population projection - far beyond the mandated 5 and 10 year planning horizon required in Ch. 163.3177(5) - for the RLSA of 36,800 persons, this yields an average daily demand of 6.8 million gallons of potable water facility capacity in 2025.

Sanitary Sewer LOS Standard

As provided for in proposed Policy 4.16 of the RLSA Overlay, and proposed policies in the Sanitary Sewer Sub-Element, some form of central sanitary sewer system (or "decentralized" system) is allowed in all SRA forms, and is required in Towns, Villages, and CRDs >100 acres,

and may be required in CRDs ≤100 acres, depending upon the uses proposed. The County is allowed to serve all SRAs, but is not required to do so; the entire RLSA is far removed from existing County service areas and, at this time, the County does not anticipate providing service to the RLSA. The Overlay and Sub-Element also provide for (allow) service by the private sector - including Community Development Districts - or other governmental or non-governmental utility authorities (for example, the Immokalee Water and Sewer District).

Existing Policy 1.2.1 of the Sanitary Sewer Sub-Element establishes a LOS standard of 121 gpcd; this figure includes residential and non-residential demand. Based upon the 2025 population projection - far beyond the mandated 5 and 10 year planning horizon required in Ch. 163.3177(5) - for the RLSA of 36,800 persons, this yields an average daily demand of 4.45 million gallons of sanitary sewer facility capacity in 2025.

Solid Waste LOS Standard

The Solid Waste Sub-Element does not contain a LOS standard comparable to most other category A public facilities, e.g. potable water, sanitary sewer. Instead, Policy 1.2.5 of the Solid Waste Sub-Element requires landfill disposal capacity based upon the average of the most recent 5 years of actual lined cell tonnage usage. Collier County has two landfills, one located in the Immokalee Urban area, and the other located just outside of the coastal (Naples) Urban area. The Immokalee landfill is operated under contract with Immokalee Disposal Company, and the Naples landfill is operated under contract with Waste Management, Inc. Collier County has no plans to expand the landfills. The Board of County Commissioners has discussed disposal options including transporting solid waste to another jurisdiction for disposal, and constructing a waste-to-energy facility - which would result in a greatly reduced disposal volume. Just recently, the County finalized plans to begin

transporting construction debris to Lee County for disposal; given Collier County's rapid growth, the volume of construction debris is significant. And, Collier County continues to strive towards increasing our recycling rate, which also results in a reduced disposal volume.

As provided in proposed Policy 4.16 in the RLSA Overlay, during the SRA designation process, the capacity of infrastructure to serve the SRA must be demonstrated in accordance with the County's concurrency management system. Such infrastructure components include solid waste.

4. INCOMPATIBLE USES IN HABITAT STEWARDSHIP AREAS

> *The County shall "[d]irect incompatible uses away from wetlands and upland habitat in order to protect water quality and quantity and maintain the natural water regime as well as to protect listed animal and plant species and their habitats." Final Order at 5.*

DCA Objection: A key component of the Rural Lands Stewardship Program is the segregation of land based on environmental sensitivity and suitability into sending areas and receiving areas. Habitat Stewardship Areas are identified as sending lands based on their relatively high environmental and habitat values. In the report accompanying the proposed amendments it is stated that "the Habitat Stewardship Areas were defined primarily by spatial patterns of land cover/land use as reflected by FLUUCS maps, Florida panther radiotelemetry data points, and other listed species occurrence points. The goal was to create extensive, inclusive, contiguous areas of the landscape that are dominated by natural cover, which would not only provide important habitat functions for listed species but would also allow wildlife movement across the landscape. In some areas, significant areas of active agricultural lands were included ...." Policy 3.6 proposes to allow golf

courses, general conditional uses, mining and processing in all parts of the Habitat Stewardship Areas. These uses are not consistent with the protection of listed animal and plant species and their habitats within all portions of the Habitat Stewardship Areas.

In addition, Policy 3.6 allows thirty percent clearing of native vegetation while Policy 5.3 allows twenty percent of site clearing in the Habitat Stewardship Areas. Any land clearing in excess of 10 percent of native vegetation is too high for a habitat area and is inconsistent with the purpose of protecting critical habitat areas.

DCA Recommendation: Revise the amendment to ensure that residential uses, golf courses, earth and rock mining, and conditional uses are eliminated from Habitat Stewardship Areas that contain native habitat or serve as functioning wildlife habitat and habitat corridors, and concentrate them instead in the Stewardship Receiving Areas in order to ensure that incompatible uses are directed away from critical habitat areas.

Response:

Policy 3.7 has been modified so that golf courses, mining, general conditional uses and conditional use essential services and governmental essential services not necessary to serve permitted uses or public safety are eliminated from Habitat Stewardship Areas that score greater than 1.2. Such uses will only be allowed on lands that have a Natural Resource Index of 1.2 or less, subject to review and approval of an Environmental Impact Statement and Conditional Use. The EIS must demonstrate 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. Golf Course design, construction, and operation in any HSA must comply with the best management practices of Audubon International's Gold Program and the Florida Department of Environmental Protection. Clearing of native vegetation shall not exceed 15% of the native vegetation on the

parcel, and areas previously cleared shall be used preferentially to native vegetated areas. Asphalt or concrete batch plants are not permitted in any HSA-designated land. As to oil drilling or gas extraction, language has been added to say, where practical, directional drilling techniques and/or previously cleared or disturbed areas will be utilized. Finally, the early incentive bonus program in Policy 1.21 is now limited to protecting HSAs.

Analysis:

The primary means of directing development away from critical habitat is the outright prohibition of locating any SRAs in FSAs, HSAs, and WRAs, per Policy 4.2 and the protections that these areas receive as Stewardship Sending Areas as described in the Group 3 policies. Additional habitat protection is provided by the provisions of Policy 3.4 relative to existing public or private conservation lands, and existing ACSC regulations. The combined area of the FSAs, HSAs, WRAs, conservation land, and ACSC land total approximately 121,300 acres, or 62% of the RLSA. These areas include all of the significant interconnected listed species habitats in the RLSA. Analysis has shown that approximately 90% of all native upland and wetland land cover in the RLSA is included in one or more of these protected stewardship land use designations (refer to **Exhibit "B"**).

Golf courses and mining are currently allowed conditional uses throughout the RLSA under baseline Standards. Group 5 policies have been significantly expanded to ensure protection of listed species habitat. Under the RLSA Overlay program, Policy 3.6 has been modified so that golf courses, mining, general conditional uses and conditional essential services and governmental essential services not necessary to serve permitted development or public safety are eliminated from HSAs that score higher than 1.2. Policy 3.6 now restricts these uses to lands that have a Natural Resource Index of 1.2 or less. Policy 3.6 already prohibited

residential uses in the HSA. Since all lands within the HSA start with an index score of .6 due to their inclusion in the HSA, any land with native vegetation and listed species utilization will score greater than 1.2. The average Index score of native vegetation in the HSA is 1.5. The Policy also requires that both a Conditional Use approval and an Environmental Impact Statement approval must accompany such use. **Exhibits "E" and "F"** provide the standards and requirements for CU and EIS approval contained within the LDC.

As noted in the ORC Report, the goal in creating Habitat Stewardship Areas (HSAs) was "to create extensive, inclusive, contiguous areas of the landscape that are dominated by natural cover, which would not only provide important habitat functions but would also allow wildlife movement across the landscape." A breakdown of land cover/land use within the HSAs reveals that 65% of the total area is comprised of natural vegetation, 17% is in intensive agricultural production (row cops, citrus, etc.), 17% exists as pasture or fallow agricultural land, and 1% exists as roads, power lines, and other infrastructure.

HSAs were delineated where large contiguous blocks of land contained a predominance of natural vegetation, and where natural vegetation bordered the major flowways. The detailed land cover/land use (FLUCCS) map and aerial photography were the two primary data sets utilized for the delineation. Additionally, agricultural lands were deliberately included with the HSAs where native vegetation corridors were narrow or where significant "holes" existed, thus creating more continuous blocks of stewardship lands and more viable wildlife corridors. Policy 3.2 notes that the average Index score of all HSA lands is 1.3. This average is lower than FSAs and WRAs because of the large proportion of cleared agriculture land within the HSA. The average Index score of naturally vegetated HSA land is 1.5.

Collier County agrees that golf courses, general conditional uses, mining/processing and certain essential and governmental services are not appropriate in some portions of HSAs, but disagrees with the opinion that such uses are necessarily inconsistent with listed species protection. The US Fish and Wildlife Service (USFWS) and Florida Fish and Wildlife Conservation Commission (FWC) have long maintained that a landscape "matrix" of natural vegetation, agricultural uses, open space/golf courses, mining areas, etc. are not incompatible with the panther's use of the landscape, as long as natural vegetation predominates. Areas within the HSAs that are not dominated by natural vegetation (*e.g.*, existing agricultural lands) can be converted to many uses with no net impact upon listed species. Panthers do not appear to differentiate between various types of such open space within the landscape, so long as human activity at night is minimal. Because the panther is an "umbrella species," providing a suitable proportion of land uses for panther usage and movement also provides suitable habitat for habitat usage and movement by other species.

5. *DATA AND ANALYSIS*

> *"All elements of the comprehensive plan, whether mandatory or optional, shall be based upon data appropriate to the element involved." Section 163.3177(8), Florida Statutes.*

DCA Objections: The amendment is not supported by adequate and relevant data and analysis demonstrating the basis for the values assigned to the various natural features considered in the Stewardship Index.

1. *Water Retention Areas, which for practical and permitting reasons are likely never to be developed, are given a factor of 0.6. Especially considering that WRAs can be included within SRAs, their value as*

habitat areas could be significantly compromised. Habitat Stewardship Areas are also assigned a natural resource index value of .6. This assignment of values does not recognize the importance of the HSAs as discussed in the data and analysis and fails to encourage the transfer of Stewardship Credits from HSAs as opposed to transferring them from WRAs.

DCA Recommendation: Since it is from the HSAs that Stewardship credits should first be transferred, it should be assigned a higher index factor than the Water Retention Areas.

Response:

Collier County does not concur with the conclusion of DCA staff. As stated in Policy 3.3, the primary function of WRAs is to protect surface water quality and quantity, not to provide habitat value. The Final Order gives no greater or lesser emphasis to the importance of protecting water quality and quantity than it does to protecting listed species habitat, both are equally important. The Policy has been revised to make it clearer that WRAs are not to be converted to SRAs.

Analysis:

The development of the Stewardship Natural Resource Index Factors started with the identification of characteristic index factors, followed by the evaluation of the relative weighting of the factors, both comparatively to other categories and within each indices. With input from the County Staff, TAC, the Committee, and the public, the list of indices and their respective values were fine tuned through an iterative process to produce a result that, by consensus, addressed the most important natural resource characteristics in the RLSA. The Index Factors were designed to evaluate, as objectively as possible, the *existing* natural resource value of a given location within the study area. Scores for Water Retention Areas (WRAs), Habitat

Stewardship Areas (HSAs), and Flow way Stewardship Areas (FSAs) were dictated by the ecological and/or hydrologic functions, as they presently exist, and not based upon any presumed future. The average Index score of WRAs is 1.5, the same average score of the natural vegetated areas in HSAs.

One change resulting from public input was to increase the index designation factor for WRAs from .5 to .6. The score of .6 for lands designated WRA was not meant to diminish the value of HSAs, rather it was to elevate WRAs to a comparable level due to recognition of their important surface water management functions. Given the spatial arrangement of the WRAs with other stewardship lands, their predominantly natural landcover, their typically large sizes, the habitat value, and the protections afforded to those functions, scoring the WRAs the same as HSAs is justified.

The water management functions that WRAs provide are not compromised by changing the area they serve from agriculture to SRA, as allowed by Policy 3.12. By retaining the flexibility of allowing a WRA to provide water management functions to SRAs, their long-term protection is assured as they provide a reasonable economic value to the private property owner while retaining their environmental value. Such is the underlying basis of stewardship. Policy 3.13 specifically protects the habitat functions that WRAs do provide in the event that a WRA is modified during permitting. The policy language has been modified to clarify that WRAs will remain as SSAs even if they are permitted to serve a SRA.

The opinion that such areas should not be valued for their important function because they "are likely never to be developed" is both incorrect and unsubstantiated. Such an opinion appears to contradict the entire basis for requiring the County to impose any new standards for

wetland or listed species protection, for presumably the inability to develop such areas rests upon the existing State and Federal regulatory process. If such regulations act to prohibit the development of WRAs or other sensitive lands, what is the basis for the Final Orders requirement for additional wetland protections at the County level?

2. *No justification is provided regarding why conditional use should be the next to be eliminated following residential use instead of recreational use. Conditional use has a lesser impact on resources than recreational use.*

DCA Recommendation: The layers of uses to be eliminated should be revised to establish recreational uses as the next layer to be eliminated after residential use.

Response:

Collier County does not concur with the stated opinion and recommendation, nor is it substantiated by data and analysis.

Analysis:

The RLSA layering system was first proposed over one year ago and has been subject to thorough evaluation, public input and refinement. The Committee, general public and County Commission provided significant input to the ranking and endorsed it.

The conditional uses (family care facilities, resource recovery transfer sites, communication towers, landing strips, etc.) are generally representative of more urban related uses than the recreational uses (golf courses, sporting and recreational camps). Such conditional uses typically require a substantial degree of site clearing, alteration, impervious area and demand

on services. The recreational uses are customary rural uses and provide a more compatible use within the landscape matrix than do the conditional uses, particularly now that they are limited to locations that score 1.2 or less on the Index per Policy 3.6.

6. *VAGUENESS*

> *"Goals, objectives and policies shall establish meaningful and predictable standards for the use and development of land and provide meaningful guidelines for the content of more detailed land development and use regulations." Rule 9J-5.005(6), Florida Administrative Code.*

DCA Objections:

1. *Policy 1.21 does not provide meaningful guidance regarding the early bonus credit that will be offered in order to jumpstart the program. Policy 3.11 allows additional credits to be awarded for restoration "on a case-by-case basis," but provides not standards for this bonus in the comprehensive plan.*

2. *Density Blending: Policy 4.7 states that "the individual SRA shall include not less than twenty acres and achieve gross residential density of not less than one unit per two acres and not more than four units per acre, unless increased through density blending process." This proposal makes the identification of development within the Stewardship Receiving Area undefined and unpredictable. Furthermore, the provision is not supported with adequate data and analysis justifying the need for density blending in the Rural Stewardship area and demonstrating that it will result in directing more intense development away from environmentally sensitive lands within the Stewardship area.*

DCA Recommendation: Revise the policies to clearly establish the formula for deriving the amount of credits to be earned from a sending land. In addition, revise Policies 1.21 and 3.11 to establish meaningful guidelines regarding the amount of bonus credits to be awarded at the start of the program, and to promote restoration. In addition, density blending should be disallowed in the Stewardship area because it is unnecessary since the Stewardship area has been mapped and appropriate uses directed to the areas that are more suitable for development.

Response to point 1:

Policy 1.21 has been revised to provide clear standards. A maximum number of bonus Credits has been identified. Such Credits may not be either generated or used in the ACSC. The Policy now makes clear that Credits need not be used immediately but can be "banked".

Policy 3.11 has been revised to provide a specific number of Credits for restoration land dedication and restoration implementation. Implementation Credits are now conditioned upon meeting success criteria.

Response to point 2:

Based upon the DCA's Objection, staff is of the opinion that perhaps the Density Blending concept, as it is intended to be applicable to certain properties within the Immokalee Urban Area and the Rural Lands Stewardship Areas (RLSA), was not adequately explained in the Transmittal Document. The Density Blending language that was transmitted was placed in the FLUE under the Density Rating System. In actuality, this language should have been set forth in the Immokalee Area Master Plan (IAMP). The proposed language below has been revised to clarify the Immokalee Urban Area Density and Intensity Blending provision, and is recommended by staff for adoption. In addition, please note the following.

Background: Mr. Robert Duane, AICP, made a presentation to the Eastern Lands Area Oversight Committee (ELAC) regarding some +/- 2500 acres of land of which + 2270 acres are within the RLSA (a significant portion of which may qualify for SRA designation) and +/- 235 acres are within the Immokalee Urban Area. The Urban lands contain a high degree of wetlands and have significant habitat value. These wetlands are adjacent to Lake Trafford and to the Camp Keais Strand (and FSA). The Wetlands are within the Immokalee Urban Area; the balance of the property is located within the RLSA, the majority of which is eligible to Receive Stewardship Credits (scoring 1.2 or less on the Natural Resource Index.) Staff has worked with Mr. Duane to develop a Density and Intensity Blending provision, which was approved for transmittal to DCA by the ELAC, Environmental Advisory Council, Collier County Planning Commission, and BCC. This provision, amended for inclusion in the IAMP rather than the FLUE Density Rating System, is set forth below. This Density and Intensity Blending provision is similar in concept as the Density Blending provision included in the Rural Fringe amendments that was found to be "in compliance" by DCA; that concept allows the transfer of development rights away from environmentally sensitive lands in the Urban area to contiguous lands of lesser environmental value outside of the Urban area (in the Agricultural/Rural area) that are appropriate for development.

IMMOKALEE AREA MASTER PLAN, Land Use Designation Description Section, Residential Designation, Special Provisions:

2.~~d.~~ Density and Intensity Blending