

April 9, 2018

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Re: RLSA Workshop March 22, 2018

Please accept the following comments submitted as a follow up to the March 22, 2018 RLSA Restudy Workshop on agriculture in the RLSA.

The RLSA Overlay is failing to save agriculture. Providing additional credits to preserve agriculture is not the answer. The County should prioritize where it will provide infrastructure to direct development to those areas, rather than allowing the landowners & developers dictate where development will occur. Currently all agricultural land has been designated as open land suitable for development. The County should require more compact development, which in turn will result in more open land for agriculture. These matters are discussed in detail below.

In 2002 when the RLSA Overlay was adopted by the County there were 176,000 acres of agriculture (including grazing) in the RLSA.<sup>1</sup> See 10/2002 Executive Summary by County staff for BCC adoption of RLSA. Eight or nine large landowners (the Eastern Collier Property Owners or ECPO) are seeking to develop 45,000 acres of the RLSA, based on credits obtained and to be obtained from setting aside Stewardship Sending Areas. Ave Maria received approval years ago. Since adoption of the 2002 RLSA overlay, there has been a loss of agricultural land.

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<sup>1</sup> Public lands make up only 7% or 13,000 acres of the RLSA overlay. This number has not changed.

According to the 2007 RLSA Phase I Technical Review, there was only 64,469 acres remaining under cultivation at that time. In 2015, ECPO submitted a Habitat Conservation Plan to the USFWS which stated that at build out agriculture land in the RLSA overlay will be approximately 24,000 acres. (Compare to a statement by Tom Jones of Barron Collier Companies in a 3-22-2015 Naples Daily News article that there will be approximately 28,000 acres of agricultural lands under cultivation at build-out.) Clearly, the RLSA overlay is failing to prevent conversion of agricultural land to other uses.

The RLSA program has failed to protect agricultural land for at least two reasons: (1) The Overlay identifies most agricultural land as open land appropriate for development and (2) the excess of stewardship credits leads to increasing acres of development over the original intent of the program.

#### I. Require More Compact Development; Protect More Open Land for Agriculture, Wildlife and Natural Resources.

Instead of letting the landowners and developers determine where in the RLSA they will build, the County should take responsibility for determining where development is appropriate; the County should prioritize where it will commit to infrastructure and then require more compact development. By requiring more compact development, there will be more open lands that can be protected for agriculture and conservation.

Further, the current proposal for 45,000 acres of development is misleading—under this proposal much more than 45,000 acres will be developed. The proposed 45,000 acres of development doesn't include any acreage for the road network necessary to serve this development. Not only will the proposed 4 and 6 lane roads with the corresponding cleared right of ways require considerable acreage, such roads will also stimulate land development on both

sides of the road. Just look at what's happening on Immokalee Road from 951 to Randall. The 45,000 acres also doesn't include the sand mines in the RLSA. At least 3300 acres of sand mines in the RLSA are owned by same landowners that want to develop the 45,000 acres and there are other sand mines in the RLSA. Once the mines are played out, the land with its large quarries will not be suitable for anything but residential development. It cannot be restored. And the 45,000 acres does not include all the acreage necessary to support the infrastructure for such large developments. It appears that the amount of land remaining for agriculture at build out has been underestimated.

## II. Providing Additional Credits for Preservation of Agricultural land is not the Answer and Will Lead to even more sprawling development in the RLSA.

To address the problem of diminishing agricultural land, in 2009 the 5-year RLSA review Committee recommended providing additional incentive credits for preservation of agriculture. While this recommendation was not adopted, it is now being considered in the current Restudy process. As discussed in A, B and C below, providing additional credits for agriculture is not a solution.

### **A. There are too many excess credits already.**

We really can't talk about providing credits for agriculture without looking at the credits already awarded and the whole picture. In 2007-08 we learned there were actually 315,000 credits, far more credits than anticipated by applying the NRI and removing land use layers (most of the increase in credits resulted from restoration credits being inflated). According to Wilson/Miller, the number of restoration credits was not possible to determine at the inception of the RLSA program in 2002; it took several years of data that provided detailed information on site specific conditions. So, in 2007 we learned that instead of the 16,800 acres to be developed,

the landowners had enough credits for 43,300 acres of development. According to a 2008 Wilson/Miller Report, if the 5 year review Committee recommendation to provide additional credits for agriculture, panther corridors and tiered restoration was adopted, this would have resulted in 404,000 credits, which would entitle the landowners to develop 57,888 acres.

**B. What has and will continue to create an incentive for conversion of agriculture land is the intensification of development which results from more credits.**

1. Several ECPO landowners don't yet have enough credits for their own town. If the County provides additional credits for agriculture preservation, these landowners will be able to get enough credits to build their own town. This could lead to many towns in the RLSA, some projections show eight towns.
2. Non-participating landowners (small landowners), which own approximately 18,000 acres in the RLSA will more likely develop ranchettes because the intensified development of 45,000 acres will increase the value of their land for residential use. There is no evidence that providing credits for agriculture preservation will lead these non-participating landowners to continue agriculture and not develop ranchettes. Rather the opposite effect will occur. These landowners would have an incentive to develop their land.

**C. Capping credits will create the problem of excess credits.**

Landowners view the credits as a right that entitles them to something. Capping credits results in landowners not being able to use all their credits in developing the 45,000 acres. Not allowing

the landowners to use the excess credits could lead to legal challenges. If credits are capped for development in the RLSA, at some time in the future these landowners will likely push to get some value for the credits. The landowners may demand that their credits be purchased or that the cap be raised or that they be allowed to use the credits outside the RLSA. Providing more credits has a snowballing effect for more development.

### III. Revise the Exchange Rate for Credits and Recalibrate the Existing Credit System.

If the County is determined to provide credits to preserve agriculture and for panther corridors, then it could take two steps to help prevent overdevelopment, sprawl and loss of agriculture and conservation land in the RLSA. First, change the exchange rate to require 20 credits per acre of development. Second, recalibrate the credits so that the total number of credits, including credits for agriculture and panther corridors, does not exceed 315,000 credits. Reduce the number of credits awarded for just owning land that can be restored. Right now, landowners get considerably more credits for just owning land that can be restored. Then they get additional credits if they perform the restoration.