

TRANSCRIPT OF THE MEETING OF THE
COLLIER COUNTY PLANNING COMMISSION
Naples, Florida, September 3, 2020

LET IT BE REMEMBERED, that the Collier County Planning Commission, in and for the County of Collier, having conducted business herein, met on this date at 9:00 a.m., in REGULAR SESSION in Building "F" of the Government Complex, East Naples, Florida, with the following members present:

Edwin Fryer, Chairman
Karen Homiak, Vice Chair
Patrick Dearborn
Karl Fry
Joe Schmitt
Paul Shea
Tom Eastman, Collier County School Board Representative

ABSENT:

ALSO PRESENT:

Anita Jenkins, Interim Zoning Director
Jeffrey Klatzkow, County Attorney
Heidi Ashton-Cicko, Managing Assistant County Attorney

PROCEEDINGS

MS. JENKINS: Mr. Chair, you have a live mic.

CHAIRMAN FRYER: Thank you, Ms. Jenkins.

Good morning, everyone, and welcome to the September 3rd meeting of the Collier County Planning Commission.

Would everyone please rise for the Pledge of Allegiance.

(The Pledge of Allegiance was recited in unison.)

CHAIRMAN FRYER: Will the secretary please call the roll.

COMMISSIONER FRY: Mr. Eastman?

MR. EASTMAN: Here.

COMMISSIONER FRY: Mr. Shea?

COMMISSIONER SHEA: Here.

COMMISSIONER FRY: I'm here.

Chairman Fryer?

CHAIRMAN FRYER: Here.

COMMISSIONER FRY: Vice Chair Homiak?

COMMISSIONER HOMIAK: Here.

COMMISSIONER FRY: Chairman Schmitt?

COMMISSIONER SCHMITT: Here.

COMMISSIONER FRY: I mean Commissioner Schmitt.

Commissioner Dearborn?

COMMISSIONER DEARBORN: Way over here.

COMMISSIONER FRY: Mr. Chairman, we have a quorum of six.

CHAIRMAN FRYER: Thank you, sir.

COMMISSIONER HOMIAK: I guess you beat him.

COMMISSIONER SCHMITT: I beat him.

COMMISSIONER FRY: Everyone's a chairman today.

CHAIRMAN FRYER: Okay. Addenda to the agenda. Ray -- we probably have anything, I'm guessing. Anita, do you know?

MS. JENKINS: Ray is not here today, but we're ready to talk about the schedule if you'd like to.

CHAIRMAN FRYER: Okay. All right. Well, let's do that right now. This is the upcoming schedule --

MS. JENKINS: It is.

CHAIRMAN FRYER: -- into October.

MS. JENKINS: Yes. The upcoming schedule through September, Mr. Chair, is -- Anita Jenkins, interim director for the record.

The upcoming meetings are September 9th at 5:05. Those are for Land Development Code amendments in an evening meeting. Then we have your next regularly scheduled meeting September 17th, which we will need to continue today if we don't get through the item today. And then you also have four continuances on the 17th, prior projects. One companion item in there. And then you also have four new petitions that are scheduled for the 17th.

On October 1st is your following regularly scheduled meeting, and you have six petitions on there, including One Naples.

CHAIRMAN FRYER: Oh, my goodness.

MS. JENKINS: And then October 8th --

COMMISSIONER SCHMITT: What day was the One Naples?

MS. JENKINS: October 1st.

COMMISSIONER SCHMITT: October 1st.

MS. JENKINS: Provided we get there.

CHAIRMAN FRYER: I'd be very surprised if we got to it.

COMMISSIONER SCHMITT: Did you get the Germain Arena, or whatever, for that meeting? I'm getting a lot of emails. I'm just wondering if we're going to have a place big enough to hold the meeting.

MS. JENKINS: Yeah.

COMMISSIONER HOMIAK: They can Zoom.

COMMISSIONER FRY: Perhaps Germain Arena.

COMMISSIONER HOMIAK: That's what he just said.

MS. JENKINS: We are working on all of the overflow rooms to accommodate everyone, and we will have remote connections available for that meeting as well.

COMMISSIONER SCHMITT: Well, will that still be allowed from the State for public meetings?

MS. JENKINS: If it's not, we'll --

COMMISSIONER SCHMITT: Have they extended? I thought they only extended through the month of September.

MS. JENKINS: And we'll wait for that direction as it comes along, yeah, to make sure that we can do that.

CHAIRMAN FRYER: If I'm not mistaken, you'll still be able to call in or Zoom in, but you just can't be counted for a quorum --

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: -- once that thing expires.

MS. JENKINS: That was all.

CHAIRMAN FRYER: Okay, good. Thank you.

Let's see. We've got one set of minutes for action, and that's the minutes of August 6th, 2020. Any corrections, changes, or additions to those minutes? If not, entertain a motion, please.

COMMISSIONER HOMIAK: Motion to approve.

CHAIRMAN FRYER: Is there a second?

COMMISSIONER DEARBORN: Second.

COMMISSIONER SCHMITT: Second.

CHAIRMAN FRYER: Any further discussion? If not, all those in favor, please say aye.

COMMISSIONER SHEA: Aye.

COMMISSIONER FRY: Aye.

CHAIRMAN FRYER: Aye.

COMMISSIONER HOMIAK: Aye.

COMMISSIONER SCHMITT: Aye.

COMMISSIONER DEARBORN: Aye.

CHAIRMAN FRYER: Those opposed?

(No response.)

CHAIRMAN FRYER: It passes unanimously.

Chairman's report: None today.

Consent agenda: None today.

Public hearings: One today, and it's our first and only substantive agenda item for this shortened meeting and, of course, it's the RLSA GMP proposed amendments. We've got a hard stop at noon, and we absolutely have to observe that and -- because the BCC is going to convene right after that and take up the issue of extending the face covering ordinance. So we've got to be out of here by noon so they can clean the room and get ready for the next meeting.

We're not going to complete our work on this extremely important matter today, I am confident. So we're going to need to -- well, let me put it this way. We may not complete it on

the 17th. Their issues are many and complex, and there are a number of people, groups, and other people who want to be heard on this. And so for now, I think what we should do, and what I respectfully recommend, that -- it's my understanding that the four -- is it now up to 10 items for the 17th, or how many?

MS. JENKINS: We have eight items on the 17th.

CHAIRMAN FRYER: All right. Well, I think the two that were on the preliminary agenda are matters that the applicant itself specifically requested a continuance as opposed to us running out of time in a meeting and not being able to get to them.

And so when an applicant requests a continuance, it seems to me that we don't necessarily have to be burdened by, then, leading off with that matter, particularly if we've got something as important as the RLSA in front of us. And so what I would propose we do is -- and certainly notify all interested parties so that people aren't waiting around here. On the expectation -- I could be wrong, but my expectation is that we will be going all of the 17th on RLSA and that, therefore, I would like to have a discussion whether we should meet on the 18th to pick up where we left off on the 17th either with RLSA or with the applications.

Now, I know we talked about that date as potentially being a conflict for some because it would be the day after the 17th, and I understand that, but we've got so many things that are coming before us, I think we just -- I don't see that there's any other way around putting on a special meeting, but I defer to the Planning Commission for your thoughts. And let me ask for your thoughts right now on a meeting on the 18th.

MR. KLATZKOW: You've got -- I'm not sure this room is available on the 18th.

MS. JENKINS: I put a hold on it for the Chair, unless there's something that's come up.

COMMISSIONER SCHMITT: I'm not available for the 18th, so -- I'm heading out of town on the 18th. I'm not available. I don't know if we'll have a quorum.

COMMISSIONER DEARBORN: Just curiosity, on the 18th, we're talking about September, Friday, correct?

CHAIRMAN FRYER: Yes.

COMMISSIONER DEARBORN: And then a time would be a normal time, like a 9:00?

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER FRY: That will be a challenge for me to take two days in a row for this.

COMMISSIONER DEARBORN: I'll have to get back to you. I'll have to rearrange some work schedule stuff.

CHAIRMAN FRYER: Well, under these circumstances, I'm going to ask Ms. Jenkins to try to poll us and see about another date, particularly once we know more, and we will know more, when this day ends, whether we're going to need an extra meeting.

So that's -- that's what we'll do. Obviously, we want to get as many people here as possible. But please keep in mind that our agenda is really loaded up and, you know, we owe it to the community to not get so backed up that things are put off for an unreasonably long period of time.

COMMISSIONER FRY: Mr. Chair, may I ask for a clarification. At our last meeting we talked about the meeting on the 18th, and there were some conflicts.

CHAIRMAN FRYER: Yeah.

COMMISSIONER FRY: I walked out thinking that we would address the items on the agenda on the 17th, and that the RLSA was going to wait till the following meeting. Did I -- I must have that wrong.

CHAIRMAN FRYER: I'm not sure -- I don't recall what I said about that, but it seems to me, for the purposes of continuity, it would be better if we stick to the RLSA on the 17th for as long of that day as we need, but I'm amenable to doing it a different way if the Planning

Commission would prefer.

COMMISSIONER SCHMITT: What about the items that have already been advertised? You'd have to continue them again.

CHAIRMAN FRYER: Well, we'd have to continue them again.

COMMISSIONER SCHMITT: We'd have to announce that today to continue them? I mean, because some of those items -- as you just said, some of those items were carried over. It's probably, what, at least three of the items.

CHAIRMAN FRYER: True, but carried over at the specific request of the applicant who had more homework to do, I think.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: I see that as a different situation than when an applicant is here all day and we don't get to it, but that wasn't the case here. They stood up and said, we're not ready.

COMMISSIONER FRY: As a -- just a throw-out, an alternative, I think that might allow me to be at another meeting this month, the following week, I guess the week after the 17th meeting, it would be easier for me to try to allocate a day rather than two days in a row. So that's where -- the 18th might not work for me, but I might be able to allocate a day the following week if that was helpful at all.

CHAIRMAN FRYER: Okay. Good.

COMMISSIONER FRY: And I would have no problem with that being dedicated to either the RLSA or the other items; whatever makes sense for the advertisements.

CHAIRMAN FRYER: Okay. All right. Well, if you know now, or if anyone knows now, days that would be better for them in the following week, please let Anita know, and that will save her making a phone call.

COMMISSIONER SHEA: I'm good on the 18th. I'd like to have the RLSA as soon as possible after the previous presentation. There's so much information to stay fresh in our minds.

CHAIRMAN FRYER: I'm with you on that. But what do others -- how do they feel? Well --

COMMISSIONER DEARBORN: Mr. Chairman.

CHAIRMAN FRYER: Yes, sir.

COMMISSIONER DEARBORN: I would probably tend to coincidence with Commissioner Karl Fry as far as going back-to-back days due to other obligations, and it sounded like Joe said he wasn't going to be here either on the 18th. Potentially making the following week work. Would the following week, you mean, be a Friday, or could it be a Thursday?

CHAIRMAN FRYER: Okay, great. Well, I think we take the 18th off the table, because it looks like we wouldn't have a quorum, and so we'll identify a day in the following week when we can get the most people there, and that would -- that would be for the RLSA continuing.

Okay.

MS. JENKINS: Mr. Chair, one more item on your schedule.

CHAIRMAN FRYER: Yes.

MS. JENKINS: We need to confirm that we have a quorum on October 8th, another evening meeting, for one LDC item --

CHAIRMAN FRYER: Okay.

MS. JENKINS: -- at 5:05. So if we can confirm that today that everyone will have a quorum on October 8th.

CHAIRMAN FRYER: Planning Commission, anybody know they can't be here?

COMMISSIONER FRY: As long as my bonus check is on time this month.

MS. JENKINS: It's in the mail.

COMMISSIONER SCHMITT: Why are we scheduling another evening meeting? Was that not able to be scheduled with the other LDC we're hearing?

MS. JENKINS: Let me ask. It may have been an advertisement; when it was ready and when it was advertised, yes. And they're asking about the October 8th LDC and what, specifically, item that is.

MR. FRANTZ: Yeah. That is an amendment for the Golden Gate Parkway overlay district. It's a pretty lengthy amendment, and we anticipate some public participation as well.

CHAIRMAN FRYER: When will we be getting information on that; a packet?

MR. FRANTZ: That will be the normal week in advance that you receive your packets.

CHAIRMAN FRYER: All right. Okay. Any other questions or comments about --

COMMISSIONER FRY: Just a question for you, Anita. I think, Chairman Fry, you were asking about the order of hearing things, and Commissioner Shea mentioned, like, continuity for the RLSA. How big a deal is it to do the RLSA on the normally scheduled meeting on the 17th and then defer -- if we did a meeting the following week, defer those items that were scheduled to the following week? Is there a -- what are the pros and cons of that?

CHAIRMAN FRYER: That's kind of what I meant to say, and I don't think I said it correctly.

COMMISSIONER FRY: Well, I want to understand, you know, how big a deal it is to move items back that are scheduled versus the RLSA, which really only impacts us and some groups of speakers.

MS. JENKINS: Right. So it's up to you how you want to move those items around, but we can certainly accommodate those petitions when you're available.

CHAIRMAN FRYER: Good, okay. So when we come to the 17th, it will be RLSA, and then if we have to continue beyond that, it's going to be RLSA again for as long as we need the following week. Okay. Everybody on board with that?

(No response.)

CHAIRMAN FRYER: Okay. Thank you.

We're going to begin with staff's presentation, and that will be followed by initial questions and comments from the Planning Commission. And I say "initial" because we'll have ample time not only today but in subsequent meetings to be fully -- full opportunity to air our points of view and give comments, ask questions. Certainly staff's going to be here to answer questions. But I do want to provide for an initial comment opportunity to the Planning Commission today, after staff.

Then we've got four groups that have made it known that they have representatives who wish to speak, and I plan to hear from them in the order that I received those requests. First the Conservancy of Southwest Florida, then the League of Women Voters, then the Eastern Collier Property Owners, and finally the Florida Wildlife Federation jointly with Audubon.

I want to be liberal in permitting their people to speak longer than just the few minutes that we usually allot but, everyone, as I said, please be mindful that we must wrap this up by noon today. I mean, there's just no give in that schedule. And so if a group starts going over, say, 15 or 20 minutes, I may need to jump in and ask that it begin wrapping up.

After those group presentations, it would be my plan to offer staff an opportunity to reply if it wishes or to clarify based upon the comments that the groups made. Then there would be more time for comments and questions by the Planning Commission.

Finally, if any additional time remains -- and of course, we all hope it does, and we know that there are people on the phone and we know that there are people in the audience who wish to speak -- we'd like to begin hearing from you today, but I cannot promise that. We'll endeavor -- all of us will endeavor to be crisp in our -- and succinct in our presentations, but we just might not get to the individual speakers. But if that's the case, we'll certainly lead off with them on the 17th.

All right. Any Planning Commissioner object to that format that I outlined?

(No response.)

CHAIRMAN FRYER: Okay. Thanks. Then that's how we'll proceed. Mr. Cohen.

MR. COHEN: Mr. Chair, thank you very much. Thaddeus Cohen, department head, Growth Management.

Today is another milestone, as we continue to work with partners and stakeholders and you as the Planning Commission, to try to move forward with amendments to the Growth Management Plan for the Rural Lands Stewardship Area.

First of all, I want to talk about our team. It's around 15 folks of staff who have taken the time to review the documentation. What brought us to this point today, back in October of last year, the Board of County Commissioners heard a presentation as we talked about in terms of how we got to where we are, and they challenged us to be able to take a look at the amendments that we were proposing and the white paper as well as in the five-year review to see how we can narrow -- continue to narrow the gaps between the various stakeholders. And I'm excited to represent Growth Management and the Planning Department and Anita's leadership as we put together an outstanding team that's been able to review the documentation.

I think we have a community consensus at this moment in time that has been maintained over the -- excuse me -- over the last 10 years and which within the Rural Lands Stewardship Program we all, I believe, value the protection of the natural habitat and flowways, the retention of agricultural lands, and planning for the diversification of Collier County's economy. That's been some of the guiding principles. As you can see, that dates all the way back to 2002.

So today what we're looking to do as far as staff is concerned is I have the privilege of being able to provide an overview of how we've gotten to where we are today. I'll turn it over to Anita, who will talk about the credit analysis and the policy amendments that we're proposing. And I think from there you'll have an opportunity, as the Chair has said, to listen to the various stakeholders.

And I think the challenges that we've had to this point is how to thread the needle of the various stakeholders that have important issues that they've been able to raise over the past 10 years or so. And I think what you'll hear from us today, that we've met that challenge of being able to thread the needle. Not everyone is satisfied, but I think we have a majority of the stakeholders who are appreciative of the work that we've done and where we've arrived. And I think as we go forward over the next days, the 17th and hopefully not too far beyond that, that we'll be able to take that needle and stitch together the fabric that will create a great community for us here in Collier County.

As you know, there was that final order back in 1999 that was adopted, then in 2002, that kind of led us to where we are. Being able to say that those guiding principles of protecting the environmental, of diversifying our community was important. There was a five-year review that said, you know, how it is that we thought we could make improvements to this program.

And then over the last three years -- I've been here three years, so it's been an interesting three years in which we've continued to reach out to the various stakeholders to see how we could put together a group of amendments that we think improves the program. And so as we look back, I think one of the challenges that we have from the adoption process is we value -- I'm sorry. I'm going the right way -- that our objectives are to protect the natural resources, retain agricultural lands, which is something that we talked about earlier in the decade, but we think now we've got a strategy on how to be able to improve that, and how do we plan for sustainable growth.

Today -- and I think this is important as part of our conversation -- there's some 55,000 acres of SSAs that have been protected at no cost to the public. And I think a lot of the times, as we talk about the various values that this program has brought, that that protection, I think, is sometimes overlooked.

We have -- the Town of Ave Maria was one of the early entry programs enabled to create

Ave Maria University through some amendments. You have Arthrex Manufacturing, which was able to expand. And, clearly, there's two villages, Hyde Park and Rivergrass, as an outgrowth of where we are today. And we think those are important steps as we try to move this program forward with -- inside of the existing framework.

But we think we can do more, and that's why we're here. We're trying to take these amendments to make additional improvements. And part of conversations that we've had over the years, at least since I've been here, is concerns that Eastern Collier County will look like Miami. And I recall about a year and a half ago I was quoted as saying, no, Eastern Collier County won't look like Miami. It's not baked into our DNA to look like Miami. And so, therefore, folks now say it will look like Fort Lauderdale. No, we won't look like Fort Lauderdale. Again, that's not baked into our DNA.

But we do think we have an opportunity, if we're able to go forward, is to protect 134,000 acres; 134,000 acres. That's three Fort Lauderdals in footprint. I think that's an amazing opportunity.

Camp Keais Strand, the Okalooshee [sic] flowways, natural habitat, agriculture, additional panther way protections. And then, yes, there's a footprint for development; 45,000 acres of towns and villages. There's an opportunity for us to be able to do that. And I think what our challenge is is how do we believe that future looks like as we go forward? And one of the important components we think is being able to have an opportunity to diversify the economy here in Collier County.

So, again, it's a balance for us; preservation of the natural environment and being able to provide an opportunity for future growth and development for the next generation in Collier County.

And I think what you're going to hear today is a thoughtful process that we have gone through that arrives at a point where we think we can accomplish those primary goals that was established in the Rural Lands Stewardship Area.

With that, I'd like to turn it over to Anita who will talk in terms of the credit analysis. That's one of the things that the Board of County Commissioners asked us to take a look at as to whether or not those -- I don't want to steal your thunder, but correct me if I'm wrong. If it needed to be rebalanced, there was some concerns about how we arrived at that information, and then to actually get into the overview at a high level as to what we think the amendments are and how we think it improves our existing situation, and then a more detailed looked at that would then happen in our next meeting on the 17th.

With that, Mr. Chair, I thank you.

CHAIRMAN FRYER: Thank you.

COMMISSIONER SCHMITT: Anita, before you get started, some of us have the agenda on our screen. Some of the screens have the presentation, so I'm not sure if you're going to be showing slides --

MS. JENKINS: I see Troy's standing at the door there.

COMMISSIONER HOMIAK: Help.

MR. MILLER: You're wanting to see what's on the slides?

COMMISSIONER SCHMITT: Yeah. Is there a secret code here?

COMMISSIONER SHEA: Every other one has it.

COMMISSIONER SCHMITT: There used to be a switch here.

COMMISSIONER HOMIAK: Well, I've been fooling around.

COMMISSIONER DEARBORN: I don't want it, but peer pressure, I should do it.

Thank you, sir.

MS. JENKINS: Everyone set? Good.

Good morning, Commissioners. Anita Jenkins, your interim zoning director.

I'm going to go through the credit analysis and the substantive policy amendments at a very high level this morning, going through those in summary. We're going to have an opportunity on the 17th to review with you in detail all the documents that you've received in your packet, all that information, and have discussions on any of that that you would like to.

So this is the third restudy that we've brought forward. And through your, you know, work, we have adopted the Golden Gate Area Master Plan, we have adopted the Immokalee Area Master Plan, which also was on the shelf for a long time before you-all were able to help us get that to the finish line. So we appreciate your help on this one, and we look forward to doing the hard work to get this one over the line with you as well.

So beginning with the credit analysis today, we have generated approximately 190,000 credits, and those credits have been generated through the protection of approximately 55,000 acres of land that you've heard about today. You can see on your map that those lands are hatched in red, and there's about 17 Stewardship Sending Areas that have easements on them that have generated -- or held in escrow that have generated those credits.

The credits through this program are created through the natural resource index scoring system and through restoration policy. So you generate credits through two systems in the RLSA, either by policy with restoration or by the score and the value of those lands. That NRI score and value of the lands are your base credits shown here in the light green, and then the darker green are the restoration credits. And you can see that today the program is generating the most credits out of the restoration program.

The restoration program is broken into two parts. You have the -- what we call Restoration 1 credits where the owner comes in with a restoration plan, and credits are provided at that time when they provide the plan. And then when we implement that plan -- and they go through a very long permitting process for restoration, and then they have to go through success criteria, and the permitting agencies have to determine that that restoration was successful, then the applicant will come back into Collier County staff, who also verifies successful restoration, and then would grant those R-2 credits. So that's how the majority of the credits have been issued today.

Also, the program today had an early-entry credit for landowners that we were trying to incentivize to begin using the program.

The early-entry bonus credits have been retired. They are no longer available. They were set to 27,000 as a maximum, and they achieved about 19,000. So all of the early-entry credits were not used, but they have been retired today.

So if we go forward with the program as itself today, what this program will achieve -- and these credits will be adjusted, but you'll see the restoration and the base credits go up under this program -- will achieve the protection of the flowways in blue, the habitat areas in green, and the WRAs in the light blue to some extent.

That program will protect approximately 94,000 acres, it will generate approximately 43,000 acres of Stewardship Receiving Areas with those credits, and then the remaining land, over 40,000 acres, 45,000 acres, will be left in open without the incentive to protect those areas.

So, again, going forward with the program as it is today, you'll have about 94,000 acres of natural resources and flowways protected, about 43,000 acres of SRA, and about 45,000 acres of open lands.

The policy amendments that we have recommended shifts that. So we still have natural resource protection. We're still using the Natural Resource Index to value those lands and give credits to those lands. You can see a rebalance with the restoration credits. Those -- we'll talk about a little bit later how we have adjusted the restoration credits. And then the program and the policies that we're putting forward today also provide for agriculture protection. It's something that we're not achieving in today's program, but the proposed policies provide an incentive for the

landowners to put easements over to those agriculture lands.

The program as it's proposed today proposes to protect 134,000 acres, allows 45,000 acres of SRA development, and 40,000 acres is included in that 134- to protect agriculture.

So you have a rebalance of the program. And I think that the next slide will show you how that -- the credits are being proposed to be rebalanced. So you can see on the left the restoration, the base, natural resources of habitat and flowways, and the early-entry bonus so that's the program today and would continue on without the amendments that we're proposing today.

Today the amendments rebalance the credits to add in agriculture, and in addition, it adds in additional lands and credits available for panther corridors, and we'll talk about those corridors and where those are located. But, again, it's additional panther protection in the proposed amendments.

The credit analysis, that's where I'm going to stop, on the credit analysis today, but that is in your packet. And on the 17th, if you'd like to go through any of that, I'm happy to explain how that works in more detail when you have it in front of you.

So the policy amendments, again, today we're going to go through them and highlight the substantive policy amendments. We're not going to go through every policy. But as we've done in the past restudies, if you would like to, we can go, at the next meeting, page by page and answer any questions you have on any policy amendment. So we'll go into the detail of the policies at the next hearing.

But for an overview, you can see that we've added policies, again, to incentivize even greater protection of natural resources in agriculture by adding agriculture land protection, panther corridors, and adjusting the restoration system. We've also added a provision to do a wildlife and human interaction plan.

So the first set of policies that we'll talk about are really what we're trying to improve on even more to protect these lands, and also the second set of policies is what we're adjusting for the development scenarios. The Comprehensive Plan sets forth the developments and towns, villages. Right now under this program it has hamlets and compact rural development. This program and your Comp Plan directs the size of those developments, the intensity, density, and uses, the overall uses of the program. That's what the Comprehensive Plan does. The details of how that is arranged and how those SRAs are approved are in the Land Development Code, and we'll talk about that more later as well.

So getting to the first group of policies, the RLSA has basically five groups of policies. The first set of policies are the framework of the RLSA, and several changes have been made to that. And the substantive ones that I'm going to hit on for you today is that we've added a conditional period for the Stewardship Sending Areas of five years. That is similar to what is being accomplished today with holding the SSAs, Stewardship Sending Areas, in escrow. So it's very similar to that, what they're doing today. We're just putting that in the Comprehensive Plan as a conditional use period.

The other thing we're adding to the Stewardship Sending Areas is the Florida Fish and Wildlife Commission. These SSA easements are a partnership between the landowners; Collier County's on the easements; the Department of Ag is on the easements; Florida Fish and Wildlife may be on these easements.

So these easements are in partnership with the landowners and do run with the land in perpetuity. So again, we're adding more provision for environmental interest on these easements.

This set of policies is also where you're going to find the caps that are being proposed on the development of 45,000 acres of SRA and a cap on the 4,004 stewardship credits. These caps were established by the Board of County Commissioners when the five-year review study presented their findings to the Board, and we are coming back with that same direction.

Group 2 policies are the policies that address agriculture, and these policy amendments

strengthen the protection of agriculture, and it does it in a very significant way for an incentive for the landowners to protect agriculture with a reward of two credits per acre.

So similar to natural resources and the credits that you receive for protecting natural resources, we're using that same premise of an incentive to ask the landowners to protect the agriculture lands that the community values, and we're incentivizing them to do that with two credits per acre.

The Group 3 policy amendments focus mostly on natural resources. This is where you're going to find the tiered restoration system and how we've adjusted that. One of the major points in the restoration was there's too many upfront credits on restoration just to come in with a restoration plan. You're getting four credits. So we have adjusted that. We have adjusted that down from four to one.

And then the Restoration 2 credits are now more specific in a tiered program that talks specifically about different types of restoration and provides the R-2 credits that would be available after that restoration has been deemed successful.

This is also the tiered credit systems that provides for additional incentives for panther corridors. And I think if you've had a chance to look at the credit analysis, those panther corridors are estimated over another thousand acres for panther protection in the RLSA.

Finally, on the Group 3 policies, we're adding a provision that -- the Water Retention Areas, those are the light blue areas on the map. Water Retention Areas are historically used by the agriculture landowners for agriculture water use, and they're permitted in that way.

So if the landowners would use those water resource areas to provide for stormwater management for any Stewardship Receiving Area, that portion of the Water Retention Area would need to be counted within the acres of the SRA. So that's a change that was made to the Group 3 policies.

The Group 4 policies is where we get into the development. How it's -- what the size is, again, what the density, intensity, and uses are. We've made modifications to these groups to add, again, the human/wildlife conflict management plan for these areas.

We've removed the hamlet. The hamlet was a very small development potential, and it was the Five-Year Review Committee that didn't feel like that was a sustainable process. So we've taken that acreage and that provision out of the plan, and we have modified the size of the town and the village and the compact rural development.

We've also added into the town and village florida targeted industries. Again, we're trying to use policy to help create opportunities for economic diversification in the Rural Lands Stewardship Area. So being added -- being additive to these uses are those specific uses that we are targeting for Collier County's growth.

The compact rural development size was modified. We also modified those primary uses to be more specific to supporting the rural area in research, education, ecotourism, things that are supportive to the rural area. So we were more specific on those primary uses for the compact rural developments.

The Group 4 policies also add an affordable housing provision. This is something that we haven't addressed to date in the RLSA, and we're pleased to be able to bring it to you today. The affordable housing policy is to provide for 2.5 percent of the gross acreage in a land set-aside for affordable housing. So that land would then be available as needed. As the town or village grows, that land will be available for affordable housing.

We have also added strong language on transportation interconnections within the SRAs and between the SRAs. So this policy intends to minimize the use of the arterial system of Collier County and to provide for those interconnections between the SRAs.

We are also providing for mitigation actions. Those are listed in this policy of the impacts and what the county can do and would look at as these projects come forward. We can look at

those in total.

The set of policies also recalibrates the credit ratio. So in the current program, to entitle a Stewardship Receiving Area -- you need eight credits per acre to entitle a receiving area but, remember, we're proposing to increase the stewardship credits through the use of agriculture credits. So with the increase of those credits, we need to rebalance that credit ratio. So we've increased that credit ratio from eight to 10 to maintain that balance.

When we get into the detail discussion of these policies, we'll bring this chart up in full scale so you can look at it closely and have a discussion about it. But this is -- the RLSA overlay has several attachments to it, and it provides a table, again, to describe what the size, the density, intensity, and uses are of the SRAs. It doesn't provide for the development standards or how these go forward. Again, that's the Land Development Code that we will look at and make sure that we're implementing these policies as we go forward.

The chart also indicates transfer stations and park and rides for transit. So we've added those provisions to both town and village. The other ones that we have modified on here are the commercial goods and services. So these -- the ratio of commercial goods and services for a town or a village have been modified and increased as well.

Finally, the Group 5 policy amendments, these policy amendments apply to properties that are not going to voluntarily enter into the program. So if we -- if we're not successful incentivizing the values of the community and protecting these lands, the property owners still have the underlying rights. And if they come in and request the density that's allowed at one unit per five acres, maybe they come in, you know, with a PUD for that and cluster the development, they would fall under these policies for consistency with the Comp Plan.

So with that, we've asked for a potential wildlife crossing map to be done in partnership with the FDOT, who is working on that as well in this area, and we are further directing non-agriculture uses away from habitat even in the underlying zoning. We're also addressing outdoor lighting. There's -- throughout these policies you'll notice that the intent is to protect the night skies in our rural areas, so under these policies we're addressing the night lighting as well.

But I just -- make sure that everyone understands what the Group 5 policies are intended for the underlying zoning. If they would come in with a development for that, they would be consistent with 5 policies.

So staff's recommendation is to approve -- make a recommendation to approve and transmit these to the Board. As Mr. Cohen mentioned, these have been through a team of Collier County of about 15 people reviewing the five-year report, the five-year recommendations, the white paper, and all the amendments that we put in draft were discussed, and we found these policies, as proposed, further protect and restore natural resource lands, including habitats and flowways. It goes further in retaining agriculture lands and providing for future growth and economic diversification.

So with the final slide for you from staff today is I want to remind the Planning Commission what the next steps are. Once the Planning Commission completes their review, they will make a recommendation to the Board of County Commissioners. And in these Comprehensive Plan amendments, remember we go through this twice. So it will go to the Board of County Commissioners at transmittal and then it will go to the State for review. After the State reviews it, it will come back to the Planning Commission, and we can have this fun again, and then it will go to the Board of County Commissioners for adoption.

Following that we get to get into the Land Development Code to implement the policies that are in the plan. So we're going to come back following the finalization of the GMP with the Land Development Code.

Do you have any questions for me before we go to your next speakers?

CHAIRMAN FRYER: Go ahead. Oh, by the way, Planning Commissioners, except for

those that are not up to the dais, this punch to talk is working, so please use that. But, Commissioner Schmitt.

COMMISSIONER SCHMITT: Anita, just to educate us all, can you just go ever since 2009, of course, you had the restudy. Just a brief history, as far as vetting these and meetings with the community and with other entities within the community that have been involved in this, of course, many of the -- whether it's the Wildlife Federation or -- well, League of Women Voters, some of the others that we received comments on.

MS. JENKINS: Sure.

COMMISSIONER SCHMITT: But just give me the history as far as the vetting of this and the various meetings that you have had, both the public and committees, to get us to this point.

MS. JENKINS: Sure. So the RLSA was created in 2000/2002 by a 14-member committee, and they went through painstaking data review to create the Natural Resource Index map that valued these lands acre by acre, 14 members, through years of public review and comment.

Following that adoption, after their recommendations came forward, we went through a five-year review. That Five-Year Review Committee, that was established by the Board of County Commissioners to review the RLSA and make recommendations. And that was another, about, 15-member committee that went through the RLSA, made recommendations, and that's in your packet as the five-year report, and many of those recommendations are in here.

Following that five-year review, it did not go forward at that time, and it did not go forward until the Board directed staff to do the restudies, and the four restudies, again, are Golden Gate, Immokalee, which are adopted, the RLSA, which is here today, and the rural fringe, which is following right behind us.

So through following that Board direction of the restudy, Mr. Schmitt, we had 12 -- a year-long process of public comment over 12 meetings that were held with the public. And then following that, we prepared a white paper. We then had a comment period on the white paper, and we met with individual groups that -- interest groups on the white paper recommendations. Following that, we created a draft of the amendments, and we put the draft out for comment again. And we can discuss all of those documents as well on the draft. And then we got here today. So it's been years and years of public input throughout the whole process, so --

COMMISSIONER SCHMITT: Yeah.

MS. JENKINS: -- there hasn't been a time without public input on this.

COMMISSIONER SCHMITT: Of course, I look out in the audience, and I see many folks who have been involved in this since 2002. Allen, Brian, Brad. Who else is out there? We've got all sorts of folks who've been involved in this.

MS. JENKINS: Yeah.

COMMISSIONER SCHMITT: My only real question, I think, before we get started -- I'm just somewhat puzzled. We're at this point, yet we received volumes of objections from the League of Women Voters and the Conservancy, two of which we received a significant amount of information. And I'm just curious, to this point, did we get to a point where we agree to disagree or did we just decide to move forward irregardless of the -- or regardless of the objections that were raised?

MS. JENKINS: I'm going to --

COMMISSIONER SCHMITT: Mr. Cohen's going to take that one.

MR. COHEN: Yeah, I'm going to do a prerogative and take that one.

As you can appreciate, this is a monumental task since it's been sitting here since 2002, and we got that close (indicating); a hundred-thousand-dollar issue, this would have been done.

What I've said is, interest groups have the ability at any point to insert themselves into the process because that's what they do; they're advocates.

COMMISSIONER SCHMITT: Right.

MR. COHEN: Our role is to navigate that process, and what you can see is, there's other opportunities for them to continue to make their case.

We're looking for a consensus. We're bound by some statutes. And in my former life, I'd looked at what the Rural Lands Stewardship Area is to be, so that's why sometimes there's some language changes that folks are not appreciative of, because I go back and I look at the Florida Statutes and say, what does the Rural Lands Stewardship Area say it's supposed to accomplish? What does Chapter 163, growth management for the State of Florida, say that Comprehensive Plans are to be and how they compare to what you do in the Land Development Code? And as we talk to the various constituents, sometimes we do get to a point where we agree to disagree.

And what we're trying to do is to continue to move this process forward and not go backwards on some things that have already been decided. And part of the conversations that you may hear, is some people may want to go back and kind of re-argue some of the issues that the Board of County Commissioners has put to rest, but that's their role, and their role is to continue to be able to do that.

And I think what I believe we've done a good job of is being able to get us to a point where we've got broad consensus to be able to move a step forward. Where our stumbling block is is that a lot of folks want us to leap to the end when there's another step that we need to take.

And I think our challenge is continue to have people understand the process of, if we take this step, then we can get to some of the issues that some of the folks have raised.

COMMISSIONER SCHMITT: Now, you made a statement -- and I think for the rest of the members of the Board here, I think that's key is we're not here to adjudicate what the Board decided on in 2002. And I thought I heard you say that. And I really don't want to go back to the beginning of this when, of course, there -- there was a significant amount of agreement between the landowners and the various agencies that were involved to get to where we are today.

And I hope we're not going to go back and try and re-litigate or re-legislate the entire process again. What we're doing is tweaking this to make sure that we, I guess, bring it up to date is what I heard Anita say.

And, Thaddeus, that's, I guess, what you just stated.

MR. COHEN: And that's why I kind of interrupted, because that's the role that I've said that we need to be able to take.

COMMISSIONER SCHMITT: Yep.

MR. COHEN: There's -- some people are concerned about past decisions that have been made. They can continue to advocate for what they believe needs to take place. But I'll put it in these terms: Our marching orders from, as I read the statute, is to be able to continue to move the process forward, and the amendments that you see are within the context of a comprehensive plan.

And I've got a closing statement to talk in terms of what those limitations as I see them are for what we need to be able to do to get them approved by the State, and it's very specific as to how you talk about goals, objectives, and policies, which is what a Comprehensive Plan does, and then implementation strategies, which happen in the Land Development Code.

So it's specific as to what it is that we are to do. We don't disagree with a lot of the things that folks talk about, but after 10 years, we would like to be able to get that next step. We think \$134,000 -- excuse me -- 134,000 acres of protection is important that the landowners have come forward and said they're still committed to do after 10 years.

COMMISSIONER SCHMITT: Yep.

CHAIRMAN FRYER: Okay. Thank you. Any other questions or comments? I've got some, but I want to defer.

COMMISSIONER FRY: Do you want to go first?

CHAIRMAN FRYER: No, sir. You go ahead.

COMMISSIONER FRY: Just a high-level question. And, first of all, I really appreciate the presentation. It helps put the pieces together at least for me, so I appreciate it.

To what extent -- as the process moves forward, we know that the LDC amendments are the -- really the details of how this is implemented. So we have two villages that are in the process right now.

So my question is: Let's say that these amendments are approved. To what extent do those affect how those villages move through the system? Are they bound to the new GMP amendments if approved?

And, secondly, is -- if these amendments are approved but the LDC amendments take a year or so to get approved, what actually will this change in the implementation of their RLSA until the LDC is approved?

MR. COHEN: I will, again, defer if I go off track.

But what's through the process currently -- and that's the reason why we've been adamant about trying to move forward. They're under the existing rules and regulations for which we operate now. So through this 10-year process, we've been spinning our wheels, and we haven't been able to get to the point that everybody wants to get to. And so for us, that's why it's important to be able to keep the momentum going so that we can do some of the things that folks want us to do.

What would happen in the interim? So we have a GMP. We come forward, and we're talking about the LDC. Well, until the LDC is approved, we're still under the current guidelines. Now, what you would like to be able to do, and I think we're in a process of doing that currently, is having conversations with folks about you can see where the future is. You can see the direction that we're trying to go. We believe we have a consensus, so let us work to see if we can -- as we're moving forward with the LDCs, is there things that we can do to help you get to where we all want to be, and that's a trust level.

And I will say, honestly, that right now, that trust may not be there. I mean, I've had a previous life in which it is difficult to break some of the old paradigms that folks have had about how development occurs. And I think that's the challenge that we have now. It was exciting back in the early 2000s. It dropped off because of the economy. We have a chance to resurrect this. But we're on that precipice of being able to have a paradigm shift as to how we think about development.

And our question will be is, will we continue to take those steps forward, or will we continue to spin our wheels? And I'm hopeful that we take this step forward.

COMMISSIONER FRY: Are you hopeful that if these amendments pass that the existing villages that are in the process, there might be some good-faith changes made to them to more adhere to the new amendments.

MR. COHEN: Well, as you know, there's an old saying that is, if you keep doing what you're doing, you keep getting what you get. And so what we've reached out to folks and said is, you can see the landscape is changing somewhat. How can we help you get to where you need to go? Because, again, this RLSA program is an opt-in. It's an incentive-based voluntary program. So let me repeat that. That's incentive-based voluntary.

So we need to be talking with landowners and others about what are the incentives that helps you get to where you need to be. At the same time as the county, what it needs to do to protect our interests as taxpayers, because we hear that clearly, that there ought not to be a burden to the taxpayer. So how do we share those costs as we go forward? And we think we have some tools currently that will allow us to do that.

And so we think we're having some fruitful conversations with folks who are thinking about these things. And these conversations, we think, are driving folks to reconsider what their previous positions have been.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you. I've got -- it says No. 2 on here. Is that you, Mr. Shea?

COMMISSIONER SHEA: I think that's me, yes.

CHAIRMAN FRYER: Please go ahead.

COMMISSIONER SHEA: Just a clarification -- probably either one of you could answer it -- is there has not been any amendments actually passed since 2002. They've had the five-year review, had a lot of great ideas, but nothing ever changed the basic RLSA; is that correct?

MR. COHEN: That's correct. So the irony for me as a newcomer to the community is there's been an almost unsaid plan that people are working from that is not actually in place, which is kind of interesting. It's almost like a gentlemen's or gentlewomen's agreement that there's 45,000 acres, that there are so many credits, that we'll do this and we'll do that, but there's nothing that requires that. That's just kind of informal how people have worked.

So a lot of the arguments I hear are, you're doing this, and you're doing that, and you go, but it's really 2002. That's what's on the books.

2009 is what people are kind of informally working under, grappling with, but that's not the law. We're trying to formalize this today. And, more importantly, makes improvements, which is interesting.

COMMISSIONER SHEA: No, I appreciate all the effort. It's pretty mind boggling. I felt like I was back in college again in a final exam week trying to read everything.

But I want to follow up on Commissioner Fry's -- I want to make sure I understand the timing of all this, because with what we see coming in and knowing how long it takes to get anything approved, we could have committed all the SRA land before we even make any amendments to it. And that's really where you were heading is not -- having some kind of -- if we change the regulations in the RLSA, make them apply to applications that are already in the system. If we don't, are we really wasting our time here in this discussion? Because the land will all be -- the SRAs will all be gone before we get these approved.

MR. COHEN: And I would say, no, we're not wasting our time. There's areas up around Immokalee and other landholdings that are out there that I think this strategy will be important to be able to implement. Where our difficulty is is folks are looking at the immediate, what has happened over the last three, four, five years and trying to make decisions about what that future can be.

We're asking our group to take a longer-term view as to what those other holdings may be and what are the incentives, again, to be able to get the kinds of towns and villages that we would expect.

And let me kind of lean forward a little bit, as Colin Powell would say, get forward on my skis, which is, a town, I think, is different to me than just a development.

I mean, that's the challenge that we have. I mean, you know, I keep hearing, well, it's a development. I don't know. I mean, I grew up in a town. I mean, I didn't think of it as a development. I thought of it as a town. I mean, it had a high school. We had marches and parades and bands and all kinds of things.

So that's -- do we think of towns as something different than just a typical development that rolls through Collier County? And if we do, then we do it differently. But if it's just another development with a fancy name on it, then, you're right, people are rushing to do what they do.

I think people are stepping back saying a town is different. There's another opportunity in Eastern Collier County to have something significant happen. I've been in Florida long enough to watch a place like Weston; Arvida did that. I don't think people thought of that as just a development. That's a town. Parkland didn't exist in the early '70s. I mean, that's a town. So Ave Maria; I was at the state level. I mean, people were thinking about that as a town.

So I think we have -- again, people are talking to us, and we think that there's an opportunity to kind of change that this is just not another development. We'll look at it as a development. But if it's a town or a village, then that's significant. That's a dream. That's a vision that's associated with those kinds of things.

COMMISSIONER SHEA: I guess, I'm an engineer, so I look at numbers. If you approve -- if we approve the next two developments coming in behind Rivergrass for SRAs, how many total SRA acres will we have approved?

MR. COHEN: I'm an architect, so I --

COMMISSIONER SHEA: I'm just adding numbers up. I don't feel like we have enough --

MS. JENKINS: About 9,000.

MR. COHEN: About 9,000.

COMMISSIONER SHEA: So that will be the total of the two additional applications that are floating through?

MS. JENKINS: So Ave Maria's a 5,000-acre town, and then Hyde Park and Rivergrass, approximately a thousand acres each, and then a couple others that are in the process right now also about a thousand acres; a little less than a thousand acres each.

COMMISSIONER SHEA: Okay.

CHAIRMAN FRYER: Is that it?

COMMISSIONER SHEA: Yes. Thank you.

MR. COHEN: So that's why we're saying there's a lot left.

COMMISSIONER SCHMITT: There is a lot.

MR. COHEN: There is a lot left.

COMMISSIONER FRY: So, really, we are early in the process. We -- out of 45,000 acres possible to develop, we'll be at 9- even if the next two go through. So we'll still have 36,000 acres left that would go through -- hopefully through the new process with the new amendments and the LDC once approved.

One concern I had when I was -- the first village that I saw come through, and a lot of us, was Rivergrass. And we were aware that there had been the attempt to develop a town called Rural Lands West that fell through for a number of reasons, I guess, and it's been replaced now by three villages: Rivergrass, Bellmar, and Longwater.

What -- to what extent should we be skeptical or optimistic that towns are feasible in the future when we know that this last town attempt ran into so many obstacles, and we're getting villages instead?

MR. COHEN: I think that what happened with -- that resulted in Rivergrass, we believe it will be a unique situation. I mean, there was a precursor to Rivergrass back in 2005, I believe, which was Big Cypress. So there was various iterations. And for whatever reason, as you say, it was removed.

MR. KLATZKOW: You got three villages because it's cheaper for the developer to put in three villages than it's cheaper for the developer to put in a town. A town has far more infrastructure requirements in it. That's why you have -- that's why they broke it up.

COMMISSIONER FRY: Which is my question, Jeff, is that will not really change. That economic reality will not change. So how are we going to get towns --

MR. COHEN: Well, let me give you a differing opinion. So I appreciate the County Attorney. And so -- and let's take his point. Let's grant that it's cheaper, all right. So let's grant that it's cheaper. The question then becomes for us, the county -- and I'm only speaking as a GMD department head, not the county, okay. So I'm qualifying what I'm saying.

What is the partnership that we can create that helps a town move forward which is the aspiration of the community, and it could be a vision of the property owner. What's those shared

opportunities?

And so one of the things that we're thinking is we're looking -- I've had an opportunity off and on to talk to Mr. Kitson, who does Babcock, and the relationship that he's had with Charlotte and Lee County. How can we then talk in terms of creating a framework? And Anita's come up with a document that we can talk about in the future because we still want to focus on these amendments. But how can we come up with a town vision that allows us to have a conceptual plan for what the community would be in an overarching structure as to what those improvements and impacts might be as far as the infrastructure's concerned?

And then as they come in with their phases, either as an SRA process or a sub of those SRA processes, taking a look at what the sector plan gave us in 163, can -- at those moments in time, can we take a look and say, where are you as far as your internal capture, because it's usually about the roads, which is where the hang-up occurs as to what the funding mechanisms are. How does the credits are apportioned for being able to do those infrastructure [sic]? Where is the county as far as the contributions we believe we might need to make in order for it to do the network that the county requires compared to the internal capture and your connections to those networks, and how can we apportion those costs?

We believe that that provides an opportunity to lower that front-end cost that makes it too expensive for the town to go forward and that you can distribute those more fairly over the course of the development.

So that's what we're working on currently, to see how we can make that kind of change. So that's looking at the fiscal component. One of our team members is doing that. That's looking at the transportation; and you've seen Trinity here. So she's working on that.

And then the framework as to how you can get those agreements early on and stand before a commission or a board to say this is what we commit to on the long-term. That's the piece that Anita's working on currently.

So, you know, you're watching the amendments go forward, but that's a lot of paddling happening underneath so we can address these kinds of issues.

COMMISSIONER FRY: I guess moving forward, important to me personally to understand, is that we can -- the plan moving forward will be more amenable to the development of towns because we know we had a false start. And to the developer's credit, they spent a lot of years and a lot of money to develop a town and then pulled it for whatever reasons. And so I guess I'd like to have some confidence after this process that a town is a viable -- town or towns are viable opportunities and we won't just get a list of village after village after village moving forward.

MR. COHEN: And we don't disagree. And one of the things that we're also trying to capture, as we look inside of the language as it exists currently, is that a village is still an important component. And what our documents say currently is that you can create a village on property or land that you have, and the goods and services may still come from a town so that there is a relationship then between villages and towns.

So we're trying to go back and take a look to see if that hierarchy, as you described it, makes sense so that it doesn't preclude a village from taking place, but it also encourages a town to be financially feasible to do over a period of time.

COMMISSIONER FRY: Thank you.

CHAIRMAN FRYER: Thank you.

Thank you very much, Mr. Cohen.

I have some comments that I would like to make that portray, I think, the history and also, perhaps, cast the desired objectives in a different way. I'm going to make these points now so as perhaps to sharpen the issues and enable people to see that there may be more than one point of view available for us to consider as we go through these materials.

I want everyone to know that what I'm going to say won't come as a surprise to staff. I met with staff on Tuesday and went over in considerable detail for about 90 minutes, really, what my major concerns were. And in some respects, we've agreed to disagree, but we've certainly pledged to one another that we're not going to be disagreeable about it.

So my comments are, in some respects, rather frank, but they're not meant as criticisms of staff, certainly not any individuals of staff or at large but just that I have some significant disagreements with where staff has come down on this, and I want to make the record plain now so that that can be thought about as we continue.

I've got some major objectives that will determine how I ultimately vote when this comes to us for our final recommendation, and I want to tick them off for you, and then I'm going to elaborate a little bit.

First, I believe that it's important that the developers be required, not encouraged, be required to employ smart-growth techniques including the transcendently important technique of growth paying for itself.

Second, the developers, and not the taxpayers, be required to finance the provision of affordable and essential services personnel housing. After all, it's the developers who'll receive the benefits granted to an SRA.

Third, that for the purpose of holding certain villages to the stricter requirements of towns, the county must aggregate proximate developments that are under common ownership except as might harm protected species. And, in fact, I think on that point the Board of County Commissioners has specifically called for that.

Fourth, going forward, that developers being ineligible for any additional restoration credits until some restoration has actually been completed. Very, very little restoration has actually been done. Layers have been trimmed back, I'll grant you, but very little restoration has actually been done.

Both -- going forward, that developers be in -- excuse me. My final point I want to make is that the county either significantly reduce the proposed 45,000-acre SRA development footprint or significantly increase the number of SSA credits necessary for each SRA acre.

Now, I want to drill down a little bit on the concept of smart growth. When I say "smart growth," here's what I mean. I mean, first of all, physical compactness. And the next point -- next definition, if you will, is the flip side of that objective, which is prevention of urban sprawl. Urban sprawl burdens county resources, it threatens our fauna and flora, and ultimately costs the taxpayers significant amounts of money for expanded infrastructure.

Third, to me at least, smart growth means having neighborhood-level commercial resources located closely and conveniently to residential homes.

Next, it means full interconnectivity for reasonably easy access to all amenities for the town and village residents. Also, it brings about a significant reduction of motor vehicle traffic on our public roads. And, finally, smart growth means requiring that growth itself pay for growth.

Now, our current GMP, which goes back to 2002, encourages such concepts as smart growth. In fact, the current GMP is replete with words like "encourage and promote desirable things" and "discourage undesirable things." Now, I've heard some concern expressed that since the RLSA program is voluntary that all the county can do is to encourage or discourage rather than require or prohibit.

Of course the program is voluntary, but once a landowner voluntarily opts in, there is no law that I'm aware of exempting the owner from complying with development requirements in exchange for the benefits the owner will receive.

Now, another concern that I've heard expressed is that the State of Florida's final order of 1999 somehow prohibits the county from doing anything more than simply discouraging urban sprawl and encouraging creative land-use planning techniques. Well, concededly the final order

stopped short of going further than encouraging or discouraging; however, under the plainly applicable rules of statutory construction, of which I'm familiar with, discourage and encourage in the context of this final order were meant to be the minimum required efforts that a county must undertake in order to comply with state law, not a limitation on the taking of even stronger action.

Now, our current GMP discourages urban sprawl, and that's because the more spread out or sprawling a development is the more infrastructure it will require; more fire and EMS stations and vehicles and personnel, more neighborhood schools, more policing. All of this translates, in simple math terms, is that more sprawl equals greater costs that, without smart growth, will be borne by the taxpayers of Collier County.

Now, there have been some independent studies out there that I want to refer to that focused on Collier County over the last 18 years or so, and they've demonstrated that particular equation, that sprawl equals cost to taxpayers.

Now, one organization called Smart Growth America completed a study for Collier County quantifying the difference between sprawl and smart growth in the RLSA. According to SGA, sprawl will cost the taxpayers \$3.8 billion more than smart growth over the next 20 years.

Then the firm of Dover-Kohl completed a similar study of the RLSA in Collier County. It concluded that increased costs of sprawl, both financial and quality-of-life costs, will be significant.

The group known as a 1000 Friends of Florida very recently updated its 2013 written report. In its 2019 report, the group called for a recalibration of stewardship credits so as to ensure, quote, that development of Stewardship Receiving Areas follows a compact urban form so that new infrastructure does not become a financial burden on Collier County taxpayers, unquote.

Now, I believe that staff's August 3rd draft is seriously deficient in failing to require smart growth. When we come to offering our comments to that draft, the following considerations will likely determine at least how I ultimately vote:

First, the process of calculating fiscal neutrality needs to be made truly independent. Right now SRA applicants and their paid consultants pretty much control the process.

Second, the county should insist upon a reasonable buildout horizon date and periodical measure achievement of clearly defined interim goals at regular and frequent intervals during buildout.

Third, the county needs to consider seriously whether impact fees as currently calculated adequately cover the costs of new infrastructure required by each development.

Unless these goals are baked into our new RLSA program, Collier County taxpayers will continue to be saddled with significant costs that should more properly be borne by the developers.

Now a brief word about affordable housing. Following the BCC's workshop of January 21, 2020, staff undertook to prepare a draft set of proposed amendments to the RLSA GMP provisions. Its draft of March 9, 2020, which was not included in our agenda packet, contained the following provision requiring affordable housing in SRAs: Quote, a full range of housing shall include affordable housing. A minimum of 15 percent of the residential units shall be affordable housing with at least 50 percent of the affordable units provided at less than 80 percent of area median income, and a housing analysis shall be submitted at the time of application.

Now, closely following that March 9 draft, staff's -- staff received some comments from the public, and many of those comments were included in our agenda packet. One was a position paper submitted by a group known as the Eastern Collier Property Owners or ECPO. ECPO is composed of about 12 business entities who, I'm told, together own 85 percent of the property in RLSA, and prominent members include well-known names such as the Barron Collier Partnership and Collier Enterprises.

Staff then produced its August 23rd, 2020, draft. In my opinion, that draft contains a

fundamental weakening of the affordable housing requirement put forth in the March 9 draft. The affordable housing language quoted above was deleted and was replaced by language that offers developers two options: Either they can set aside sites within or near the SRA for some other entity, or the county -- and when you say "the county," that means us taxpayers -- to provide affordable housing. Alternatively, the applicant is allowed to propose its own scheme for affordable housing. The developer in that sense can really, basically, write its own affordable housing rules. They're subject to scrutiny but, once again, it's the developer that takes the initiative to provide its own affordable housing standards. I think that's a mistake.

Next, a word about aggregation. Staff's March 9 draft included the following language requiring aggregation: Quote, for the purposes of coordinating infrastructure and providing for economic diversification within Eastern Collier County, two or more villages or CRDs under common or related ownership that are physically proximate and share infrastructure shall be aggregated. When aggregated, the county shall review the application by the SRA standards whether it's town, village, or CRD, applicable to the total size of the aggregated development. Now, that language was deleted, and the August 3rd draft contains absolutely no provision whatsoever regarding aggregation.

Now, to quote BCC Chair Burt Saunders, who voted against Rivergrass because, in his words, he believed it seemed, quote, sneaky, closed quote, for a developer to request approval of commonly-owned and proximate village developments in order to circumvent the more onerous requirements imposed on larger towns. Well, to my way of thinking, if it quacks like a duck, it's a duck.

Restoration credits. Under the current rules a form of double dipping can occur wherein a sending landowner may receive a set of restoration credits for simply designating his land for restoration. Those credits are awarded without any actual restoration taking place. Later, if and when restoration actually occurs, the landowner receives a second set of credits. In a program where more credits equals more acres of SRA development, I see no benefit to the people of Collier County for awarding any restoration credits until at least some restoration has actually been done.

Finally, the proposed 45,000-acre RSA [sic] development footprint. Let's first review how the county got itself all the way up to 45,000 acres of SRA. It didn't start out nearly that high. Official county records reveal that the original intent of the RLSA program in 2002 had been to cluster development on less than 10 percent of the nearly 192,000 acres of land in the RLSA while preserving the remaining lands for agriculture and conservation.

Now, throughout the two-and-a-half-year public process leading up to final adoption of the program, it appears from official historical records that the public was told the maximum development potential for SRAs was 16,800 acres or 9 percent of the total area. The rest of the land, 91 acres, would be set aside as conservation and agriculture.

Now, long after that program had been adopted by the BCC in 2002, during the first formal review, which was between 2007 and 2009, it became clear that the GMP language that had created the RLSA program actually permitted a much greater capacity for development than just 16,800 acres. During that review, it was discovered by ECPO's paid consultant that the program actually created the capacity for developing fully 43,000 acres, which was a 230 percent increase in capacity for SRA development. And, incidentally, that was the same consultant that had led the original creation of the program back in 2002.

So how did this happen? Well, only a few days prior to the adoption of the plan by the BCC in 2002, Policies 1.21 and 3.11 were added to the final draft increasing the number of stewardship credits in the system. The workshops, the stakeholders sessions, the public meetings had all, unfortunately, ended. So the public was not aware that these policies had been added, nor had it been informed of the extent to which these policies would increase the SRA capacity of the

program.

Our previous chairman, Mark Strain, a Planning Commissioner at the time, asked during the CCPC's RLSA adoption hearing on October 17 of 2002 whether or not the added policies had been publicly disclosed and vetted. The county's outside legal counsel, a gentleman by the name of Marty Tumbler, replied in the negative. He explained there was simple not enough time left under the final order --

COMMISSIONER SCHMITT: She. Marty was a she.

CHAIRMAN FRYER: Thank you. Okay.

COMMISSIONER SCHMITT: Just correct the record.

CHAIRMAN FRYER: Record so corrected. Thank you.

Ms. Marty Tumbler replied in the negative. She explained there was simply not enough time left under the final order to keep the public informed. Five days later, on October 22, the BCC gave its final approval to the RLSA program.

Now, if for some legal reason the county is now stuck with a 45,000-acre development footprint, at least -- at least it should require more SSA lands to be protected by significantly increasing the number of credits needed to develop each SRA acre; not just from eight to 10, but from eight to 15 perhaps, or more as was offered in the March 9 draft that would have the desired effect of protecting more sending lands. Thank you very much.

Now, having lost my voice -- it's a good thing I'm finished. I want to ask the interest groups, the advocacy groups in the order that I mentioned, to send up their representatives and speak. And, actually, it's 10:24. Let's take a break first, and we'll come back at 20 minutes of 11, and we'll start with the advocacy groups. We stand in recess until 10:35.

(A brief recess was had from 10:24 a.m. to 10:40 a.m.)

MS. JENKINS: Now you have a live mic.

CHAIRMAN FRYER: Thank you, Ms. Jenkins.

All right. We are now going to turn to public speaking going first with the groups, the organizations that have asked to speak, and I'm going to take them in the order that I was made aware of their request to speak.

So the first was the Conservancy of Southwest Florida. Would -- those persons who wish to speak on behalf of the Conservancy, you're on.

MS. OLSON: Good morning, Commissioners. April Olson here on behalf of the Conservancy of Southwest Florida.

The Conservancy of Southwest Florida thanks you-all for the opportunity to speak on the 2020 RLSA amendments. And we are not going back to 2002. We know that that's not possible. Our goal here is to improve the RLSA program.

And I've got a lot of important information to provide you in just a short period of time, so I'm going to have to stick to the script here, okay?

So although nearly all RLSA lands are privately owned, what is proposed for these lands will have an impact on many generations and on the character of Collier County forever. These amendments before you, although they seem to be just words on paper, they will eventually come to life.

The amendments before you would increase the RLSA's development footprint to a size even greater than Washington, D.C., pictured here. Twelve landowners who, by the way, are in support of the proposed amendments, have plans right now to fully maximize the entire SRA potential of the RLSA with new towns, villages, and even mines.

Their plan for 45,000 acres of development is not only being requested through the RLSA amendments but also through a federal permitting process that is ongoing. Their plan for the RLSA would add over 100,000 new homes; 300,000 new residents. Compare that to today's population, which is about 380,000; and over 800,000 vehicle trips a day to Collier County's road

network.

Nearly 2,000 people commented on their federal permit application. We read every single one of those comments. Ninety percent of the people that commented are opposed to mega-development for the RLSA, mostly because it will be bad for wildlife and bad for Collier County residents. Their mega-development proposal is strengthened by the RLSA amendments that are before you.

So our first ask is that you truly take the time to understand these amendments before deciding on them. We fully understand that the RLSA -- I'm sorry -- RLSA program is very complex, but a lot is at stake here.

And before I discuss our recommendations for the amendments, it's important that you understand a bit of the RLSA's history because it relates to what is happening today. And, again, we know we can't go back to 2002. And Chairman Fryer hit on a bit of this, but I'd like to elaborate.

So when the program was adopted, everybody, the public, including the Board of County Commissioners, were told that if you take the number of homes that could be spread out throughout the RLSA at the base zoning of one per five and condense that into a smaller footprint, that only 1,600 -- 16,800 acres of land or about 9 percent of the RLSA would need to be developed. And the pink areas that you see here on the map, that just shows the spatial extent of what 16,800 acres would look like.

So when the program was adopted, the Conservancy, we were supportive of the -- of an RLSA program. So were Thousand Friends of Florida, who even awarded the county a "better community" award for the RLSA program. And the Department of Community Affairs, which is the State's former land-planning agency, they approved the program. They were also supportive as well.

Now, let's fast forward five years later during the first review of the program, which is referred to as the five-year review, from 2007 to 2009. That's when it was revealed that the development potential of the RLSA was far greater than what the public was told. In fact, it was about 230, 250 percent greater than what the county commissioners were told at adoption.

So instead of 16,800 acres for compact rural development, we're now stuck with a program that provides 43,300 acres. This all happened because there were a lot more credits in the system than anyone realized because a proper analysis of the credit system was never conducted before adoption.

And, as I mentioned, the development potential increased by about 250 percent. Well, this also increased the projected population of the RLSA by more than 350 percent.

So at this point, when this happened, that's when the Conservancy became very concerned about the program, but we weren't the only ones. Thousand Friends of Florida, the group that issued the county an award for the program, they later issued a scathing critique of the program, and here's a quote from that report. Quote, the complexity of the system resulted in excessive credits beyond what was initially anticipated and well outside the land-planning and management goals and objectives of the RLSA program. Importantly, the spatial extent of the open land available for SRAs is too large and much greater than the original 16,805-acre development footprint.

Even the DCA changed their professional opinion when they found out that the development potential was much greater than what they were told. So this report came out in 2007 when they found out how the development potential increased.

Quote, there are practically no standards guiding the distribution of development areas. This large 93,000-acre area eligible for designation of receiving areas, which also allows the conversion of land uses to the underlying low density uses, that's that one per five, is the exact opposite of a plan to direct growth to the most suitable areas. This may lead to fragmentation of

natural areas, wildlife habitat, and agricultural areas. The overall rural character of the area's under threat from the potentially large amount of rural development. So the issues with the program are not just coming from the Conservancy.

So how do you measure whether an RLSA program is truly award-winning? Well, you measure it by determining whether or not the program will meet its goals, which the goals are here: Prevent premature conversion of agriculture, protect wetlands and listed species habitat, discourage sprawl by creating truly compact smart growth walkable communities using innovative planning. Based on research and reports from outside experts, we know that this is not possible for the RLSA to achieve these objectives.

Even more concerning is that the amendments that are before you today take the program further away from these goals. And the main reason why the program cannot meet its goals is because the potential location of towns and villages is not based on any strategy or sound planning principles. Development can be spread anywhere throughout that 93,000-acre footprint of open lands.

So what the DCA and Thousand Friends, essentially, stated in their quotes is that this program will lead to sprawl. We agree.

So crisscrossing those 93,000 acres will be new roads, water, sewer lines, and vast distances to travel to provide services such as police, fire, EMS, and school busing. This goes against the very goal of the program which is to create compact growth.

Not only will the sprawling footprint be expensive for the county, but the new roads and infrastructure will be also a magnet for that five-acre ranchette development, which is the very thing the program is supposed to avoid.

So if the program is not seriously modified now, these are the effects of sprawl that the entire county will experience.

So we are starting with a program that is not only flawed but heavily weighted on the development side, as you see on the left. So one would think that these amendments should be geared toward rebalancing the program so that private interests and public interests are more evenly weighted. Instead, the amendments before you weight the -- are weighted even more towards private interests.

Now, attempts were made to rebalance the program at the beginning of this restudy process. The May 2019 white paper included recommendations supported by much of the public and the Conservancy; however, in October, after the public workshops ended, these recommendations were drastically modified and replaced with these five-year-review recommendations.

And what is concerning is that these five-year review recommendations were barely mentioned at the workshops, and the public was led to believe that their recommendations would be considered and included in this final amendment package that is in front of you.

So we were surprised that we're now presented, essentially, with a carbon copy of that five-year review, which is a shame because 12 years have passed since that first review. We have a lot more SSAs, a lot more SRAs, and we've learned a lot about the program what is and what is not working. So one wonders if this whole two-and-a-half-year process has been an exercise in futility. We really hope that this is not the case. It is our hope through this process today you will help us take steps to rebalance this program.

So our ask No. 2 is just one step in the right direction. During the workshops, the public overwhelmingly, the other stakeholders, the public stated they wanted to see less development for the RLSA, not more development. They want to see more compact development, not less [sic] sprawling. They want to see more smart growth, not less sustainable growth.

So we hope that you will reject the amendments to Policies 1.22, 4.2, and 4.7.1, which only increase development in the RLSA.

Our third --

CHAIRMAN FRYER: Excuse me, April. Would you repeat those cites?

MS. OLSON: Sure. 1.22, 4.2, and 4.7.1.

COMMISSIONER FRY: April, will we be provided a copy of the presentation?

MS. OLSON: Certainly.

CHAIRMAN FRYER: Sorry to interrupt.

MS. OLSON: Okay. Our third ask is that you help rebalance the program so that private interests and public interests both reap benefits of the program, and there are many things that need to be done.

Some of the benefits that the public were promised under the RLSA program, including conservation at no cost to the taxpayers, protection of listed species and their habitat, and restoration. But after 12 years, have these things come to fruition?

Here's one slide you'll see on the right. This was presented at one of the workshops by ECPO, Eastern Collier Property Owners, and what it does is it compares RLSA conservation to taxpayer-funded conservation. And you can see that yellow area there. What this graph says is that 53,000 acres of RLSA lands are going to conservation, which is more than Conservation Collier and Lee County Conservation 2020 combined. They put more land than those combined.

But is this what's really happening? The reality is that under the SSA -- under the RLSA program, conservation is a myth. Only one percent of all SSAs have been placed in conservation. And this is straight from the white paper. So out of about 50,000 acres of SSAs -- and there's recently been one that was improved, increasing it to 55-. But out of 50,000 acres of SSAs, only 651 acres have gone to conservation.

What is really happening is that 99 percent of all SSAs remain in agriculture, not conservation. And we agree that agricultural preservation is important, but let's call it what it is. We need to be totally transparent about what is happening.

So another public benefit of the program that is often touted because it's the goal is that the RLSA will protect listed species and their habitat. And the RLSA has many endangered and threatened species. In fact, there are 16 and three more that are under review for listing, as you see here.

Sadly, this is another myth. The reality is that the RLSA program will not protect listed species and their habitat. As one example, 50 percent -- actually more than 50 percent of those open lands where development can go, that's also occurred Primary Panther Habitat. The primary zone where scientists assert panthers can't lose any more of that habitat for their survival.

Also, we hired Dr. Reed Noss. He is a nationally known expert in habitat conservation planning. And he reviewed that federal mega permit for the RLSA. He found a number of fatal flaws. And the amount of traffic impacts being one. If you remember, I just mentioned there was going to be over 800,000 additional vehicle trips a day, okay, based on this plan.

And here's a map of the 200-mile roadway network that the landowners put out in 2008 that they would like to see built, which are new and expanded roads.

And, Dr. Noss says, quote, the increased traffic volume which would result from implementation of this HCP poses a grave risk not only to the panther but to most of the other covered species. Those covered species are the endangered and threatened species.

So I mentioned that restoration is another benefit that the public were promised they would get and, obviously, the Conservancy, we're an environmental organization, we want to see that restoration is happening for habitat, for flowways, and for wetlands.

But, again, the reality is that restoration under the RLSA program is a myth. Less than 1 percent of 50,000 SSAs have been restored. And this is surprising, because even in staff's report, they just showed you that the bulk of the stewardship credits are for restoration. And, by the way, this is, again, straight from the white paper.

So why is this? Why is this happening? Well, this is happening because restoration work is not even a requirement to earn the restoration credits. So there are two types of R-1 credits, and I believe staff pointed these out. But R-1 credits are granted for dedicated lands for restoration. And the Land Development Code states the actual implementation of restoration improvements is not required for the owner to receive such credits. R-2 credits, on the other hand, are granted when the restoration is complete. So applicants are cashing in on these R-1 credits because they don't require restoration work.

And so just the approved credits equate to eight villages that are 900 acres, okay, all for doing no restoration.

So the logical question would be, do the proposed amendments fix this problem of no restoration in exchange for massive entitlements? And the answer is no. Amendments to Policies 3.11 keep these R-1 dedication credits, and they add even more categories where they can be earned.

So this all brings us to Ask No. 4. Please remove the ability to earn R-1 dedication credits. As I've shown you, they don't work. They only lead to more development and no restoration. R-2 credits must only be granted when the restoration work is complete. And the language needs to be modified, though, that the R-1 credits must be restricted to Ag 2 or conservation, like they are for the R-1 credits.

We're also concerned about the total number of stewardship credits in the system at 100 percent participation because the amendments before you are going to add even more credits. So in 2010 the county hired Carlton Fields, who was their legal consultant, to determine what data and analysis is needed to support the proposed amendments, particularly to Policies 2.2 and 3.11.

And the amendments that are before you today are almost a carbon copy of what was proposed in the five-year review for those amendments. There's just a few modifications. And Carlton Fields, again, the county's own legal counsel, reviewed the proposed amendments, and they stated that because of the potential increase in credits and development, a comprehensive land-use analysis must be conducted, and included in that analysis there should be an urban-sprawl analysis to demonstrate that the proposed development does not result in sprawling land-use pattern; there should be a needs analysis to determine if there's a need for that much development; a public facilities analysis to ensure adequate public facilities are available; and a suitability analysis to determine if environmental resources would be impacted.

We don't believe this was ever done, and, you know, these analyses are very important to, first of all, understand, what are the taxpayers going to be on the hook for?

So this all brings us to Ask No. 5. So too much is at stake. The county needs to follow the advice of its own legal counsel from 2007/2008, during that five-year review, if they're going to implement these five-year-review recommendations. Collier County's definitely worth it.

So we're asking that a comprehensive land-use analysis must be conducted including the following. So staff -- so we aren't sure why this wasn't done in the past, but we do know that as recent as May of 2011, staff even proposed that a third-party analysis of the proposed changes to the credit system was done. And on the left you can see two of those recommendations from the May white paper.

But in October 2019, staff stated that an analysis was no longer needed for two reasons. First, they state that a review of Policies 2.2 and 3.11 was already included in the five-year review; however, none of those things that Carlton Field recommended, like sprawl and public-facility analysis, were done.

Furthermore, the only analysis regarding the credit amendments was by the landowners' very own consultants, WilsonMiller, who were advocating for those amendments. So how can they be considered an independent third party?

Staff also complains that an independent review of the credit system is not necessary

because a cap on credits is proposed. While we agree that a cap is important, we also know that a cap can eventually be opened up, right? And we believe that is exactly what's going to happen.

So you remember those 12 landowners I mentioned that have plans right now on the table to develop all 45,000 acres of SRAs? Here's a quote from their plan which essentially states that there are 20,000 acres of lands that they do not own but later can become part of their development plan.

Hyde Park -- Hyde Park Village, which was just approved, is an example of this. So it's an approved 600-plus acre SRA that is not part of the landowners -- the 12 landowners' plan for that 45,000 acres.

So if there's a potential to earn more credits, which we know to be true, then there will be pressure and, perhaps even legal pressure, to open up that cap once that 45,000-acre limit has been reached.

But what is more -- what is even more concerning is that even without the amendments before you, we know that there's a possibility to earn far more credits than have been stated, and that's because the credit count is based on faulty assumptions. Both the five-year review and the county right now assume that only 29 percent of all SSA lands will have the potential to earn restoration credits. But for the last four SSA applications, SSA 14 through 17, the applicants have claimed that 42 percent of the SSA lands have the potential to earn restorations credits.

And furthermore, applicants can continually amend these applications to earn more and more credits. There's no limit --

CHAIRMAN FRYER: Excuse me, April. Are you close?

MS. OLSON: Yes, I'm almost done.

CHAIRMAN FRYER: If you can wrap it up in three minutes, please.

MS. OLSON: So the Conservancy, we conducted our own analysis of how many credits could be earned at 100 percent participation under the current program, and we didn't base this on assumptions. We looked at the literal interpretation of the Land Development Code. Using that literal interpretation of the Land Development Code, there could be up to 90,000 acres of SRAs, which is double than what the public was told in 2008 and more than five times what the public was told in 2002.

So we ask that you do not let history repeat itself and let the public be duped again.

So our Ask No. 6 is that you call for an independent analysis of the credits at 100 percent participation based on the straight interpretation of the LDC and determine the appropriate recalibration number -- we don't believe 10 is correct; it must be much higher than that -- so development is not increased.

So there is so much more we would like to say. Our time is limited. There's definitely not a consensus here. What we presented to you today, though, is just the tip of the iceberg. And we provided you with our comments on each of the substantive amendments here. We hope that you will seriously consider those as we go over each of the policies. And our amendments, we believe, will help to rebalance this program.

So thank you.

CHAIRMAN FRYER: Thank you very much. Next --

COMMISSIONER DEARBORN: Thank you.

COMMISSIONER SCHMITT: Do we have time to ask questions or --

CHAIRMAN FRYER: Quickly, if we could, yeah.

COMMISSIONER SCHMITT: Well, I don't know if I'll be quick.

CHAIRMAN FRYER: We've got three other groups.

COMMISSIONER SCHMITT: April, you made a statement about the endangered species. These amendments in no way, shape, or form waive the requirements for federal or state permitting; is that correct?

MS. OLSON: That is correct, but they also still allow development within Primary Panther Habitat. That has not been resolved.

COMMISSIONER SCHMITT: I understand that. But there's still a requirement to go through the federal permitting process. And the federal permitting process, especially, through the 404 process or through the Endangered Species Act. And if they go through 404, other agencies will have a chance to reply or submit information. So the U.S. Fish and Wildlife is certainly involved in any type of development. It does not in any way, shape, or form -- I'm asking for your confirmation of that, because you sort of implied that somehow this waives the requirement, and there's nothing in these amendments that I'm aware of, unless you can educate me, that would waive any type of federal permitting process.

MS. OLSON: They still do have to go through the federal permitting process, you're correct, but the very goal of the RLSA is to direct development away from listed species habitat. That's not -- that's our point, that's not what is happening here, so --

COMMISSIONER SCHMITT: Okay. But if there is any type of endangered species, U.S. Fish and Wildlife would come. And if they require any type of panther habitat credits, PHAs, or other type of -- any other type of a comment made by the federal agencies, they still have to comply with that. That's a way -- that's above and beyond the requirements of the RLSA.

MS. OLSON: They do have to comply with that, but the federal agencies are not going to be commenting on the RLSA program, so this is what we're commenting on. We want to make sure that that goal to direct development away from listed species has been met, and it's not being met right now.

COMMISSIONER SCHMITT: But you still have an opportunity to comment to the federal agencies.

MS. OLSON: Yes, we do.

COMMISSIONER SCHMITT: Okay. In regards to third party, who would pay for that? And I'm puzzled by this, because I read it even in your comments. What other process does government use where they engage a third party to do an evaluation? Isn't that staff's job?

MS. OLSON: Well, Carlton Fields was an outside party that --

COMMISSIONER SCHMITT: Oh, no, no, no, no, no, no. They were -- they were paid for -- they were paid by the county as a consultant, and they were the consultant -- advisors to the county for this entire process.

And I'm puzzled by this request for a third party, because that's -- that's staff's job. And I don't understand -- if we have a third party -- and I'm not opposed to that. I just don't know who -- who pays for that? Does the developer pay for that? Does the developer hire their third party? Does county look to an independent third party? And why would the county hire a third party when, in fact, the staff can do it? Those are the kind of questions I have.

MS. OLSON: Okay. Well -- okay. For example, the Long Range Transportation Plan, they have different -- they have Jacobs Engineering. There's three different organizations that applied for the Long Range Transportation Plan. We can have people that are not on the side of the landowners, not on the environmental side, not on the county's side. As far as who pays for that, that would be a decision by the Board, I would assume.

COMMISSIONER SCHMITT: But the long range-planning transportation, those, again, are consultants paid for by the county. Are they -- they're not -- I wouldn't call that independent. They're a paid consultant.

MS. OLSON: But we could have an outside paid consultant that doesn't represent any of the sides. That's what we're recommending, so...

COMMISSIONER SCHMITT: Paid for by whom?

MS. OLSON: Again, the Board would have to decide. I don't, you know, that's -- that's --

COMMISSIONER SCHMITT: Conservancy?

MS. OLSON: -- getting the details here.

COMMISSIONER SCHMITT: Maybe the Conservancy?

MS. OLSON: This is 45,000 acres worth the development. We should, you know --

COMMISSIONER SCHMITT: I'm just asking the questions. I understand what you're asking, but I don't know anywhere else in government where a third party engages in a public process unless it's a consultant paid for by either the applicant or the government.

MS. OLSON: I don't think that many counties across this entire country are faced with a development plan this big. It's a pretty rare beast, so...

MR. KLATZKOW: Your other issue is that the more you defer this through studies and analysis, the more these acres are being converted as we speak. I mean, we've got one application after the other that's going to be coming to the Planning Commission. So I understand what you're saying as far as getting an independent study to relook at this, but you may find that by the time you're satisfied with all the studies, the whole area will be developed.

MS. OLSON: We understand. I mean, we believe there's still time, as we had the discussion earlier. There's about 36,000 acres of SRAs that are still not either in pending or approved applications. So we do have time to get this right.

COMMISSIONER SCHMITT: I have one last question of staff. Staff, based on the positions that April stated regarding the conversion of SRAs and the 93,000 acres, has staff reviewed their position, and do you agree with the calculations that they came up with?

MS. JENKINS: I haven't seen these calculations, but they are using calculations out of the white paper. It's the way that they're addressing them and the context of them. So, again, the plan that we're proposing in these amendments protect and, I think, meet the objective of the Conservancy's position of protecting land of 134,000 acres.

COMMISSIONER SCHMITT: But the 93,000 acres, that's a figure that I recall from for the last 20 years; it was 93,000 acres.

MS. JENKINS: Right. So the plan today would allow for 43,000 of those acres to be developed of SRA. The remainder would remain under current zoning. The proposed plan re-shifts that to 45,000 acres. And you have to achieve the full 134,000 acres of protection and credits to get to that 45,000 acres. So that's the additional acres of agriculture protection.

COMMISSIONER SCHMITT: And the real issue here still is, a lot of this -- this is all private -- most of it is privately owned land. I mean, we can protect this land if we, the government, want to go in. We, the government, because now I'm -- I say that because, as a Planning Commissioner, but -- unless we go in and purchase the land and pay for it, we can preserve it. I mean, that's the other option we have.

But this is private land. And the private -- we're trying to control development, which we need to. And there's no argument there. But it's private land. And if we want to preserve it, maybe we ought to look at another approach and purchase the land and put it into preservation.

MS. OLSON: Can I comment on that?

COMMISSIONER SCHMITT: Yeah.

MS. OLSON: So as we mentioned at the beginning, we're fully aware that this is private land. But what happens on this land impacts all of Collier County. So we're trying to get what happens on the land to be smarter growth so the taxpayers aren't impacted, wildlife's not impacted. That's our objective for this.

CHAIRMAN FRYER: I'm going to ask -- correct me -- overrule me if you want, Planning Commission, but I want to provide enough time for the other groups to speak. And, I mean, if you have an urgent and a short question that can be asked with a quick response, by all means, go ahead now. But I'm also going to ask the Conservancy and the other organizations to have representatives here on the 17th where we can get deeper and more detailed information from

you if that's doable.

MS. OLSON: Yes. Definitely.

CHAIRMAN FRYER: Okay.

MS. OLSON: And I have just a summary of those asks, if you don't mind, if I could just hand them out.

CHAIRMAN FRYER: By all means.

MS. OLSON: Thank you.

CHAIRMAN FRYER: And while that's happening, let me ask for the League of Women Voters to present their presentation.

COMMISSIONER SCHMITT: It was a good presentation. Thank you.

CHAIRMAN FRYER: And, ma'am, we've just got -- no, we've got two mics. So in order to expedite, while one's being cleaned, please feel free to use the other one. Yeah, thanks very much.

MS. NYCKLEMOE: Good morning, Commissioners. My name is Charlotte Nycklemoe. I'm past president of the Collier County League of Women Voters, past and present member of the Environmental Affairs Committee today. And I want to thank you for giving me the opportunity to express the comments from the League.

The League speaks for citizens of Collier County and their concerns about the impacts of a proposed development in Collier's Eastern Rural Lands, the impacts on our quality of life, water resources, and wildlife and the infrastructure costs, which will be borne by our community for 10 to 20 years or longer.

The Collier League has a long history with the RLS [sic] program. Members of the environmental committee have been involved in the RLSA program beginning in early 2000 up through the RLSA restudy in 2019. We have watched with concern as development went from 16,800 acres to 46,000 acres, credits went from 136,000 to 404,000, and endangered species habitat for panther is given over to new village development.

Members who include biologists, professors, lawyers, and business owners have listened, researched, and contributed comments throughout this period.

The League is committed to getting the RLSA overlay revised to meet its goals to provide agriculture -- to protect agriculture, water resources, listed species and their habitat, and to allow development in appropriate locations while avoiding sprawl.

We think the staff's drafts amendments do not accomplish what is needed. The drafts amendments are almost entirety 20,000 -- or the 2009 Five-Year Review Committee's recommendations. The Five-Year Review Committee recommendations favor developers. Their focus is to increase stewardship credits and Stewardship Receiving Area footprints while loosening and lessening some protection for our water resources and wildlife.

The public comments, especially from the RLSA restudy, have been largely ignored. And at this point for the people who are observing digitally, I'd like to explain that the SRA means that's where the planned towns and villages occur.

Today I want to highlight some of the revisions I think that are necessary to help the overlay achieve its goals.

Revision No. 1, there will be very little rural left in the Rural Lands Stewardship Area program if these amendments go through. The 45,000 acres of towns and villages does not include the thousands of additional acres needed for new and expanded roadways to serve this area nor the approximate 15,000 acres of public infrastructure, the 3,300 acres of sand mines, or the over 46,000 acres of open land remaining after the 45,000 of development. These lands are currently zoned for one unit per five acres. Nothing in the draft amendments prevents the checkerboard development of the remaining 46,000 acres of open lands.

Staff's proposal of two agriculture credits per acre may preserve some ag lands, but it is

insufficient to keep the open lands from baseline development. As towns and villages are built, bringing amenities and infrastructure to the RLSA, these open lands will likely become more valuable for development as five-acre ranchettes than farming. Revise the overlay to do more to discourage residential development of these open lands.

Revision No. 2, revise the amendments to avoid sprawl. The draft amendments will increase sprawl. The current RLSA overlay allows Stewardship Receiving Areas to be built anywhere in the 93,000 acres of open land. As a result, the overlay promotes a sprawling, less compact pattern of development. Add to that potentially over 46,000 acres of development of one unit per five acres, and what do you have?

We ask that you -- point: Reject the proposed increases and acreage for towns, villages, and compact rural developments.

Point: Support the March 2020 aggregation requirement to ensure compact, multiuse, self-sufficient towns are built rather than a conglomerate of neighboring villages.

Point: Limit the number of villages allowed in the RLSA. Consider that about 7,000 acres of Stewardship Receiving Areas have been approved, Ave Maria, Rivergrass and Hyde Park, leaving 38,000 acres available. That's enough for 38 villages. Is this how you envision the future RLSA?

Revision No. 3: The RLSA overlay needs to include more protection for our water resources. The draft amendments remove existing protections.

Please consider the following:

Point: Consider -- continue to prohibit construction of infrastructure in Flowway Stewardship Areas, Habitat Stewardship Areas, and Water Retention Areas that score greater than 1.2 on the Natural Resource Index. Staff's draft amendments in Policy 4.9 and 5.1 will remove this protection with no supporting rationale.

Point: The same amendments eliminate the prohibition of locating Stewardship Receiving Areas in Water Retention Areas. These areas protect our water quality and quantity and wildlife habitat. Why is it appropriate to allow destruction of Water Retention Areas?

Point: Prohibit construction of stormwater management infrastructure in high-value Water Retention Areas, something proposed Policy 3.13 would allow.

Point: Require flowway management plans with clear maintenance obligations as part of the Stewardship Receiving Area and as recommended by the county May 2019 white paper. Flowways require specific maintenance because they are impacted by upstream activities over time. Stewardship Receiving Areas should contribute for needing maintenance to relieve downstream impacts from their discharge as a matter of fiscal neutrality.

Revision No. 4, protect the Big Cypress Area of Critical State Concern. The draft amendments lessen protections for this environmentally sensitive area. The Big Cypress Area of Critical State Concern, or ACSC, encompass the Okaloacoochee or, rather, the OK Strand, a major wetland system within the RLSA. The area is also essential habitat for long-term survival of the panther and provides land that should be included as part of a wildlife corridor. Development and infrastructure should be very limited, yet the draft amendments increase the size of Stewardship Receiving Areas allowed in this area.

The proposed increases to the acreage of villages in compact rural developments in the Big Cypress of critical area concern [sic] are contrary to the clear statement that Policy 4.21 is not to be used to increase development potential in the ACSC but to promote a poor -- a more compact form of development as an alternative to the baseline standards already in place.

Also, reinstate the Five-Year Review Committee recommendation of awarding 2.6 ag credits per acre for the open land in the areas of critical state concern. The draft amendments provide no basis for eliminating the extra incentive to keep these ACSCs from being developed.

Revision No. 5: Revise the draft amendments to provide protections for the panther and

other listed species as the program intended. The draft amendments fall woefully short. We suggest:

Point: Identify specific wildlife corridors on the RLSA status map. Hold off approving more Stewardship Receiving Areas until it is done. Contrary to the staff's assertion, the draft amendments do not provide for creation of these corridors. The staff only provides an arrow on a map showing a general location for the corridors. This will not protect the area from development.

Point: Do not allow Stewardship Receiving Areas to fragment, encompass, or isolate Flowway Stewardship Areas, Habitat Stewardship Areas, or Water Retention Areas or Stewardship Sending Areas, negatively impacting their value for wildlife.

Point: The RLSA overlay and Land Development Code allows towns and villages to be built on Primary Panther Habitat because they're based on out of date 2002 data. The draft amendments continue to ignore this problem. The program must be updated with the best available science to better protect the panther and other listed species.

Revision No. 6: Revise the RLSA overlay to accomplish its intent that Stewardship Receiving Areas become compact, walkable, and self-sufficient. The draft amendments increase the acreage of towns, villages, and compact rural developments and eliminate provisions proposed last March that would address self-sufficiency. Why?

Point: Instead, increase the minimum and maximum densities for towns and villages to achieve the needed compactness and walkability and to avoid sprawl.

Point: Revise the affordable housing requirements for Stewardship Receiving Areas so that it is consistent with the intent of the overlay and what staff housing experts say is needed. Affordable housing should be included within the community and will enable Stewardship Receiving Areas to provide a place where residents can live and work, and one of our members will be addressing this more on the 17th.

CHAIRMAN FRYER: Ms. Nycklemoe, can you -- maybe three minutes, wrap it up.

MS. NYCKLEMOE: Just about done.

CHAIRMAN FRYER: Okay.

MS. NYCKLEMOE: One last point under that revision: Include the Stewardship Receiving Area aggregation requirement set out in the March 2020 draft amendments to support town self-sufficiency and assure developers pay their fair share of infrastructure cost.

Revision No. 7: Finally, we ask for a zoning-in-progress pause on review and approval of all Stewardship Receiving Area applications until the Board of County Commissioners adopts final amendments to the RLSA. Development has been proceeding at a very rapid pace in the RLSA. Two villages have been approved so far this year, and two more are on track to be approved before the year's end. Revisions to the overlay need to be made and applied to what's coming.

And to conclude, please recommend that the BCC send the amendments back to the drawing board to make the RLSA program what it is meant to be. There is too much at stake to rush. We must get it right. Your decisions will have an impact long into the future of Collier County.

MR. KLATZKOW: Just for my clarity, you're asking for a moratorium?

MS. NYCKLEMOE: Thank you, yes, or a pause. Let's get this right. And I do have copies of my presentation here if you would so like.

CHAIRMAN FRYER: Yes, I'd like to have that. Thank you very much.

MS. NYCKLEMOE: You're welcome.

COMMISSIONER SCHMITT: I have one question again.

CHAIRMAN FRYER: Yeah. Go ahead, Joe.

COMMISSIONER SCHMITT: I have one question. You stated in regards again -- and I'm going to ask about, you said it removes water protection.

MS. NYCKLEMOE: Yes.

COMMISSIONER SCHMITT: In what way does this remove water protection? You talked about the -- W -- I just lost the acronym.

MS. NYCKLEMOE: Water Retention Areas.

COMMISSIONER SCHMITT: Water Retention Areas, WRAs. But it still -- again, I want to reiterate. It does not in any way, shape, or form waive the requirements of the Clean Water Act, and there's still requirements to go through the federal permitting process in regards to water protection, and it does not in any way, shape, or form waive any type of responsibility of the developer to go through the state permitting process through the South Florida Water Management District.

So those stipulations -- this does not, in any way, waive any of those requirements, and I believe that your statements implied that somehow it does.

MS. NYCKLEMOE: And it doesn't do that. And I think that we're more concerned the baseline development entering into the Water Retention Areas where it might be harmful.

COMMISSIONER SCHMITT: Okay. But, again, if there's any impact on jurisdictional wetlands, those have to go through the federal permitting process.

MS. NYCKLEMOE: That's true.

COMMISSIONER SCHMITT: Okay.

CHAIRMAN FRYER: Thank you. Any other quick questions? Go ahead, Commissioner Fry.

COMMISSIONER FRY: Quick clarification from Anita. You mentioned, I think, 40-some-thousand acres that will remain open lands that could be five-acre ranchettes. I got the impression from your presentation that that has been eliminated in the amendments, that it's now all either preserved or -- the 45,000 acres and the other 135,000 would all be preserved.

MS. JENKINS: In the proposed amendments.

COMMISSIONER FRY: The proposed amendments.

MS. JENKINS: Right. If you move forward -- if we continue with the program today, then we don't have those extra protections.

COMMISSIONER FRY: But the amendments eliminate that risk of the five-acre ranchettes?

MS. JENKINS: Yes.

CHAIRMAN FRYER: I'm confused now. I mean, that's --

MR. KLATZKOW: No, no, no. You could always develop the five-acre ranchettes. That's the -- hold on. Hold on.

COMMISSIONER SCHMITT: Right.

MR. KLATZKOW: The five-acre ranchettes is the base zoning.

COMMISSIONER SCHMITT: Correct.

MR. KLATZKOW: Okay. This is a voluntary program. We're incentivizing people to get into the program to hopefully avoid the five-acre ranchette, which for some reason some people oppose. But at the end of the day, yes, it can still develop that way. No, that's the base acreage.

CHAIRMAN FRYER: Otherwise, it would be a taking, I mean, if the county changed that rule.

MR. KLATZKOW: You have to understand this is a voluntary program.

COMMISSIONER SCHMITT: It would be a Bert Harris claim.

MR. KLATZKOW: This is a voluntary program that the parties got together, the landowners, the county, the environmental groups, put together almost 20 years ago, all right. And we've been talking about amending it from time to time. And I appreciate the comments raised by people as far as opposing certain components of it.

I will just say that unless the Board's willing to declare a moratorium -- and I don't know that the Board's willing to declare a moratorium -- the more we talk about this, the more of those

acres are going to be converting because if you haven't noticed, Collier County's going through a boom period right now as people are moving down here.

We can talk about and talk about and talk about it, but unless something actually gets done, by the time everybody's happy with what you have, you'll have nothing left to regulate it.

COMMISSIONER FRY: So to clarify, if everybody exercised the option to get SSA credits for their properties, 134- would be preserved and 45- would be developed?

MS. JENKINS: In SRAs, correct.

COMMISSIONER FRY: In SRAs, got it. Not everybody has to participate. They can still build the five-acre ranchettes.

MS. JENKINS: Correct.

CHAIRMAN FRYER: All right. Thank you.

ECPO?

MR. JONES: Good morning. And I'm going to need some help.

MS. JENKINS: Wes is coming to help you.

MR. JONES: Thank you. This is a little bit out of my realm, all this technology in front of me.

But I'm Tom Jones. I'm here on behalf of the Eastern Collier Property Owners, and I'm here on behalf of my employer, the Barron Collier Companies. Barron Collier is a member of the Eastern Collier Property Owners. We're the largest private landowner east of Golden Gate Estates, and we were a charter member in forming the Eastern Collier Property Owners.

I'm going to start out here this morning, and being conscious of your time, I think we'll be able to wrap up our presentation in 20, 22 minutes. And we're going to start off with a short video. It's about seven minutes and a few seconds. Gives you an overview of our perspective on the program from inception to where we are today.

I'll make a few brief remarks after the video. I'll be followed by my colleague from Barron Collier, Brian Goguen. He will speak to the only development that has taken place to date in Eastern Collier County, and that's the Town of Ave Maria. And Brian will be followed by Mitch Hutchcraft who is employed by King Ranch, who's also a member of the Eastern Collier Property Owners. And he will discuss our position on the amendments and moving forward from this date on.

CHAIRMAN FRYER: Okay.

MR. JONES: Thank you, sir.

(A video was played as follows:)

For the better part of two decades, the environmental future of Eastern Collier County has been guided by landmark legislation known as the Rural Lands Stewardship Area program. Through the RLSA, more than 180,000 acres of privately owned land have been rezoned, including 90,000 acres earmarked for conservation and water resource protection.

Perhaps one of the most significant aspects of this landmark program is that it was developed with input from virtually every major stakeholder segment of Collier County. To better understand how this occurred, let's look at the history of the program itself.

In 1999, Collier County was under a mandate from the State of Florida to amend its Growth Management Plan to, among other things, provide more effective guidelines for environmental protection and sustainable development in rural Collier County.

The Board of County Commissioners responded by authorizing the Immokalee area study not only to address the State mandate but to answer a long-standing community desire to find the proper balance between the viability of agriculture, the protection of natural resources, and the need for economic prosperity and diversification.

For nearly two years, board-appointed representatives from environmental groups, agricultural interests, government agencies, and landowners got together in meetings like this one to gather data and solicit input from planners, engineers, and other top experts.

We have the best and most complete data ever collected on the rural lands in Southwest Florida. We have heard from experts in numerous fields. We have established a list of tools to be able to evaluate and look at our mission from here on out.

In 2002, the committee's recommendations were unanimously adopted by the Board of County Commissioners. Collier County's Rural Lands Stewardship Area program became the model for a statewide statute adopted by the Florida Legislature. Through the years, RLSA has been recognized and awarded for its innovative incentive-based approach to conservation and sustainable development.

The program provides a system whereby property owners can receive defined credits for the protection and management of environmentally sensitive land, then exchange those credits for the right to develop portions of their land in appropriate locations using innovative and sustainable land-use techniques. As an alternative to urban sprawl, RLSA guidelines encourage concentrating new populations into well-planned communities with full infrastructure like the thriving community of Ave Maria, the first town to be developed in accordance with the program.

Ave Maria incorporated smart growth principles and has generated diverse new businesses. Additionally, Ave Maria's stewardship credits led to 17,000 acres being permanently protected from future development.

The next major step in the evolution of the RLSA began in 2007 when the county initiated a required five-year anniversary review of the RLSA program. The review lasted two years and included more than 30 public meetings and hearings. All stakeholders involved, including leading environmental organizations, reached consensus on key improvements and supported the final recommendations presented at a County Commission meeting in April of 2009.

Despite the support of stakeholders and direction given by the Board of Commissioners, the proposed amendments were never formally adopted and remain as unfinished business. The recent 17-month restudy of the RLSA reaffirmed the benefits of the 2009 recommendations and are now being recommended for transmittal and approval by Collier County staff.

The key components are new incentives for agricultural protection that would enable the permanent retention of 40,000 acres of agricultural lands and a new limit on the maximum footprint of sustainable development.

The five-year review and the recent restudy have also recognized the extraordinary success of the RLSA's incentive-based environmental protection program with more than 50,000 acres of privately owned land valued at more than half a billion dollars voluntarily placed into conservation and agricultural protection at no cost to taxpayers.

The magnitude of that accomplishment can be understood by comparing the acreage protected by the RLSA to the taxpayer-funded Conservation Collier Program, which has protected approximately 4,000 acres at a cost of more than \$100 million. The enhancements proposed in 2009 that are now being brought forward for adoption will increase the total area of permanent conservation, agriculture, and open space by 40 percent.

The Eastern Collier Property Owners, or ECPO, as they're known, are private landowners who collectively own and manage the vast majority of land in the RLSA and

are the primary stakeholders with responsibility for all of the existing conservation and sustainable development accomplished to date.

These landowners have relied on the RLSA program for nearly 20 years to make both short- and long-term decisions about their land, agricultural operations, and environmental preservation efforts. They have voluntarily given up valuable development rights in agreement with the RLSA program, and they've worked collaboratively with government and environmental leaders to protect, manage and, in some locations, restore tens of thousands of acres at no cost to Collier County taxpayers. Now they're ready to support the transmittal and adoption of the recommendations made by Collier County staff.

Adoption of these recommendations will ensure the RLSA meets all the goals set forth in the original Florida Statute governing Rural Lands Stewardship Areas, that is, to establish a long-term incentive-based strategy to balance and guide the allocation of land as to accommodate future land uses in a manner that protects the natural environment, stimulates economic growth and diversification, and encourages the retention of land for agriculture and other traditional rural land uses.

(Video concluded.)

CHAIRMAN FRYER: All right. Sir, before you sit down, I've got a couple of quick questions. Is your background -- are you a planner?

MR. JONES: I am not. I'm proud to say that I've spent most of my career with Barron Collier working in our agricultural operations in Eastern Collier County.

CHAIRMAN FRYER: Do you have a planner who is going to come up and speak on behalf of ECPO?

MR. JONES: Well, we do have a planner. Mitch Hutchcraft is a planner by education and practice, and --

CHAIRMAN FRYER: Who does he work for?

MR. JONES: King Ranch.

CHAIRMAN FRYER: Okay.

MR. JONES: And on the 17th, we'll certainly be loaded for bear to discuss anything you'd like to from a planning perspective.

CHAIRMAN FRYER: Okay. Well, I'll just ask you anyway, because you've been in this business for a long time. In your judgment, whatever your credentials might be, is the Village of Rivergrass an example of smart growth?

MR. JONES: I can honestly say I know next to nothing --

CHAIRMAN FRYER: Fair enough.

MR. JONES: -- about the Village of Rivergrass.

CHAIRMAN FRYER: Okay. That's fair enough.

MR. JONES: Not my project; not my company.

CHAIRMAN FRYER: Okay. Thanks. Thank you.

MR. JONES: Just one second. I told you I was out of my element.

CHAIRMAN FRYER: You're going to be out of time, too, in a minute.

MR. JONES: No, sir. I'm going to roll.

CHAIRMAN FRYER: All right.

MR. JONES: ECPO was formed in 1999 by these landowners in Eastern Collier County, but we've got to take a step back from 1999 to 1997, because a lot of people have pointed to the final order that was issued in '99 and the resulting plan that came from that. But we got into this process in 1997 as a result of a legal challenge by several environmental groups, organizations who oppose the county's Growth Management Plan. They went, then, behind closed doors, for lack of a better term. That's certainly not derogatory. But they met with the county, they met with the

State of Florida. The State of Florida agreed that the county was not in compliance with their plan, and those entities came up with an elegant solution to solve the environmental issues raised in the legal challenge, and that elegant solution was to down zone all the property east of Golden Gate Estates. You've already heard the baseline zoning is one unit per five. In places it was proposed to go one unit to 20. In other places it was proposed to go to one unit to 40.

The only problem with that solution, all those discussions took place in a vacuum without any input from the people that owned those properties. And these companies, these peoples, these are generally multi-generational ownerships that you see in Eastern Collier County.

What we did, in light of a potential settlement agreement -- what we did in light of a potential settlement was we got together with these people that are -- that you've seen on the slide, and we had two options to pursue. One was to go ahead and let the settlement agreement be signed without any input from us and mount a legal challenge against it, because I think somebody has mentioned the word "takings," and the second alternative that we looked at was it's our land. We've owned it for generations. Let's propose a planning process to see how to develop Eastern Collier County in the future.

We made that pitch to the Governor and cabinet, we made that pitch to the County Commission, we made the pitch to the environmental groups, the organizations that had filed suit, and everybody agreed that in lieu of a lawsuit, it made much better sense to the community and to us to put a planning process in place. That planning -- the people that participated in that planning process were selected by the County Commission. There were no property owners involved in the Eastern Collier Property Owners organization that participated on that panel. The result of that panel is what we're all talking about here today, and that's the Rural Lands Stewardship program.

We've relied on that program for two decades, and I think it would be safe to say that we've made decisions based on the existing program today, because that's all we have is what the existing program is, and I think it would be safe to say we probably have vested rights under that program.

CHAIRMAN FRYER: Are you saying that you have vested rights in excess of the one dwelling unit per five acres?

MR. JONES: I'm saying we have vested rights in that a number of Stewardship Sending Areas have been created, there are stewardship credits that go along with those designations, and we have the right to use those credits to develop SRAs. I think from a -- and I'll just leave it there.

CHAIRMAN FRYER: All right. Thank you. You've got five minutes, sir.

MR. JONES: Without ECPO -- I'm sorry, sir, but I thought we had about 20.

CHAIRMAN FRYER: Well, you don't. Look at the clock.

MR. JONES: Right. We'll be done in 15 minutes, I assure you.

CHAIRMAN FRYER: Well, that won't be good enough, sir. We need to be out of here by noon. You've got five minutes, and you can continue on the 17th.

MR. JONES: With echo -- without ECPO, this is what conservation lands look like in Eastern Collier County. You have some -- the CREW -- the CREW system, Collier County's Conservation Collier program. This is what conservation lands look like in Eastern Collier County with the RLSA program. The numbers designate the Stewardship Sending Areas that have been created. And the less dark green areas, like these areas, are potential sending areas that have not been created yet at this point.

And I think it's important to note this is the Camp Keais Strand, and restoration work has been completed by our company on over 2,000 acres to date. We've widened the width of Camp Keais Strand by over a half a mile in places, we've removed farm dikes from old farm fields to extend the horizontal extent of Camp Keais, and we're looking forward to doing additional restoration.

And I think, in the spirit of time -- and we will have an opportunity to have a much more in-depth discussion in September -- I'm going to ask Brian Goguen to come up and address some of

the attributes of Ave Maria.

CHAIRMAN FRYER: Very quickly, please.

MR. GOGUEN: Hi. Thanks. Thank you for your time today. We appreciate it. We know this has been a long meeting. And thank you to staff for all the work that you've done.

I'm just going to talk briefly about Ave Maria. So Ave Maria's been mentioned. We set aside 17,000 acres when we created Ave Maria, the town. That's roughly equivalent to two times the City of Naples. The entire area of the City of Naples, that's basically what we set aside in order to develop Ave Maria.

So. Switch here.

MR. EASTMAN: How big is the Town of Ave Maria?

MR. GOGUEN: So I'm going to get to it right here. The Town of Ave Maria is 4,000 acres, and the university is 1,000 acres.

Okay. So here is a map of Ave Maria. You can see the 4,000-acre town which includes the university. So the university right now has 1,100 students, over 600,000 square feet of buildings. In the town we have over 230,000 square feet of commercial uses. It's -- we follow the principles of smart growth. It's compact, sustainable. The commercial uses are in various areas around the town to be accessible to the residents -- the residential communities.

Okay. So here -- if you haven't been out there, we invite you to come out and see Ave Maria. If you'd like, we can show you around. Here's some pictures of the town center. Also in Ave Maria, from a lifestyle standpoint, there's a number of amenities that are out there for the residents. There's two very large clubhouses, the Oasis Club and the Maple Ridge amenity center. There's also parks and lots of outdoor activities. There's lots of ball fields.

In terms of the lifestyle out there, there's a number of events that are held throughout the year. Now, obviously, recently we haven't been able to have those events. But what we're trying for is to really have that hometown feel like you'd find in, kind of, traditional towns where we have a lot of things for the residents to do out there and get together. We created it using smart principles with lots of mobility and pedestrian-friendly walkways and trails.

And on the housing, so there's a lot of conversations in Collier County about affordable, attainable housing. We're doing that in Ave Maria. The houses out there are priced from the low 200,000s to the low 400,000s. Nowhere else in Collier County can you buy a house at that price point. And we're doing well. We've been the number-one selling community in all of Southwest Florida, including Collier County, for the last six years in a row.

We have over 2,500 homes in Ave Maria right now. We've been -- we won the award of the Collier Building Industry Association's Community of the Year the last five years.

So the reason I'm taking you through all these slides is this is an example of what towns can be in the Rural Lands Stewardship Area. We -- and just some more examples of the housing. I showed you Pulte. Here's CC homes. Again, all the houses are affordable. It really is meeting the needs. And our goal, too, in being a sustainable community is have a job base. So the town includes a 200-acre commerce park. Arthrex is already out there. They have 1,600 jobs in Ave Maria. They take up about 50 acres. We have another 150 acres of our business park. Our goal is to attract more companies to create jobs.

So, again, it's a compact, sustainable town that has all the components that are necessary to be sustainable, and that's the benefit of the Rural Lands Stewardship program. Our company is the largest landowner out there. We can do additional towns. We always did -- we've done everything we said we were going to do in Ave Maria, and we're going to continue to do that in the future.

Just one final comment. I was involved very much going to the meetings in 2007 to '9 where there was more than 30 meetings, more than 100 hours in the public, in the Sunshine, where everyone had opportunity to share their views, including Conservancy and the League of Women

Voters. We did, all the other groups did. What came out of that was a really -- they took into consideration everyone's comments, and they came out with what they thought were the best way to move forward. So I just kind of find it interesting -- I haven't been involved since then, but here we are and, basically, the two groups are saying the same thing they said back at those meetings. Their input has been -- it's been heard. It was validated. It was included. Not everyone got what they wanted out of that process, but it was a consensus-building exercise.

CHAIRMAN FRYER: I'm going to exercise the prerogative of the Chair and thank you very much for your presentation and also, before you go, I want to also compliment you and your company for the work you've done in Ave Maria. I think it's a great development. It's a great town. And I hope we see more of those in Eastern Collier County.

MR. GOGUEN: Thank you.

CHAIRMAN FRYER: And also, I'm going to -- when we reconvene on the 17th, if you need to finish your remarks, we'll start with you.

MR. GOGUEN: Sure. Thank you very much.

CHAIRMAN FRYER: Thank you for that.

And, unfortunately, we were not able to get to the Wildlife Federation. I apologize for that. We will pick up on the 17th immediately after ECPO finishes its presentation and hear from that group, and then we'll hear, I hope, from all interested citizens live and by Zoom who wish to weigh in and be heard on these matters.

And so I'm going to call for a conclusion of this -- or I should put it in recess, really, until we reconvene on the 17th.

And I don't believe there's any old business. I don't believe there's any new business. Anything more from staff?

MS. JENKINS: No, sir.

CHAIRMAN FRYER: Okay. Thank you. Thank you very much. And thanks to all for your participation here. And I've been able to fulfill my commitment to Mr. Miller that we're going to get out of here even a little bit before noon. So we stand adjourned. Thank you.

There being no further business for the good of the County, the meeting was adjourned by order of the Chair at 11:54 a.m.

COLLIER COUNTY PLANNING COMMISSION

EDWIN FRYER, CHAIRMAN

These minutes approved by the Board on _____, as presented _____ or as corrected _____.

TRANSCRIPT PREPARED ON BEHALF OF U.S. LEGAL SUPPORT, INC., BY TERRI LEWIS, COURT REPORTER AND NOTARY PUBLIC.