

May 6, 2008

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

Ave Maria, Florida, May 6, 2008

LET IT BE REMEMBERED, that the Collier County Rural Lands Stewardship Area Review Committee in and for the County of Collier, having conducted Business herein, met on this date at 9:00 A.M. in REGULAR SESSION at the Ave Maria University Academic Building 07 Conference Room 5, 5050 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel
VICE CHAIRMAN: Neno Spagna
Brad Cornell
Zach Floyd Crews
Gary Eidson
David Farmer
Tom Jones
David Woodley
Bill McDaniel
Timothy Nance
Fred Thomas

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department
Michael J. DeRuntz, Principal Planner, Comprehensive Planning Department
Laura Roys, Senior Environmental Specialist, Engineering and Environment Services Department

Approximately 20 members of the public

I. Call Meeting to Order

The meeting was called to order at 9:07 AM by Chairman Hamel.

II. Roll Call

Roll call was taken, and a quorum was established.

III. Approval of Agenda

Mr. Hamel requested that Item IX be move up in front of Item VI.

Mr. McDaniel moved to approve the agenda as amended, Second by Mr. Farmer.

Voice Vote - Unanimously Approved 11-0.

IV. Approval of Minutes: February 5, 2008

Mr. Thomas moved to approve the minutes of the February 5, 2008 committee meeting, as amended, Second by Mr. McDaniel. Voice Vote - Unanimously Approved 11-0.

V. Presentation – Mr. Draper was on his way

B. Clarence Tears, Jr., South Florida Water Management District

Mr. Tears stated that the most important thing that needs to be accomplished from the South Florida Water Management District’s perspective for the RLSA Program would be to help keep and improve the flowway of the Kamp Keais Strand and Okaloacoochee Slough open and flowing. He stated that local utilities are using reverse osmosis for their supply of potable water and it is becoming increasing important to provide all means to recharge aquifers. He added that the RLSA program in Collier County has been a huge success in establishing SSAs within the Kamp Keais Strand, and to a lesser degree the Okaloacoochee Slough.

One of the District’s goals is to work with property owners to develop “Regional Land Stewardship Flow Restoration.” The District, at the request and support of the property owners in the Kamp Keais Strand, completed modeling for the Kamp Keais Strand drainage area. Through this model, restrictions to the flowway were identified and plans for the reduction and elimination of restrictions and environmental restoration were developed. Those plans included structural improvements, the enhancement of the CR 846 bridge, new CR 858 bridge, replacement of existing culverts, and the removal of old railroad grade. Non-structural measures were also included such as the eradication of non-native vegetation through a grant sponsored by the Soil & Water Conservation District.

Mr. Tears added that the District is working with property owners in the Okaloacoochee Slough to try to re-introduce natural seed sources in existing grazing areas.

Mr. McDaniel asked if **Mr. Tears** could share his definition of disturbed, and what could this Committee do to work together to find answers to the many water resource issues that exist within the RLSA. **Mr. Tears** stated that soil data and remnant

vegetation provide clues of historic flowways. From that information they look at the human impact to the area to distinguish the extent of flowway alterations. The continuation of this program and the cooperation of the land owners will be a tremendous aid to improving water quantity, water quality and environmental conservation.

Gary Eidson questioned whether the potential build out of this area will impede natural flowways. **Mr. Tears** stated that, with each development that occurs in the RLSA, the developer will be required to identify the watershed, flowways, the proposed impervious area, and provide storm water detention, structural and non-structural improvements to an extent that no net impact occurs and, where possible, provide for the enhancement of the existing storm water system.

Mr. Thomas suggested that the committee consider the general location of roadway corridors during this review to lessen the impact to the flowways, the environment, and agricultural activities.

Mr. Jones asked if Mr. Tears could cite further examples of successes of how the RLSA program has furthered the District's goals. **Mr. Tears** stated that, with the establishment of each of the SSA's, conservation easements are established which contain preservation and management plans. Through this process, the unique flowway area is captured, and as these are linked together, the slough flowway area is preserved.

Mr. Hamel asked if Mr. Tears would be kind enough to remain for further questions, and asked Mr. Draper of the Audubon Society to begin his presentation.

A. Eric Draper, Florida Chapter of the Audubon Society

Mr. Draper stated that his presentation will focus on the State's perspective on the Collier County's RLSA program. The State Chapter is very supportive of any furtherance of wildlife species protection. Funding for land acquisition is becoming tighter with constraints on the State Budget, but the Florida Forever Bill did pass, which included a continuation of \$300,000 for land acquisition and land use easements over agricultural land for conservation and preservation. While the list of identified lands targeted for acquisition far exceed the funding that is available, programs such as Collier County's RLSA further the objectives of the Audubon Society and support compact development, watershed restoration, wildlife conservation, recreation, transportation, and food and agricultural production.

Mr. Jones asked if Mr. Draper could provide any suggestion to the Committee. **Mr. Draper** stated that the loss of agricultural lands should be taken very seriously, and that the area of development should be compressed to the greatest degree possible.

Mr. Hamel asked Mr. Draper to provide some perspective on the land use easement initiative for agricultural properties. **Mr. Draper** stated that this type of program is much more cost effective than buying the property outright, and that several states have

similar programs. He had heard some discussion that this may not be well received by the land owners in Florida, but time will tell.

Mr. Hamel stated that the Committee would be recessed for 5 minutes.

IX. Next Meeting/future extra meeting to meet Committee schedule

Mr. Greenwood informed the Committee that the Board of County Commissioners (BCC) appointed this Committee for a one year term, which will end on September 11, 2008 [actually October 24, 2008]. He stated that with the present schedule and issues to be addressed, he suggested that the Committee may wish to recommend to the BCC that the sunset date be extended. He also suggested that the Committee may wish to consider having meetings twice a month to address the many policies in the Phase II Report.

Mr. McDaniel made a motion to double up the Committee meetings, with the first meeting taking place at Ave Maria and the second meeting to take place at the CDES Building in Naples. The meeting time would remain at 9 AM. to 12 Noon. The Committee also recommends that the BCC approve a 6 month extension to the Committee. ***Mr. Thomas*** second the motion. Voice Vote: 10 – Yes, 1 – No. APPROVED. ***Mr. Neno*** opposed the extension because he believed that the tasks could be completed within the allotted time frame.

Mr. Jones stated that hoped the staff would be able to provide a listing of the received comments and suggestions with the related policies for the Committee to review at the next meeting.

VI. Old Business

A. Phase I – Technical Review

Mr. Hamel thanked the six Committee members that attended the Collier County Planning Commission (CCPC) for the presentation of the Phase I – Technical Review on May 1, 2008. He stated that the presentation made by the staff was well done.

1. ***Mr. Greenwood*** stated that the CCPC recommended approval of the Phase I – Technical Review with a stipulation that the nine page list of comments and suggestions be addressed by the Committee during the Phase II review. This list was distributed during the meeting.

Mr. Neno also thought that the staff's presentation was very good.

Mr. McDaniel questioned if the Committee was required to address the list of comments. ***Mr. Greenwood*** stated that the Committee should try their best to address this list of comments and suggestions, but the supporting data and analysis needs to be provided to justify any substantial changes.

2. ***Mr. Greenwood*** reviewed the “Working Paper,” which summarized the build-out potential for the RLSA with the existing regulations.

Mr. Cornell thanked staff for the overview of the “Working Paper.” He requested the staff to prepare an analysis of the program incorporating agricultural preservation credits.

B. RLSA Review Committee, Phase II [Group 2 Agricultural]

1. *Ms. Payton* stated that she was not expecting to speak, but she would like to have an opportunity to meet with staff to help in the coordination of the “Comments and Suggestion” with the RLSA policies. *Mr. Greenwood* stated that he would coordinate a meeting with the authors of the “Comments and Suggestions.”
2. *Mr. Nance* stated that his comments were provided to ask the question: “How would the Committee address comments from DCA’s “RLSA Report to the State Legislation.” If particular comments are not identified by any existing policies, how should the Committee address them? *Mr. Greenwood* suggested that the Committee focus on addressing policy related comments first, and then unrelated policy comments at the end of the report if the Committee desires.

Mr. Jones stated that the format for addressing all the comments and suggestions should consist of the Committee’s recommendation being stated first, and then the staff’s recommendation would follow.

Mr. McDaniel commented that the County’s RLSA program may not be perfect but it is working.

VII. New Business

A. RLSA Review Committee, Phase II...Review of Group 3 and 5 Policies of the Rural Land Stewardship area Overlay [Environmental]

Laura Roys stated that the copy of the concerns from the Environmental Services Department that was provided in the agenda was an early draft and a comprehensive report of the Department’s concerns will be provided.

VIII. Public Comments

Mr. Reynold stated that 5–Year Review requirement by the Department of Community Affairs (DCA) and the Growth Management Plan (GMP) applied only to the Phase I Review. The review was to provide a measured assessment of the program. He reviewed a memo that he prepared (See Attachment) in which he shared some observations and suggestions.

Ms. Ryan stated that the Conservancy had provided comments to the County when the RLSA program was enacted and were told that there would be time to address their concerns when the review process occurred. During the Phase I Review the Conservancy was told that their concerns would be addressed during the Phase II review. She added that the Conservancy would be glad to meet with County staff to coordinate the positioning the concerns with the specific policy for the Committee’s review.

IX. Staff Comments

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Mr. Greenwood stated that he would contact those interested parties to coordinate a meeting date and time to facilitate the positioning of concerns with the related RLSA policies.

X. Adjournment

Mr. McDaniel moved to adjourn the meeting, second by *Mr. Jones*.

Voice Vote - Unanimously Approved 11-0. Adjournment 12:02PM.

Rural Lands Stewardship Area Review Committee

Ron Hamel, Chairman

These minutes approved by the Committee on _____,
as presented _____ or as amended _____.

Attachment: WilsonMiller memorandum May 6, 2008

Wilson Miller

TO: Rural Land Stewardship Area Review Committee Members
FROM: Alan Reynolds, AICP
DATE: May 6, 2008
SUBJECT: RLSAO Five-Year Review Process - Phase 2

First, my compliments to the Rural Land Stewardship Review Committee and County Staff for preparing a comprehensive Phase 1 Technical Report that is has been well received and accepted by both the Collier County Environmental Advisory Council and the Collier County Planning Commission.

As the Committee begins substantive work on the second phase of the 5-year review process, I would offer a few observations and suggestions on the process going forward. My point of reference is my role as the Principal Planner involved in the Immokalee Area Study that led to the creation of the RLSAO, and as one of the primary authors of the actual RLSAO implementing language. I have also been closely involved in the majority of the actual implementation of the program on behalf of participating property owners since it was adopted, so I have both detailed knowledge and experience to support my perspective.

Policy 1.22 was very specific regarding the purpose of the Five Year Review: “to assess the participation in and the effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows...” The Phase 1 Technical Report has documented each of the 8 specific items required and demonstrates both a level of both participation and effectiveness that is far beyond expectations for such a new and innovative program. In my thirty years of experience as a professional planner in Florida, I cannot point to any other such program in the State that has come so far, so quickly, in accomplishing its stated goal and objective.

As an example, the implementation of the RLSAO was expected to take approximately 25 years to protect the estimated 89,300 acres of agricultural and natural resource lands depicted on the Overlay Map as FSAs, HSAs, and WRAs. At this five year anniversary, approximately 27% of such land is now within approved SSAs, and an additional 36% of such land is included in pending SSA applications. Clearly the level of participation in the RLSAO is exceeding its goal.

With respect to effectiveness, one need only to look at the maps contained in the Report to recognize the significant progress that has been made toward permanently protecting the two major environmental systems in the region, the Camp Keais Strand and the Okaloacoochie Slough. In addition, the approval of the Town of Ave Maria SRA has enabled the realization of another major goal, accommodating growth and economic diversification within the RLSA in a more innovative, sustainable, mixed-use pattern.

While some have criticized the provision of the RLSAO that protects a property owner's baseline zoning rights as an alternative to use of the RLSAO, it must be noted that since its inception, not a single new platted lot or rural subdivision has been proposed or approved in the entire 300 square mile area.

Phase 2 is not a required part of the GMP mandated process; it was proposed prior the beginning of the Five Year Review in anticipation that there would be certain changes that may be necessary and appropriate to correct issues "in the participation and effectiveness of the Overlay" that may become evident based on the factual data from Phase 1. As the Committee considers and deliberates on the ever increasing amount of public input in the form of comments, questions, and suggestions for changes, I would suggest the following approach be used:

1. All comments, questions and suggested changes should be referenced to a specific policy in the adopted RLSAO, to facilitate effective discussions and decision-making by the Committee. County staff can facilitate this process.
2. The old axiom "if it isn't broken, don't fix it" should be used as a qualifier for making substantive changes to the RLSAO. Recommendations for changes should cite specific data and analysis in Phase 1 Technical Report, or documented examples from approved SSAs and SRAs that support the need for such change.
3. Whenever possible, specific language should be proposed and alternatives explored that best target the specific issue in question and cause the least amount of collateral changes to the overall program. This will hopefully prevent unintended consequences from disrupting the program.
4. As has been pointed out by several property owners and committee members, the RLSAO program relies on a voluntary, incentive-based approach and a balance between competing uses of land. It also requires a sound basis in market based economics and deference to private property rights. There is a point at which regulatory changes could compromise the acceptance of the program, and the Committee should be mindful not to disrupt the careful balance that has been realized by the proven utilization of the current program.
5. Finally, bear in mind that a collaborative process extending over three years and involving thousands of hours of meetings, hearings and deliberations was needed to create the adopted RLSAO. At the end of this process, there was unanimous approval by the County Commission and universal support for the adopted program by the stakeholders.

We must also keep in mind that the RLSAO does not operate in a vacuum; it does not supplant any of the myriad regulatory procedures and requirements that apply to land development activities. Proposed development in the RLSAO must obtain the same permits that all other development must, including Development of Regional Impact review, jurisdictional wetland permitting, surface water management and groundwater resource permits, site development plan approvals and plats, and other local, state and federal requirements.

While some have made reference to the Department of Community Affairs – 2007 Annual Report to the Legislature, and the need to respond to specific points of criticism about the Collier County RLSAO therein, I would point out the following:

1. The Collier County RLSAO is not subject to the State RLS Statute (although it is a model for it).
2. The DCA Report was prepared prior to the Collier County Phase 1 Technical Report.
3. The DCA Report was prepared without any substantive input from the stakeholders and organizations that participated in the creation of the RLSAO, or the participating land owners in the RLSAO. DCA never sought out input or factual information from those most familiar with the program.
4. The DCA found the Collier County RLSAO in full compliance with all applicable Growth Management Laws upon its final adoption in 2002.
5. Until the recent change in administration, DCA strongly promoted RLS and hailed Collier County for its innovative approach to good planning.
6. The Collier County RLSAO has won numerous recognitions and awards from Statewide organizations including:
 - a. 1000 Friends of Florida
 - b. Council for Sustainable Florida
 - c. Florida Chapter American Planning Association
 - d. Florida Planning and Zoning Association

In closing, I would urge the Committee to continue with its thoughtful and measured evaluation of the RLSAO, and to continue to encourage broad-base participation by interested citizens. Part of the value of this review is to further the level of understanding and awareness of the program, and to that end, the process of receiving input and responding to questions and comments is healthy. I am convinced that the more people understand about this innovative program, the more supportive they will be.

The challenge for the Committee will be to identify those specific changes that are essential to maintaining and improving the effectiveness of the RLSAO without compromising its effectiveness, and separating out well-intended suggestions for changes that are not essential.