

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

CDES, Naples, Florida, June 17, 2008

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

CHAIRMAN: Ron Hamel
VICE CHAIRMAN: Neno Spagna
Tammie Nemecek (10:15)
David Farmer
Gary Eidson
David Wolfley
Bill McDaniel
Jim Howard

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department
Michael J. DeRuntz, Principal Planner, Comprehensive Planning Department
Michael Greene, Planning Manager, Transportation Planning Department
Laura Roys, Senior Environmental Specialist, Engineering and Environment Services Department
Approximately 15 members of the public

- I. Call Meeting to Order**
The meeting was called to order at 9:05 AM by Chairman Hamel.
- II. Roll Call**
Roll call was taken, and a quorum was established.
- III. Approval of Agenda**
Mr. Farmer moved to approve the agenda as presented, Second by Mr. McDaniel.
Voice Vote - Unanimously Approved 7-0.

Mr. McDaniel moved to recommend to the Board of County Commissioners (BCC) to not replace the vacant committee position created by Mr. Nance's resignation, Second by *Mr. Eidson*. *Voice Vote - Unanimously Approved 7-0.*

IV. Approval of Minutes: June 3, 2008

Mr. McDaniel moved to approve the minutes of the June 3, 2008 committee meeting, as presented, Second by *Mr. Howard*. *Voice Vote - Unanimously Approved 7-0.*

V. Presentations

A. Robert L. Duane, AICP. Hole Montes on behalf of Half Circle L Ranch Partnership.

Mr. Greenwood read the transcript of the Board of County Commissioners' (BCC) action taken during the April 29 transmittal hearing for the Growth Management Plan Amendment (GMPA) Petition CP-2006-10, regarding re-designation of 2,431.8 acres of land under the RLSAO from an "Open" to a "Habitat Stewardship Area" classification. He stated the BCC requested that the Rural Lands Stewardship Area Overlay Committee review, "as to how they see this fitting into the overall picture as a side note for us to consider at the time of adoption."

Mr. Duane stated that this GMPA is currently under review at the Department of Community Affairs (DCA). He stated the SSA-8 was approved previously, but due to high quality of environmental characteristics for this property, they were proposing the re-designation of 2,431.8 acres of land from an "Open" to a "Habitat Stewardship Area" (HSA) classification. The re-designation not only would generate a potential of 7,306 additional stewardship credits, but will preserve the 2,431.8 acres as HSA and restrict the use of that area to Natural Resource Index (NRI) Agricultural R-1, Agricultural R-2, and Conservation land uses.

Mr. Wolfley inquired as to the reason for the petition. *Mr. Duane* stated that the property owner is attempting to secure the most stewardship credits that his property could generate.

Mr. Spagna questioned that part of this property is located in Henry County, to the west, and what were the plans for the use of that property. *Mr. Duane* stated that Henry County does not currently have a Rural Lands Stewardship Area Plan as Collier County has, but the property will be continued to be used for agricultural purposes.

Mr. McDaniel inquired if property owners could come back for additional credits as is being proposed through this petition. *Mr. Greenwood* stated that they can.

Mr. Schofield, Property Owner, stated that this property is their family farm. They were not actively involved with the initial RLSAO plan in 2003. He is not sure what the future of farming will be for his family on this property, but was very interested in securing all of the stewardship credits available on this property.

Mr. Farmer questioned if this action was an example of premature conversion, as warned against within the goal of the RLSAO plan. *Mr. Schofield* stated that his family is not proposing any modification of the land use of this property at this time. If the amendment was approved, and if they prepared a restoration plan, they would be eligible for stewardship credits.

Mr. Farmer questioned why a density of 4 residential units per acre was used in the application in determining the potential total residential load, when greater residential densities should be associated with the compact development in the RLSAO. *Mr.*

Greenwood stated that base density for the underlying zoning is one dwelling unit per 5 acres. The RLSAO plan provides for a gross maximum density of four units per acre. Ave Maria's density was approved at 2.2 units per acres.

Mr. Eidson questioned how this petition impacts transportation in this area. *Mr. DeRuntz* stated that, based on Policy 4.14, each Stewardship Receiving Area (SRA) is required to be located on a collector or arterial road or the developer is responsible for constructing their access road. Each SRA will be analyzed and required to meet transportation concurrency.

Mr. Howard moved that the Committee recommend to the BCC that GMPA Petition CP-2006-10 (Half Circle L Ranch) is consistent with the goals and objectives of the RLSAO, and that Mr. Greenwood should prepare a memo for the BCC reflecting the committee's action, Second by *Mr. McDaniel*. *Voice Vote* – Unanimously Approved 7-0.

B. Mike Greene – Collier County Transportation Development Trends in the RLSA

Mr. Greene briefed the committee on Transportation Planning's efforts with evaluating the transportation needs in the RLSA. They have evaluated the proposed future needs and, to meet these needs the county, it is estimated to that the cost will exceed the 10 Year plan by \$2 billion dollars. Currently road construction and maintenance have limited funding, and it is imperative the developers work with the county with transportation impacts on existing roadways. He added that the county can react to density (such as a new town in the RLSA), but is harder to react to sprawl (such as in Golden Gate Estates). Interconnections between SRAs are very important, and will be considered during each SRA application review.

Mr. McDaniel questioned, citing the state mandated reductions in revenue and the downturn in the economy and development, where the funds are to come from for needed improvements in the County's Roadway System. *Mr. Greene* reiterated the importance of the public/private partnerships in addressing these needs.

Mr. Eidson asked Mr. Greene if roads should come before development or if the development determines the road needs. Mr. Greene stated that development generally determines the timing and character of the roads being developed because growth pays for growth since so much of the cost of funding roads comes from impact fees. Mr. Greene stated that there is a county-wide roads plan but the exact timing of construction is based upon needs and availability of funding as compared with other projects listed in the capital improvement element of the Growth Management Plan. There is a requirement for concurrency with respect to new developments and, in the RLSAO Policy 4.14 provides guidance for road construction.

Mr. Eidson asked if the Transportation Planning Department included rail transportation in their analysis. *Mr. Greene* stated that rail planning falls under State and Federal Transportation Planning Agencies. He added that the Metropolitan Planning Organization (MPO) incorporate these issues while taking a global perspective.

Mr. Farmer stated that it is imperative that the future SRAs share the costs of roadway improvements as well as incorporating roadway and multi-modal interconnections. He hoped that the Transportation Planning Department would be able to provide a map showing potential roadway networks for the RLSA. He also recommended that the Transportation Planning Department talk with the land owners in the RLSA to initiate those public and private partnerships.

Mrs. Hushon, Environmental Advisory Council (EAC) agreed that a map depicting future roadway would be extremely helpful in helping to meet the needs for the development of this area.

VI. Old Business

A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay

Mr. Greenwood asked the committee to review the “Technical Committee Operating Procedure” outline that he had prepared following the June 3 meeting discussion of the need for such a committee and any additions or corrections.

Mr. Hamel asked if Ms. Jenkins and Mr. Durham, with Wilson Miller, were representing the property owners on this committee. They indicated that they were.

Mr. Farmer stated that he would be interested in attending these Technical Committee meetings.

Mr. McDaniel moved to appoint Mr. Farmer to the Technical Committee as the RLSAO Committee representative, Second by *Mr. Howard*. *Voice Vote* – Unanimously Approved 8-0.

Mr. Hamel called for a ten minute recess.

The meeting was called to Back of Order at 10:50 AM.

RLSAO Plan – Goal [A copy of the preliminary RLSAO changes agreed to during the June 17 meeting are attached.]

Mr. Greenwood reviewed the public comments.

Mr. Wolfley stated that there seems to be an imbalance of area and steps for protection between the agricultural and environmentally sensitive areas.

Mr. McDaniel moved to keep the wordage change from “premature” to “retain”, to better describe the intent of the Goal, Second by *Mr. Eidson*. *Voice Vote* – Unanimously Approved 8-0.

Ms. Hushon suggested that the term “utilize” should be replaced with “employs.”

Mr. Eidson moved to confirm the committee’s previous action, with the addition of the change from “utilize” to “employs,” by retaining the existing language as sufficiently addressing the public comments, Second by *Mr. Farmer*. *Voice Vote* – Unanimously Approved 8-0.

RLSAO Plan – Objective

Ms. Hushon suggested some grammatical revisions to separate the description of the various Groups into individual sentences.

Mr. McDaniel moved to accept the recommended grammatical changes, Second by *Mr. Spagna*. *Voice Vote* – Unanimously Approved 8-0.

RLSAO Plan – Policy 1.1

Ms. Hushon suggested some grammatical revisions to add the Letter “s” to the words “contribute,” “protect,” and “enhance” to keep the same tense as the work “uses”, and to hyphenate the phrase “community-based.”

Mr. McDaniel moved to accept the recommended grammatical changes, Second by *Mr. Eidson*. *Voice Vote* – Unanimously Approved 8-0.

RLSAO Plan – Policy 1.2

Mr. Greenwood reviewed the public comments.

Mr. McDaniel stated that he understood that each development was responsible to meet the State and Federal environmental regulations.

Mrs. Roys, Environmental Specialist, Collier County Environmental Services Department, stated that it was true that each development is required to provide the most current environmental data available for the analysis.

Ms. Payton, Florida Wildlife Federation, questioned how the County “complementing” existing local, regional, state and federal regulatory programs?

Ms. Nemecek moved to retain the existing language for it sufficiently addresses the public comments, Second by *Mr. McDaniel*. *Voice Vote* – Unanimously Approved 8-0.

RLSAO Plan – Policy 1.3

Mr. Spagna moved to retain the existing language, Second by *Ms. Nemecek*. *Voice Vote* – Unanimously Approved 8-0.

RLSAO Plan – Policy 1.4 & 1.5

Mr. Greenwood reviewed the public comments.

Ms. Payton expressed her concern about the development of the areas between SRAs. She stated that development in these areas should be restricted similar to that provided for in the Rural Fringe Mixed Use Area.

Mr. McDaniel stated that he was not supportive of taking a property owner’s development rights away. The base agricultural zoning allows for 1 dwelling unit per five acres.

Mr. Eidson suggested that those areas could be used as “Victory Gardens” outside the SRAs. This could be something that could be facilitated with the establishment of agricultural incentives for open classified areas.

Ms. Hushon stated that she agreed with this concept and emphasized the importance of trying to keep these areas as buffers.

Mr. Standridge stated that there is lack of a vehicle by which small acreage property owners can participate in the RLSAO Plan. He suggested that the County could serve as a “clearing house” for the small acreage property owners.

Mr. Eidson stated that this is something which the Committee may want to take into consideration when they look into the “Agricultural Policies.”

Mr. McDaniel moved to approve Policies 1.4 and 1.5 with the staff corrections, and to reconsider the recommendations for the County serving as a “clearing house” for the small acreage property owners and establishment of agricultural incentives for open classified areas

when the Committee is reviewing Group 2 policies, Seconded by *Mr. Eidson*. *Voice Vote* – Unanimously Approved 8-0.

VI. New Business
None

VII. Public Comments
None

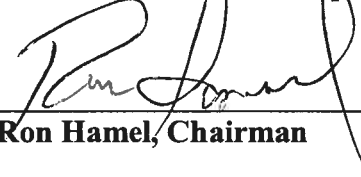
IX. Next Meeting

Mr. Hamel stated that the next meeting will be held on July 1, 2008, at Ave Maria from 9:00 A.M. – 12 Noon.

X. Adjournment

Mr. Farmer moved to adjourn the meeting, Second by *Mr. McDaniel*. *Voice Vote* - Unanimously Approved 8-0. Adjournment 12:01PM.

Rural Lands Stewardship Area Review Committee



Ron Hamel, Chairman

These minutes approved by the Committee on 7-1-08,
as presented _____ or as amended .

Attachment: RLSAO Plan 6/17/08 preliminary RLSA Overlay revisions

Attachment

Rural Lands Stewardship Area Overlay

Goal

Collier County seeks to address the long-term needs of residents and property owners within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment. Collier County's goal is to ~~protect~~ retain land for agricultural activities, to prevent the premature conversion of agricultural land to non-agricultural uses, to direct incompatible uses away from wetlands and upland habitat, to protect and restore habitat connectivity, to enable the conversion of rural land to other uses in appropriate locations, to discourage urban sprawl, and to encourage development that utilizes employs creative land use planning techniques and through the use of established incentives.

Public Input:

1. The Governor's order was aimed at creating a balance between Agriculture, development and environmentally sensitive land. What ended with up is a plan that can create an imbalance as the program is geared to produce more environmentally set aside land and development and greatly reduces agriculture. This will result in Agriculture being pushed further out and destroying more pristine systems under the auspices of the Right to Farm Act.[Mark Strain].

Staff Comments:

1. This is considered a major amendment. The elimination of the word "premature" from the goal may seem like an innocuous change. However, this proposed deletion of "premature" raises a flag because the existing phrase has its genesis in the Final Order No. AC-99-002 of the Administrative Commission and is the basis for the current RLSA Overlay which was initiated prior to the enactment of the State RLSA Program. Any step perceived as undoing the Final Order-based GMPAs (established in the RLSA and RFMUD) might cause issue at Department of Community Affairs (DCA), especially if DCA is leaning towards trying to make Collier County's RLSA subject to compliance with statutory RLSA provisions.

June 17, 2008 Committee Action:

The above proposed draft amendments are based upon an email received from Review Committee member Tom Jones on March 28, 2008, distributed to Committee members on March 28, and preliminarily approved during the April 1, 2008 Committee meeting. The Committee position is that the word "premature" cannot be defined for use in the RLSA Overlay and should be stricken. Additionally, there was one grammatical correction to the Policy. The Committee revisited the staff's comments and that the proposed amendments would strengthen rather than weaken the RLSAO.

Objective

To meet the Goal described above, Collier County's objective is to create an incentive based land use overlay system, herein referred to as the Collier County Rural Lands Stewardship Area Overlay, based on the principles of rural land stewardship as defined in Chapter 163.3177(11), F.S. The Policies that will implement this Goal and Objective are set forth below in groups relating to each aspect of the Goal. Group 1 policies describe the structure and organization of the Collier County Rural Lands Stewardship Area Overlay. Group 2 policies relate to agriculture. Group 3 policies relate to natural resource protection; and Group 4 policies relate to conversion

of land to other uses and economic diversification. Group 5 are regulatory policies that ensure that land that is not voluntarily included in the Overlay by its owners shall nonetheless meet the minimum requirements of the Final Order pertaining to natural resource protection.

Public Input: Minor grammatical recommendations are shown.

Staff Comments: no comments

June 17, 2008 Committee Action: Proposed grammatical recommendations as shown were approved by the Committee.

Group 1 - General purpose and structure of the Collier County Rural Lands Stewardship Area Overlay

Policy 1.1

To promote a dynamic balance of land uses in the Collier County Rural Lands Stewardship Area (RLSA) that collectively contributes to a viable agricultural industry, protects natural resources, and enhances economic prosperity and diversification, Collier County hereby establishes the Rural Lands Stewardship Area Overlay (Overlay). The Overlay was created through a collaborative community-based planning process involving county residents, area property owners, and representatives of community and governmental organizations under the direction of a citizen oversight committee.

Public Input: Minor grammatical recommendations are shown.

Staff Comments:

June 17, 2008 Committee Action: Proposed grammatical recommendations as shown were approved by the Committee.

Policy 1.2

The Overlay protects natural resources and retains viable agriculture by promoting compact rural mixed-use development as an alternative to low-density single use development, and provides a system of compensation to private property owners for the elimination of certain land uses in order to protect natural resources and viable agriculture in exchange for transferable credits that can be used to entitle such compact development. The strategies herein are based in part on the principles of Florida's Rural Lands Stewardship Act, Chapter 163.3177(11) F.S. The Overlay includes innovative and incentive based tools, techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs.

Public Input:

1. The intent of Policy 1.2 is to create, "techniques and strategies that are not dependent on a regulatory approach, but will complement existing local, regional, state and federal regulatory programs." The compatibility of the RLSA to regulations, such as the Clean Water Act and the Endangered Species Act, must be assessed during the five-year review and changes made where necessary to ensure compatibility. In addition, if new agency data is obtained or new regulations are enacted, the RLSA should be reassessed and amended at that time, not waiting for another five-year review process.[Conservancy]. Laura Roys stated that the most recent available data is required and usually is less than one (1) year old and Environmental Services checks for this as well as all required federal and state permits.
2. Clarify how RLS interacts with state and federal permitting agencies [FWF]. The Committee was informed that all permits must be obtained regardless of whether or not a project is in the RLSAO.

Staff Comments: No comments.

June 17, 2008 Committee Action: To retain the existing language which sufficiently addresses the public comments.

Policy 1.3

This Overlay to the Future Land Use Map is depicted on the Stewardship Overlay Map (Overlay Map) and applies to rural designated lands located within the Immokalee Area Study boundary of the Collier County Rural and Agricultural Area Assessment referred to in the State of Florida Administration Commission Final Order No. AC-99-002. The RLSA generally includes rural lands in northeast Collier County lying north and east of Golden Gate Estates, north of the Florida Panther National Wildlife Refuge and Big Cypress National Preserve, south of the Lee County Line, and south and west of the Hendry County Line, and includes a total of approximately 195,846 acres, of which approximately 182,334 acres is privately owned. The Overlay Map is an adopted overlay to the Future Land Use Map (FLUM).

Public Input: No public discussion was held.

Staff Comments: No comments.

June 17, 2008 Committee Action: The Committee recommended no change to this policy.

Policy 1.4

Except as provided in Group 5 Policies, there shall be no change to the underlying density and intensity of permitted uses of land within the RLSA, as set forth in the Baseline Standards, as defined in Policy 1.5, unless and until a property owner elects to utilize the provisions of the Stewardship Credit System. It is the intent of the Overlay that a property owner will be compensated for the voluntary stewardship and protection of important agricultural and natural resources. Compensation to the property owner shall occur through one of the following mechanisms: creation and transfer of Stewardship Credits, acquisition of conservation easements, acquisition of less than fee interest in the land, or through other acquisition of land or interest in land through a willing seller program.

Public Input:

1. What happens to baseline density - should disappear as in Rural Fringe TDR program [FWF]

Note: Also related to policy 1.5.

Staff Comments: No comments.

June 17, 2008 Committee Action: The Committee position is that property owners must have the ability to use their properties and that the baseline density should not disappear but that the Committee would study providing incentives for retaining agricultural uses.

Policy 1.5

As referred to in these Overlay policies, Baseline Standards are the permitted uses, density, intensity and other land development regulations assigned to land in the RLSA by the ~~GMP~~ Growth Management Plan (GMP), Collier County Land Development Regulations and Collier County Zoning Regulations in effect prior to the adoption of Interim Amendments and Interim Development Provisions referenced in Final Order AC-99-002. The Baseline Standards will remain in effect for all land not subject to the transfer or receipt of Stewardship Credits, except as provided for in Group 5 Policies. No part of the Stewardship Credit System shall be imposed upon a property owner without that ~~owners~~ owner's consent.

Public Input: None.

Staff Comments: Minor correction and amendments for clarification purposes only.

June 17, 2008

June 17, 2008 Committee Action: The Committee approved with staff's correction and to study agricultural incentives when the Committee reviews Group 2 policies regarding agriculture.