

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

CDES, Naples, Florida, July 15, 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
Brad Cornell
David Farmer
Gary Eidson
David Wolfley
Bill McDaniel
Fred Thomas
Tom Jones

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, Comprehensive Planning Department; Nick Casalinguida, Director, Transportation Planning Department; Michael Greene, Planning Manager, Transportation Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; Kirsten Wilkie, Environmental Specialist, Environmental Services; Jeff Wright, Assistant County Attorney, CDES; 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. Thomas moved to approve the agenda as presented, seconded by Mr. McDaniel.
Voice Vote - Unanimously Approved

IV. Approval of Minutes: July 1, 2008

Mr. Thomas moved to approve the agenda as presented, seconded by Mr. McDaniel.
Voice Vote - Unanimously Approved

V. Presentations [none]

VI. Old Business

Committee term extension *Mr. Greenwood* reported the Board of County Commissioners, by Resolution on June 10, extended the initial one-year term of the Review Committee 6 months or until April 24, 2009. *No action was taken.*

Committee schedule *Mr. Greenwood* reported that the Committee schedule will need to be modified slightly as follows due to recent information received following distribution of the July 15 meeting agenda packet:

- August 5 meeting: Removal of Steve Siebert of the Century Commission from the August 5 meeting agenda as he will not be able to address the Committee until at least October. The consensus of the Committee was to remove Mr. Siebert from the Committee's Schedule entirely.
- August 26 meeting [now August 5 meeting]: The Transportation Planning Department would like to make a presentation to the Committee in further detail regarding issues on Transportation. The consensus of the Committee was to add this presentation to the August 26 agenda.

No further action was taken.

Technical Committee *Mr. Greenwood* reported that the Transportation Planning Department [Nick Casalanguida with Michael Greene as an alternate] would like to serve on the Technical Committee. Brad Cornell asked if he might be able to serve on this Committee. After discussion, a motion was made by *Tom Jones* and seconded by *Gary Eidson* to include both Nick Casalanguida/Michael Greene on the Technical Committee and Brad Cornell and that all meetings of the Technical Committee be properly advertised per the direction of Jeff Wright [minimum of 72 hours notice through the public information office and no need for Naples Daily News advertisement]. Upon vote, the motion was carried unanimously by voice vote.

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

Mr. Greenwood reported that the "Phase 2 Working Paper" has been modified for Committee review and discussion as follows:

- July 1, 2008 data received. The approximate 24 pages of additional information received by the Committee for the first time on July 1 relative the proposed Florida Panther Protection Program, additional agricultural protection incentives, and comments from the Eastern Collier Property Owners (ECPO) were incorporated within the report as appropriate, under specific policies [no data or input was left out];
- Florida Panther Protection Program. Most of the substantive information relative to the proposed Florida Panther Protection Program was placed directly under the Group 3 objective [there may be a need to reference the proposed Panther Protection Program under one or more existing Group 3 policies or under a new policy] and the Committee may well want to move this information to a series of appendices at the end of the Phase 2 Report when the Committee comes to Group 3 discussions because:

1. The proposed Panther Protection Program will likely have a different and later time schedule for analysis, review and approval/disapproval than the Phase 2 Report; and
2. The Panther Protection Program will not be administered through Collier County.
 - o The Committee and those present were given or had available to them the revised 73-page document as three hole punched.

Since the Committee had already taken action on June 17 on Policies 1.1 through 1.5, but Eastern Collier Property Owners [ECPO] comments were received on July 1 relative to Policies 1.2 and 1.4, the Committee briefly reviewed the ECPO comments relative to Policies 1.2 and 1.4 and decided not to change the June 17 action of the Committee.

Policy 1.6 Committee Action After discussion among Committee members and after hearing from the public and from staff, the Committee approved the proposed minor text amendments as outlined below with no other changes upon motion by *Fred Thomas*, second by *Tom Jones*, and voice vote, 10-0.

Policy 1.6

Stewardship Credits (Credits) are created from any lands within the RLSA that are to be kept in permanent agriculture, open space or conservation uses. These lands will be identified as Stewardship Sending Areas or SSAs. All privately owned lands within the RLSA are a candidate for designation as a SSA. **Land becomes designated as a SSA upon petition** by the property owner seeking such designation and the adoption of a resolution by the Collier County Board of County Commissioners (BCC), which acknowledges the property owner's request for such designation and assigns Stewardship Credits or other compensation to the owner for such designation. Collier County will update the Overlay Map to delineate the boundaries of each approved SSA. Designation as an SSA shall be administrative and shall not require an amendment to the Growth Management Plan, but shall be retroactively incorporated into the adopted Overlay Map during the EAR based amendment process when it periodically occurs. A Stewardship Sending Area Credit Agreement shall be developed that identifies those allowable residential densities and other land uses which remain. Once land is designated as a SSA and Credits or other compensation is granted to the owner, no increase in density or additional uses unspecified in the Stewardship Sending Area Credit Agreement shall be allowed on such property.

Policy 1.7 Committee Action After discussion among Committee members and after hearing from the public and from staff [see discussions below], the Committee approved the annotated amendments as shown below and Tom Jones and/or ECPO will come back to the Committee at a later date with suggested language to amend Policy 1.7 which would provide for the possibility of a conditional easement which would be placed on the subject property until such time as all permits are in hand for the SRA to which the credits from the SSA will be applied and providing no action is taken prior to permitting that diminishes the resource values on the SSA; at which point the easement becomes permanent following a motion by *Tom Jones* and second by *Fred Thomas*, 9-1 with Dave Wolfley voting in the minority. *Mr. Wolfley* stated that he would like to see the Department of Community Affairs [DCA] as a signatory to the Easement Agreements.

Policy 1.7

The range of Stewardship Credit Values is hereby established using the specific **methodology** set forth on the Stewardship Credit Worksheet (Worksheet), incorporated herein as Attachment A. This methodology and related procedures for SSA designation will also be adopted as part of the Stewardship Overlay District in the Collier County Land Development Code (LDC). Such procedures shall include but ~~no~~ not be limited to the following: (1) All Credit transfers shall be recorded with the Collier County Clerk of Courts; (2) a covenant or perpetual restrictive easement shall also be recorded for each SSA, shall run with the land and shall be in favor of Collier County and the Florida Fish and Wildlife Conservation Commission Department of Environmental Protection, Department of Agriculture and Consumer Services, South Florida Water Management District, or a recognized statewide land trust; and (3) for each SSA, the Stewardship Sending Area Credit Agreement will identify the specific land management measures that will be undertaken and the party responsible for such measures.

Discussion

- **Nicole Ryan** stated that she would like to see the DCA as a signatory to the perpetual restrictive easement since the DCA is involved with land uses.
- **Tom Jones** stated that the Florida Fish and Wildlife Conservation Commission is a regulatory agency and the RLSA program is mostly about preservation of natural resources and agricultural lands and the DCA is involved in actions which are the basis for the RLSA program and not involved in regulatory aspects of the program.
- **Brad Cornell** stated that he would like to see item #5 under Policy 1.7 referred to the Technical Committee and his motion and second by Fred Thomas did not pass.
- **Nicole Ryan** stated that all issues listed in the Phase 2 Working Paper should be dealt and not ignored.
- **Bill McDaniel** stated that the Committee's "read ahead" receipt of the Phase 2 Working Paper should be an indication that the Committee members have read the documentation. Additionally, any further discussion during the Committee meetings will be summarized in the minutes and also recorded verbatim.
- **Brad Cornell** stated that all discussion should be considered, both verbal and written.
- **Tom Greenwood** stated that the summary minutes are intended to capture all the major points and discussions and all meetings are recorded.
- **Mr. McDaniel** stated that he did not want to see rebuttal statements within the Phase 2 Working Paper, but it is OK to have them in the Committee minutes.
- **Mr. Farmer** stated that he would like to see Mark Strain updated on an on-going basis as to the responses to his issues and comments to which other members stated that they did not agree with this and pointed out that the Phase 2 Working Paper is on the web site for review by all.

Policy 1.8 Committee Action After discussion among Committee, the public, and staff the Committee, upon motion by **Fred Thomas** and second by **Bill McDaniel** voted unanimously to leave Policy 1.8 unchanged, but to have the Engineering and Environmental Services Department Staff provide at the August 5 meeting a detailed analysis of their comments [#16 Environmental Services comments from page 74 of the Phase 2 Working Paper] and possible impacts on the RLSA Overlay with the

understanding that the Committee may change its recommendation regarding Policy 1.8 during the course of its review of the entire RLSA Overlay.

Policy 1.8

The natural resource value of land within the RLSA is measured by the Stewardship Natural Resource Index (Index) set forth on the Worksheet. The Index established the relative natural resource value by objectively measuring six different characteristics of land and assigning an index factor based on each characteristic. The sum of these six factors is the index value for the land. Both the characteristics used and the factors assigned thereto were established after review and analysis of detailed information about the natural resource attributes of land within the RLSA so that development could be directed away from important natural resources. The six characteristics measured are: Stewardship Overlay Designation, Sending Area Proximity, Listed Species Habitat, Soils/Surface Water, Restoration Potential, and Land Use/Land Cover.

Discussion

- **Brad Cornell** stated that the RLSA program is doing what it is intended to do...protect the environmentally sensitive lands and agricultural lands by using an incentive based system rather than a regulatory system.
- **Mr. Farmer** stated that he somewhat agrees with Mr. Cornell's statement but has some reservations about providing incentives [credits] on lands, because of their nature, are not likely to be developed anyway.
- **Kirsten Wilkie** stated that she would like to have item #16 on page 74 [Environmental comments] placed under Policy 1.8. The Committee agreed and asked Environmental Services to provide some analysis of their suggestions during the August 5 regular meeting. **Laura Roys** stated that the staff suggestions would result in a change to the NRI scores.
- **Nicole Ryan** stated that the Conservancy would like to have the Natural Resource Index mapping updated.
- **Tom Jones** stated that Darrell Land of the Florida Fish and Wildlife Conservation Commission [spoke to the Committee on June 3] stated that the NRI used for Collier County is about 95% accurate and closely matches that in his use.
- **Judy Hushon** stated that the NRI needs to be updated.
- **Tom Jones** stated that each SSA and SRA application is accompanied by the most current FLUCCS maps and listed species and prepared by licensed professionals and are site specific.
- **Tim Durham** stated that the Committee needs to focus on the big picture. Darrell Land stated that Collier County mapping and NRI is 95% consistent with his information. The GPS study of collared Panthers indicates where the cats are traveling day and night and there is little difference between their travel habits from day and night.
- **David Farmer** questioned why an NRI of 1.2 was used rather than 1.1 or 1.3 and whether there were ever any maps developed which showed the differences in "Open" lands using these two alternatives.
- **Tim Durham** stated that there were many computer/GIS runs on these and other alternative NRI cut-off scenarios and the 1.2 seemed to be the most appropriate score to use.
- **Brad Cornell** made a motion and seconded by **Fred Thomas** to refer Policies 1.8 and 1.9 to the Technical Committee as well as the Environmental and

Transportation issues. After further discussion by the Committee, and a reminder by *Tom Jones* and *Neno Spagna* that these items have not come to the Committee and they felt uncomfortable about having the Technical Committee make recommendations before the Committee has thoroughly vetted it, the motion failed/withdrawn.

VII. **New Business** [none]

VIII. **Public Comments** [none]

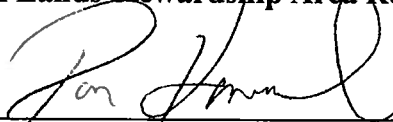
IX. **Next Meeting**

Mr. Hamel stated that the next meeting will be held on August 5, 2008, at Ave Maria University from 9:00 A.M. – 12 Noon.

X. **Adjournment**

Mr. Farmer moved to adjourn the meeting, seconded by *Mr. McDaniel* with the motion approved unanimously with adjournment at 12:01PM.

Rural Lands Stewardship Area Review Committee



Ron Hamel, Chairman

These minutes approved by the Committee on 8-5-08, as presented X or as amended _____.

