

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

Ave Maria University, Town of Ave Maria, Florida, August 5, 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, 50505 Ave Maria Boulevard, Ave Maria, Florida, with the following members present:

CHAIRMAN: Ron Hamel
VICE CHAIRMAN: Neno Spagna
Brad Cornell
Zach Floyd Crews
David Farmer
Gary Eidson
David Wolfley
Bill McDaniel
Fred Thomas
Tom Jones
Tammie Nemecek

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner, and Ekna Guevera, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; Heidi Ashton, Assistant County Attorney, Land Use Section, Chief, CDES; and 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

Ron Hamel stated that the presentation by the Transportation Division to the Committee has been postponed to September 2 at his request. *Mr. Cornell* moved to approve the agenda as presented, with the deletion of the presentation by the Transportation Division and seconded by *Mr. Farmer*.

Voice Vote - Unanimously Approved

IV. Approval of Minutes of the July 15, 2008 Meeting

Mr. Cornell moved to approve the minutes as presented, seconded by *Ms. Nemecek*.

Voice Vote - Unanimously Approved

V. Presentations [none]

VI. Old Business

Mr. Greenwood referred to the following documents which were emailed and are in hard copy for this meeting: 1) Staff paper dated August 5 regarding Committee direction regarding its remaining schedule and the format for the Phase 2 Report; 2) June 8 article in the Naples Daily News comparing the projected development of the Town of Ave Maria SRA with the actual development; 3) the DCA July 16, 2008 ORC report regarding the Half Circle Ranch GMPA [“open” to “HSA”]; 4) email of July 30 from Laura Roys regarding Policies 1.8 and 4.9; 5) August 5 memo from Staff regarding the Florida Panther Protection Program and how it could fit within the Phase 2 Report; 6) Stewardship Credit Worksheet; and 7) a staff working paper entitled, “RLSA at Maturity” [as opposed to “build out”] since the RLSA will not be built out due the large amounts of lands perpetually preserved through Stewardship Easements approved as part of Stewardship Sending Area Agreements.

Committee schedule The Review Committee unanimously approved the following revisions to its schedule by voice vote, upon motion by *Neno Spagna* and second by *David Wolfley*:

- **Cancelled** the August 26th meeting at CDES;
- **Added** the following meetings at CDES: September 16th, September 23rd, and September 30th. Remaining meetings are now September 2nd, September 16th, September 23rd, September 30th and October 7th wrap up meeting.

Format of the Phase 2 Report The Committee unanimously approved the format only of the Phase 2 Report such that the main section of the report [review of the Goal, Objective and Policies] would be annotated with the public input, staff input, and committee action information placed at the back of the report, but referenced by page number under the goal and each objective and policy. Motion by *Fred Thomas* and second by *Floyd Crews* that the document be formatted this way and upon vote, the motion was approved unanimously.

Florida Panther Protection Program Following discussion of the FPPP within the context of the Phase 2 Report, a motion was made by *Brad Cornell* and seconded by *Fred Thomas* that the FPPP be included, along with possible amendments to the RLSA Overlay, within the Phase 2 Report. After much discussion, no action was taken.

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

Policy 1.8 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, and upon motion by *Fred Thomas* and second by *Tom Jones* the Committee voted unanimously to leave Policy 1.8 unchanged.

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.

Policy 1.9 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Floyd Crews* voted unanimously to leave Policy 1.9 unchanged.

Policy 1.9

A Natural Resource Index **Map Series** (Index Map Series) indicates the Natural Resource Stewardship Index value for all land within the RLSA. Credits from any lands designated as SSAs, will be based upon the Natural Resource Index values in effect at the time of designation. Any change in the Characteristics of land due to alteration of the land prior to the establishment of a SSA that either increases or decreases any Index Factor will result in an adjustment of the factor values and a corresponding adjustment in the credit value. The Index and the Index Map Series are adopted as a part of the RLSA Overlay.

Discussion:

- *Nicole Ryan* stated that she is concerned that the map is outdated and needs to be updated;
- *Mr. Jones* stated that all SSAs submitted must present the most current information on each specific SSA area at time of submittal and that Darrell Land stated that the county RLSA mapping appears to be about 95% accurate.
- *Mr. Cornell* stated that the natural resource index map NRIs in SSA is a good balance between science, preservation policy and private property owner rights.

Policy 1.10 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Brad Cornell* voted unanimously to leave Policy 1.10 unchanged.

Policy 1.10

In SSAs, the greater the number of uses eliminated from the property, and the higher the natural resource value of the land, the higher the priority for protection, the greater the level of Credits that are generated from such lands, and therefore the greater the incentive to participate in the Stewardship Credit System and protect the natural resources of the land.

Discussion: No discussion.

Policy 1.11 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Brad Cornell* and second by *Floyd Crews* to provide language in Policy 1.11 to require that SSAs, as a minimum remove all LDC land use layers above agriculture. Upon vote, the motion failed 2-9 with *Brad Cornell* and *Floyd Crews* voting in favor of the amendment. [Policy 1.11 remains unchanged.]

Policy 1.11

The Land Use Matrix, Attachment B, lists uses and activities allowed under the A, Rural Agricultural Zoning District within the Overlay. These uses are grouped together in one of eight separate layers in the Matrix. Each layer is discrete and shall be removed sequentially and cumulatively in the order presented in the Matrix, starting with the residential layer (layer one) and ending with the conservation layer (layer eight). If a layer is removed, all uses and activities in that layer are eliminated and are no longer available. Each layer is assigned a percentage of a base credit in the Worksheet. The assigned percentage for each layer to be removed is added together and then multiplied by the Index value on a per acre basis to arrive at a total Stewardship Credit Value of the land being designated as a SSA.

Mr. Thomas moved and *Mr. McDaniel* seconded to recommend that the aquaculture be addressed in the Land Development Code. Upon vote, the motion carried unanimously.

Mr. Thomas moved and *Mr. Farmer* seconded to send to the Technical Committee for study the idea of moving earth mining to the top of the list of uses to be removed in the land use layers. The motion carried 10-1 with *Mr. McDaniel* voting against the motion.

Policy 1.12 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Bill McDaniel*, voted unanimously to leave Policy 1.12 unchanged.

Policy 1.12

Credits can be transferred only to lands within the RLSA that meet the defined suitability_criteria and standards set forth in Group 4 Policies. Such lands shall be known as Stewardship Receiving Areas or SRAs.

Policy 1.13 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Gary Eidson*, voted unanimously to leave Policy 1.13 unchanged.

Policy 1.13

The procedures for the establishment and transfer of Credits and SRA designation are set forth herein and will also be adopted as a part of a Stewardship District in the LDC (District). LDRs creating the District will be adopted within one (1) year from the effective date of this Plan amendment.

Policy 1.14 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Bill McDaniel*, voted unanimously to leave Policy 1.14 unchanged, with the exception of the correction so noted with the strikethrough and underline.

Policy 1.14

Stewardship Credits will be exchanged for additional residential or non-residential entitlements in a SRA on a per acre basis, as described in Policy 4-18 4.19. Stewardship density and intensity will thereafter differ from the Baseline Standards. The assignment or use of Stewardship Credits shall not require a GMP Amendment.

Policy 1.15 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Fred Thomas* and second by *Tammie Nemecek*, voted unanimously to leave Policy 1.15 unchanged.

Policy 1.15

Land becomes designated as an SRA upon the adoption of a resolution by the Collier County Board of County Commissioners (BCC) approving the petition by the property owner seeking such designation. Any change in the residential density or non-residential intensity of land use on a parcel of land located within a SRA shall be specified in the resolution reflecting the total number of transferable Credits assigned to the parcel of land. Density and intensity within the RLSA or within an SRA shall not be increased beyond the Baseline Standards except through the provisions of the Stewardship Credit System, the Affordable-workforce Housing Density Bonus as referenced in the Density Rating System of the FLUE, and the density and intensity blending provision of the Immokalee Area Master Plan.

Policy 1.16 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.16 unchanged.

Policy 1.16

Stewardship Receiving Areas will accommodate uses that utilize creative land use planning techniques and Credits shall be used to facilitate the implementation of innovative and flexible development strategies described in Chapter 163.3177 (11), F.S. and 9J-5.006(5)(l).

Policy 1.17 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.17 unchanged.

Policy 1.17

Stewardship Credits may be transferred between different parcels or within a single parcel, subject to compliance with all applicable provisions of these policies. Residential clustering shall only occur within the RLSA through the use of the Stewardship Credit System, and other forms of residential clustering shall not be permitted.

Policy 1.18 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by David Farmer, voted unanimously to leave Policy 1.18 unchanged.

Policy 1.18

A blend of Local, State, Federal and private revenues, such as but not limited to Florida Forever, Federal and State conservation and stewardship programs, foundation grants, private conservation organizations, local option taxes,

general county revenues, and other monies can augment the Stewardship program through the acquisition of conservation easements, Credits, or land that is identified as the highest priority for natural resource protection, including, but is not limited to, areas identified on the Overlay Map as Flow way Stewardship Areas (FSAs), Habitat Stewardship Areas (HSAs), Water Retention Areas (WRAs) and land within the Big Cypress Area of Critical State Concern (ACSC).

Policy 1.19 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *David Farmer*, voted unanimously to leave Policy 1.19 unchanged.

Policy 1.19

All local land or easement acquisition programs that are intended to work within the RLSA Overlay shall be based upon a willing participant/seller approach. It is not the intent of Collier County to use eminent domain acquisition within this system.

Policy 1.20 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by *Gary Eidson* and second by *Fred Thomas*, voted unanimously to leave Policy 1.20 unchanged.

Policy 1.20

The County may elect to acquire Credits through a publicly funded program, using sources identified in Policy 1.18. Should the County pursue this option, it shall establish a Stewardship Credit Trust to receive and hold Credits until such time as they are sold, transferred or otherwise used to implement uses within Stewardship Receiving Areas.

Policy 1.21 August 5, 2008 Committee Action After discussion among Committee, the public, and staff the Committee, upon motion by *Bill McDaniel* and second by *Fred Thomas*, voted unanimously to leave Policy 1.21 unchanged, with the exception of the minor corrections and addition as annotated below.

Policy 1.21

The incentive based Stewardship Credit system relies on the projected demand for Credits ~~As~~ as the primary basis for permanent protection of agricultural lands, flowways, habitats and water retention areas. The County recognizes that there may be a lack of significant demand for Credits in the early years of implementation, and also recognizes that a public benefit would be realized by the early designation of SSAs. To address this issue and to promote the protection of natural resources, the implementation of the Overlay will include an early entry bonus to encourage the voluntary establishment of SSAs within the RLSA. The bonus shall be in the form of an additional one Stewardship Credit per acre of land designated as a HSA located outside of the ACSC and one-half Stewardship Credit per acre of land designated as HSA located inside the ACSC. The early entry bonus shall be available for five years from the effective date of the adoption of the Stewardship Credit System in the LDC. The early designation of SSAs, and resulting protection of flowways, habitats, and Water retention areas does not require the establishment of SRAs or otherwise require the early use of Credits, and Credits generated under the early entry bonus may be used after the termination of the bonus period. The maximum number of Credits that can be generated under the bonus is 27,000 Credits, and such Credits shall not be transferred into or used within the ACSC.

Policy 1.22 August 5, 2008 Committee Action After discussion among the Committee, the public, and staff the Committee, upon motion by Fred Thomas and second by Bill McDaniel, voted unanimously to recommend amendment of Policy 1.22 as annotated below.

Policy 1.22

The RLSA Overlay was designed to be a long-term strategic plan with a planning horizon Year of 2025. Many of the tools, techniques and strategies of the Overlay are new, Innovative, incentive based, and have yet to be tested in actual implementation. A comprehensive review of the Overlay shall be prepared for and reviewed by Collier County and the Department of Community Affairs ~~upon the five-year anniversary of the adoption of the Stewardship District in the LDC~~ as part of the Evaluation and Appraisal Report process. The purpose of the review shall be to assess the participation in and effectiveness of the Overlay implementation in meeting the Goal, Objective and Policies set forth herein. The specific measures of review shall be as follows:

1. The amount and location of land designated as FSAs, HSAs, WRAs and other SSAs.
2. The amount and location of land designated as SRAs.
3. The number of Stewardship Credits generated, assigned or held for future use.
4. A comparison of the amount, location and type of Agriculture that existed at the time of a Study and time of review.
5. The amount, location and type of land converted to non-agricultural use with and without participation in the Stewardship Credit System since its adoption.
6. The extent and use of funding provided by Collier County and other sources Local, State, Federal and private revenues described in Policy 1.18.
7. The amount, location and type of restoration through participation in the Stewardship Credit System since its adoption.
8. The potential for use of Credits in urban areas.

VII. New Business. *Bill McDaniel* asked staff to see whether Dr. Van Buskirk, a consultant helping with the East of CR 951 Study, would be able to address the Committee at a future meeting. [Mr. Bosi has been contacted relative to scheduling Dr. Van Buskirk for a future Committee meeting.]

Tom Jones asked to have the Transportation Division presentation moved back from September 2 meeting to the meeting where the Committee will be discussing Group 4 policies. *Mr. Greenwood* contacted Transportation on August 5th only to be advised that September 2nd is likely the only date available because of Transportation's commitments for BCC meetings and other pre-arranged meetings which conflict with the Committee's schedule.

Brad Cornell requested Committee authorization for the Technical Committee to meet on August 26th to address the land use hierarchy issue and the Policy 1.7 SRA issue.

VIII. Public Comments [none]

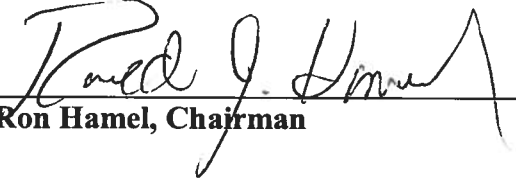
IX. Next Meeting

Mr. Hamel stated that the next meeting will be held on September 2, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. 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 SEPT. 2, 2008 as presented _____
or as amended X.