

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

Community Development and Environmental Services [CDES] Building; 2800 North Horseshoe Drive, Rooms 609/610, Naples, Florida, 34104; September 16, 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, Rooms 609/610 2800 North Horseshoe Drive, Naples, Florida, with the following members present:

CHAIRMAN: Ron Hamel  
VICE CHAIRMAN: Neno Spagna  
Brad Cornell  
David Farmer (left at 12:00pm)  
Gary Eidson  
Bill McDaniel (arrived at 10:30am)  
Zack Floyd Crews  
Tom Jones  
Fred Thomas

ALSO PRESENT: Thomas Greenwood, AICP, Principal Planner and Michael DeRuntz, Principal Planner, Comprehensive Planning Department; Laura Roys, Senior Environmental Specialist, Environmental Services; and 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 as 8 of 12 members were present initially with Bill McDaniel arriving at approximately 10:30am.

**III. Approval of Agenda**

*Mr. Thomas moved to approve the agenda as presented and seconded by Mr. Crews. .  
Voice Vote - Unanimously approved*

**IV. Approval of Minutes of the August 5, 2008 Meeting**

*Mr. Spagna moved and Mr. Farmer seconded to approve the minutes as distributed. Voice Vote - Unanimously approved. Mr. Hamel pointed out that page 2 of the minutes states that there will be complete review by the Committee of the entire draft report, so that there will be a second chance to review the entire document*

**V. Presentations**

**A. Mr. Greenwood** referred to and made a part of the minutes the following as emailed and as provided in hard copy and discussed at today's meeting:

- Committee tasks by meeting dates for September 16, 23, 30 and October 7 and EAC meeting of November 12, CCPC on December 1, and BCC on January 29, 2009. [attached to minutes]
- Potential RLSA...Potential Maturity under the existing RLSA Credit System. [attached to minutes]

With respect to the Committee tasks, the attached was reviewed by the Committee and it was stated that the goal today is to finish the Group 3 Policies and hear from the Transportation Planning Department at 11am regarding transportation issues related to development and the RLSA, in particular.

*Mr. Greenwood* reviewed the September, 2008 version of the "Potential Maturity under the existing RLSA Credit System" stating the following:

- It is based upon the existing system and the experience in the RLSA Overlay during the first 5 years.
- It assumes that 100% of the owners of the environmentally sensitive lands will participate in the RLSAO.
- It assumes that the average household size would be 2.5 persons/household and the average gross density would be 2.5 units/acre which is similar to Ave Maria and the proposed Big Cypress DRI.
- Other assumptions are provided on the spreadsheet.
- The number of dwelling units calculated is very close in number to the calculations provided by Van Buskirk and Associates for the East of 951 Infrastructure Study.

He stated that he would like to have the Committee endorse this or a similar document for inclusion in the Phase 2 Report, but that no action was required today. There were a number of questions and answers generated by the Committee and the public and, at the end of the discussion, *Tom Jones* thanked and complimented staff for the preparation of this document.

**B. Presentation of Nick Casalanguida, Director, Transportation Planning Department [presented at 11am following action taken on Policy 3.11]**

*Norman Feder*, Director of the Transportation Division, stated that:

- the Committee meetings conflict with the Tuesday BCC meetings;
- Transportation in the 1990's and before dealt mainly with providing transportation in the urban area but now needs to concentrate in the rural lands area as well;
- There is a need to share information between the public and private sectors if the planning for public infrastructure and services in the RLSA is to be in a comprehensive and meaningful way.
- Most of what he knows about the RLSA is what he has read in the newspaper.

*Nick Casalinguida*, Director of the Transportation Planning Department, stated the following:

- The East of 951 Study group is looking at rural design roads rather than urban standard roads.
- Van Buskirk, the consultant on the East of 951 Infrastructure Study, has developed dwelling unit and population projections by Transportation Analysis Zones for the RLSA and other major geographies east of CR 951.
- The county does not have the funds to build the roadway network.

- There must be some agreement on a transportation network and alternative transportation modes for the build-out in the RLSA.
- There must be funding methodology made available in the RLSA to allow for the fiscal neutrality of the public infrastructure upon the County. A memorandum of agreement needs to be developed between the county and the developer to identify where the roads will be located and how the roads will be funded.
- Need to address panther crossings and how to fund them.
- Need to address who is going to pay for what.
- Must be a unified roadway network meeting the water management plan standards.
- He stated that 2/3 of the projected county population at build out is expected to be east of CR 951.
- Need a check and balance for public improvements. An analysis needs to be done. The transportation department will have one done in about 6 months.
- He stated that impact fees cannot provide all the needed improvements, but this has to be looked at as a three legged stool where land owners, county and the state each participating.

**Mr. Eidson** stated that Transportation is asking the Committee to do something. **Bill McDaniel** stated that the interactive growth model developed by Van Buskirk will provide an on-going guide as to infrastructure needs as times and developments change in the East of CR 951 area. **Mr. McDaniel** asked what additional sources of funding would be available for future roadway construction other than the sources currently available. **Mr. Casalanguida** stated that an increase in the sales tax, transfer fees, a raise in the millage rates, and the proposed Panther fees are examples. **Mr. Jones** stated that there is some coordination going on between transportation planning and it needs to continue and that coordination may get to about 80% of what Nick is asking for by mid-October. He referred to the possible limit of a 45,000 acre SRA footprint in the RLSAO. He stated that a model can show where land uses could go, but that it is a long-term model and it will change over time. **Mr. Farmer** stated that he feels that the population and dwelling units are important in the RLSAO planning in that they can translate into lane miles and other governmental services. **Norman Feder** stated that the data and analysis do not have to be cast in stone, but the data and analysis need to address the big picture of what could happen in this geography [the RLSAO]. **Bill McDaniel** stated that he would like the Transportation Division's review of the RLSA Overlay, in particular Group 4 policies which relate to SRAs and with the transportation-related policies. *He would get Dr. VanBuskirk to address the Committee.* **Mr. Greenwood** stated that one of the functions of the RLSA Review Committee is to educate and promote the RLSAO and stated that there have been about 15-20 articles relating to the RLSA in the NDN since the November, 2007 inception of the Committee; that there have been at least three Transportation Department employees on the participant email list; and that the Group 4 policies in the on-going report include comments from Mike Greene and that any other Transportation Comments should be received this week for referral to the Committee on September 23<sup>rd</sup> when it goes through Group 4 SRA policies. **Mr. Jeff Perry** of Wilson Miller stated that his firm has been doing work with the Eastern Collier property owners over the years. At the time the original RLSA Overlay was adopted there was an absence of data and analysis. He will be meeting with Van Buskirk and the County to provide the necessary data and analysis to clearly indicate what infrastructure will be needed to support future developments in the RLSA.

## VI. Old Business

- A. Phase 2... Review of Group 1-Group 5 Policies of the Rural Land Stewardship Overlay [continuation].** *Mr. Greenwood* stated that whatever action the Committee takes will appear in the DRAFT Phase 2 Report and will be subject to a second overall review by the Committee prior to its issuance of its final recommended report.

### Policy 3.8

Compensation to the property owner may occur through one or more 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 on September 16, 2008

Mr. Dane Scofield stated that he would like to broaden the language to allow other avenues to use credits. **Staff Comments:** Staff suggested adding the words, “such as, but not limited to Conservation Collier” to the end of Policy 3.8. After Committee discussion, a motion was made by *Mr. Eidson* with a second by *Mr. Thomas*. Upon vote, the motion failed by a vote of 7-1 with Mr. Spagna voting in favor of the motion to strike the proposed language.

**Committee Action on September 16, 2008:** Motion by *Mr. Eidson* with a second by *Mr. Thomas* to not change Policy 3.8. Upon vote, the motion carried, 8-0.

### Policy 3.9

1. Agriculture will continue to be a permitted use and its supporting activities will continue to be permitted as conditional uses within FSAs and HSAs, pursuant to the Agriculture Group classifications described in the Matrix. The Ag 1 group includes row crops, citrus, specialty farms, horticulture, plant nurseries, improved pastures for grazing and ranching, aquaculture [limited to Open Land designation only] and similar activities, including related agricultural support uses. In existing Ag 1 areas within FSAs and HSAs, all such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 1 will be allowed in FSAs and HSAs beyond existing or permitted limits within property subject to a credit transfer, except for incidental clearing as set forth in Paragraph 2 below.
2. In order to encourage viable Ag 1 activities, and to accommodate the ability to convert from one Ag 1 use to another, incidental clearing is allowed to join existing Ag 1 areas, square up existing farm fields, or provide access to or from other Ag 1 areas, provided that the Ag 1 Land Use Layer has been retained on the areas to be incidentally cleared, and the Natural Resource Index Value score has been adjusted to reflect the proposed change in land cover. Incidental clearing is defined as clearing that meets the above criteria and is limited to 1% of the area of the SSA. In the event said incidental clearing impacts lands having a Natural Resource Index Value in excess of 1.2, appropriate mitigation shall be provided.

#### **Public Input:**

1. Review of the SSAs currently designated indicates that out of the approximately 23,000 acres that are in SSA easements, only 650 acres have been taken down to their conservation land use. The Conservancy believes that Collier County should be more active in securing lands that will be maintained for conservation

purposes. While grazing may sometimes be compatible with conservation uses, more active agricultural activities may not, especially if the environmental value of the land would benefit from restoration activities. Collier County should revisit the SSA Group 3 policies to require more SSAs be taken down to conservation through incentives or regulations. A better understanding of the uses removed within SSAs could be vetted if SSA designation was required to go through the EAC, CCPC and Board of County Commissioners for approval. **[Conservancy]**  
Note: Also related to policy 3.10

**ECPO Comments:** The Conservancy's statement does not acknowledge that of the 24,124 acres within approved SSAs, 19,034 acres (79%) are designated as Ag-2 lands. Of the 19,034 acres under Ag-2 land uses, 16,334 acres exist under native vegetation, and an additional 1,781 acres are comprised of pastures. These Ag-2 land uses retain only grazing rights and other low-intensity agricultural uses that are entirely compatible with listed species conservation. Lands within approved SSAs "maintained for conservation purposes" are therefore more accurately quantified as the sum of Ag-2 and Conservation land uses (19,684 acres), or 82% of all approved SSA lands.

The designation of an SSA is a voluntary process, through which a property owner relinquishes private property rights, reduces the residual land use value of their property, and provides a public benefit by permanently protecting natural resources and agriculture, without requiring publicly funded compensation. The rules and requirements for establishing an SSA are clear, straightforward, and are not subject to the imposition of conditions and stipulations. RLSA incentives are designed to minimize obstacles to property owners in implementing the program. Multiple public hearings are costly and time consuming. Members of the public, including advisory board members, are not precluded from commenting on an SSA at the BCC hearing.

2. Provide incentive for organic farming for ag remaining in FSAs and HSAs **[FWF]**
3. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum.

**ECPO Comments:** The RLSA agricultural areas have been farmed for decades, utilizing standard agricultural operations that are covered by existing state agricultural regulations. Additional restrictions could potentially render these agricultural operations unprofitable, counter to the goals of the RLSA. The prescription of BMPs could also create disincentives for land owners to include agricultural areas within SSAs, thereby fragmenting landscape mosaics that would otherwise be protected as large, interconnected blocks of land.

**Discussion during September 16<sup>th</sup> Meeting.**

**Mr. Jones** stated that he was not in favor of the Best Management Practices language because it will lead to more confusion as to who will verify it is being done, which BMP to use and for what use. **Laura Roys** stated staff suggested the BMP because SSAs should have higher standards and that the BMP language could be added to the Stewardship Credit Agreements. **Dane Scofield** stated that all his uses of land generate BMPs. Who will decide which BMP to use and how. He stated that he is opposed to the proposed BMP language. **Brad Cornell** stated that we should find a way to incentivize BMPs. **Mr. Farmer** stated that the incentives are already in place such that the property owner is not found in violation [SFWMD requires BMPs for developments of 10+ acres and DEP requires as well]. **Nicole Ryan** stated that her organization would support BMPs in that the property owners are receiving SSAs. **Mr. Eidson** stated that we do not need more laws as we are short of staff to enforce the ones we have. **Mr. Standridge** stated that the BMPs are not regulatory. **Mr. Farmer** disagreed stating that property owners must use BMPs for 10+ acre developments approved by SFWMD and DEP. **Russ Priddy** stated that he

takes special care of his lands over the years and is opposed to BMPs being placed in the RLSA Overlay and that such is a huge disincentive to participate in the RLSAO.

**Staff Comments:**

1. Continuing agricultural use in the SSAs should be with Best Management Practice (BMP) standards, at a minimum. **[Engineering and Environmental Services Department]**

**Committee Action on September 16, 2008:** Motion by *Mr. Thomas* to add Best Management Practice to Policy 3.9 and second by *Mr. Jones* and, upon vote, the motion failed 8-0. Motion by *Mr. Thomas* and second by *Mr. Jones* to not amend Policy 3.9 and, upon vote, the motion carried 8-0. *Brad Cornell* stated that he would like to see aquaculture addressed in the LDC.

*Mr. McDaniel*, having not been present when Policy 3.9 was discussed above, asked to consider having the language, "limited to Open Land designation only", added after the word "aquaculture" in line fourth line of Policy 3.9. After discussion, *Mr. McDaniel* moved and *Mr. Thomas* seconded to insert the language in policy 3.9 in the first paragraph to allow aquaculture in Open Lands only in the RLSA. Upon vote, the motion carried 7-0 [Mr. Farmer left the meeting at 12:00pm and did not vote].

**Policy 3.10**

Ag 2 includes unimproved pastures for grazing and ranching, forestry and similar activities, including related agricultural support uses. In existing Ag 2 areas within FSAs and HSAs, such activities are permitted to continue, and may convert from one type of Agriculture to another and expand to the limits allowed by applicable permits. Once the Stewardship Credit System is utilized and an owner receives compensation as previously described, no further expansion of Ag 2 or conversion of Ag 2 to Ag 1 will be allowed in FSAs or HSAs beyond existing or permitted limits within property subject to a credit transfer.

**Public Input:**

1. The uses retained on lands, such as Ag 2, are not preservation lands yet they are proffered as such in subsequent development analysis. This then supports arguments to completely remove wetlands within the areas where development was to take place when in reality the ratios of natural set aside preservation lands were much smaller in comparison to the wetlands being destroyed if the Ag2 lands were excluded. While some A2 lands are in more natural states, the fact they are not truly conservation lands is misleading. **[Mark Strain]**

**ECPO Comments:** The majority of SSA lands designated as Ag-2 consist of native vegetation communities and unimproved pastures and rangelands that contain both wetland and upland land cover. Once an SSA easement is placed on such property, the residential, earth mining, recreation, and intensive agriculture land use rights are removed and no further intensification of these natural areas is allowed. As a result, there is little difference between "preservation or conservation lands", and Stewardship Sending Area lands at the Ag 2 level, other than the fact that the land owner is obligated to continue to manage the land in accordance with the Stewardship Easement Agreement, rather than the public incurring this obligation and cost for public preservation land. One critical land use that is retained by the Ag-2 designation is the right to graze cattle, which is an important land management tool. In natural forest communities within the RLSA, grazing of cattle enhances forest function by suppressing exotic vegetation and controlling overgrowth in the understory. Ultimately, these Ag-2 lands do provide conservation benefits similar to those provided by public lands within and adjacent to the RLSA.

With respect to wetland impacts in SRAs, the RLSA is a planning tool that works in a complimentary fashion to wetland and wildlife regulatory programs, not as a replacement. Any proposed wetland impacts and mitigation requirements are assessed and approved by the regulatory agencies for each SRA

independently of RLSA process, using standard methodologies such as the Uniform Wetland Mitigation Assessment Method (UMAM). The RLSA program addresses the issue on a major system basis, which regulatory programs do not, and protects vast acreages of regional flow ways and larger high-quality wetland systems that greatly exceed the wetland mitigation ratios typically required by SFWMD and the US Army Corps of Engineers. This is one reason why the Collier County RLSA is held in high regard by the SFWMD, Florida Fish and Wildlife Conservation Commission, and the US Fish and Wildlife Service.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. Jones* seconded to not amend Policy 3.10. Upon vote, the motion carried 8-0.

**Policy 3.11**

1. In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. ~~Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs.~~ Should a property owner be willing to dedicate land for restoration activities within a FSA or HSA ~~the Camp Keais Strand FSA or contiguous HSAs, four~~ two additional Stewardship Credits shall be assigned for each acre of land so dedicated. ~~An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs.~~ The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with ~~four~~ additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. The additional Credits shall be rewarded for either caracara restoration at 2 Credits per acre, or for exotic control/burning at 4 Credits per acres, or for flow way restoration at 4 Credits per acre, or for native habitat restoration at 6 Credits per acre. Within the area proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration Credits shall be included in the Stewardship District of the LDC.

2. In certain locations, as generally illustrated in the RLSA Overlay Map, there may be opportunities to create, restore, and enhance a northern panther corridor connection and a southern panther corridor connection. Should a property owner be willing to dedicate land for the purpose of establishing and maintaining the northern or southern panther corridor, 2 additional Stewardship Credits shall be assigned for each acre of land so dedicated. Should an owner also effectively complete the corridor restoration, this shall be rewarded with 8 additional Credits per acre.

3. In order to address a significant loss in Southwest Florida of seasonal, shallow wetland wading bird foraging habitat, restoration of these unique habitats will be incentivized in the RLSAO. Dedication of any area inside an FSA, HSA, or WRA for such seasonal wetland restoration shall be rewarded with 2 additional Credits per acre. Should the landowner successfully complete the restoration, and additional 6 Credits per acre shall be awarded.

Only one type of restoration shall be rewarded with these Credits for each acre designated for restoration.

This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved. Also not precluded are various private and publicly funded restoration programs such as the federal Farm Bill conservation programs. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.

**Public Input:**

1. Many acres within SSA's are Ag lands that have been used in the past for a variety of activities that have the potential to cause soil and water contamination. These uses include cattle dipping, petroleum spillage from wells and even solid waste disposal areas from hunting or remote camps. Since the SSA's are given credit for their environmental value a requirement for a clean environmental audit prior to the SSA's credit issuance on all property within the SSA should be mandatory. **[Mark Strain]**

**ECPO Comments:** Cattle grazing (and its related uses), is a permitted use throughout the RLSA, and may be allowed to continue when property is voluntarily placed within an SSA by its owners depending upon the land use layers removed. Land within an SSA that has been cleared or altered for agricultural support activities will be scored accordingly. SSA lands normally remain in private ownership and the property owner retains the obligation for land management, including compliance with regulatory requirements associated with agricultural practices. Environmental Audits are typically required only in conjunction with a change in ownership. Requiring an environmental audit to be performed on thousands of acres of land would be an extraordinary expense and is therefore a disincentive for property owners to consider placing their property within an SSA.

Cattle dipping vats were constructed throughout the State of Florida as a result of local, state, and federal programs conducted from 1906 through 1961, for the prevention, suppression, control, or eradication of the disease commonly known as tick fever by eradicating the cattle fever tick. Most vats were constructed with public funds and operated under local, state, and Federal Government supervision and control, and participation in the eradication program was mandated by state law and not voluntary. Chapter 376.306(2), Florida Statutes states:

Any private owner of *property* in this state upon which cattle-dipping vats are located shall not be liable to the state under any state law, or to any other person seeking to enforce state law, for any costs, damages, or penalties associated with the discharge, evaluation, contamination, assessment, or remediation of any substances or derivatives thereof that were used in the vat for the eradication of the cattle fever tick. This provision shall be broadly construed to the benefit of said private owner.

Any potential oil spills are closely scrutinized by the Florida Department of Natural Resources (DNR), and should there be an occurrence, immediate action is required. DNR maintains records of all petroleum spills and the action taken to address said spills. When wells are abandoned, oil companies and property owners are required to plug the wells and clean up the site under the direction of DNR.

Hunting camps are handled via written leases with the property owner. The stipulations of these legal leases include the requirement for any lessee to properly dispose of all solid waste and also include annual inspection by the property owner to insure the terms of the lease are being met. Private property owners



take great care in the protection of their land when allowing others to use their property for hunting or camping purposes.

2. The Conservancy believes that retention of AG1 or AG2 uses on lands where credits are generated for restoration activities creates the potential for incompatibility. Even lower-impact agricultural uses, such as unimproved pasture, may present conflicts to replanting and management for lands based on the restoration plan. The Conservancy suggests that on lands where stewardship credits are generated for restoration plans and actual restoration activities, all land use layers should be removed down to the conservation use. In addition, appropriate fencing should be required to provide a sufficient separation between agricultural uses and restoration areas. **[Conservancy]**

**ECPO Comments:** The process for restoration credits requires the removal of AG1 uses, so there is no potential for incompatibility between restoration and AG1 uses under the RLSA program. Cattle grazing is a proven land management tool. When properly managed, cattle grazing limits under brush from becoming an extensive fire hazard, keeps exotics from more rapid proliferation, and requires more continuous oversight of the land. Removing all agricultural uses from the land would be a disincentive to restoration because there is a cost associated with land management. There must be a mechanism available to ensure that restoration and conservation remain viable options in the market.

3. The Conservancy believes Policy 3.11 should be reexamined as to the ability for additional Stewardship Credits to be obtained for dedication of land for restoration. The Conservancy believes credit should be given only on lands dedicated for restoration, where restoration has been implemented. **[Conservancy]**

**ECPO Comments:** In the RLSA, restoration is a two step process. First land is dedicated for restoration, and then the restoration is completed. The RLS program assigns credits for each step. By assigning credits for the first step, dedication, the program sets aside and protects lands for a future restoration activity. When viewed in a regional context this dedication process is useful to other entities, such as Conservation Collier, when prioritizing which lands to protect and restore. To eliminate the dedication step from the credit system would be a disincentive to property owners to dedicate any restoration land until the restoration is to be completed, thereby depriving those other entities of knowing what the true regional restoration plan is.

4. Incentives for restoring farm fields in receiving [Open] areas **[FWF]**

**ECPO Comments:** This comment is apparently referring to the potential for restoring farm fields within the "Open" overlay designation. The RLSA program was designed to achieve a balance between agricultural sustainability, environmental protection, and economic development. As noted in the previous response, ample opportunities for farm field restoration already exist within the FSA and HSA overlays. While restoration within the FSA and HSA overlays can occur within a landscape matrix of native vegetation communities, restoration within the Open overlay lacks a landscape-scale context, and should not be a priority.

5. Better handle on potential credits and restoration credits that can be generated - too many credits. **[FWF]**

**ECPO Comments:** Both Collier County staff and ECPO are preparing more accurate estimation of total potential stewardship credit generation, including restoration credits.

6. Why have credits been established to be awarded just for preparing a restoration plan that does not have to be implemented? [CCPC]

**ECPO Comments:** (See response to 3 above).

7. Restoration credits: credit should be generated only for actual restoration work, this could be a two step scale involving the start of restoration and meeting specified success criteria. [Defenders of Wildlife]

**ECPO Comments:** The purpose of providing restoration designation credits is two-fold. One, the restoration designation credits can provide a source of capital necessary to initiate the restoration work, including the costs of permitting, detailed restoration planning, etc. Secondly, there are situations where a land owner may be amenable to allowing a local (such as Conservation Collier), state or federal agency to perform restoration work on their land. The restoration designation credits provide an incentive for land owners to cooperate with agencies where they otherwise may have declined to participate, and the agencies can implement the restoration program.

**Staff Comments:**

1. Any level of restoration or maintenance receives the same amount of credits. The credit value should be tied to the functional lift and there should be levels of credit that could be earned. [Engineering and Environmental Services]
2. The management plan should include more than the 1 exotic plants listed by County Code (FLEPPC Category 1). Various other exotics have been observed. [Engineering and Environmental Services]
3. The LDC should define more specific requirements on what management plans entail. [Engineering and Environmental Services]
4. Restoration should be to a native habitat. [Engineering and Environmental Services]

**ECPO Comments:** ECPO agrees that a tiered system of restoration credits, tied to the restoration functional lift, the difficulty of restoration, and the cost of restoration would be beneficial. An approach will be provided to the RLSA Review Committee in the near future.

Management plans are currently incorporated into Stewardship Credit and Easement Agreements, so enforceability is already present in the system. We agree that it is appropriate to include the 12 Category 1 exotic plant species identified by FLEPPC in future management plans. The SSA restoration management plans submitted to date have included sufficient specificity to ensure the achievement of restoration goals, but we will work with the RLSA Review Committee and staff if a standardized checklist will provide clarity for all parties while preserving flexibility in restoration implementation.

We disagree that restoration should be limited to native habitats. Emphasis on pasture-dependent species highlights the need for inclusion of pastures as potential restoration habitat. Caracaras, for instance, prefer properly managed pastures over any other habitat, including native dry prairie. Restricting restoration to native habitats could potentially compromise recovery efforts for these species.

**Public Discussion on September 16, 2008**

**Mr. Greenwood** stated that there was a proposal submitted on September 2 to provide for amendments to Policy 3.11 prepared by Wilson Miller and intended to provide language to accommodate the Panther Protection Program. **Mr. Cornell** prepared and distributed at the beginning of today's meeting a revised Policy 3.11 [attached] which was aired by those present as follows:

- **Mr. Farmer** stated that he was concerned about unintended consequences.

- *Mr. Jones* stated that he thinks the breakdown is covered well and covered under the habitat language.
- *Mr. Farmer* stated that he will vote in favor of the amendment, but wants to know how we are going to spend all the extra credits.
- *Tim Durham* stated that Brad has the right idea.
- *Judy Hushon* stated that caracara restoration is easy to do and that there may be too many credits being proposed for this restoration.
- *Mr. Jones* stated that this language would go into the management plan for R-1 and R-2 credits.
- *Russ Priddy* stated that this language would go into the management plan for R-1 and R-2 credits.
- *Laurie McDonald* stated that she supports elimination of oil wells as permitted uses certain land use categories of the Land Use Matrix and that the words, “restore, and enhance” should follow “create” in the second line of paragraph 2 and that the words “and maintain” should be inserted directly after “establishing” in the fourth line of paragraph 2.
- *Laura Roys* stated that it should be made clear that the credits will not be cumulative.
- *Russ Priddy* stated that he has an oil well with a location that is in some of the best habitat for bear, etc. and that there is no science that shows that oil wells degrade the habitat.
- *Nancy Payton* stated that there is a map which has been circulated which shows the panther corridors.
- *Noah Standridge* asked if there had been consideration given to bonding out panther credits for up front dollars.

**Committee Action on September 16, 2008:** *Mr. Jones* moved and *Mr. Eidson* seconded to amend Policy 3.11 as shown with Brad Cornell’s recommendations including the recommendations of Laurie McDonald and Laura Roys above. Upon vote, the motion carried 9-0.

**Motion to extend meeting end time to 12:30pm**

*Mr. Hamel* stated that he would like to finish Group 3 policies today, but would need Committee approval to continue the meeting beyond the advertised time. *Mr. Thomas* moved and *Gary Eidson* seconded to extend the end time for today’s meeting from 12 pm to 12:30pm to provide time for completion of the Group 3 Policies. Upon Vote, the motion carried, 9-0 with *Mr. Farmer* stating that he had to leave for another appointment.

**Policy 3.12**

Based on the data and analysis of the Study, FSAs, HSAs, WRAs, and existing public/private conservation land include the land appropriate and necessary to accomplish the Goal pertaining to natural resource protection. To further direct other uses away from and to provide additional incentive for the protection, enhancement and restoration of the Okaloacoochee Slough and Camp Keais Strand, all land within 500 feet of the delineated FSAs that comprise the Slough or Strand that is not otherwise included in a HSA or WRA shall receive the same natural index score (0.6) that a HSA receives if such property is designated as a SSA and retains only agricultural, recreational and/or conservation layers within the matrix.

**Public Input:**

1. The Conservancy believes that wider buffers around HSAs, FSAs and Water Retention Areas (WRAs) should be required and should be examined during the five-year assessment [**Conservancy**]
2. More upland buffers for Camp Keais Strand & OK Slough [**FWF**]

**ECPO Comments:** The need for more upland buffers adjacent to existing FSA and HSA areas has not been demonstrated or supported by any data and analysis. Aside from that fact, Restoration Zone overlays were already designated in 2002 along key portions of both regional flow ways, and comprise over 2,000

acres of potential buffers. These 500-foot wide Restoration Zones create incentives for restoration of buffers, and can work in conjunction with SRA buffers as well.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Jones* moved and *Mr. McDaniel* seconded to not amend Policy 3.12. Upon vote, the motion carried, 7-0.

### **Policy 3.13**

Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. However, if the WRA provides water treatment and retention exclusively for a SRA, the acreage of the WRA shall be included in the SRA. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.

**Public Input:**

1. Currently, WRAs are allowed to be used as either SSAs or as part of the water management system for a SRA. The Conservancy believes the appropriateness of utilizing WRAs as part of stormwater management should be reevaluated, especially for those WRAs that are part of historic wetland flowways and would benefit from restoration. However, if certain WRAs are deemed acceptable for stormwater treatment and are incorporated as part of the development's stormwater treatment system for a development project, their acreage should be included within the maximum acreage of the SRA. The Conservancy would like to see this changed in Policy 3.13 and other applicable policies. **[Conservancy]**

**ECPO Comments:** The comment refers to Water Retention Areas or WRAs, which are one of three types of SSA classification. Two Policies are relevant to the comment:

*Policy 3.13*

*Water Retention Areas (WRAs) as generally depicted on the Overlay Map have been permitted for this purpose and will continue to function for surface water retention, detention, treatment and/or conveyance, in accordance with the South Florida Water Management District (SFWMD) permits applicable to each WRA. WRAs can also be permitted to provide such functions for new uses of land allowed within the Overlay. WRAs may be incorporated into a SRA master plan to provide water management functions for properties within such SRA, but are not required to be designated as a SRA in such instances. WRA boundaries are understood to be approximate and are subject to refinement in accordance with SFWMD permitting.*

*Policy 3.14*

*During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or*

*restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.*

The SFWMD will encourage or require that storm water continue to be directed into these reservoirs, even after converting adjoining land uses from farm to development. This is anticipated by RLS Policy 3.13 and 3.14. There will be many cases where on-going agricultural operations continue to use the WRA simultaneously with the developed land. In these cases, there is no purpose served by trying to distinguish how much of the WRA is serving the farm, and how much is serving the development, as the overall acreage of the WRA will not change.

Continuing to use these systems for water retention is efficient and beneficial to the environment, and results in land use patterns that are more compact and cost effective. Eliminating water flows would negatively impact hydrology and hydroperiod and would cause detrimental changes to the habitat values of these reservoirs. These reservoirs are typically large (over 100 acres), and often are located between the developable land and ultimate outfalls to flowway systems.

In instances where a WRA is permitted to function solely for SRA water quality treatment and detention, it may be appropriate to include this acreage in the SRA acreage calculation.

**Public Discussion on September 16, 2008**

*Mr. Jones* stated that he supports the proposed change as outlined above because the water treatment has to be done on-site and gives the developer the ability to use the remaining lands in the SRA. He stated that they were criticized with the Town of Ave Maria SRA because they were not counting the WRA as part of its SRA.

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. Eidson* seconded to add the additional language to Policy 3.13. Upon vote, the motion carried, 7-0.

## **Policy 3.14**

During permitting to serve new uses, additions and modifications to WRAs may be required or desired, including but not limited to changes to control elevations, discharge rates, storm water pre-treatment, grading, excavation or fill. Such additions and modifications shall be allowed subject to review and approval by the SFWMD in accordance with best management practices. Such additions and modifications to WRAs shall be designed to ensure that there is no net loss of habitat function within the WRAs unless there is compensating mitigation or restoration in other areas of the Overlay that will provide comparable habitat function. Compensating mitigation or restoration for an impact to a WRA contiguous to the Camp Keais Strand or Okaloacoochee Slough shall be provided within or contiguous to that Strand or Slough.

**Public Input:**

**Staff Comments:**

**Committee Action on September 16, 2008:** *Mr. Thomas* moved and *Mr. McDaniel* seconded to not amend Policy 3.14. Upon vote, the motion carried, 7-0.

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**VII. New Business** [none]

**VIII. Public Comments** [none]

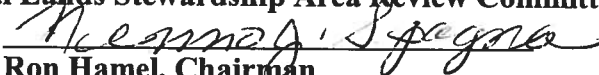
**IX. Next Meeting**

*Mr. Hamel* stated that he will not be able to attend the next meeting but that it will be held on September 23, 2008, in Rooms 609/610 of the CDES Building, 2800 North Horseshoe Drive, in Naples, Fl. from 9:00 A.M. – 12 Noon. *Mr. Greenwood* stated that there is a meeting scheduled for this room between 7:30am and 9:00am and that the RLSA Review Committee meeting start may be delayed slightly.

**X. Adjournment**

*Mr. Thomas* moved to adjourn the meeting, seconded by *Mr. McDaniel* with the motion approved unanimously with adjournment at 12:25PM.

**Rural Lands Stewardship Area Review Committee**

  
Ron Hamel, Chairman

These minutes approved by the Committee on 9-23-08, as presented X or as amended X

## **Committee Tasks by Meeting Date**

### **Report II Rural Lands Stewardship Area Overlay Review**

#### **September 16<sup>th</sup>**

- Group 3 Policies
- Transportation presentation

#### **September 23<sup>rd</sup>**

- Group 4 Policies
- Full Stewardship Credit Analysis (existing program vs. proposed revised program)

#### **September 30<sup>th</sup>**

- Group 5 Policies
- Data and analysis review

#### **October 7<sup>th</sup>**

- Review of full Preliminary Phase II Report

#### **October 14<sup>th</sup> [if required]**

- Review of final Phase II Report and acceptance by Committee and recommendation

**November 12<sup>th</sup>** .....Environmental Advisory Council meeting

**December 1<sup>st</sup>** .....Planning Commission meeting

**January 29, 2009** .....Board of County Commissioner meeting

**COLLIER COUNTY, FLORIDA, RURAL LANDS STEWARDSHIP AREA.....POTENTIAL MATURITY  
[EXISTING RURAL LANDS STEWARDSHIP AREA OVERLAY]**

Prepared by: Thomas Greenwood, AICP, Principal Planner  
Collier County Comprehensive Planning Department  
September 5, 2008

**EXISTING STEWARDSHIP SENDING AREAS (SSAs) AND RECEIVING AREAS (SRAs)  
[EXISTING RLSA OVERLAY AS OF 6/10/2008]**

|                  |  |
|------------------|--|
| <b># CREDITS</b> | [assigned credits]   |
| <b>73,488</b>    |  |
| <b>28,658</b>    | [credits used to enable SRA #1...Town of Ave Maria]                    |
| <b>14,538</b>    | [credits not yet earned due to lack of restoration]                    |
| <b>44,830</b>    | [Note: 14,538 credits of these credits are not earned as of 6/10/2008] |

**POTENTIAL STEWARDSHIP SENDING AREA CREDITS  
[EXISTING RLSA OVERLAY]**

# CREDITS

**213,670**

5. **Potential Stewardship Credits from FSA, HSA, and WRA classified properties**  
[assumes 100% property owner participation]  
FSA balance as of 7/29/08.....21,034 acres  
HSA balance as of 7/29/08.....25,443 acres  
WRA balance as of 7/29/08.....17,308 acres  
Total.....63,785 acres x 3.35 credits/acre\*  
\* 2.65 credits/acre was experienced for SSAs 1-9;  
4.09 credits/acre is projected for currently pending SSAs;  
3.33 credits/acre is projected for future SSAs;  
3.35 credits/acre is the average and is used in this calculation.

6. **Projected Potential Stewardship Credits from 85,316 acres of "Open" classified properties not in SSAs or SRAs**  
[Assumes 20% of open land will be placed in SSAs....85,316 acres X 20% X 0.2 credits/acre [0.2 credits/acre is based upon average NRI value of Open Lands]

7. **Total Projected Potential Stewardship Credits from all private lands**  
[total of lines 5 and 6]

8. **Total Existing Stewardship Credit balance and potential future Credits**  
[total of lines 4 and 7]

9. **Approved SRA...Town of Ave Maria SRA [at buildout]**  
[based upon documents reviewed]

**EXISTING AND NEW POTENTIAL STEWARDSHIP RECEIVING AREAS  
[EXISTING RLSA OVERLAY]**

|                         |                        |                   |
|-------------------------|------------------------|-------------------|
| <b>CREDITS CONSUMED</b> | <b>ACRES DEVELOPED</b> | <b>Population</b> |
| <b>28,658</b>           | <b>5,027</b>           | <b>23,375</b>     |
|                         | <b>11,000</b>          |                   |



**10. Potential New Stewardship Receiving Areas**

**assumptions:**

- a. 10% of SRA gross acreage will be used for "public benefit uses" with this acreage is not required to consume credits per the LDC;
- b. SRAs will require 8 stewardship credits to enable the development of one acre of land;
- c. average dwelling unit size of 2.5 persons/dwelling unit with 85% occupancy [same as SRA #1]
- d. average density of 2.5 dwelling units/acre [2.19 for Ave Maria and 2.42 for Big Cypress]

|  | CREDITS CONSUMED | ACRES DEVELOPED | # Dwelling Units | Population |
|--|------------------|-----------------|------------------|------------|
| a. Stewardship Credit equivalent based upon 261,912 credits available [existing balance + potential] [261,912 credits x 1.1 [factor to account for "public benefit uses" which do not consume credits] | 288,103          |                 |                  |            |
| b. Stewardship Receiving Areas [288,103 credits/8 credits per acre for SRA entitlement]  |                  | 36,013          |                  |            |
| c. Number of Dwelling Units [2.5 dwelling units per gross acre in SRA based upon that used for the Town of Ave Maria and proposed Town of Big Cypress]   |                  |                 | 90,030           |            |
| d. Projected Population of new SRAs at buildout [assumes 2.5 persons per household with an 85% average occupancy]  |                  |                 |                  | 191,868    |

**11. Total Potential for Town of Ave Maria SRA and future SRAs under the existing RLSA Overlay [RLSA OVERLAY MATURITY]**

**IN SUMMARY**

Under the existing RLSA Overlay, and based upon 5 years' experience, the following is projected when the Rural Lands Stewardship Area has matured:

- A. **SRAs.** 41,040 acres or 22.5% of the original 182,334 acres of privately owned lands in the RLSA would be in Stewardship Receiving Areas and developed as compact urban developments.
- B. **SSAs.** 94,556 acres or 51.9% [316,761 credits/3.35 cr./ac.] of the original 182,334 acres of privately owned lands would be permanently protected from development in SSAs [FSA, HSA, WRA, and Open lands]
- C. **Privately Owned Lands Outside SSAs and SRAs** 46,738 acres or 25.6% of the original 182,334 acres of privately owned lands in the RLSA would not be within either SSAs or SRAs. IF this entire acreage were developed under the underlying Agricultural Zoning of 1 dwelling unit/ 5 acres, the following could be expected:
  - No credits
  - 46,738
  - 9,348
  - 19,864
- D. **Public Lands.** The future amount of lands in future public ownership, established at 13,512 acres at the onset of the RLSA, is unknown. However, public ownership increased by 383 acres to 13,895 acres between 2002 and 2007 and one or more public land acquisitions are planned [e.g. Lake Trafford Ranch]. It is assumed that public land acreage will increase significantly prior to RLSA Overlay maturity, both within as well as outside of the SSAs and SRAs.

|  |         |        |         |         |
|--|---------|--------|---------|---------|
|  | 316,761 | 41,040 | 101,030 | 215,263 |
|--|---------|--------|---------|---------|

# RLSAO - Policy revision, B. Cornell

## Policy 3.11

- 1. In certain locations there may be the opportunity for flow-way or habitat restoration. Examples include, but are not limited to, locations where flow-ways have been constricted or otherwise impeded by past activities, or where additional land is needed to enhance wildlife corridors. ~~Priority shall be given to restoration within the Camp Keais Strand FSA or contiguous HSAs. Should a property owner be willing to dedicate land for restoration activities within a FSA or HSA the Camp Keais Strand FSA or contiguous HSAs, four~~two additional Stewardship Credits shall be assigned for each acre of land so dedicated. ~~An additional two Stewardship credits shall be assigned for each acre of land dedicated for restoration activities within other FSAs and HSAs. The actual implementation of restoration improvements is not required for the owner to receive such credits and the costs of restoration shall be borne by the governmental agency or private entity undertaking the restoration. Should an owner also complete restoration improvements, this shall be rewarded with four~~ additional Credits for each acre of restored land upon demonstration that the restoration met applicable success criteria as determined by the permit agency authorizing said restoration. The additional Credits shall be rewarded for caracara restoration at 2 credits per acre, for exotic control/burning at 4 credits per acre, for flow way restoration at 4 credits per acres and for native habitat restoration at 6 credits per acre. Within area proposed for restoration, Land Use Layers 1-6 must be removed. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.**
- 2. In certain locations, as generally illustrated on the RLSA Overlay Map, there may be opportunities to create a northern panther corridor connection and a southern panther corridor connection. Should a property owner be willing to dedicate land for the purpose of establishing the northern or southern panther corridor, two additional Stewardship Credits shall be assigned for each acre of land so dedicated. Should an owner also effectively complete the corridor restoration, this shall be rewarded with 8 additional credits per acre.**
- 3. In order to address a significant loss in southwest Florida of seasonal, shallow wetland wading bird foraging habitat, restoration of these unique habitats will be incentivized in the RLSAO. Dedication of any area inside an FSA, HSA, or WRA for such seasonal wetland restoration shall be rewarded with 2 additional credits per acre. Should the landowner successfully complete the restoration, an additional 6 credits per acre shall be awarded.**

**This policy does not preclude other forms of compensation for restoration which may be addressed through public-private partnership agreement such as a developer contribution agreement or stewardship agreement between the parties involved. Also not precluded are various private and publically funded restoration programs such as the federal Farm Bill conservation programs. The specific process for assignment of additional restoration credits shall be included in the Stewardship District of the LDC.**