

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

North Collier Regional Park, 15000 Livingston, Conference Room A of the Administration Building; December 11, 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 North Collier Regional Park, 15000 Livingston, Conference Room A of the Administration Building, with the following members present:

CHAIRMAN, Ron Hamel
VICE CHAIRMAN: Neno Spagna
Brad Cornell
Gary Eidson [arrived about 10:00am]
David Farmer
Dave Wolfley
Tom Jones
Tammie Nemecek
Jim Howard

ALSO PRESENT: CDES staff members Thomas Greenwood and Mike DeRuntz of the Comprehensive Planning Department, Jeff Wright of the Assistant County Attorney's Office, Norman Feder and Nick Casalanguida of the Transportation Division, Laura Roys of the Engineering and Environmental Department as well as approximately 25 members of the public.

I. Call Meeting to Order

The meeting was called to order at 9:03AM by *Chairman Ron Hamel*.

II. Roll Call

Roll call was taken, and a *quorum was established* as 9 of 11 members were present [Gary Eidson arrived at 10:00am], with Fred N. Thomas, Jr. absent.

III. Approval of Agenda

David Farmer moved to approve the agenda as presented and seconded by *Bill McDaniel*-Unanimously approved

IV. Approval of Minutes of the November 10, 2008 Meeting. *Brad Cornell* moved and *Tom Jones* seconded to approve the minutes as distributed. *Upon vote*, the motion carried unanimously.

V. Presentations. See Attachment A to these Minutes.

A discussion ensued by the Committee members concerning Attachment A and other related matters with the following consensus:

1. Public Meetings with the EAC, CCPC, and BCC: Public meeting dates to review the Phase II Report are: EAC [9:00am January 29th] and CCPC [8:30am January 28th/January 30th] both in Rooms 609/610 of CDES and to the BCC will be held beginning at 9:00am on March 16 with a carryover to March 17 in the BCC Chambers. Public

meetings will be legally advertised with a court reporter and television and posted and advertised so that members of all the appropriate and actively involved standing and ad hoc County committees can participate.

2. Committee attendance at these meetings: The consensus was that members should be present at these meetings to provide support and rationale for the proposed GMP amendments where needed as the Committee has held 28 public meetings to date to review the RLS Program.
3. Committee meeting in February. The Committee decided to meet in February after the EAC and CCPC have each provided comments and recommendations to be transmitted to the Board.
4. Committee meeting in March. The Committee decided to meet in March after the March 16/17 Board meeting and, if approved by the BCC, to start work to commence the GMP amendments.
5. Committee role after the Phase II Report is submitted to the Board and DCA. Committee members appeared to indicate that they would like to continue as an advisory group through the Growth Management Plan amendment process which would require the Board approval to extend their original terms beyond the current extension expiring on April 24, 2009. The Committee was originally appointed on October 24, 2007.
6. Phase II Report Contents. The contents of the Phase II Report will remain unchanged, unless changed by the Committee.
7. Phase II Report distribution. The Committee wished to have the Phase II Report in the hands of the EAC, CCPC, and BCC at the same time as soon as it is copied following Committee approval of the final document.

Brad Cornell moved to: 1) have the Committee reconvene in February following the EAC and CCPC public meetings; 2) meet following the March 16/17 Board meeting; and 3) to request that the Board extend the term of the Committee to allow the Committee to function while the GMP amendments are underway. **Tom Jones** seconded the motion. *Upon vote*, the motion carried unanimously.

Following discussion of the fact the Board did not take action on the Committee's November 24, 2008 letter [**Attachment B** to these Minutes] requesting a special GMP amendment cycle the following action was taken. **Bill McDaniel** moved and **Brad Cornell** seconded to resend the letter of November 24, 2008 to the County Manager for consideration under the County Manager correspondences section of the December 16th Board Agenda. *Upon vote*, the motion was carried unanimously.

VI. Old Business

- A. **Review of Draft Executive Summary to BCC to accompany the Phase II Report.**
Tom Greenwood stated that this Executive Summary [now scheduled to go to the BCC for the March 16 meeting] will change and will include comments from the EAC, CCPC as well as the entire Phase II Report. The revised Executive Summary would likely come to the Committee in February. **Tom Jones** stated that he had issue with: 1) the reference on page 2 that "the amendments are synonymous with private initiated GMP Amendments"; 2) that there was only "Cursory staff input"; and on page 10 under Recommendations, that the Phase II Report "is a preliminary planning tool". No Committee action was taken.
- B. **Review of draft Phase II Report.** **Tom Jones** stated that he would like to offer some changes to the layout and formatting of the Phase II Report and handed out a one-page proposed set of format changes to make the document for user friendly, which includes:
 1. Cover letter. Replace the existing cover letter with the November 24 letter signed by Ron Hamel addressed to Tom Henning.

2. Phase I Report. Include the Phase I Report with the Phase II Report.
3. Phase II Report. Suggested changes and additions including relocation of the proposed Transportation Element Policy 3.7; inclusion of the revised Worksheet; inclusion of the revised Attachment C [Stewardship Receiving Area Characteristics]; and miscellaneous changes including making Appendix reference to letters from the various organizations rather than including the text from these letters in the currently referred to "Long Version". *Tom Jones* moved and *David Wolfly* seconded to direct staff to reformat the Phase II Report as stated above and as detailed on the handout provided by Tom Jones. *Upon vote*, the motion carried unanimously.
4. Additional Staff comments. The Committee asked staff to either remove its additional comments or to highlight and explain why they were included since they were not previously discussed by the Committee. The Committee stated that any additional information provided within the report beyond that discussed and agreed upon by the Committee would not be placed within the Report.

Tom Jones moved and *David Wolfly* seconded, to direct staff to make the above proposed changes to the Phase II Report and provide copies to the Committee for the December 18 meeting. Upon vote, the motion carried unanimously. *Tom Greenwood* stated that the Committee would not likely see hard copies until the December 18th meeting but that he would put on the web site as soon as it is available for review.

VII. New Business

VIII. Public Comments.

IX. Next Meeting. *Mr. Hamel* stated that the next meeting will be held on Thursday, December 18, 2008, in Conference Room A of the Administrative Building of the North Collier Regional Park located at 15000 Livingston Road from 9am to 12 noon for the purposes of finalizing the review of the draft Phase 2 Report. He stated that he may not be able to attend due to the illness of his mother.

X. Adjournment

The meeting was adjourned by acclamation at 12:06 PM.

Rural Lands Stewardship Area Review Committee


Ron Hamel, Chairman

These minutes approved by the Committee on 12-18-08, as presented _____ or as amended X



To: Rural Lands Stewardship Area Review Committee
From: Thomas Greenwood, AICP, Principal Planner
Date: December 8, 2008
Subject: Supplement to Agenda for December 11, 2008 meeting

Chairman Ron Hamel and I discussed the following today and felt it important for the entire Committee to discuss these and other related matters related to the future of the Committee during its December 11th meeting.

The Committee can decide where on the Agenda it wishes to discuss this.

1. **Presentation of the Phase II Report to the EAC [January 29th] and CCPC [January 28th/January 30th] both in Rooms 609/610 of CDES and to the BCC [in March with a date yet to be determined].** These public meetings **[court reporter, TV, advertised]** may well take 1 day with the EAC [with 1 carryover day]; 2 days with the CCPC; and 1 day with the BCC. Staff's involvement in the public meetings may be limited to a brief review of some of the maps and tables contained in the Phase I Report, as introductory to the Phase II Report. However, the Phase II Report, being Committee-driven, should be presented by the Committee.

Given the large amount of time involved by the Committee in such public meetings [estimated 20-25 hours January 28-30 and about 6-8 hours in March], the Committee is requested to determine whether the entire Committee should be involved in such meetings OR whether it wishes to have a smaller group of Committee members be involved in these public meetings. ACTION REQUESTED.

2. **EAC and CCPC recommendations to the BCC.** Both the EAC and the CCPC have indicated to staff on December 3 and 4, respectively, that they wish their respective comments and recommendations on the Phase II Report to go to the BCC as separate documents. ***Staff will share those comments and recommendations with the Committee when they are ready. However, will the Committee wish to meet to review those comments [likely in mid February] and prepare any answers or rebuttals OR provide such to the BCC during the March BCC special meeting? ACTION REQUESTED.***

3. **Future Role of the Committee and Committee term limit.** The Committee's 6-month extension ends on April 24, 2009. The Committee's Phase II Report directive comes from BCC Resolution 2007-305A [October 24, 2007] and states:

"2. Review the RLSA Overlay and make recommendations to increase the effectiveness of the Overlay"

IF the Committee wishes to stay functioning as an ad hoc advisory committee to the BCC beyond April 24, 2009, it needs to decide whether it wishes to stay involved through:

- The Growth Management Plan Amendments....likely through 2009 into early 2010
- Land Development Code Amendments...likely in 2010

Depending upon the Committee's feeling about continued involvement, the Committee MAY wish to make a recommendation to the BCC to extend the term of the Committee an appropriate amount of time.

ACTION REQUESTED.

Attachment
B

November 24, 2008

The Honorable Tom Henning, Chairman
and Members of the Collier County Board of County Commissioners
3301 East Tamiami Trail
Naples, Florida 34112

Dear Chairman Henning and Commissioners:

The Collier County Rural Lands Stewardship Area (the "RLSA Overlay") was created in 2002 through a collaborative community based planning process intended to protect natural resources, retain viable agriculture and promote compact rural mixed use development through an incentive based land use system on approximately 195,000 acres in eastern Collier County.

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 proposed in 2002 for the RLSA Overlay were nonetheless new, innovative, incentive based and untested. A comprehensive five year review of the RLSA Overlay by Collier County was therefore proposed to assess participation in and effectiveness of the RLSA Overlay in meeting its Goals, Objectives and Policies.

The Board of County Commissioners created a citizen oversight committee (the "RLSA Committee") in 2007. The RLSA Committee is comprised of a diverse group of local citizens dedicated to creating a balance between agriculture, development and environmental sensitivity based on the principles of rural stewardship articulated in Florida's Rural Lands Stewardship Act. Its members include environmental advocates, farmers, professional planners, rural land owners, community activists and advisory board volunteers. I am privileged to serve as its Chairman.

The RLSA Committee has met over twenty times during the last year in publicly advertised work sessions that typically lasted no less than three hours each. Public participation was encouraged; diverse opinions were solicited; challenging questions were welcomed; expert testimony was offered; absolute transparency was preserved; the sunshine law was observed; and nearly every question posed, comment offered and recommendation made was considered.

Representatives from a broad range of interest groups, including Audubon of Florida, Collier County Audubon Society, Defenders of Wildlife, Florida Wildlife Federation, The Conservancy of Southwest Florida, the Collier County Transportation Department, the Collier County Community Development and Environmental Services Department, the Collier County Comprehensive Planning Department, the Eastern Collier Property Owners and others vigorously participated. Memoranda submitted by representatives of the Collier County Planning Commission, the Collier County Environmental Advisory Council, the Sierra Club, The Conservancy of Southwest Florida and the Department of Community Affairs were vetted. The RLSA Committee was ably supported throughout our process by dedicated county staff who documented the committee's work in detailed and voluminous public records.

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The RLSA Committee devoted the first three months of its existence to a quantitative assessment of the effectiveness of the RLSA Overlay in meeting its Goals, Objectives and Policies. The resulting Phase I Technical Review was thereafter furnished to the Environmental Advisory Council, the Planning Commission, the Board of County Commissioners and, ultimately, the Department of Community Affairs. The Phase I Technical Report concluded that significant progress had been made in achieving the RLSA Overlay Goal.

It also provided the foundation for the RLSA Committee's Phase II qualitative evaluation of ways in which the RLSA Overlay Growth Management Plan Policies could be improved to more effectively implement the program's overriding Goals and Objectives and achieve the RLSA Committee's Project Management Plan mandate to consider "potential opportunities and amendments to the Growth Management Plan". As part of Phase II, the RLSA Committee received expert testimony from the following pre-eminent industry leaders in their respective fields:

- Dr. Fritz Roka, Agriculture Economist, University of Florida Institute for Food and Agricultural Sciences, and Gene McAvoy, Regional Extension Agent, University of Florida Institute for Food and Agricultural Sciences, shared their findings on the status of agriculture in Southwest Florida and focused the RLSA Committee on the need to bolster incentives to retain land for agricultural use.
- Dr. Timm Kroeger of the Defenders of Wildlife testified as to the economic value of protecting the natural environment and retaining agricultural lands.
- Clarence Tears, Director, Big Cypress Basin, South Florida Water Management District, testified as to the vital role the RLSA Overlay plays in protecting important watersheds.
- Eric Draper, Florida Audubon Society, testified as to the use of the RLSA as an invaluable tool to protect environmental resources at no cost to the public at a time when the precious few public dollars earmarked for this purpose are harder and harder to find.
- Darrel Land, State of Florida Panther Team Leader, Florida Fish and Wildlife Conservation Commission, who is generally regarded as the state's foremost expert on the panther and as a highly respected scientist, testified as to how the RLSA Overlay provides incentives to protect and restore panther habitat.
- Nancy Payton, Florida Wildlife Federation, testified to acquaint the RLSA Committee as to how strategies contained in the Florida Panther Protection Program recently adopted by a consortium of environmental groups and rural landowners are intended to promote the protection and recovery of the panther

throughout the RLSA Overlay and surrounding lands and how those strategies could be integrated into the RLSA Overlay.

- Dr. Paul Van Buskirk, Van Buskirk & Associates, testified as to his findings in the "Collier County East of 951" study and how those findings fit within population growth models projected for the RLSA Overlay.
- Nick Casalanguida, Director, Collier County Transportation Planning Department, testified as to the need to develop a plan for a county transportation network that meets the adopted Level of Service through build out of the county and considers the location of public services needed to accommodate the build out population.

As a result of the exhaustive public input and expert testimony, the RLSA Committee unanimously approved the following proposed amendment to the Goal for the RLSA Overlay:

"Collier County's goal is to retain land for agricultural activities, 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 employs creative land use techniques through the use of established incentives."

As we considered this reconstituted Goal in the context of existing Growth Management Plan ("GMP") Policies, the RLSA Committee developed strategies to create incentives to encourage rural landowners to voluntarily:

- eliminate their right to convert agricultural land to non agricultural uses in exchange for compensation;
- retain agriculture within Open Lands as an alternative to conversion of such lands using Baseline Standards (and thereby reduce the size of the "development footprint" and the threat of urban sprawl in the RLSA Overlay);
- create, restore and enhance panther corridor connections;
- restore flow ways and habitat through a credit generating system that considers cost, difficulty and benefit value of each restoration type through a newly adopted tiered system;
- impose a cap of 45,000 SRA acres in the RLSA Overlay and recalibrate the credit system to ensure the balance essential to the sustainability of a voluntary incentive based program which generates significant public benefits without incurring public expenditures; and

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- cooperate with Collier County in its creation of a plan for a county transportation network that meets the adopted Level of Service through build out of the county and considers the location of public services needed to accommodate the build out population.

The RLSA Committee also engaged the public and various interest groups in a rigorous assessment of each and every RLSA Overlay policy to ensure internal consistency, thoughtful precision and careful scrutiny of the data, analysis and justification for each of the proposed Policy amendments. We feel that the work product of the RLSA Committee for its Phase II Report therefore actually consists of proposed GMP Policy amendments. Further, after extensive discussion, we concluded that the public proceedings and thousands of man hours of work expended by scores of interested parties should be recognized.

At its most recent meeting, the RLSA Committee voted to authorize me to respectfully request that the Board of County Commissioners take the steps its deems appropriate to initiate a special cycle for Growth Management Plan RLSA Overlay amendments to review, refine and consider the RLSA Committee's policy proposals, data and analysis, and record of public testimony in public hearings before the Environmental Advisory Council, the Planning Commission, and the Board of County Commissioners.

We recognize that each advisory board has a distinctive role and a special responsibility to make to the public planning process and we look forward to public consideration of our Policy proposals by the other advisory boards.

We appreciate the opportunity to serve the Board of County Commissioners and stand ready to proceed in whatever way you believe best serves the people of Collier County.

Sincerely,

Handwritten signature of Ron Hamel in cursive, with the initials 'J.M.' at the end.

Ron Hamel
Chairman, Rural Lands Stewardship Review Committee

cc: County Manager James V. Mudd