

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 18, 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
Fred Thomas
Gary Eidson
David Farmer
Tom Jones
Jim Howard
Bill McDaniel [arrived at 10:50]

ALSO PRESENT: CDES staff members Thomas Greenwood and Mike DeRuntz of the Comprehensive Planning Department, Jeff Wright of the Assistant County Attorney's Office, 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 9:05AM by *Chairman Ron Hamel*.

II. Roll Call

Roll call was taken, and a *quorum was established* as 8 of 11 members were present [Bill McDaniel arrived at 10:50am], with Tammie Nemecek and Dave Wolfley excused due to conflicting meetings.

III. Approval of Agenda

Fred Thomas moved and *Tom Jones* seconded to approve the agenda as distributed. Upon vote, the motion carried unanimously.

IV. Approval of Minutes of the December 11, Meeting.

Ron Hamel stated that page 2 states that the Committee discussed the RLS program in public about 45 hours. The Committee felt it more appropriate to indicate the number of meetings the Committee held. *Gary Eidson* stated that the language on page 3, under #4 should contain more information to the effect that any additional information provided within the report beyond that discussed and agreed upon by the Committee would not be placed within the Report. *Gary Eidson* moved to approve the Minutes with the two changes as discussed above. *Tom Jones* seconded the motion. Upon vote the motion carried unanimously.

V. Presentations. none

VI. Old Business

- A. Review of draft Phase II Report.** The schedule to present the report to the EAC, CCPC and BCC in a public meeting format was reiterated as January 28th, 29th and 30th to the EAC and CCPC and March 16 and possibly 17 to the BCC with all three groups having a court reporter and television.

Policies 3.11, 4.14, 5.6. The proposed additional amendments to Policy 3.11 [proposed by Brad Cornell] and Policy 4.14 [proposed by Nick Casalanguida] and included in the draft Report highlighted in yellow were aired by the Committee. Additionally, Brad Cornell verbalized a possible change to Policy 5.6.

- 1. Policy 3.11 proposed further amendment on pages 34, 54 and 127.** After much discussion and debate and objections and/or reservations concerning Brad Cornell's proposed additional amendment [**Attachment A**] voiced by Tom Jones, David Farmer, Fred Thomas, Russ Priddy, and Tim Durham, *Fred Thomas* moved and *Gary Eidson* seconded, to not provide any further amendment to Policy 3.11. *Upon vote*, the motion carried, 7-1 with Brad Cornell voting in opposition.
- 2. Policy 4.14 proposed amendment on pages 38, 60, 148.** [**Attachment B**] Nick Casalanguida explained the proposed amendment and that is also agreed upon by Wilson Miller and ECPO. Motion by *Fred Thomas* to accept the proposed additional amendment. Second by *David Farmer*. *Upon vote*, the motion carried unanimously.
- 3. Policy 5.6.** *Brad Cornell* referred to Policy 5.6, paragraph 3, subparagraph a, subparagraph ii and explained the rationale for eliminating the following words in the first sentence: "required by regulatory agencies". [**Attachment C**] After considerable discussion, *Brad Cornell* moved and *Gary Eidson* seconded to amend this sub-paragraph by removing the words: "required by regulatory agencies that are" and to replace the words "immediate adjacent" with "contiguous". Upon vote, the motion carried 7-1 with Fred Thomas voting in opposition.
- 4. Discussion of Attachment D.** [comments received related to the RLSA processes, application requirements, and design guidelines and standards as set forth in the LCD]. The Committee discussed at length **#1 on Attachment D** and concluded that there is no need to provide EAC and CCPC oversight during the SSA approval process since the process is ministerial in nature due to the fact that the LDC is very specific and the entire SSA applications are reviewed by Environmental Services [both in the office and ground truthing], Comprehensive Planning, and the Legal Department. Tom Greenwood advised the Committee of the procedures currently used regarding SSA reviews and approvals and there is little ability for subjectivity, either by Staff of reviewing advisory bodies due to the detail of the LDC.

Al Reynolds stated that **Attachment D** is related to the LDC and that is not something that the Committee is tasked with.

After further discussion, *Tom Jones* moved and *Gary Eidson* seconded to reiterate the Committee action taken on July 15th which was to not have SSAs go before the EAC and CCPC and that the Committee supports having the SRAs going to the EAC and CCPC. Further, the motion was to have **Attachment D** made part of the Appendices section of the Report. *Upon vote*, the motion carried unanimously.

- 5. Formatting and specific Comments to Draft Report.** Tom Jones provided the following edits:
 - a. The Stewardship Overlay Map, the Attachment A-Stewardship Credit Worksheet, the Attachment B-Land Use Layers table, and Attachment C-SRA Characteristics Table need to be moved from Section 3 to Section 2;

- b. Place additional tabs in the Phase II Report at the beginnings of Sections 2, 3, 4, 5, and 6.
 - c. Tom Jones stated that he would provide an errata sheet by Monday, December 22nd of other changes.
 - d. Page 30...delete the following sentence in the Preface: “The substantive amendments included in this Section include amendments to 12 of the 77 RLSA Overlay policies.”
 - e. Page 30...a typo in line 3 of the preface...”actives” to “activities”
- Bill McDaniel* moved and *Fred Thomas* seconded to allow staff to make grammatical and typographic corrections to the Report without Committee approval. *Upon vote*, the motion carried unanimously.

Section 1 of the Report [substantive amendments]

Fred Thomas moved and *Bill McDaniel* seconded to approve Section 1 with any and all grammatical corrections and other modifications as discussed previously. *Upon vote*, the motion carried unanimously.

Section 2 of the Report [RLSA Overlay in its annotated entirety]

Brad Cornell moved and *Fred Thomas* seconded to approve Section 2 with any and all grammatical corrections and other modification as discussed previously. *Upon vote*, the motion carried unanimously.

Section 3 of the Report [supporting documentation]

Tom Jones stated that he wants the Committee to review Section 3 in its entirety prior to Committee action. Nicole Ryan and others made comment that some of the maps were not clearly legible.

The Committee, after discussion, directed staff to secure Rooms 609/610 in the CDES building for a January 6 meeting which would start at 9am and continue until finished to review Section 3 and take action.

The Committee, after discussing the fact that the Supporting Documentation in its entirety had not been reviewed by the Committee and that some of the maps in this draft are not legible, took the following action: *Fred Thomas* moved and *David Farmer* seconded to table action on Group 3 pending presentation at the January 6 meeting by Wilson Miller. *Upon vote*, the motion carried unanimously.

Section 4 of the Report [public participation and comments, Committee deliberations, Committee actions]

- Policy 1.8 on pages 106 and 107...Tom Jones stated that the language related to the Environmental Services proposal should be removed as ES withdrew their proposal and that the Committee deliberations on August 5 should reflect that the proposal was withdrawn by ES.
- Page 118...under Committee September 30, 2008 Action, the reference to the DCA ORC report should be deleted as it does not related to the ORC Report.
- Policy 4.2 [beginning on page 134 and ending on page 137]...Tom Jones stated that the Committee on September 30th voted to accept the Wilson Miller September 18, 2008 calculation of Credits and SRAs under existing and revised RLSA and that this should be shown as a Committee action.
- Page 137...reference at the top of page 137 should be “Appendix H” rather than “Appendix N”

Fred Thomas moved and *Gary Eidson* seconded to approve Section 4 with the changes and corrections as outlined above. *Upon vote*, the motion carried unanimously.

Section 5 of the Report [Policy 3.7 of the Transportation Element]. There was no further public, staff, or Committee discussion regarding this proposed new Policy 3.7 for the Transportation Element of the GMP. *Fred Thomas* moved and *Gary Eidson* seconded to approve Section 4 with the above changes. Upon vote, the motion carried unanimously.

Section 6 of the Report [Appendices] The Committee members directed staff as follows:

- Separate table of contents for appendices
- Make certain that all Appendices are legible. [staff will complete this task prior to final copying]
- Incorporate all presentations made to the Committee into the Appendices for one copy for review by the Committee on January 6th. [staff will not be making multiple copies for the January 6 meeting]

The Committee discussed having the appendices on a CD and on the web site and not included in the report. Tom Jones stated that the appendices should all be in the Report and legible so that the reader has a complete document.

Anita Jenkins suggested that reference be made in the cover letter and in the Appendix that the plan awards have been given to the Collier County Rural Lands stewardship Area from the following organizations:

- a. 1000 Friends of Florida, Better Community Award, 2005
- b. FICE, Engineering Excellence Awards, Honorable Mention, 2004
- c. Economic Development Council of Collier County, Innovation Awards, 2003
- d. Sustainable Florida Council, Award-Winning Best Practices, 2003
- e. American Planning Association, Florida Chapter, Awards of Excellence, 2003

VII. New Business

VIII. Public Comments.

IX. Next Meeting. *Mr. Hamel* stated that the next meeting will be held on Tuesday, January 6, 2009 in Conference Rooms 609/610 of the CDES Building located at 2800 North Horseshoe Drive beginning at 9:00am and continuing until completed with the major items on the Agenda to be:

- Presentation of Wilson Miller of the Section 3 Supporting Documentation;
- Review and Action on Section 3 [Supporting Documentation] and Section 6 [Appendices]
- Discussion of presentation of Committee's Five Year Report

X. Adjournment

The meeting was adjourned by acclamation at 11:55 PM.

Rural Lands Stewardship Area Review Committee



Ron Hamel, Chairman

These minutes approved by the Committee on _____, as presented _____ or as amended _____

Attachment A

Policy 3.11 (recommended amendment)

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, and for ~~or~~ other appropriate native habitat restoration at 6 2 to 6 Credits per acre, depending on ecological need, investment, lag time to viability, and technical difficulty. 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. **Note: The language in yellow is proposed by Brad Cornell for Committee review and action.**

Attachment B

Policy 4.14 (recommended amendment)

The SRA must have either direct access to a County collector or arterial road or indirect access via a road provided by the developer that has adequate capacity to accommodate the proposed development in accordance with accepted transportation planning standards. At the time of SRA approval, an SRA proposed to adjoin land designated as an SRA or lands designated as Open shall provide for the opportunity to provide direct vehicular and pedestrian connections from said areas to the County's arterial/collector roadway network as shown on the County Build Out Vision Plan so as to reduce travel time and travel expenses, improve interconnectivity, increase internal capture, and keep the use of county arterial roads to a minimum when traveling between developments in the RLSA.

Public or private roads and connecting signalized intersections within or adjacent to an SRA shall be maintained by the primary town or community it serves. Public and private roads within an SRA shall be maintained by the primary town or community it serves. Signalized intersections within or adjacent to an SRA that serves the SRA shall be maintained by the primary town or community it serves. No SRA shall be approved unless the capacity of County collector or arterial road(s) serving the SRA is demonstrated to be adequate in accordance with the Collier County Concurrency Management System in effect at the time of SRA designation. A transportation impact assessment meeting the requirements of Section 2.7.3 of the LDC, or its successor regulation shall be prepared for each proposed SRA to provide the necessary data and analysis. To the extent required to mitigate an SRA's traffic impacts, actions may be taken to include, but shall not be limited to, provisions for the construction and/or permitting of wildlife crossings, environmental mitigation credits, right of way dedication(s), water management and/or fill material which may be needed to expand the existing or proposed roadway network. Any such actions to offset traffic impacts shall be memorialized in a developer contribution agreement. These actions shall be considered within the area of significant influence of the project traffic on existing or proposed roadways that are anticipated to be expanded or constructed. **Note: The areas highlighted in yellow above are proposed amendments advanced by Nick Casalanguida and Jeff Perry.**

Attachment C

- ii. Wetlands and ~~immediate adjacent~~ contiguous upland buffers ~~required by regulatory agencies that are utilized by listed species, or serving as corridors for the movement of listed species,~~ shall be preserved on site. Wetland flowway functions through the project shall be maintained.

Attachment D

December 11, 2008

STAFF NOTE:

The Committee, at the end of its October 28, 2008 meeting, stated that they would like to discuss the below comments when it reviews the draft **Phase II Report**.

The following comments received are related to the RLSA processes, procedures, application requirements, and design guidelines and standards as set forth in the Land Development Code 4.08.00. These comments are attached for record retention and should be considered during the time of the LDC amendment process.

1. SSA approval is not subject to EAC or CCPC review only BCC. SRA approval occurs via EAC, CCPC and BCC process, as should have been provided for SSA approval. **[Mark Strain]**
2. Concentrated centers of development will produce a night time glow from electric light sources, the impacts of which should be considered on nearby conservation lands, such as Corkscrew Swamp Sanctuary. **[Mark Strain]**
3. Require exotic clearing and ongoing management/maintenance for designated stewardship sending lands. **[FWF]**

4. My particular concern is that, as currently implemented, the RLSA program SSAs and SRAs do not come before the Environmental Advisory Committee. These projects are too complex for the Board of County Commissioners to assess without timely inputs from the EAC on relevant environmental issues. **[Judith Hushon]**
5. No exotic removal and maintenance is required for SSA designation. Staff has observed substantial amounts of exotic pest plants, and is concerned that their growth will continue to decrease the habitat value in the years to come. The presence of high concentrations of exotic plants in the sub-canopy has long been recognized as deleterious to native species, both plants and animals. This would not be a concern where management of the exotics were part of a restoration plan.**[Environmental Staff]**
6. **[Further define]** Procedures for recording and handling changes in ownership of SSA lands **[FWF]**
7. When sold who is responsible for carrying out SSA obligations **[FWF]**
8. Allow non-native, non-invasive plantings if beneficial to wildlife **[FWF]**
1. What requirements are in place for the maintenance of areas that have been restored in SSAs? **[CCPC]**
2. Specific criteria for lighting standards still need to be evaluated and established in order to reduce the impact of urban lighting on wildlife and habitat areas. As Ave Maria and other towns begin to develop; standards must be in place to ensure a minimum of glow to the rural area. **[Conservancy]**
3. Need for Smoke [air] easements **[FWF]**
4. Explore Dark Skies **[FWF]**
5. Need for Buffers and language to address human-panther/bear/other wildlife encounters **[FWF]**
6. Need for buffering between communities by natural features and agriculture. Need for buffering of natural areas by low intensity uses. **[Defenders of Wildlife]**
7. Policy should be developed on coexisting with wildlife, preventing conflicts with wildlife, responsible homeowner practices tailored to this region, and community contracts with businesses such as waste disposal services.**[Defenders of Wildlife]**
8. All new developments in the RLSA should be required to use dark sky guidelines or provide what their maximum illumination will be. It is a rural characteristic that could be of value to many people.**[Environmental staff]**